

Bishopton Villages Action Group

Relevant Representation to the Planning Inspectorate from Bishopton Villages Action Group (BVAG) under Section 56 of the Planning Act 2008 in respect of the Byers Gill Solar Energy DCO application (PINS reference: EN 010139).

15th May 2024

Proposal: Application by RWE Renewables UK Solar and Storage Limited for an Order Granting Development Consent for the Byers Gill Solar and Battery Storage Electrical Energy Installation with associated significant infrastructure and connecting underground cables.

Location: Land across neighbouring sites between Darlington, Newton Aycliffe and Stockton-on-Tees, in and around the villages of Bishopton, Great Stainton, Little Stainton, Brafferton, Whitton, Stillington, Sadberge, Carlton, and Redmarshall.

1. Introduction

1.1 Throughout the pre-submission period Bishopton Villages Action Group (BVAG)¹ and the local community have attempted to work closely with the applicant to understand the nature of the proposals and to understand how they will affect our communities. We have liaised with our local authority, Darlington Borough Council (DBC), as well as our Members of Parliament to raise early concerns about the proposals. Concerns over the scale of the Byers Gill electrical energy proposal and its damaging and harmful consequences have already been voiced in the House of Commons.²

1.2 We are seeking to engage further with the DBC to simplify matters for the Examining Authority (ExA) and all parties, to ensure that the community concerns and objections are fully reflected in any subsequent Local Impact Report (LIR) when requested by the ExA during the examination.

1.3 In preparing this Relevant Representation, the BVAG are committed to working together with all parties during the course of the examination and look to provide the ExA with a perspective of the proposal as it will be experienced by the many communities surrounded by electrical

¹ BVAG includes the villages of Bishopton, Great Stainton, Little Stainton, Brafferton, Whitton, Stillington, Sadberge, Carlton, and Redmarshall.

² Byers Gill Solar Farm: Hansard, Volume 746: debated in House of Commons Monday 4 March 2024

generating infrastructure should consent be granted. BVAG also seeks for support from the local authority which represents local residents and has both the expertise and resources to further assess the proposal and its impacts. In addition, RWE has the responsibility to fill the many gaps in information which exist in the current Application, and which are described below.

- 1.4 BVAG reserve the right to express views individually which may differ from DBC, and other surrounding local authorities where considered necessary.
- 1.5 BVAG concludes from its own assessments and having had the opportunity to examine the Application and Environmental Statement (ES), that the local communities are **unable to support this proposal, and our objection in full will be submitted when invited to do so under the Written Representation stage.** At that stage, BVAG will also have had the opportunity to consider all information submitted under the DBC Local Impact Report, and the evidence and opinions of other specialist consultees.
- 1.6 This Relevant Representation is submitted by BVAG to ensure that the ExA is fully informed of the matters of concern to the local communities directly impacted by the proposal, and the legitimate interests that they represent. This representation does not prejudice final comments by BVAG, nor those of individuals in the villages whom we represent.

2. **Summary and Overall position**

- 2.1 In the autumn of 2022 the local community first became aware of the proposed solar installations and associated infrastructure. The local community gathered, and after several meetings to discuss how to respond, the BVAG was formed to begin a process of engaging with the applicant, relevant authorities, and elected representatives at both the local and national level.
- 2.2 Once an understanding was gained of the enormous scale and impact of the proposals, and the severe adverse cumulative impact due to the close proximity of eight other solar farms in the area, the community concluded that this proposal **is not acceptable**. Furthermore, the considerable adverse impacts are not outweighed by the benefits that the applicants describe as associated with the proposals. BVAG shall demonstrate that the application downplays, or

ignores, the considerable negative impacts, and on the other hand exaggerates its accounting of perceived benefits.

- 2.3 BVAG therefore strongly objects to the proposal and contends that the application documents and submitted evidence do not present a full picture of the environmental, social, and economic impacts. Furthermore, that crucial information to assess and determine those impacts, and the proposed mitigation, lacks the necessary detail and depth, and in some cases is entirely absent.
- 2.4 In BVAG's opinion the proposal is not policy compliant with relevant international, national, and local policies relating to planning, renewable energy, and food security objectives. Furthermore, it fails to support the overarching UN and UK Sustainable Development Goals which underpin the UK planning system.³
- 2.5 Notwithstanding the inadequacies in the Draft DCO Application documents, including the Environmental Statement, BVAG's members' local and detailed knowledge of the area is invaluable in assessing the impact of the proposal. Given the enormous scale and size of the proposal, BVAG do not consider that it can be made acceptable through the proposed mitigation measures, nor made palatable through minor 'community benefits' as proposed by RWE.
- 2.6 There is an absence of any financial viability or business case. It is therefore not possible to determine if the mitigation and community benefits proposed are in anyway proportionate. Information on viability was requested by the community during the Pre-Submission consultation period, but the applicant thus far declined to provide such information. BVAG would urge the ExA to request such information, as it is important to considering the proposals from operational issues through to the proposed decommissioning.

Climate Emergency

- 2.7 Darlington Borough first declared a climate emergency in 2019, as part of a trend across the UK with many local authorities doing likewise.⁴ The applicant relies on this in justification of the Byers Gill proposal. However, it is important not to confuse such Declarations with statutory planning policy and law. Climate Declarations are not statutory planning policy. They reflect the growing concern with, inter alia, local government's role in implementing UN

³ National Planning Policy Framework, 2. Achieving Sustainable Development (UK Government, December 2023).

⁴ Over 300 Councils by 2023 according to the Local Government Association.

SDG's and the growth of international climate change agreements over recent decades. They are not new. They provide support and focus to the Council's corporate strategy. Local declarations by Councils on Climate Change in fact date back to Local Agenda 21 and UN Rio 'Earth Summit' in 1997 and are part of ongoing corporate objectives.⁵

- 2.8 BVAG contend that the Council's Climate Change Declarations do not override, replace, or substitute statutory planning policy or relevant legislation. Planning Policy carries the greater weight due to its statutory status, including UK Government policy statements, as well as related guidance and the public consultation which each of these has undergone. As a community group, BVAG supports the work which the Council is undertaking to reduce our impact on the environment. We welcome the opportunity to contribute as a community.
- 2.9 On 20th July 2023, a further motion was passed which reaffirmed the Council's climate emergency declaration, bringing the date for the Council's own net zero emissions forward to 2040. BVAG acknowledge that the Council has a significant role to play in protecting and improving the environment for future generations. Climate emergency declarations should be seen within the context of wider corporate policy, as providing sustainability leadership, support for local communities in their own sustainability journeys, and actions to ensure the protection and enhancement of the local natural and built environment.
- 2.10 DBC are also members of the Tees Valley Combined Authority, with a region-wide net zero strategy. Notably the focus here is on roof-top solar, and hydrogen as being the most suitable for the Tees Valley region as part of powering the UK's journey to Net Zero. Tees Valley strategy sets out "*how partners across Darlington, Hartlepool, Middlesbrough, Stockton and Redcar & Cleveland can deploy their distinctive strengths to power the national transition to Net Zero, while delivering prosperity and opportunity locally.*"⁶
- 2.11 BVAG believes that focussing on brownfield sites, and roof-top solutions, and protecting, enhancing, and preserving the region's natural assets play a vital role in achieving climate change objectives and moving toward Net Zero. In contrast, this proposal involves constructing, industrial style, sprawling, energy infrastructure in vast areas of open countryside, on valuable farmland, causing immense harm to peoples' homes and villages, and destroying wildlife. The answer to climate change cannot be worse than the problem it seeks to address. This will be elaborated on in our WR once requested by the ExA.

⁵ Following the 1992 Rio Earth Summit, Local Agenda 21 has been promoted as a framework for local strategic action towards sustainable development.

⁶ <https://teesvalley-ca.gov.uk/business/net-zero/>

The proposal – matters to be investigated.

- 2.12 The proposal has raised serious concerns from many local residents who would be significantly and adversely affected if this project were granted consent. The first of these concerns is rather than being perceived as a solar development occupying an area of land within a wider landscape, the Byers Gill solar proposal has the potential to dominate and transform the entire local landscape - to alter it beyond recognition - and thus to create a new landscape altogether.
- 2.13 The transformation of open countryside to an alien, industrial landscape would stretch over several miles between Darlington, and Newton Aycliffe, to Stockton, surrounding and dominating communities and villages which have been within their rural settings for centuries, and evolved a deep historical significance. This rural characteristic remains important to people's lives even more today. The application has failed to understand the perception and experience of the local community, and the major adverse impact on the health and well-being of the affected communities represented here. This will be further explored in BVAG's WR in due course.
- 2.14 The fragmented, sprawling layout of the proposals, is wasteful and the equivalent to almost 10 major solar farms at the maximum of 49.9MW which could be consented by local planning authorities. Located amidst and around several settlements and within a historic landscape, it has the potential to impact on local character to such an extent as to completely transform the sense of place, and the place attachment of the residents, of the affected villages and communities. Many residents will experience adverse visual and perceptual effects of various elements of the solar farm, as part of their daily routines. The visual elements include not only the 1000's of photovoltaic panels and metal frame mountings, but also the battery storage compounds, and general security infrastructure such as fencing, lighting, mounted CCTV, as well as access roads, inverters, power stations, and the destruction resulting from the construction of such a vast and sprawling industrial complex.
- 2.15 The developer has failed to provide sufficient information in regard to the details of the many different components of energy infrastructure⁷ – referring sometimes to 'typical' images, and an absence of dimensions, materials, colours, etc. This cannot provide an accurate picture of the impact upon people and the environment, in order for a final and detailed

⁷ Panels, Steel Mountings, Foundations, Battery Storage units, Inverters, Fencing, Lighting, CCTV, sub-stations, communications towers, car parks, access and maintenance equipment, roads etc

assessment to be made at this stage. BVAG therefore await further information from the applicant, as well as DBC's Local Impact Report in due course once requested by the ExA.

- 2.16 The Environmental Statement has not demonstrated that the Applicant has studied reasonable alternatives before determining the chosen options for specific reasons and taking into account the effects of the options on the environment. This includes considering factors such as development design, technology, location, size, and scale. This failure to adequately justify the scheme against alternatives is contrary to the requirements of the EIA Directive (Regulation 14 and Schedule 4).

Other matters to be considered.

- 2.17 The proposed development will have a significant, adverse impact upon public health and individual **health and well-being** of the local residents through transforming and imposing an industrial landscape onto a rural area and people's homes.
- 2.18 The proposed development will have a significant detrimental impact upon **heritage assets** including the Bishopton Scheduled Monument Motte and Bailey, as well as the Bishopton Village Conservation Area and associated Listed Buildings.
- 2.19 There is substantial concern in regard to the proposed **construction work**, and BVAG will present evidence that construction traffic cannot use Mill Lane without severe disruption and danger to existing users.
- 2.20 **Solar crime** is a growing problem around this type of development. Often the proposed infrastructure such as fencing and gates are inadequate, requiring far greater level of protection than originally proposed – and thus increasing further the adverse visual impact. BVAG are concerned that Byers Gill will attract solar crime, which in turn is known to increase the level of crime in the surrounding area. Police Crime advisers should be given the earliest opportunity to comment on the proposals.
- 2.21 There is substantial concern about the potential detrimental impact upon **ecological assets** and biodiversity.
- 2.22 The applicant has not properly understood or presented the **flood risk** across the application site. This has significant implications across the proposed construction methods, the proposed operational matters, and the mitigation measures.

2.23 The above issues will be fully explored in BVAG's **Written Representation**. In addition, new significant concerns may come to light once BVAG are preparing the Written Representation with detailed evidence.

Inadequacy of Public Consultation and Undermining public confidence

2.24 BVAG provided a Statement to DBC within the context of Paragraph 88 of the Government's 'Planning Act 2008 Guidance on Pre-Application Process (2015) :-

"Where any interested party feels that consultation was inadequately carried out, they should approach the applicant in the first instance. If consultees remain unsatisfied, they can complain to the relevant local authority (who can consider this complaint as part of their representation to the Secretary of State on the adequacy of consultation), or the Secretary of State (through the Inspectorate)."

A BVAG statement on the Inadequacy of the Public Consultation was attached as an Annex to DBC's response to PINS⁸. Despite BVAG's request for further consultation, on 7th March 2024 the Application was Accepted by the Planning Inspectorate.

2.25 No mention was made of the BVAG submission, nor the considerations or justifications in how that decision had been reached.

2.26 BAVG considers that the public consultation continues to be undermined further by RWE publishing on its website that planning consent is already secured for the proposed Byers Gill solar project, along with other as yet unconsented solar installations.

2.27 This has been reported to DBC, and BVAG would draw it to the attention of the ExA. An RWE online map of their UK projects (shown below), including the Byers Gill Solar Project is entitled 'Our UK Solar Portfolio' and states,

"RWE has a mature development pipeline of solar projects which already have grid connections and land secured, as well as the necessary planning approvals from the relevant authorities already in place"⁹. (my emphasis)

BVAG consider that this undermines public confidence in the forthcoming Examination process and discourages meaningful community participation.

⁸ Darlington Borough Council - Adequacy of Consultation Representation dated 24th February 2024.

⁹ [Solar power | RWE in the UK](#)

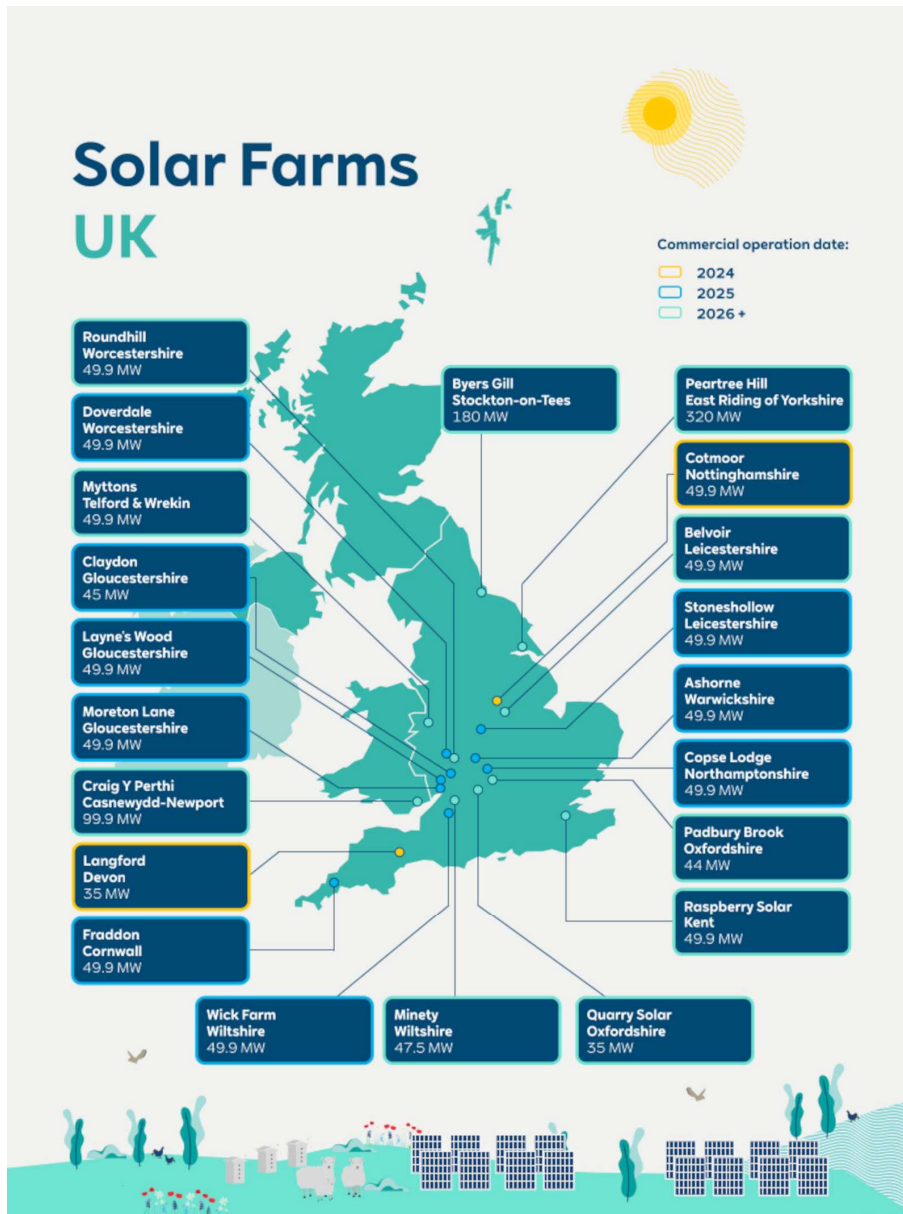


Figure 1 - Source RWE 'UK Solar Portfolio'.

3. Cultural Heritage

Conservation Areas, Listed Buildings and Scheduled Monuments

3.1 BVAG will respond in full in regard to the impact upon built and listed heritage assets as part of our WR. However, the community does not agree that the historic assets and the impact on those has been properly considered, nor will the impact be 'negligible'. In particular, BVAG has significant concerns over the detrimental impact upon the setting of heritage assets, including a Scheduled Monument, in and around Bishopton.

- 3.2 It is noted that the developer has stated there will be no adverse impact upon the historic setting of the Bishopton Conservation Area or the Listed Buildings within. The selection of the siting of panel arrays and associated infrastructure shows that the impact upon heritage has not been duly considered.
- 3.3 Section 66(1) of the LBCA1990 requires, in summary, that development should have special regard to the desirability of preserving (listed) buildings or their settings, i.e. the surroundings in which heritage assets are experienced. BVAG will also be considering Historic England's 2017 guidance 'Historic Environment Good Practice Advice in Planning Note 3: The setting of Heritage Assets' when a Written Representation is submitted.
- 3.4 Visual screening can only partially mitigate negative impacts, rather than removing impacts or providing enhancement. It cannot substitute for well-designed development within the setting of heritage assets. The applicant's LEMP fails to acknowledge that measures for visual screening will take many years to come to fruition. Existing vegetation screening also needs to be assessed to ensure it provides the required mitigation for the 40 year duration, or if it needs replacement.
- 3.5 De-commissioning has not been addressed in any meaningful way, and creates many risks to irreplaceable heritage assets, amongst other impacts.

Archaeology

- 3.6 Durham County Council Historic Environment Team will be considering this, and we understand will input into the DBC Local Impact Report or provide direct advice. BVAG would wish to provide comment after the Local Impact Report has been completed. It is also expected that Historic England will provide comments and that these will also be duly considered.
- 3.7 Concerns exist that the proposed 44km of underground cables, and the installation of solar arrays, will cause permanent loss or damage to archaeological assets, especially those around the Motte and Bailey at Bishopton. BVAG contend that these have not been accurately assessed nor potential harm mitigated. The use of above ground mounting pads (or foundations) to reduce archaeological harm is unspecified and needs to be balanced against associated flood risk from ground and surface runoff.

4. Ecology, Biodiversity and Nature Conservation

Scheme Design

- 4.1 There has been an insufficient adherence to the Mitigation Hierarchy, in which proposed developments should seek to avoid impacts on biodiversity as a priority, and only use mitigation and compensation methods when there is no alternative.
- 4.2 Given the type of development, it is considered that more could have been done within the scheme layout to adhere to the Mitigation Hierarchy. Local knowledge would indicate that local flora and fauna exist in far more abundance and diversity than the applicant's ecological assessment indicates.
- 4.3 The Application recognises the numerous wildlife, including protected species and priority species which have been identified within the Order Limits. BVAG will provide further information in their Written Representation, based on local knowledge, and having examined further assessments of specialist consultees and relevant statutory bodies. BVAG challenge the conclusion that wildlife habitats are 'species poor' which indicates that the ecological assessments require further work from independent experts and sources.

Habitat Regulations Assessment

- 4.4 There are numerous sites within the area which would require Habitat Regulations Assessments, in addition to local and national ecological designations such as Nature Reserves and SSSI's. BVAG shall refer to these in a WR and describe the applicants' shortcomings in understanding the ecological value of the area, and what it means both for the local flora and fauna, and to the people that live, work, and visit the area.

Assessment of effects

- 4.5 The Biodiversity chapter of the Environmental Statement (ES) is lacking important details and relies on unsubstantiated management plans. There is an inadequate characterisation of the potential adverse impacts. The approach as a whole seems disjointed and focussed on a limited range of ecological features, while excluding information on others, to provide a justification for its conclusions. BVAG will provide a critical assessment of the impact on wildlife, and flora, based on local knowledge, and local experts. BVAG challenge RWE's conclusion that the impact of constructing an industrial complex across 490 hectares of countryside would be largely 'negligible'. In particular, BVAG would request that RWE justify

their conclusions and mitigation measures in respect of ground-nesting birds, given the reported problems for these species within solar arrays.

- 4.6 The detailed ecological assessment relies heavily on the Construction Environmental Management Plan (CEMP), and the Outline Decommissioning Environmental Management Plan (DEMP) and is based around an Outline LEMP (OLEMP) for the delivery of the proposal, mitigation measures and compensation. However, all these documents are also lacking sufficient details to assess the delivery of their objectives.
- 4.7 There is insufficient detail provided within the application to conclude that there are no significant effects on the ecological receptors identified within the Byers Gill area zone of influence of the scheme.
- 4.8 In view of the many solar farms in the local Darlington area, already in operation, consented or in the pipeline, the Byers Gill proposal fails to consider the cumulative impact of many electrical installations across the surrounding area, both in terms of intervisibility, but also the impact on flora and fauna. The issue of cumulative effects will be considered further in BAVG's WR.

Outline Landscape Management Plan (OLEMP)

- 4.9 The OLEMP does not demonstrate how the scheme will deliver adequate biodiversity mitigation / compensation and deliver Biodiversity Net Gain. It does not provide sufficient details about the creation, management or monitoring of the proposed habitats and key features, such that it can be ascertained that these measures will be adequate for their intended purpose.
- 4.10 Given the scale of the scheme and the sensitivity of some of the habitats and species, monitoring surveys every five years for habitat creation, after the first ten years does not seem proportionate. Post construction monitoring for birds, badgers and bats will be undertaken 'in years 1, 3, 5 and 10 post-construction', seems inappropriate given the 40-year operational plans and would not allow the success of the ecological and related plans to be measured or supported if necessary. BVAG will challenge that the OLEMP are capable of providing the required mitigation, enhancement and protection of wildlife and their habitats.
- 4.11 BVAG contend that there is a lack of detailed information submitted, or clarification is needed in certain key areas.
- 4.12 There is no commitment to share or discuss the results of monitoring surveys of habitats and species with relevant stakeholders.

4.13 There are no firm commitments to any process of habitat management. It is considered that it would be possible at this stage to give more detail on how habitats will be managed to retain and encourage biodiversity value. This is crucial, given the extent to which the impact assessment relies on the delivery of compensatory habitats to deal with adverse effects.

4.14 The restoration of habitats in the Grid Connection corridor should be included.

Biodiversity Net Gain

4.15 The applicants Biodiversity Net Gain report¹⁰ sets out habitat creation proposals which are lacking in detail, including how they link to form a coherent nature network and their long-term management regimes.

4.16 It needs to be demonstrated that the net gain will be achieved through measures delivered in addition to mitigation and compensation for protected species.

4.17 Currently, it would appear that Biodiversity Net Gain (BNG) is being committed to only for the 40-year life span of the energy farm. However, given the presence of highly valuable ecological receptors within the zone of influence of the scheme, and the landscape scale over which the scheme is operating and influencing habitat and species distribution, this should be reconsidered in at least some critical locations.

4.18 There appear to be no plans in the BNG report itself, showing the locations of the habitats that form the BNG assessment. References are given to the OLEMP, but no plans can be found there.

4.19 A Defra Metric has been applied for the BNG Report. The Government intend for BNG to apply to NSIPs from November 2025, and will publish new NSIP guidance in September 2024¹¹. BVAG would expect RWE to apply the latest guidance and Natural England Metric.

Ecology and Decommissioning

4.20 The decommissioning at the end of 40-years, and the extent to which the site will return to its original state, is very much part of the decision-making process, in terms of ecology as well as other matters. There is no clarity regarding the fate of the compensatory and BNG habitats, post decommissioning. Given the scheme covers such a large area, this needs to be fully considered as part of the determination of the application.

¹⁰ RWE Byer's Gill Solar - Environmental Statement Appendix 6.6 Biodiversity Net Gain Assessment

¹¹ [The Biodiversity Net Gain Statutory Instruments – explained – Environment \(blog.gov.uk\)](https://www.blog.gov.uk/2024/09/05/the-biodiversity-net-gain-statutory-instruments-explained/)

5. Flood Risk, Drainage and Water Resources

5.1 BVAG will provide detailed evidence in regard to the regular flooding which occurs across the site. Local knowledge suggests that the proposal has significantly underrated the extent to which the site and surrounding areas are prone to flooding. BVAG will provide a detailed evidence-based assessment of the interaction between the proposals and the hydrological situation in the area.

6. Landscape and Visual Amenity

6.1 The lack of relevant details in the submitted application do not allow a full and clear understanding of the landscape and visual effects of the proposal.

6.2 There is concern about the methods used, processes followed, and assumptions made in the applicants' landscape and visual assessments. This has resulted in levels of adverse landscape and visual effects being underestimated.

6.3 There is also concern about the limited landscape and visual baseline survey and analysis, which is considered insufficient for a project of this nature and scale, and about the limited descriptions / explanations of, and assumptions made about, the proposed scheme elements / activities, and the nature and extent of the landscape and visual effects. Again, the result is that levels of adverse landscape and visual effects have been underestimated.

6.4 In addition, there is concern about the measures proposed for landscape and visual mitigation, particularly in terms of their appropriateness and efficacy. The applicant's assessment assumes that the mitigating measures would be both appropriate, and effective in reducing levels of adverse in effects, whereas in many cases, they would not be, and in themselves would give rise to adverse effects.

6.5 Recent Government policy on renewable energy¹² which is directly relevant to NSIPs states that '*Proposals for renewable energy infrastructure should demonstrate good design in respect of landscape and visual amenity*' (EN-3 Para 3.5.2). Good design respects, reflects, protects, and enhances the receiving landscape's inherent character and positive qualities, and minimises the visual impacts of development. The Overarching National Policy Statement (NPS) for Energy (EN-1) emphasises '*the benefits of good design in mitigating the adverse impacts of a project*'

¹² National Policy Statement for Renewable Energy Infrastructure (EN-3), UK Government (March 2023).

(para. 4.7.4). The design of this proposal gives rise to adverse landscape, visual and other environmental impacts which could not be mitigated.

- 6.6 The lifespan of the development is a relevant consideration and will need to be explored in the determination of this application, for example in terms of the duration of adverse effects, as well any landscape / visual benefits identified by the applicant that are proposed to be maintained after the decommissioning.

7. Noise and vibration

Construction Phase Noise

- 7.1 BVAG consider that potentially sensitive receptors of noise have been underestimated in terms of potentially impacts. The details of noise generating infrastructure needs to be clarified in order to assess noise impacts. Receptors need to be clarified, in addition to all noise sources during the period of construction.
- 7.2 The Framework CEMP advises a noise construction mitigation and monitoring scheme to be developed and agreed prior to commencement of works.
- 7.3 BVAG would contend that given the size and geographical extent of the proposal, it is considered necessary to liaise with DBC on an appropriate timescale for full consideration to be given to an application to enable agreement as to limitations, working methods, conditions etc. The management and monitoring of construction noise impacts and mitigation would fall within DBC responsibility, and a management plan must be agreed through the planning process.
- 7.4 Hours of work during construction phases are proposed to be between 08.00 -18.00 Mon-Fri. and 08.00-14.00 on Saturday. This gives rise to questions regarding lighting, traffic, and disruption especially where the proposed works would be near to people's homes. BVAG would wish to review and comment on this in the WR.

Operational Phase Noise

- 7.5 Low frequency noise from any of the proposed fixed plant is an issue that needs to be considered, and technical evidence provided in any final report if predictions show negligible adverse impact. Plant types and specifications have not yet been confirmed. BVAG will want to ensure that it can be demonstrated that estimates of impacts have not been underestimated.

- 7.6 BVAG would request an independent assessment to ensure the baseline background noise data and the issue of lower frequency noise impacts are properly characterised. A continual monitoring and review of noise assessments and predictions should be provided to ensure that the final design and position of plant and its equipment will have no ongoing adverse impacts.
- 7.7 Low frequency ‘hums’ from transformers on large solar sites can be an area of concern for people living close to them. It has been reported that low frequency sounds vary in their audibility during certain weather conditions or the number of transformers operating at any one time, or the loading on the transformers themselves. Reports from persons affected by low frequency sounds suggest it can have a significant detrimental effect on their wellbeing. The application is not considered to be sufficient at this time, to provide confidence that the provision and distribution of transformers across on this site will not have a cumulative effect on low frequency noise levels in the vicinity of the Bishopton and other villages in close proximity to the electrical installations and infrastructure.
- 7.8 Bishopton is extremely quiet during still evenings. Noise may significantly affect the residential amenity and rural character. Background noise surveys must reflect this to ensure an accurate noise assessment. BVAG requires this to be examined.

Construction Phase Vibration

- 7.9 Human response to vibration is very sensitive at low levels. Concerns have been raised about breaches of acceptable vibration standards and damage to property. BVAG are concerned that proper noise monitoring procedures are adopted within the detailed CEMPs and that vibration monitors are also installed at key sites during specific periods. This can enable reassurance to be provided to residents and the Council that guideline limits are being met.
- 7.10 Piling (associated with the construction of the steel mounts for the PV panels) is often a source of complaint. The application does not contain details that provide suitable reassurance that the activity of extensive and widespread piling will not cause a high degree of significant adverse impact. BVAG would want this issue explored further and for the applicant to explain how this is possible to avoid, if at all. We would look for the Council to examine the CEMP, in liaison with BVAG, in preparing their LIR.

Decommissioning Phase

- 7.11 Representations to be made on noise and vibration impacts during construction phases will also be relevant to the decommissioning of the site, and appropriate mitigation will need to be explored further within BVAG’s WR in due course. In our view, the decommissioning phase

of the proposal is lacking in detail, including important matters of recycling, wider Life Cycle Analysis (LCA), the protection of habitats, de-construction matters around decommissioning, and inherent difficulties in the reversion of the land to productive agriculture.

8. Agriculture and food

Farming, food, and soils

- 8.1 BVAG will be providing a detailed response on this, due to the loss of this amount of farmland, some of which is BMV Land, and the vast majority of which provides valuable and irreplaceable farmland.
- 8.2 Evidence will be provided to demonstrate the difficulties of reverting to farmland after 40 years, relating to a number of factors. RWE will be asked to justify why the plant, if successful would be de-commissioned, and the financial advantages of extending the solar installation, and how this would fit with the company's global strategy for energy production beyond Net Zero.
- 8.3 BVAG will draw attention to the Government's policy on food security, and sustainability of taking high quality land out of food production in the UK to replace with imported food from elsewhere and explore the carbon footprint which that would entail. The applicant has shown a disregard for carbon accounting beyond the Order Limit.

9. Employment/Economic Growth

- 9.1 Broadly, whilst it is welcomed to have additional employment within the area there is agreement with RWE's own assessment that this is construction led employment (over 24 months), and as such has a limited and moderately beneficial impact to the area economy. Once operational the site will provide low levels of employment opportunity. The case for local economic impact will be examined closely, and evidence should be requested from RWE's other sites where construction has begun. Local contractors should ideally be favoured over national contractors drawing in labour from elsewhere in the UK, and overseas. BAVG are concerned that the local economic benefits would be low, and the stated benefits would not be realised.
- 9.2 BVAG would examine the accuracy of assumptions about employment generation, and its benefits to the local economy, and the source of calculations.

Impact on the tourism industry

- 9.3 A number of local tourism incentives within the area would be adversely affected by the solar development. BVAG will highlight the damage this proposal would have on the local and regional tourism industry, and the associated economic benefits it brings.

Other Impacts

- 9.4 It is considered that the influx and outflow of significant numbers of construction workers and HGV traffic during the construction phase will have a potential substantial impact on the road networks around the district, particularly at peak travel times. This connected to existing business commuting time, local community travel and impacts on existing community stakeholders such as businesses and residents will need to be considered.
- 9.5 The local economic benefits will not materialise if national contractors employ outside workers at the expense of local firms and business. Local employment schemes and local contractors should be given priority in order to deliver such benefits. BVAG will raise the issue of local employment generation in the Written Representation.

10. Transport and Access

- 10.1 The applicant has seriously underestimated the ability of existing roads to provide adequate and safe public highway access to the proposal scheme. The rural, local roads that serve the proposed Byers Gill solar site are in a poor condition. For example, Lime Lane and Lodge Lane which the applicant has identified as the principal HGV route for construction traffic are in a poor condition, being heavily potholed with the verges broken away and narrow in many places. Any increase in HGV traffic will further deteriorate the traffic conditions and increasing the potential for serious accidents and delays.
- 10.2 BVAG would be seeking confirmation that DBC and Durham County Council as highways authority shall fully assess the highways and road traffic impact of the proposal and reflect these concerns in their LIR. BVAG shall also address this issue in their WR.

11. Air Quality

Air Quality, dust, and light

- 11.1 It is considered that the lack of meaningful community engagement cast doubt on the applicant's ability to successfully manage the concerns of residents, around air quality and dust emissions during construction and decommissioning phases. Concerns of light pollution arise around the operation phase shall be detailed in the WR. These impact people, flora, and fauna.
- 11.2 The details contained within the Framework CEMP are not considered acceptable to BVAG, and the community would look to DBC for support on air quality assessments, and an analysis of the CEMP, following discussion and agreement with residents. Residents are concerned in regard to the locations, and timings of construction activities and pollution arising from the construction period. This includes air quality, dust, noise, light, and traffic generation.
- 11.3 Lighting during construction phases will additionally create problems especially considering that working hours will be during darkness for the latter part of the day throughout winter.

12. Human and Public Health

- 12.1 BVAG are concerned about the impact on human health through the loss of countryside, amenity and the oppressive nature of the planned infrastructure surrounding the communities imposing itself on our daily lives. We would address this further in a WR highlighting the known and growing evidence on mental and physical health. It is our contention that the proposal will have serious negative impacts on health.
- 12.2 These will be described in more detail in terms of direct effects, and indirect effects resulting from the change in the perceptions and experiences of recreational and transport users of highways, Public Rights of Way, promoted and cycle routes and the landscape, and sense of place.
- 12.3 In its entirety the scheme is highly likely to adversely affect residents' quality of life, contrary to the Design Principles of the National Infrastructure Commission and the Missions in the Levelling Up White Paper 2022 (Executive summary Pg.7) regarding Well-Being and Pride of Place.

13. Other Environmental Topics

Glint and Glare

- 13.1 BAVG would recommend that all relevant parties are consulted in respect of the risks associated with glint and glare. This should include (but not be restricted to) the effects on aircraft, highways, railways, footpath users and recreational users of land and those premises identified as likely to be affected. BAVG will present the experience of residents in the above roles.

14. Battery Electrical Storage and Fire Hazards

- 14.1 The local community has raised concerns regarding the safety, in the event of a fire, of the sizable and numerous Battery Energy Storage Systems (BESS). There is growing concern about the safety of BESS in both the UK and abroad. Recent Government changes to the BESS installations have sought to strengthen the safety measures, but considerable concerns remain in the light of recent events such as fires and related incidents.
- 14.2 Fire and Rescue Service have commented in respect of various solar proposals that many schemes are inadequate and the dangers inherent in BESS. BAVG will look to the full comments of the Fire and Rescue Service when responding in its Written Representation.
- 14.3 BAVG would recommend the application is referred to all appropriate agencies such as the local Fire Authority, the Environment Agency, the HSE or the UK Health Security Agency.
- 14.4 Recent additional information which is becoming known around the dangers of BESS will need to be fully considered by the ExA will be set out in our Written Response.
- 14.5 Given that the proposal includes a significant element of battery storage. It is accepted that battery storage may form a part of the generating station for the purposes of the definition in Section 15 of the 2008 (as amended by the Infrastructure Planning (Electricity Storage Facilities) Order 2020). BAVG wishes the ExA to consider whether the whole extent of the battery storage proposed is warranted by the electricity which is proposed to be generated. In the event that ExA is not satisfied on this question, an issue will arise as to the extent to which battery storage falls within the scope of the NSIP regime.

15. Relevant Government and Local Statutory Policy

National and Local Policy Framework

15.1 There is broad agreement on the planning policy framework, but BVAG will emphasise that food security policy should be considered, as well as wider UN SDG's, alongside other national policy where relevant.

15.2 Key relevant planning policy includes but is not limited to:-

- National Policy Statements (NPS) for energy (NPS EN1), renewable energy infrastructure (NPS EN-3), and electrical networks infrastructure (NPS EN-5).
- The National Planning Policy Framework (NPPF December 2023)
- Local planning policies of Darlington Borough Council, Stockton-on-Tees Borough Council and Durham County Council.
- The key local statutory development plan is the Darlington Local Plan 2016-2036 adopted by the Council on 17 February 2022.

15.3 A range of energy policy documents will be referred to including, but not limited to:-

- Net Zero Strategy: Building Back Greener (April 2022)
- British Energy Security Strategy (April 2022)
- Net Zero Growth Plan (April 2023)
- Powering Up Britain: Energy Security Plan (April 2023)

15.4 UK food security policy overview is contained in, but not limited to,

- Policy paper 'Government food strategy' Published 13 June 2022

15.5 BVAG will also refer to sustainable development and Life Cycle Analysis policy to be addressed re Infrastructure, reliance on Chinese imports etc. The UK's policy on sustainable development is crossing cutting but founded on the United Nations Sustainable Development Goals. This states,

*" The 2030 Agenda for Sustainable Development was adopted by 193 UN member states at the United Nations Sustainable Development Summit in 2015. It provides an ambitious, globally-agreed, shared blueprint for the world we want to see by 2030 and is centred around the 17 Sustainable Development Goals (also known as the Global Goals or SDGs)."*¹³

¹³ [UK and the Sustainable Development Goals - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/long-term-views/uk-and-the-sustainable-development-goals)

The UN SDGs provide the framework for, and underpin policies on planning, climate change and food security. They are material considerations in the interpretation of relevant policy as well as material considerations in determining the DCO application.

16. UK Energy Security, and Life Cycle Emissions

16.1 The UK energy strategy upon which the applicant relies to justify this proposal is built upon two foundations or pillars – these are:-

- i) measures to reduce carbon emissions and thus combat climate change to meet Government commitments on Net Zero and local government Declarations.
- ii) energy security and a reduction on foreign supplies of energy, given added impetus since the war on Ukraine affecting both supplies and energy prices.

BVAG intends to explore these justifications as part of its WR, especially in view of the foreign ownership and control of RWE, and its global shareholders, notably Qatar and Black Rock Asset Management. This is relevant since critical decisions will be taken outside the UK, often lacking openness and transparency. This is important for the UK's energy security.

The absence of life cycle analysis (LCA) applied to the vast scale of the proposed energy generating infrastructure and the absence of assessment of scope 1, 2 and 3 emissions fall below best practise standards. The wider, off-site environmental impacts are relevant to weigh up the benefits and downsides of this proposal in relation to climate change and sustainability.

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For and on behalf of Bishopton Villages Action Group (BAVG).

15th May 2024