BYERS GILL SOLAR

DARLINGTON BOROUGH COUNCIL

IP reference number BGSF-AFP412

Local Impact Report

August 2024

Contents

Appendices

1.0 INTRODUCTION

1.1 This Local Impact Report (LIR) has been produced by Darlington Borough Council (DBC) is response to the Byers Gill Solar Project ("the Scheme"). The Scheme is being progressed by an application for Development Consent by RWE ("the applicant") which was accepted by the Planning Inspectorate on 8th March 2024.

1.2 Under Section 60 of the Planning Act 2008, Local Planning Authorities are invited to submit a LIR as part of the DCO process. Section 60(3) of the Act defines the LIR as 'a report in writing giving details of the likely impact of the proposed development on the authority's area (or any part of that area)'. The content of the LIR is a matter for the local authority concerned as long as it falls within this statutory definition. Under Section 104 of the Act, the Secretary of State 'must have regard to' the LIR when deciding on a DCO application.

1.3 DBC has had regard to the purpose of the LIR as set out in Section 60(3) of the Planning Act 2008 (as amended), DCLG's Guidance for the examination of applications for development consent and the Planning Inspectorate's Advice Note One, Local Impact Reports, in preparing this LIR.

Scope

1.4 The Scheme is a renewable energy scheme covering an area of approximately 490 hectares (ha), and comprising solar photovoltaic (PV) panels, on-site Battery Energy Storage Systems (BESS), associated infrastructure as well as underground cable connections between panel areas and to connect to the existing National Grid Substation at Norton. A full description of the Scheme is provided in ES Chapter 2 'The Proposed Development' (APP-025), although the component parts of the Scheme are set out in summary form below:

Component	Size	Local Authority
Panel Area A: Brafferton	114.37 ha	Darlington BC
Panel Area B: Hauxley Farm	52.24 ha	Darlington BC
Panel Area C: Byers Gill Wood	77.16 ha	Darlington BC
Panel Area D: Great Stainton	75.86 ha	Darlington BC
Panel Area E: West of Bishopton	26.63ha	Darlington BC
Panel Area F: North of Bishopton	71.9 ha	Darlington BC
Norton Substation	11.20 ha	Stockton BC
Underground cables	59.45 ha	Darlington BC Stockton BC Durham CC

1.5 The Scheme involves land within the administrative areas of Durham County Council, Darlington Borough Council, and Stockton Borough Council. The majority of the

proposed development, including the 6 no. panel areas (A – F), substation and on-site BESS, located within panel area are located within the administrative area of Darlington Borough Council. The eastern part of the cable route crosses into the administrative area of Stockton Borough Council with the northern extent of the order limits bordering Durham County Council's administrative area.

Purpose and Structure of LIR

1.6 The primary purpose of the LIR is to identify any potential local impact of the proposed development and identify the relevant local planning policies insofar as they are relevant to the proposed development, and the extent to which the proposed development accords with the policies identified. The LIR report does not assess the compliance of the Scheme with National Policy Statements (NPS) and nor does it seek to replicate the assessments that are contained in the Environmental Statement (ES) that accompanies the application.

1.7 The report is not a technical response to the submission made to the Planning Inspectorate in respect of the proposed development, it is an overview of the likely issues that will arise from the development and its construction in this location. This report is not intended to make any recommendation about the overall acceptability of the scheme but will identify areas where there appears to the Local Authority to be conflict with planning policy.

1.8 Topic based headings set out how DBC considers the proposed development accords with relevant planning policy and any potential local impact of the development. These headings are a combination of the matters raised in DBC's Relevant Representation and topics considered in the ES submitted with the application.

1.9 The LIR will confine itself to referencing matters relating to Darlington, as Durham and Stockton Planning Authorities will be producing their own reports.

2.0 DESCRIPTION OF THE AREA

2.1 The LIR relies on the applicant's description of the area and key environmental designations as set out in ES Chapter 2 'The Proposed Development' (APP-025) and ES Figure 2.19 Environmental Constraints Plan (APP-057).

3.0 RELEVANT PLANNING HISTORY AND RELEVANT PLANNING PERMISSIONS

Planning History

3.1 There is no relevant planning history associated with the current scheme.

Relevant Planning Permissions

3.2 For the purposes of assessing the cumulative impact of the proposed development, the following consented solar farm schemes within the Darlington Borough Council boundary are considered relevant to the consideration of the scheme proposals:

3.3 Planning permission was granted for the development of a solar photovoltaic array/solar farm together with associated infrastructure at land adjacent to Whinfield Farm, Lime Lane, Brafferton on 4th October 2022 (21/00958/FUL). This was a cross-boundary application with Durham County Council for a 42.3ha site approximately 850m to the north east of Brafferton village. Planning permission was granted for a period of 40 years and the scheme has an export capacity of approximately 31 megawatts (MW). All necessary pre-commencement planning conditions have been discharged and development of the site commenced in summer 2023.

3.4 Planning permission was granted for the installation of a solar farm comprising of ground mounted bifacial solar panels and associated infrastructure, including an on-site substation, at land to the north of Burtree Lane, Darlington on 11th January 2023 (22/00213/FUL). The site extends to 62 hectares and is located approximately 2km to the north west of Darlington town centre, and approximately 1.5km to the south west of the Order limits at Brafferton (Panel area A). The site would have a generating capacity of up to 49.99MW at the point of connection and would be operational for 40 years. Development of this site has not commenced, although some pre-commencement planning conditions have been discharged.

3.5 Planning permission was granted for a solar farm and energy generating facility together with associated works, equipment and infrastructure at land south of Gately Moor Reservoir, Redmarshall Road, Bishopton on 10th November 2022 (22/00727/FUL). This was a cross-boundary application with Stockton Borough Council. The site extends to approximately 123.37 hectares and is located to the south and east Bishopton village, approximately 1.25km away in both directions when measured from the southern end of Bishopton High Street. The site would have a generating capacity of up to 49.99MW and would be operational for 40 years. Once again development of this site has not commenced, although some pre-commencement planning conditions have been discharged.

3.6 Most recently, planning permission was granted for a ground mounted solar farm and associated infrastructure on land to the south of Long Pasture Farm, Little Stainton, on 10th August 2023 (22/01329/FUL). The site extends to 104.5 hectares and is located approximately 650 metres to the north east of Sadberge village at its closest point and 665 metres to the south of Little Stainton. In the context of the Byers Gill proposals, the site would lie to the south of Panel Areas C, D, and E, being approximately 750 metres to the south east of Panel Area C at its closest point. Similar to the other schemes it would have a generating capacity of up to 49.99MW and be operational for 40 years, although no pre-commencement planning conditions have been discharged and development of the site has not commenced.

3.7 There is the possibility that other major developments come forward and are determined during consideration of the DCO and these would need to be considered by the ExA.

4.0 RELEVANT DEVELOPMENT PLAN POLICIES AND OTHER RELEVANT DOCUMENTS

National Policy

4.1 As previously set out, it is not intended that this LIR will assess compliance of the Scheme with National Policy Statements or the National Planning Policy Framework (NPPF), 2023.

Statutory Development Plan

4.2 Examination Document 7.1.1 Appendix A Policy Compliance Document (APP-164) sets out the development plan position, relevant policies and other relevant documents for Darlington Borough Council.

4.3 For the purposes of section 38(6) of the Planning and Compulsory Purchase Act 2004, the development plan in force for the area in which the proposed development is situated is the Darlington Local Plan 2016 – 2036 (adopted February 2022). There are no 'made' neighbourhood plans within the DCO area within Darlington. The Tees Valley Joint Minerals and Waste Core Strategy DPD (adopted September 2011) is also applicable to consideration of the Scheme.

4.4 DBC consider the following policies of the Darlington Local Plan to be relevant:

Policy SD1	Presumption in Favour of Sustainable Development
Policy SH1	Settlement Hierarchy
Policy DC1	Sustainable Design Principles and Climate Change
Policy DC2	Flood Risk and Water Management
Policy DC3	Health and Wellbeing
Policy DC4	Safeguarding Amenity
Policy DC5	Skills and Training
Policy E4	Economic Development in the Open Countryside
Policy ENV1	Protecting, Enhancing and Promoting Darlington's Historic Environment (Strategic Policy)
Policy ENV3	Local Landscape Character (Strategic Policy)
Policy ENV4	Green and Blue Infrastructure (Strategic Policy)
Policy ENV5	Green Infrastructure Standards
Policy ENV7	Biodiversity and Geodiversity and Development (Strategic Policy)
Policy ENV8	Assessing a Development's Impact on Biodiversity
Policy IN1	Delivering a Sustainable Transport Network (Strategic Policy)
Policy IN2	Improving Access and Accessibility (Strategic Policy)
Policy IN3	Transport Assessments and Travel Plans

Policy IN4	Parking Provision including Electric Vehicle Charging
Policy IN5	Airport Safety
Policy IN9	Renewable Energy Infrastructure
Policy IN10	Supporting the Delivery of Community and Social Infrastructure
Policy MWC4	Safeguarding of Minerals Resources from Sterilisation

Other relevant policies/guidance

4.5 The Darlington Landscape Character Assessment (2015) is also relevant and should be taken into consideration by the ExA.

5.0 ASSESSMENT OF IMPACTS

5.1 This section of the report identifies the relevant local planning policies and how the application accords with them. It also considers the adequacy of assessment for each identified subject area and any potential impacts. The baseline against which each subject areas has been assessed is discussed, setting out the Council's view in respect of the adequacy of assessments carried out, the baseline data against which assessments have been based, and any mitigation proposed. The extent to which the Applicant has addressed identified impacts and assessed them adequately, complying with local planning policy, is also considered.

5.2 Principle of development and renewable energy

Key Policies

- DLP Policy SD1 - Presumption in Favour of Sustainable Development
- DLP Policy IN9 - Renewable Energy Infrastructure

5.2.1 DLP Policy SD1 outlines that the Council will take a positive approach to considering development proposals that reflect the presumption in favour of sustainable development contained in the National Planning Policy Framework and sets out how this will be undertaken.

5.2.3 DLP Policy IN9 states that in principle renewable and low carbon energy developments will be supported across the Borough where proposals are in accordance with the relevant criteria and in determining planning applications for such projects significant weight will be given to the achievement of wider social, economic and environment objectives. Part B of Policy IN9 states that solar power developments will be approved if it can be demonstrated that those criteria, including local environmental impacts as set out in the policy, have been accounted for with appropriate mitigation and/or compensation measures to address any identified effects proposed.

5.2.4 Parts of the Order Limits fall within a Minerals Safeguarding area (limestone (shallow) and sand and gravel (shallow)) as defined in the Tees Valley Minerals and Waste Core Strategy DPD (2011). There are no extant permissions relating to the extraction of minerals within the Order Limits.

5.2.5 DPD Policy MWC4 (Safeguarding of Minerals Resources from Sterilisation) sets out those circumstances where non-minerals development will be permitted within the minerals safeguarding area. Should the ExA determine that the need for the non-mineral development would outweigh the need for the mineral resources, the scheme has the potential to comply with Policy MWC4(c). Furthermore, given the 'temporary' nature of the proposed development this would not sterilise resources and they would remain capable of extraction in the future.

5.2.6 Byers Gill Solar (BGS) would make a significant contribution towards renewable energy generation, providing "an expected 180MW of low-cost, clean and renewable energy to UK customers" (Planning Statement, para. 3.2.38) (APP - 163). This contribution aligns with key commitments at the national level and within the adopted National Policy Statements recognising the importance of the Government's commitments to cut greenhouse gases by 80% by 2050.

5.2.7 DBC recognises that solar energy development can help meet targets for reducing carbon emissions, reduce reliance on fossil fuels and provide local energy security. Such development can also provide economic diversification for farmers and landowners and support local employment opportunities. Therefore whilst BGS by its very nature offers significant positive impacts in terms of the production of clean renewable energy and the transition and movements towards Net Zero, to be supported it must be demonstrated that there are no significant adverse environmental impacts that cannot be appropriately managed and/or mitigated through the DCO process.

5.2.8 The other sections of this report therefore consider the potential impacts of the development on other factors/topic areas and the ExA will need to balance these positive impacts against any negative impacts set out in this LIR and that of other Interested Parties.

5.3 Highways

Key Policies

- DLP Policy DC1 – Sustainable Design Principles and Climate Change (Strategic Policy)
- DLP Policy IN1 - Delivering a Sustainable Transport Network (Strategic Policy)
- DLP Policy IN2 - Improving Access and Accessibility (Strategic Policy)
- DLP Policy IN3 - Transport Assessments and Travel Plans
- DLP Policy IN4 - Parking Provision including Electric Vehicle Charging

5.3.1 Policies DC1 and IN4 require that new development provides suitable and safe vehicular access and suitable servicing and parking arrangements. Policies IN1, IN2 and IN3 require that the impact of new development on the highway network is assessed and mitigated for; that development is located appropriately to reduce the need to travel by car; and that transport assessments and travel plans will be prepared for major development to promote the use of sustainable transport.

Key Local Issues

5.3.2 Chapter 12 (Traffic and Transport) of the Environmental Statement (APP-035) details the predicted highways impact of the proposed development. This is primarily focussed on the construction phase, where traffic generation is significantly higher than the operational phase.

Trip Generation and Traffic Impact Assessment

5.3.3 The response prepared by JSJV on behalf of National Highways and submitted to the examination on 29th May 2024 provides a comprehensive analysis of trip generation methodology. Rather than repeat this analysis, DBC as Local Highway Authority would set out that this is common ground between the two Highway Authorities and would agree that further evidence should be provided regarding evidence to support the trip generation associated with the proposed development.

5.3.4 The Transport Statement (TS) (APP-159) states that based on recently developed sites, there is an estimate of 36 trips (72 two-way trips) across the development proposals, and these trips have been distributed across each Panel Area proportional to its approximate size to understand how many trips each Panel Area could generate. HGV trips are presented as a 'daily average' and not considered within the respective Morning and Evening Peak hours. As such it is not possible to determine hourly HGV movements and the resultant impact of HGVs on the efficient operation of the Local Road Network (LRN).

5.3.5 It is stated that it is expected that three sites will be constructed at any given time during the construction phase of the development proposals, and that each site could require up to 100 employees (300 on site at any one time). In a similar approach to the delivery trips, it is stated that based on similar sites constructed elsewhere, employees are expected to travel to site in groups, with other sites suggesting large cars or minibuses are generally used to transport staff. An average vehicle occupancy of seven staff per vehicle has been assumed, and this is forecast to result in approximately 15 car/LGV trips to each site (30 two-way movements). As previously set out, no evidence from previous sites has been provided to justify this.

5.3.6 The figures presented as the 'daily average' are not considered within the Morning and Evening Peak hours. It is stated that staff trips will arrive before the network Morning Peak and depart after the network Evening Peak due to the proposed working hours, although no shift patters or details are provided. As such, it is not possible to

determine hourly movements and the resultant impact of employee trips on the operation of the LRN.

5.3.7 Options for travelling to the site via public transport are limited owing to the rural location of each panel area. There is however a rural on demand minibus service (Tees Flex). Presently funding for the Tees Flex on demand bus service within rural Darlington wards is only secure until March 2025, and as such cannot be relied on as a viable means of providing access to the site during the construction phase. It is therefore likely that workers will travel to the site by private car or vehicle.

5.3.8 Further evidence is required before acceptance of trip numbers, and occupancy, as the applicant has assumed use of 7-seater cars and car sharing. This raises further concerns regarding highway safety and the impact of overspill parking where just 15 car parking spaces are to be provided for each panel area. Any resultant overspill parking is likely to be on unlit national speed limit roads with employees then accessing the site on foot both of which raises significant safety concerns.

5.3.9 The TS states that an assumption of the assessment is that a maximum of three Panel Areas will be constructed at any given time, although it is not known which three Panel Areas might be constructed at once. The assessment assumes trips for all Panel Areas, with each road capped to the average trips of three Panel Areas, to assess the impact. More certainty of the construction phasing should be provided by the applicant as the application emerges.

5.3.10 As such, the average trips of three Panel Areas for construction delivery trips produces a cap of 18 HGVs (36 two-way movements) per day, although it is acknowledged in the TS that if the three largest Panel Areas were constructed at once, each expected to generate eight HGV trips, a maximum of 24 HGV trips (48 two-way movements) could travel to the study area each day. Furthermore, it is stated that across three sites, the employee trips could generate 45 car trips (90 two-way movements); and therefore, the total forecast HGV and staff trips to three Panel Areas would be 63 vehicles (126 two-way movements) on average, during the construction phase. In the very worst case where the three largest Panel Areas are built simultaneously, it is stated that 69 vehicles (138 two-way movements) could be expected within the network.

5.3.11 Whilst this is presented, due regard should be made to the comments regarding the approach to trip generation and how this relates to Morning and Evening Peak impacts. Further analysis and breakdown of trip distribution to each site access would also be useful in determining local highway impacts, particularly where trips are routed through any sensitive areas with residential properties or limited access

5.3.12 The operational phase of solar farm developments is considered to have a de minimis impact on the local highway network as traffic generation associated with the post construction operational phase is limited to occasional vehicle visits for inspection, repair, and maintenance, in respect of traffic generation, both in terms of the number of trips generated and the size of vehicles involved. It is accepted that the decommissioning phase requirements and impacts can be addressed at a later stage

closer to the time of decommissioning, due to the potential for changes in the highway environment over the operational lifetime of the development. The submission of a Traffic Management Plan for the appropriate phase(s) of development would be secured by Requirement 5.

Access Locations and Routes to Site

5.3.13 Many points of access will be located off 60mph highspeed roads and therefore DMRB standards should be applied in the interests of highway safety. Access requirements should be in accordance with DMRB CD 123 Geometric design of at-grade priority and signal-controlled junctions. Whilst there is potentially scope from some reduction in advised DMRB visibility splays, this should only be permitted where it is robustly evidenced that actual recorded 85th percentile speeds are able to justify visibility standards below those commensurate with the speed limit.

5.3.14 No details supporting information or analysis is offered regarding the suitability of each proposed access point. Assessment of actual and required visibility should be demonstrated on plan and be related to site specific speed survey data for each access. Whilst the highway safety risk associated with using existing field accesses or similar can be mitigated to some degree by use of temporary speed limits, Temporary Traffic Regulation Orders (TTROs) and signage in accordance with Chapter 8 of the Traffic Signal Manual, this does not obviate the applicant's requirement to undertake proper consideration and assessment on the safety of each access. Further consideration and evidence should be presented for each access point, including visibility splays, and swept path analysis to demonstrate that the access points are able to safely accommodate the 16.5m HGVs which require access.

5.3.15 Precise details of each access point are also needed to demonstrate how safe access and egress will be provided and maintained for the operational life of the development. This must demonstrate a safe level of visibility, given that temporary speed limits and signage will no longer be considered appropriate post construction phase. On-site turning and parking provision should be made for the largest vehicles accessing the site for maintenance. Access gates must also be set back sufficiently to enable vehicles to pull clear of the highway in the interests of highway safety.

5.3.16 The outline Construction Traffic Management Plan (APP-112) states that access to each of the Panel Areas will be located where the "required visibility splays and Sight Stopping Distances (SSDs) will be achievable in each direction" however neither this document, nor the wording of Requirements 3 or 5 gives the Council as LHA the confidence that sufficient details relating to those matters set out in the previous paragraphs will be provided when information is submitted to consider and discharge details of the proposed site accesses. DBC would therefore request that the ExA gives consideration to broadening the scope of these requirements to address these concerns.

5.3.17 Details are given for proposed routes to site for each of the six panel areas. These are generally dictated by the extents of each area relative to the local highway network

but should where practicable be routed to avoid HGV movements through local villages. In addition to normal construction traffic it is expected that there will be two abnormal loads required to deliver sub-station components to Panel Area C. As these are categorised abnormal due to the weight of the load, rather than the dimensions of the load, the applicant will be responsible for the costs incurred to the Local Highway Authority (LHA) where access to the development site may require the crossing of structures which are only suitable for loads up to 40 tonnes. Movement of any loads over 40 tonnes across these structures will be subject to a detailed loading assessment inspection at the cost of the applicant. This must be arranged in advance with the LHA. This is addressed within the Outline Construction Traffic Management Plan (APP-112) and would be secured by Requirement by Requirement 6.

Construction Programme and Highway Condition Survey

5.3.18 It is estimated that the construction programme will be approximately 12 – 18 months in length, although this could extend to up to 18 – 24 months depending on how the site is constructed. The peak of construction would see three Panel Areas being constructed at the same time. The additional traffic associated with the construction phase, particularly with regard to HGV movements poses a risk of accelerated deterioration of the local rural highway network, which is largely historic and as such is not of a designated construction proven to be suitable for high numbers of HGV trips. This potentially poses an additional maintenance burden on the LHA through extraordinary HGV movements.

5.3.19 It is therefore sought that the applicant shall enter into an agreement with the LHA under Section 59 of the Highways Act 1980 prior to the commencement of works on site, where DBC acting as the LHA, wish to safeguard the public highway from damage caused by any construction traffic serving the development. A pre-commencement condition survey and regular inspection of HGV routes to each site area should be agreed and undertaken. This matter is not addressed as part of the outline Construction Traffic Management Plan (APP-112) and as such could not be secured by Requirement 5. DBC would request that this be included as part of an updated outline CTMP so that any CTMP submitted under Requirement 5 can address the issue of any damage caused by HGVs accessing the panel areas.

Cable Routing

5.3.20 The applicant wishes to explore both on road and off-road cable routing options. In the case of on-road routing, this is within the local highway network maintained by DBC. The routing of such cable infrastructure is likely to have a significant disruption to the local network, given that proposed routes are located on comparatively narrow high speed rural roads. The precise location within the carriageway and available road widths will dictate what traffic management measures are needed, however it is expected that this work would require a road closure, owing to limited widths and the requirements to ensure safe working methods. The LHA's preferred option is therefore that cable routing should not be within the highway where practicable. Significant

reconstruction and resurfacing of the highway is also likely to be needed within rural roads owing to unknown construction makeup.

Measures to Prohibit Debris and Detritus on the Highway

5.3.21 Robust measures must be included in the Construction Traffic Management Plan (CMP) to ensure that mud and other debris does not end up on the public highway. The focus must be on prevention rather than reactive cleansing and sweeping. A wheel wash must therefore be provided at each point of egress, with additional assurance that regular inspection and, where appropriate, road cleaning will be undertaken. The measures put forward in the application (outline CTMP) are insufficient as it is simply proposed that "Wheel washing facilities will consist of a water bowser with pressure washer" in lieu of proper wheel washing plant. DBC would request that this be addressed so that appropriate wheel washing measures can be secured as part of the CTMP submitted under Requirement 6.

Accident History and Bishopton Parish Council Report

5.3.22 Bishopton Parish Council (BPC) submitted a report to Darlington Borough Council, whereby representatives of the Parish wished to pass on detailed comments on the condition of road markings within the parish. Some of the roads considered within the report would form access routes to the proposed development. At the request of the ExA at the Preliminary Meeting held of 23rd July 2024, this report is attached to this LIR as Appendix DBC1.

5.3.23 Appendix B of the BPC report (Road Traffic Incidents – Evidence) cites a number of incidents where errant vehicles have left the carriageway, however none of these are recorded within official Police accident statistics as they are not Personal Injury Collisions (PICS). It is therefore suggested that little weight is given to this report and that greater consideration should be placed on a wider review of officially recorded Police accident data within the most recent 5-year period available. Data is also available via crashmap.co.uk, although this generally does not cover the most recent incidents, it provides a convenient overview to identify any repeated pattern of incident.

5.3.24 While it is the opinion of BPC that these unrecorded incidents are at least in part attributable to normal lifecycle wear and degradation of road markings, this is not the opinion of the LHA in the absence of any sound evidence, and that many other local factors are likely to be involved. The Council as LHA has a statutory duty to maintain the highway, having since refreshed some road markings within the Bishopton Parish, at safety critical locations (priority junctions).

Glint and Glare Assessment

5.3.25 The Glint and Glare Assessment undertaken by PagerPower (APP-106) predicts a moderate impact on a 0.2km section (road receptors 84 – 86) and a 0.1km section (road receptors 90 – 91) of Ricknall Lane/Lodge Lane; together with a 1.5km section of Unnamed Road/The Green/High Street (road receptors 155 – 170). As is set out in

more detail at Section 5.10 'Glint and Glare' of this LIR report, DBC would request that the ExA consider whether this assessment has been undertaken in accordance with best practice, and that consideration is also given to the timely delivery of any mitigation measures required for highway receptors and that they are maintained for the lifetime of the development by way of requirement. This matter is also set out in more detail in the main 'Glint and Glare' section of this report.

Delivery of the Darlington Northern Link Road

5.3.26 DBC commented as part of the applicant's pre-application statutory consultation that the location of the proposed development is potentially prejudicial to the delivery of the Darlington Northern Link Road (DNLR):

"The site layout conflicts with the proposed strategic northern bypass/relief road identified as a long-term mitigation measure to reduce congestion and improve journey times within Darlington and the Tees Valley. The road is to provide a strategic link between the A66 east of Darlington and the A1(M) to provide an alternative route which avoids the urban area of the town via the A1150 Whinfield Road and the north via the A167 Harrogate Hill.

Whilst the delivery of the strategic northern relief road is not within the life of the current Darlington Local Plan (2016 – 2036) it is of significant economic importance to both Darlington and the wider Tees Valley area. Although the route is not yet of fixed design or alignment, we would ask that it be considered as part of the determination process of the application, and welcome engagement with both the applicant and all key stakeholders such as National Highways and the Tees Valley Combined Authority to ensure that we can protect the land required to deliver this key highway infrastructure".

5.3.27 Since commenting at the pre-application consultation stage, a £250m funding package has been approved by the Tees Valley Combined Authority (TVA). The current position on the DNLR is set out in further detail in the representation submitted by the TVCA, which outlines the strategic and economic importance of the scheme. The LHA would concur with this view.

<u>Adequacy of the Application/DCO</u>

5.3.28 Further evidence and information is required before DBC can confirm acceptance of trip generation associated with the proposed development during the construction period. Further information is also required to demonstrate that each of the panel areas can be accessed and egressed safely for the operational lifetime of the development. Measures are also required to ensure the public highway is safeguarded from damage caused by any construction traffic serving the development. DBC do not consider that requirements 2 and 6 adequately address these matters to give DBC as LHA the confidence to consider these matters at the requirement stage, should the DCO application be granted.

5.3.29 Clarification is also sought as to how appropriate mitigation for road receptors where a moderate impact from glint and glare is predicted is to be secured by requirement, as outlined in the previous paragraphs of the LIR. Without further information and clarification on these various matters, the proposed development is considered to have a **negative** impact on highway safety, with the potential to have a **neutral** impact should these outstanding matters be satisfactorily resolved.

5.4 Rights of Way

Key Policies

- DLP Policy IN1(a) – Delivering a Sustainable Transport Network (For cycling, walking and other sustainable transport
- DLP Policy IN2 – Improving Access and Accessibility

5.4.1 Policies IN1(a) seeks to protect existing footpaths, cycle routes and bridleways from development which would impair their function for recreation and seeks to protect and enhance public rights of way as set out in the Rights of Way Improvement Plan forming part of the Darlington Green Infrastructure Strategy. Policy IN2 requires all developments to provide safe access to the Borough-wide cycling and walking network including links to the Public Rights of Way Network and other routes.

Key Local Issues

5.4.2 The proposed development will have a large potential impact upon rural communities including the villages of Great Stainton, Brafferton, Bishopton, and Little Stainton and their surroundings. In addition to these communities, the proposed development has the potential to impact upon users of the public rights of way (PROW) network, including walkers, equestrians and cyclists. Other sub classifications can include residents, dog walkers, and tourists. Section 4.3.2 of the Outline PROW Management Plan (APP – 119) states that the applicant will make every reasonable effort to minimise disruption along the PROW network.

Construction and decommissioning phases

5.4.3 The construction phase will have the greatest impact upon the PROW network and its users, and this is acknowledged in the application documents. Section 4.4.4. of the Outline PROW Management Plan (APP – 119) states that there will be increased construction traffic near the PROW network. The exact schedule of works is not detailed at this stage however estimates range in the documents from 18-24 months. Decommissioning is estimated to take 6-12 months.

5.4.4 Section 10.3.4 of the Environmental Statement states that impacts on the PROW network during construction are considered to be minor adverse, short term and not significant. With the construction phase lasting as described as above this seems to contradict what will likely include potential increased and abnormal noise, dust, emissions, smells, waste and temporary lighting to areas of the network for lengthy

time periods. This will be in addition to the visual impact of additional and abnormal vehicles, people, equipment and resources that this phase will bring.

5.4.5 Section 4.3.5. of the Outline PROW Management Plan states that where PROW can remain open, but users need to be warned of construction vehicles or activities (local management) signage would be provided. Signage would also be provided also for drivers. The degree and flow of traffic will likely vary from day to day during the phase however signage alone may not prove sufficient particularly during heavy periods of traffic and particularly at those areas detailed in section 5.6. of this section.

5.4.6 Construction activities may also include the decrease in normal environmental conditions such as the noise of and sight of wildlife and farm animals close to construction sites.

5.4.7 Several access points are detailed in document 2.3. Street Works, Rights of Way and Access plans (AS-002). Two of these will see potential clashes with the PROW network:

- Brafferton Public Footpath 9 from Brafferton village with construction traffic and footpath users sharing the same space along High House Lane for 150 metres.
- Great Stainton Public Footpath 4 to the north of Hauxley Farm where construction traffic appears to be accessing the site off Long Lane to the north and then come into proximity with the footpath as they head either east or west.

5.4.8 Schedule 5 of the draft DCO Application (APP-012) outlines 24 PROWs to be temporarily stopped up temporarily during the construction phase. This represents a total length of just over 7.9km. Several sections of PROW have considerable lengths to be stopped up. These include:

- Brafferton public bridleway 14 (1,635m)
- Bishopton public footpath 2 (960m)
- Great Stainton public footpath 8 (876m)
- Great Stainton public footpath 3 (805)
- Bishopton public footpath 4 (610m)
- Little Stainton public footpath 1 (485m)
- Little Stainton public footpath 2 (430m)
- Great Stainton public footpath 4 (315m)
- Great Stainton public footpath 6 (300m)

It is noted that several sections of the above list occur within the parish of Great Stainton, totalling 2.3 km of PROW closure. No schedule has been devised at time of writing for the timing and staging of each individual closure. It is likely that all closures will not take place simultaneously however even with that caveat, the impact felt will be significant.

5.4.9 In addition to the above temporary closures, the Outline PROW Management plan refers to local closures (Section 4.3.7.). These are described as being 'temporary and short-term to facilitate periods of construction works that are discrete in nature and can be completed in a matter of days/weeks, rather than months'. Little additional detail is provided on these, but these will only add to the lengths and duration of closed routes on the PROW network.

5.4.10 Section 2.3.12 of the Environmental Statement states that 'the cable routes for the Proposed Development will be confirmed post decision.' As the details are not yet provided installation of the cables may well lead to additional disruption the PROW network to that detailed above, the form of which cannot be estimated at this time.

5.4.11 Section 4.2. of the Outline PROW Management Plan details the signage and information relating to temporary closures. Details are unclear at this as to how and exactly where notification will be made of temporary closures, but signage will be used in some form. Section 4.2.4. sates that PROW Officers will receive at least seven days advance notice of any closures. Depending on the duration of such closures this short notice period could lead to issues in processing and advertising closures for the Council which would have a knock-on effect for potential users. For example, sixth month closures usually require at least four weeks' notice to the Council in allow for processing time.

5.4.12 While Requirement 14 would require the submission of a rights of way management plan "substantially in accordance with the outline public rights of way management plan" for any sections of public rights of way shown to be temporarily closed on the rights of way and access plans for that phase has been submitted to and approved by the relevant planning authority in consultation with the relevant highway authority.

5.4.13 Seven PROW are to be permanently stopped up as part of the development plans. This represents a total of 2,922 metres to be lost. Section 4.2 of the Outline PROW Management Plan, section 4.3 describes these as 'short' sections but with several of these being over 800m in length that is debatable. In contrast to this loss, 3,400 metres of network will be re-provided representing a net gain of around 500 metres. However, it must be noted that there may well be those that are against the exact 2,922 metres that are to be lost. Public rights of way can often form an important aspect of community and the loss of specific routes may cause strong public feeling despite the net gain.

5.4.14 Section 10.2 of the Environmental Statement states that PROW diversions, new PROWs and permissive paths will 'enhance the existing PROW network and enabling a more cohesive PROW network'. Without walking and inspecting the proposed new routes, the accuracy of this statement cannot be verified at this time.

Operational Phase

5.4.15 Landscaping mitigation measures are described in 8.2.1. of the Environmental Statement. This includes the planting of trees. No information is provided on the type

of height of the trees when they are planted. Therefore, no reasonable guess can be made regarding the rate of growth. Exact location of planting in relation to PROWs are also not available at the time of writing however if these are adjacent to PROWs details there is the risk of them growing out to obstruct PROWs if they are not properly managed. Documents refer to effects of sight of the panels being reduced after 10 years as trees grow but the effect is still considered significant even then.

5.4.16 The above trees are planned to mitigate the effect of several planned new visual elements. These include the panels themselves at 3.5 metres high, security cameras on 3-metre-high poles, inverters and batteries - up to 3 metres in height and perimeter fences at 2 metres high. These are described as 'deer' fences, but no images are provided to suggest what they could look like. Not all the above elements will be visible from the PROW network but much of it will and particularly during the first 10 years of the life of the proposed development. Application documents state that some walkers within 1 kilometre would see panels and that effects are considered significant adverse overall.

Permissive Paths

5.4.17 A total of 3,600km of permissive paths are to be provided in addition to the PROW provision. Permissive paths have no formal legal status and are only to be provided during the operational phase of the development. From analysis of the plans provided this quoted length does not seem to match up. Nevertheless, the provision of such paths in principle is a welcome addition to the path network for the lifetime of the development.

5.4.18 The application documents do not detail the standard of the construction and maintenance of the proposed permissive paths. Section 4.4.9 of the Outline PROW Management Plan mentions maintenance agreements, surface materials, access features/means of enclosure and signage of permissive paths however no such mention is made for PROWs.

<u>Adequacy of the Application/DCO</u>

5.4.19 Further information is required to carry out a full assessment of the potential impacts on the PROW network and its users, particularly during the construction phase given the number of footpaths affected for the duration of the construction period, as this could have a detrimental impact on a significant area of the PROW network. While the scheme incorporates mitigation measures into the scheme to seek to minimise negative impacts the Council's Public Rights of Way Officer considers this needs to be explored in more detail to identify the best solution for individual locations along the PROW network.

5.4.20 Without further clarification and assessment of the points raised by the Public Rights of Way Officer, the Council cannot formulate a view on the overall impact of the development on the Council's rights of way network.

5.5 Heritage Assets

Key Policies

- DLP Policy ENV1 – Protecting and Enhancing Darlington's Historic Environment (Strategic Policy)

5.5.1 DLP Policy ENV1 requires that when considering proposals affected all designated heritage assets or non-designated heritage assets of archaeological interest, great weight will be given to the asset's conservation. Proposals should conserve those elements which contribute to such asset's conservation, including any contribution made by their setting in a manner appropriate to their significance irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm. Proposals resulting in less than substantial harm to designated heritage assets will be permitted only where this harm is clearly justified and outweighed by the public benefits of the proposal.

5.5.2 Further requirements regarding development affecting Conservation Areas, Archaeological Sites, and Non-Designated Heritage Assets are also set out in sub-sections to Policy ENV1.

Key Local Issues

Built Heritage

5.5.3 There is one Conservation Area (Bishopton) within the Order Limits by virtue of the on-road cable route, with listed buildings within the Conservation Area adjacent to this part of the Order Limits. One Scheduled Monument (Motte and Bailey Castle) is immediately adjacent to the Order Limits, also related to the cable route.

5.5.4 Chapter 8 of the ES (Cultural Heritage and Archaeology) considers the stage process set out in Historic Environment Good Practice Advice in Planning 3: The Setting of Heritage Assets, by identifying the heritage assets, considering their relative significance, setting and the impacts of that development on the level of significance identified. As part of this process, along with designated heritage assets, the order has considered non-designated heritage assets (assets identified on the Durham and Tees Archaeology HER).

5.5.5 The design of the proposed development submitted for development consent includes a number of changes made since the PEIR and statutory consultation. The application sets out that the final DCO application design has been informed by three key factors: statutory consultation feedback; landowner engagement; and further technical assessment. Along with various changes to layout, design and height of panels, the Norton substation has been included and the impacts of this on heritage matters has been considered. These changes are set out in 3.7.14 (Table 3-2) of Chapter 3 of the ES Alternatives and Design Iteration (APP-026). None of the identified changes are considered to alter the comments provided on the proposal as part of the statutory pre-application consultation.

5.5.6 In relation to potential indirect impacts to designated heritage assets through a change in setting, this is considered in ES Chapter 3. For cultural heritage, mitigation measures are concentrated on the enhancement of field boundaries to provide screening between the proposed development and surrounding landscape. As part of the landscape and visual impact assessment, where existing boundaries are less than complete, these have been identified for enhancement with large gaps being proposed to be filled with new planting.

5.5.7 The application has considered the built heritage assets that will be affected by the proposed development, their relative significance, and setting according to significance and the resulting impacts. While mitigation seeks to reduce the impact of the proposed development, there will inevitably be a degree of impact on setting of some of the assets. However, harm to designated heritage assets of the highest significance has been avoided and any resulting harm to the setting of designated heritage assets will be mitigated by the measures proposed. Any resulting harm would be considered at the lower end of less than substantial for the purposes of the NPPF and DLP Policy ENV1.

Archaeology

5.5.8 The Archaeological Management Strategy (AMS) submitted with the application is appropriate for the development and has previously been agreed with Durham County Council Archaeology Section (providing advice to Darlington Borough Council on Archaeology matters) and Tees Archaeology (advising Stockton Borough Council).

5.5.9 DBC, in conjunction with Durham County Council Archaeology Section, would request that further additional information is secured as part of requirement 17:

- 17(4) “No part of an individual phase of the development as set out in the agreed programme of archaeological works shall be brought into operation until the post investigation assessment has been completed in accordance with the approved Written Scheme of Investigation. The provision made for analysis, publication and dissemination of results, and archive deposition, should be confirmed in writing to, and approved by, the Local Planning Authority”
- 17(5) “For each phase of works, following investigative archaeological works, an update to the Archaeological Management Strategy will be produced, setting out any mitigation measures to be put in place. The development will then be carried out in line with this update”

5.5.10 The inclusion of 17(4) would allow for fieldwork to be carried out and completed and discharged but allow time for the post excavation work to take place. This can often take some time after an excavation, so a separate condition is desirable, and is based on model conditions proposed by Historic England. 17(5) would allow DBC in consultation with Durham County Council Archaeology Section to agree what mitigation measures are needed to deal with any archaeology found within a panel

area and to ensure they are enforceable and capable of being complied with. It would also ensure that any further excavation could be worked into the programme.

Adequacy of Application/DCO

5.5.11 The application appropriately assesses the impacts of the proposed development on designated and non-designated heritage assets. While some harm is identified to the Bishopton Conservation Area this is considered to be less than significant and at the lower end of the scale of harm. Should the ExA determine that the public benefits to be derived from the scheme outweigh this level of harm then with mitigation, the scheme has the potential to comply with the requirements of DLP Policy ENV1. Similarly, subject to an appropriate written scheme of investigation and further information as set out above being secured by requirement, the scheme is considered to also comply with Policy ENV1(c). On this basis the proposal is considered to have a **neutral** impact on heritage assets.

5.6 Landscape and Visual Impact

Key Policies

- DLP Policy SH1 – Settlement Hierarchy
- DLP Policy DC1 - Sustainable Design Principles & Climate Change (Strategic Policy)
- DLP Policy DC4 - Safeguarding Amenity
- DLP Policy ENV3 – Local Landscape Character (Strategic Policy)
- DLP Policy ENV4 – Green and Blue Infrastructure (Strategic Policy)
- DLP Policy IN9 – Renewable Energy

5.6.1 Policy SH1 states *"distribution of development will be shaped by the role and function of places (settlement)….The character of the Rural Villages, including their relationship to and setting within the surrounding countryside, will be protected and where possible enhanced".* Policy DC1 is concerned with good design and ensuring proposals respond positively to the local context. Proposal should take account of important views and vistas. Policy DC4 is concerned about safeguarding amenity. Amongst other things it states that development will be supported where it is suitably located and is acceptable in terms of visual dominance and overbearing effects. Policy ENV3 is concerned with the protection and enhancement of character and local distinctiveness of the urban and rural area and villages. Policy ENV4 is concerned with the protection and improvement of green and blue infrastructure. Policy IN9 states renewable energy development will be support where proposals are in accordance with relevant criteria which includes the mitigation of visual impact in relation to solar development, taking account of, among other things, the colour and appearance of the modules.

Key Local Issues

5.6.2 DBC commissioned Glenkemp Landscape Architects to assist in the consideration and reviews of the landscape and visual elements of the proposed development. A full copy of their report and comments on the DCO application is provided in Appendix

DBC2. The following assessment is based on those comments and should be read in conjunction with them.

5.6.3 Byers Gill Solar, taken individually and in combination with other consented solar farms in the 3km Study Area represents one of the largest concentrations of photovoltaic development in the country, equivalent to some of the largest solar energy farms currently proposed in the UK.

5.6.4 The dispersed nature of the Byers Gill solar panels across a wide geographic area, with separation distances ranging from 100-700m, would give the appearance of up to 10 individual solar farms (in close proximity) separated by one or several fields, roads and settlement.

5.6.5 The Development proposes six separate Panels Areas A-F located across a geographic area in excess of 25 km2 (9.74 square miles). The geographic area is predominantly open farmland with scattered villages connected by rural roads and public footpaths. The farmland is located between Darlington/Newton Aycliffe and Stockton-on-Tees. The gap between the edge of the major urban areas is approximately 12km. The Solar Panel Areas extend across 8km of this gap. The gap contains an additional seven solar farms which have consent and/or under construction (One cumulative project lies outside the described settlement gap). The Panel Areas cover approximately 20% of all land within the 25km2 geographic area. The Panel Areas cover 57 separate field enclosures.

5.6.6 The open, undulating topography of the Study Area presents a challenging landscape in which to locate solar farm development due to high visibility from elevated land, visibility on local ridges and the large variation in reflective light (appearance) caused by undulating solar panels. These effects are illustrated in this report with photography of a solar farm in a similar landscape.

5.6.7 It is unclear from the Design Approach Document, the ES or any other supporting document, the rationale behind the following key design principles which characterise the scheme layout for Byers Gill Solar.

a) The clustering of solar panel areas around rural settlements and their landscape setting.

b) The clustering of solar panel areas along the most commonly used country road in the Study Area connecting local villages.

c) The dispersed nature of the solar panels covering a wide geographic area (25km2).

d) The limited potential for expansion of Panel Areas B and C on land regarded as less sensitive (outside the village settings) and with relatively few environmental constraints.

e) The introduction of solar panels in open countryside on the edge of Bishopton with high visual amenity value due to proximity (and visual connectivity) to

important walking routes, residential and community properties and recreation facilities.

5.6.8 The absence of a clearly defined landscape strategy in the Design Approach Document is a key weakness in the presentation of the design principles and without such information it is challenging for DBC to assess the positive benefit of embedded mitigation and enhancement in terms of strategic green infrastructure and wildlife corridors.

5.6.9 DBC is of the view that the proposal for 3.5m high solar panels should not be regarded as mitigation where this specification is commonly used on new solar development and taller panels are, in fact, atypical.

5.6.10 The Design Approach Document refers to the creation of new permissive routes to improve the quality and connectivity of the PROW network. These routes are welcome where there is poor or disrupted connectively across the existing network. However, the recreation value of improved footpath connectivity must be balanced against the loss of amenity due to the widespread use of double hedging. The designation of Permissive Routes as Public Rights of Way would have secured greater long-term benefit for local communities.

5.6.11 The Design Approach Document refers to new amenity areas, community land and interpretation at Bishopton. There are no proposals for such mitigation/enhancement in other villages located in the Study Area. It is reasonable to assume, therefore, that the benefit of these proposals is limited to residents in Bishopton.

5.6.12 The biodiversity net gain across the development is welcome and perhaps the most significant benefit of the development. However, in weighing the ecological benefit of the mitigation measures the Council is mindful of potentially significant landscape/visual adverse effects arising from such measures. It is the Council's opinion that the widespread introduction of hedging on PROW and new permissive routes significantly reduces the amenity value of these footpaths. The substantial length of footpath affected by these proposals and the extensive geographic area covered by the Development (in close proximity to three villages) increases the adverse effect on local amenity. It is accepted that high hedging (on both sides of a footpath corridor) may be a preferable solution to views of solar panels, but it does not mean that this solution is acceptable in landscapes where such features are uncommon.

5.6.13 DBC is of the opinion that the baseline methodology and criteria used to undertake the landscape and visual assessment in ES Chapter 7 (APP-030) generally accords with guidelines. The baseline material is generally adequate and comprehensive, but the absence of plans (in the ES or supporting documents) illustrating site analysis and evaluation, normally expected for strategic development at this scale, is a significant weakness. The Council also has major concerns about the selection/quality of photographic viewpoints presented in the ES and the representativeness of appearance in the visualisations. The Council is of the opinion (demonstrated by photographic evidence presented in this report) that the photography provided in the ES does not represent a reasonable 'worst case' for some receptors such as Great

Stainton (and the roads into this village) and in some cases, does not even represent a typical view. The misinterpretation of the village settings and the absence of an assessment on the settings (as a distinct receptor) compounds the above weaknesses.

5.6.14 The ES predicts significant landscape and visual effects during operation on the Great Stainton landscape character area, the villages of Great Stainton and Bishopton and all public footpaths within 1.0km of the Proposed Development. Views from several receptors are predicted to reduce to moderate by Years 10-40. Moderate adverse effects can be considered potentially significant. DBC is of the opinion that the effects on the character of Brafferton and views from Brafferton should also be considered significant. Furthermore, DBC is of the view that significant impacts will occur on the setting of the villages. The sensitivity of the rural village settings is highlighted in Darlington Landscape Character Assessment and any significant changes will clearly impact on landscape character and the amenity of local residents.

5.6.15 Additionally, DBC is of the opinion that the combination of the development and cumulative solar farms generates significant impacts on the rural highway network in the 3.0km Study Area, noting that the ES predicts visual effects on every individual section of road, ranging from moderate/minor to moderate (potentially significant). It is clear that every road would interact with a solar farm and travellers would potentially experience a solar farm every 2-3 minutes along the entire 10.6km central route connecting the villages. DBC is of the view, therefore, that such effects should be considered significant.

5.6.16 Overall, the predicted significant adverse impacts identified in the ES are not that dissimilar to the views expressed by DBC but there is disagreement on the significance of moderate impacts and the magnitude of adverse effect on Brafferton and local roads. There is a high degree of consensus that many local receptor groups in close proximity to the solar panels will experience significant adverse effects including rural settlement and public footpath users. There is also agreement about significant adverse effects on landscape character although, for reasons given, DBC is of the view these effects cover multiple character areas.

5.6.17 Summary of landscape and visual effects after mitigation considered by DBC to be significant (during operation). ES denotes those affects which are assessed as significant in the Environmental Statement.

1) Landscape effects on landscape character area Darlington 6: Great Stainton Farmland (ES)

2) Landscape effects on landscape character area Darlington 7: Bishopton Vale* [1]

3) Landscape effects on the setting of Bishopton*[2]

4) Landscape effects on the setting of Great Stainton*[2]

5) Landscape effects on the setting of Brafferton* [2]

6) Landscape effects on the character of Bishopton (ES)

7) Landscape effects on the character of Great Stainton (ES)

8) Landscape effects on the character of Brafferton*[3]

9) Visual effects on **all** Public Rights of Way (25 no. covering a total length of approximately 33km) within 1km of the Development (ES)*[4]

10) Visual effects on the central east-route through the Study Area connecting villages*[5]

11) Visual effects on views from Bishopton (ES)

12) Visual effects on views from Great Stainton (ES)

13) Visual effects on views from Brafferton*[6]

Notes*

1. Assessed as moderate in the ES (potentially significant)

2. Not assessed as a receptor in the ES

3. Assessed as moderate/minor in the ES

4. Effects on PRoW are grouped in geographic areas in the ES. All visual effects for all PRoW groups are assessed as significant

5. Effects on individual sections of roads within 1km of the Proposed Development are assessed as moderate/minor or moderate in the ES (moderate effects are potentially significant).

6. Assessed as moderate in the ES (potentially significant)

5.6.18 DBC accepts that some effects are inevitable for any solar development but significant adverse residual effects on multiple receptors (after mitigation) are not inevitable. The conclusion of significant landscape and visual effects in the ES and by DBC suggests that the landscape in question has limited capacity for a solar farm at this scale in combination of other consented solar development. It also indicates that the dispersed nature of the Development, across a large geographic area, causes widespread unacceptable harm to many receptors which cannot be mitigated. The predicted landscape/visual impacts will be transformative and the effects on local amenity and local communities will be multi-generational

5.6.19 The absence of site analysis and evaluation in the ES and Design Approach Document (except for key settlements, after a request from DBC) would suggest the layout of the Development has not been driven by landscape and visual amenity considerations from the outset. Indeed, it is difficult not to conclude that the solar farm layout, as currently proposed, has been dictated by factors such as land ownership/landowner consent rather than landscape and visual sensitivities, since no rationale is presented to justify the concentration of solar panels around the villages. Landscape and visual matters have been mainly addressed through the landscape mitigation strategy. The strategy has limited success due to the inherent weakness in the design layout, and this has resulted in a range of significant adverse impacts

which most likely could have been avoided had the Developer adopted a different design approach.

Adequacy of the Application/DCO

5.6.20 The significant landscape and visual effects generated by the Proposed Development after mitigation are in conflict with Local Policy SH1, DC1, DC4, ENV3 AND IN9. Darlington Borough Council are of the view that these effects and the process undertaken by the Developer to identify such effects are in conflict with national policy and guidance set out in NPS EN1 and NPS EN3. The development is therefore considered to have a **negative** impact on the area.

5.7 Flooding and Drainage

Key Policies

- DLP Policy DC2 – Flood Risk and Water Management (Strategic Policy)

5.7.1 Policy DC2 sets out that new development will be focused in areas of low flood risk (Flood Zone 1). In considering development on sites in higher flood risk areas, the Sequential and Exception Tests must be passed, and the sequential approach applied on site. Site specific flood risk assessments will be required in accordance with national policy. Major development is required to incorporate SuDS.

Key Local Issues

5.7.2 A Flood Risk Assessment and Drainage Strategy (AS-001) is contained within Appendix 10.1 to Chapter 10 of the Environmental Statement. The comments of the Environment Agency in their relevant representation dated 17th May 2024 are noted; that the development has not considered the sequential test in respect of parts of the site being located within Flood Zones 2 and 3 and has gone straight to the exceptions test. As such, the development would not comply with DLP Policy DC2.

5.7.3 DBC understands from the applicant that the Flood Risk Assessment and Drainage Strategy (AS-001) will be updated during the course of the examination to give more detailed reference to the Sequential Test, Sequential Approach and Exception Test, with the intention being that we will be able to provide comment on the updated document.

Adequacy of the Application/DCO

5.7.4 DBC will consider and provide comment on the updated Flood Risk Assessment and Drainage Strategy at the appropriate time, but at this stage cannot formulate a view on the overall impact of the development in terms of flood risk and drainage.

5.8 Ecology

Key Policies

- DLP Policy DC1 – Sustainable Design Principles and Climate Change (Strategic Policy)

- DLP Policy ENV7 – Biodiversity and Geodiversity and Development (Strategic Policy)
- DLP Policy ENV8 – Assessing a Development's Impact on Biodiversity
- DLP Policy IN9(b) – Renewable Energy Infrastructure (Solar Power developments)

Key Local Issues

5.8.1 ES Chapters 2 (Proposed development) (APP-024) and 6 (Biodiversity) (APP-029) assess the impacts and likely significant effects of the proposed development on biodiversity, and outline actions for biodiversity. These include:

5.8.2 Design iterations have sought to avoid some areas where nesting lapwing and curlew were recorded and areas where geese and other wildfowl were recorded in the winter.

- DBC Ecologist comment – Wintering bird surveys conducted by RSK Biocensus between 2021/2022 identified the habitat supported birds of county level importance. The waterfowl recorded make up part of the assemblage of birds for which the Teesmouth and Cleveland Special Protected Area (SPA) is designated. The impact assessment considered the loss of resting and foraging areas to winter birds, disturbance levels, and displacement from the solar PV modules. Due to potential impacts from the proposed development, the proposed layout was revised which avoided areas of open water and areas where wintering geese were recorded in higher numbers. The revised layout avoids open water and some areas in which wintering geese were recorded. The revised layout also allocates eight biodiversity enhancement areas and two large fields in Panel Area F: North of Bishopton, which will remain free of solar PV modules to provide continued availability of habitat. Due to the revised layout, impacts on wintering birds have therefore been assessed to be long term and of low magnitude, with the effects considered to be not significant. Overall, I am in agreement with the redesign to avoid areas of higher bird activity.

5.8.3 Eight land parcels currently used for intensive agriculture across the Order Limits to be used for biodiversity enhancement with two large fields in Panel Area F: North of Bishopton, also to remain free of solar PV modules.

- DBC Ecologist comment - I am satisfied to see that the two large fields in Panel Area F: North of Bishopton, will be maintained with low maintenance grass sward providing enhanced availability of open ground for curlew, lapwing, and other ground nesting birds. This area will also provide foraging habitat for bats.

5.8.4 Revised layout enabling the retention of woodland and the majority of hedgerows and associated trees.

- DBC Ecologist comment - The Hedgerow Regulations referenced in the Preliminary Ecological Appraisal Report (APP-126) (section 2.3.4) remain in force and are the appropriate legislative to be referred to. The new Management of Hedgerows (England) Regulations 2024 make provision for the protection of hedgerows on agricultural land. The existing retained hedgerows and new hedgerows will be suitably buffered and managed appropriately, as detailed in sections 5.4 and 5.5 of the OLEMP.

5.8.5 All boundary features and other features such as larger hedgerows with trees and woodland edge that are of value to foraging bats will be retained, with it predicated that only small sections of poor-quality hedgerow will be removed to accommodate the grid connection cables and access routes. Where possible and practical, construction access and cabling will use existing field entrances and horizontal directional drilling (HDD) will install the cables under hedgerows.

- DBC Ecologist comment – As above. In agreement.

5.8.6 Maintenance of 10 m buffers between Solar PV modules and riparian boundaries and watercourses.

- DBC Ecologist comment – In agreement.

5.8.7 Maintenance of 8m buffers (3m from hedgerows to security fencing and 5m from security fencing to Solar Cells) between Solar PV modules and hedges to retain foraging and commuting corridors for bats.

- DBC Ecologist comment – In agreement.

5.8.8 Maintenance of appropriate buffers between Solar PV modules and trees with potential bat roost trees with potential roost features (PRF), which will be protected during development, in line with British Standard BS 5837: Trees in relation to design, demolition and construction by establishing a Construction Exclusion Zone (CEZ) around their Root Protection Areas (RPA).

- DBC Ecologist comment – In agreement.

5.8.9 Much of the terrestrial habitat for GCN within the Proposed Development was considered either suboptimal or unsuitable with the majority of suitable habitat to be retained, with no ponds to be removed. As there remains a possibility that GCN might be present in low numbers or might enter the construction area, an application for a Natural England District Level Licence for GCN will be made. The terms of this licence will include an appropriate payment to be determined by Natural England to further the enhancement of GCN in the region.

- DBC Ecologist comment – In agreement.

5.8.10 Perimeter security fencing will be implemented early in the construction phase. The fence design will be around individual Panel Areas, to allow the movement of large mammals such as deer through the landscape along retained hedgerow margins.

- DBC Ecologist comment - The fence design to allow movement of deer through the landscape along retained hedgerows is welcomed and reduces habitat fragmentation and allows dispersal of deer and other wildlife through the landscape.
- Section 6.4.4. of the OLEMP states that '*Maintenance of 8m buffers (3m from hedgerows to security fencing and 5m from security fencing to Solar Cells) between Solar PV modules and hedges to retain foraging and commuting corridors for bats*.' It is unclear whether the 3m is from the inner or outer edge of the hedgerow or central point. This needs to be clarified, as if it is from the outer edge or centre, this does not give a 3m buffer. I am concerned that 3m between hedgerow and security fencing may result in collisions from bird species such as sparrowhawk which may hunt along the hedgerows. I would recommend a minimum of 5m between hedgerow edge closest to fencing and fencing to reduce risk of collision from birds flying across/along the hedgerows.

5.8.11 Perimeter security fencing to include badger access points placed in the fencing in strategic locations to allow badgers and other small mammals, such as hares access into Panel Areas. The number of badger access points will be determined after preconstruction surveys. A suitable qualified ecologist knowledgeable in badger ecology will determine the number and location of badger access points within the security fencing. These badger access points should be in place the same day the fencing is installed.

- DBC Ecologist comment – The inclusions of wildlife access points through security fencing are welcomed. This will reduce the fragmentation of habitat availability for foraging to badgers and other smaller wildlife.

5.8.12 The Proposed Development is anticipated to provide a biodiversity net gain of 88% for habitat units and 108% of hedgerow habitats, in line with the detailed design.

- DBC Ecologist comment - Section 7.2.4. of 6.1.1 Environmental Statement Non-Technical Summary states that a biodiversity net gain (BNG) of approximately 87% of habitats and 108% net gain in hedgerows is reported for the Proposed Development. Any changes to landscaping which result in an alteration to BNG must be amended on the BNG Metric and an updated report should be produced.

5.8.13 Lighting will be limited to the construction period with occasional lighting required for maintenance works during operation, which will not be a permanent fixture. Lighting will conform to best practice guidelines with respect to minimising light spill into adjacent habitats and prevent disturbance to bats and other species during

construction and operation. Lighting will be minimised to that required for safe site operations. Where lighting is required, it will be directed toward the middle of the working area and will utilise directional fittings to minimise outward light spill and glare, preferably at an angle greater than 20 degrees from the horizontal).

- DBC Ecologist comment – Where possible, lighting should not be used during the hours of darkness to minimize disturbance to nocturnal wildlife. Where lighting will be used between the hours of dusk to dawn, a lighting design plan to show the spill of light onto the adjacent habitats should be submitted. The lighting plan should refer to the updated Bats and Artificial Lighting at Night Guidance Note 08/23 (ILP, 2023).

5.8.14 Pre-construction and pre-decommissioning surveys will be undertaken to provide an update on the presence and location of any invasive species. An Invasive non-native plant species (INNS) method statement should be created, detailing measures to minimise the risk of spreading Himalayan balsam along Bishopton Beck.

- DBC Ecologist comment -The PEA and CEMP outline that an INNS method statement will be submitted to manage the INNS. The PEA and CEMP also recommend a pre-construction site survey to identify areas of Himalayan balsam and to check for presence of other INNS within the development area. The Mitigation Route Map identifies that a pre-construction and pre-decommissioning survey and method statement for INNS will be undertaken. This needs to be secured to ensure that surveys both pre-construction and pre-decommissioning are undertaken to determine presence and location of INNS, with a supporting method statement to detail measures to minimize the risk of spreading Himalayan balsam and any other INNS present.

5.8.15 An Ecological Clerk of Works (ECoW) to be appointed to help oversee construction and decommissioning from an ecology perspective.

- DBC Ecologist comment – In agreement that an ECoW needs to be appointed.

5.8.16 An ecologist or ECoW will complete a preconstruction and pre-decommissioning survey in advance of works. The walkover will be completed sufficiently in advance of the works to allow for the completion of any additional seasonal surveys (e.g., surveys in support of protected species licenses).

- DBC Ecologist comment – In agreement that a preconstruction and pre-decommissioning suite of surveys are required in advance of works.

5.8.17 A Species Protection Plan (SPP) is to be to be implemented during the construction and decommissioning phases of the Proposed Development.

- DBC Ecologist comment – In agreement.

5.8.18 Clearance of vegetation of potential value to nesting birds (i.e., to facilitate access) will be completed outside of the bird-breeding season (considered to be between mid-February and August inclusive). However, should it not be possible to avoid this season, vegetation will be inspected/surveyed by the ECoW immediately before clearance (i.e., within 24 hours of clearance works). An active nest will be given an appropriate disturbance buffer for that species with work only allowed to take place within this buffer once the project ecologist has confirmed any young have fully fledged and left the nest.

- DBC Ecologist comment – In agreement with methods. ECoW should be available to check for nesting birds and to install buffer area where nesting birds are located, and to check for fledging.

5.8.19 Any tree to be felled will be subject to a preconstruction check to determine its current bat roost potential and if found to have potential to support roosting bats will be subject to suitable surveys, as described in good practice survey guidelines.

- DBC Ecologist comment – a suitably qualified ecologist with appropriate licenses should be commissioned to undertake the bat roost check on trees to be felled. In addition to the above comments, if trees are determined to have bat roosts, then either the trees should be retained and protected, or a Natural England Mitigation Licence should be sought to ensure that appropriate mitigation is undertaken to protect the conservation status of the bat species roosting.

5.8.20 Where possible, hedgerows, tree lines, ditches and trees including the tree RPA are to be protected during construction and decommissioning through the use of suitable buffers and fencing. For further information on tree buffers, see ES Appendix 7.5 Arboricultural Impact Assessment (APP-138) (Document reference 6.4.7.5).

- DBC Ecologist comment – In agreement.

5.8.21 Should ground clearance of habitat suitable for reptiles/amphibians be required then this should be undertaken at the right time of year to avoid the hibernation period - i.e., avoid the period: October to March. The ECoW would supervise works and relocate any reptiles/amphibians found.

- DBC Ecologist comment – In agreement. A suitably qualified ecologist with appropriate licenses should be commissioned to undertake the work.

5.8.22 If clearance of reptile hibernacula features is necessary, then this would be done in the summer months to avoid disturbing hibernating reptiles (April to September).

- DBC Ecologist comment – This should be undertaken under ECoW to avoid injury or death to species which may be using the features.

5.8.23 For mobile species such as badger, preconstruction and pre-decommissioning surveys will be required to check the status of the setts identified and to locate any new active setts that would need to be protected.

- DBC Ecologist comment – In agreement. Where new badger setts or foraging areas are identified they should be mapped, and protection measure and mitigation should be outlined. Where badger setts are to be impacted by the development, a badger mitigation licence must be obtained to undertake the work.

5.8.24 Badger setts are to be protected from direct impacts by maintaining a suitable standoff distance measured from professional judgement from existing setts and micro siting equipment if required. Furthermore, any exposed trenches or holes are to be covered up when contractors are off site (i.e., at nighttime) or a slope provided to allow any trapped badgers a safe exit. It would need to be protected.

- DBC Ecologist comment – It would be expected that the recommended buffer zones for working around badger setts are implemented in line with best practice guidelines.

5.8.25 All works in proximity to waterbodies/watercourses should follow standard protection measures to ensure their complete protection against pollution, silting and erosion.

- DBC Ecologist comment – In agreement with the CEMP which states ‘Sediment control measures (silt fences, settlement/attenuation ponds etc.) would be used in the vicinity of watercourses, springs or drains where natural features (e.g. hollows) do not provide adequate protection.’

5.8.26 It is anticipated that the majority of works will take place 10m away from watercourses/waterbodies. A small number of small tributaries will be crossed by the proposed cable route corridor. At these watercourse crossings HDD will be used.

- DBC Ecologist comment – If over-pumping of a watercourse is required, the pump intake must have a 2mm diameter mesh on it to prevent the entrainment of elvers and other small fish.

5.8.27 No nighttime work is to take place within 30 m of watercourses / waterbodies (the period when otters are most active).

- DBC Ecologist comment – In agreement. Ensure that no artificial lighting spills onto the water courses between dusk to dawn to prevent disturbance to otters.

5.8.28 The loss of ground nesting bird breeding and foraging habitat is to be mitigated through the provision of eight land parcels currently used for intensive agriculture to be used for biodiversity enhancement, with no Solar PV modules proposed within these areas. The two large fields to the north of Bishopton will be maintained with low maintenance grass rich sward ensuring continued availability of open ground for ground nesting birds such as curlew and lapwing.

- DBC Ecologist comment – In agreement. There must be a clear management and monitoring plan for the habitats created to ensure that species composition and sward height are suitable for the target species.

5.8.29 Eight land parcels currently used for intensive agriculture across the Order Limits to be used for biodiversity enhancement with two large fields in Panel Area F: North of Bishopton, also to remain free of solar PV modules. These areas will provide enhanced foraging opportunities across the Order Limits for bat species and mitigate the potential avoidance of Panel Areas. The establishment of a network of new and improved native-species-rich hedgerows with hedgerow trees will also create additional and enhanced commuting, foraging, and roosting habitat for bats.

- DBC Ecologist comment - In agreement. There must be a clear management and monitoring plan for the habitats created.

5.8.30 The two large fields to the north of Bishopton will be maintained with low maintenance grass rich sward ensuring continued availability of open ground for ground nesting birds such as curlew and lapwing. To be managed with no grazing during the nesting season (April to August) with a late summer hay cut (late August to September) after young birds have fledged followed by grazing if required.

- DBC Ecologist comment - In agreement. There must be a clear management and monitoring plan for the habitats created.

5.8.31 Regular checks of fencing will occur to ensure no deer or other large mammals have become trapped and badger access points will be checked to ensure they remain operational.

- DBC Ecologist comment – Would request clarification as to who would be responsible for the checks and how often is ‘regular’? How would this be recorded to ensure the checks are being conducted?

5.8.32 The establishment of a network of new and improved native-species-rich hedgerows with hedgerow trees to increase biodiversity across the Order Limits. Existing hedgerows will be enhanced with planting along defunct hedgerows where landscape concerns suggest it is effective mitigation. Only native species will be planted along these hedgerows.

- DBC Ecologist comment – The new hedgerows will be suitably buffered and

managed appropriately, as detailed in sections 5.4 and 5.5 of the OLEMP. In agreement with the methods proposed overall but would expect to see a species list outlining which native species are to be used within the hedgerows.

5.8.33 Reduced cutting (flailing) along existing hedgerows to benefit nesting birds and invertebrates.

- DBC Ecologist comment - The reduced cutting (flailing) will enable improved growth, reinforcement of defunct hedgerows. Please consider a different method of management to flailing, as this is damaging to hedgerow vegetation, and can destroy eggs laid by invertebrates such as the nationally scarce small eggar moth; and Lackey moths, which overwinter as eggs on shoots and twigs, and are very vulnerable to annual flailing.
- Encourage any cutting to be undertaken outside of nesting bird season (March to August inclusive), and where possible avoid cutting hedgerows with berries on as overwintering birds such as fieldfare and redwing will feed on these. Where possible, reduce cutting to every three or more years as this will allow hedge plants to produce flowers and berries and achieve a better structure.

5.8.34 Field margins between the boundary hedgerows and the security fencing will be enhanced in line with three options and managed accordingly: provision of winter wild bird food (sowing with specific wild bird winter food), provision of rough grass margins (sowing with tussock forming grass species), and provision of flower rich margins (sowing with a wildflower seed). It is anticipated that a third of the total length of margins will be given over to each treatment.

- DBC Ecologist comment – In agreement.

5.8.35 Area underneath panels to be sown with a low maintenance grassland while between panels and to margins they will be sown with legume rich herbal ley/wild flora mixes, this aims to improve soil health and insect diversity such as pollinators to improved foraging habitat for species such as birds and bats. To be managed accordingly with either a light cutting or grazing regime in late autumn (August onwards) to maintain the vegetation.

- DBC Ecologist comment – In agreement. I would expect to see a species list outlining which native species are to be used within the habitats. A management plan for grazing/cutting should be submitted.

5.8.36 Provision of boxes to increase the opportunities for roosting bats and nesting birds such as barn owl (*Tyto alba*).

- DBC Ecologist comment – I am satisfied with the provision of boxes for roosting bats and barn owls. I would expect that a plan for locations of boxes, type of

box, and numbers of boxes be submitted. Please ensure that boxes provided for barn owls have a numbered tag and are checked on an annual basis. The boxes should be installed at a height that allows monitoring to be undertaken – no more than the height of a double ladder (for reasons of health and safety). The monitoring could be undertaken by a local bird ringing scheme – DBC LPA ecologist can advise on local groups.

5.8.37 Hedgerow creation and enhancement with a forecast length of approximately 12km and 29km, respectively.

- DBC Ecologist comment – In agreement.

Additional Comments

General

5.8.38 The construction and decommissioning works including cabling are temporary, and in the short term have the potential to generate significant localised effects, however, these will not last into the long term. Due to the main areas of the works occurring in arable and pasture farmland, the impacts are limited to those habitats.

Plants

5.8.39 Common Valerian (Valeriana officinale) which is on the England ref list listed as near threatened, was recorded within the study area. It is not expected to be impacted by the proposed development; therefore no plant-species-specific surveys or mitigation is recommended. The Ecologist is in agreement with this. However if common valerian is encountered in areas where works will commence, then a suitably qualified ecologist should be contacted for advice and mitigation.

Trees

5.8.40 The majority of trees identified as suitable bat roost trees will be protected during development by establishing a Construction Exclusion Zone (CEZ) around their Root Protection Areas (RPA). Please refer to Appendix 7.5 Arboricultural Impact Assessment (Document Reference 6.4.7.8). A total of seven trees which were identified as suitable bat roost trees with be removed by the Proposed Development. These trees will undergo pre-construction checks to determine the presence or absence of a bat roost. If a bat roost is located, a bat licence will be required before the start of works. Any trees to be removed or to have branches pruned to be checked by an ecologist prior to work, to determine the likely presence of a bird's nest and/or bat roost

Bats

5.8.41 Static bat detectors were deployed between May and September 2022 by RSK Biocensus. The results were predominantly common and widespread species, however, activity level demonstrated that the habitat was variable, from low to high foraging suitability. Nathusius' pipistrelle accounted for a low number of recordings,

however, is still considered to be of county importance for the species. 6.2.6 Environmental Statement Chapter 6 Biodiversity outlines the impacts to bats through the construction noise, and through habitat changes from the installation of the solar PV models which may lead to reduced insect prey availability. Notwithstanding this, the increase in habitat provided via the landscaping plans for the site are expected to result in an increase in insect prey availability over the longer term. The areas with solar PV modules may result in avoidance behaviours from some bat species.

Hazel dormice

5.8.42 Hazel dormice were scoped out of further surveys due to the geographic distribution and lack of records. DBC would agree with this assumption.

Other wildlife

5.8.43 If mammal burrows such as a fox earth and rabbit warren are to be destroyed, then the burrow may need to be excavated under ecological supervision, to ensure no mammals are harmed during the unearthing process. It should be noted that all wild mammals are protected by The Wild Mammals (Protection) Act 1996 (as amended). If works are undertaken into December – February, hedgehogs may be hibernating under the hedgerows. Whilst hedgehogs themselves are not European endangered species, they are a species of principal importance under the NERC Act 2006 due to them declining significantly within the UK. I would advise they should not be disturbed during hibernation, however, if one is encountered during the hedgerow removal you must stop works and wait until the hibernating hedgehog has moved on of its own accord. Hibernating hedgehogs which are removed from their locations have the potential to die due to being woken up and having to find a new place to hibernate, which uses up the fat reserves stored for the winter.

Water voles

5.8.44 Given that there are streams which have the potential to support water voles, albeit not optimal habitats, further survey effort is recommended to determine impacts both direct and indirect to water voles. These could be undertaken by visual searching and through the use of eDNA. If eDNA returns water vole presence, it is expected further consideration and mitigation for water vole to be implemented where impacts are likely.

5.8.45 There are no considerations of potential impacts to water voles in section 6.8 of the ES Chapter 6 Biodiversity. Impacts to water voles during the construction, operational and decommissioning phases of the development should be given appropriate consideration as part of the application, with particular emphasis on the temporary bridge crossing points which have the potential to destroy water vole burrows and habitat, and potentially cause injury or death to water voles themselves if not mitigated for.

Otters

5.8.46 Otters need to be considered at all stages of development from construction, operational, to decommissioning. Section 6.10.26 of the ES Chapter 6 Biodiversity states that '*buffers of 10m between construction and riparian boundaries and watercourses will be maintained*'; however, where the temporary crossings will be installed these will breach the 10m buffer. Where temporary crossings are proposed over water courses, these should be considered to have impacts on otters using the watercourses. It must also be considered that otters can and do create holts in areas of up to 100m away from the water courses, and natal dens can be up to 1km from a water body. Whilst this is unlikely to occur in suboptimal habitat, it cannot be discounted as a possibility.

Fish

5.8.47 Where temporary crossings are proposed over water courses, these should be considered to have impacts on fish present within the watercourses. Where there is an omission of information this needs to be explained full as to why this is.

Adequacy of the Application/DCO

5.8.48 The proposal will provide significant biodiversity net gains which is considered to be a **positive** impact. Further assessment is however required in respect of the impact of the proposed development on water voles, and consideration should be given to those matters of detail set out in this section of the report to ensure that impacts can be appropriately mitigated for through the proposed requirements. Subject to further consideration of these matters, the development could be capable of having a **neutral** impact on habitats and protected species.

5.9 Contaminated Land

Key Policies

- DLP Policy DC1(h) – Sustainable Design Principles and Climate Change

5.9.1 DLP Policy DC1(H) requires that proposals for development on land affected by contamination will be permitted where the applicant can demonstrate that the site is suitable for the proposed use and development will not result in unacceptable risks to human health or the environment.

Key Local Issues

5.9.2 Chapter 9 (Land Use and Socioeconomic) of the ES considers the effects of the proposed development on residential amenity and on local communities and their health and wellbeing, although land contamination is not specifically mentioned.

5.9.3 A Preliminary Risk Assessment (Desk Top Study) (APP-105) has been submitted with the application which concludes that the risk to human health is very low to low,

taking into account mitigation for construction workers which would be secured as part of the Construction Environmental Management Plan (CEMP). The Desk Top Study recommends that an intrusive site investigation is carried out and any contamination present which poses a risk to groundwater should be remediated. Additionally, due to the presence of potentially backfilled ground workings and historic landfills, further intrusive site investigation and ground gas monitoring is also recommended across the site, to inform appropriate levels of gas protection measures, where necessary.

5.9.4 This site investigation work does not however appear to be secured specifically within the draft DCO and associated requirements. Reference is made within requirement 4(i) to 'unexpected contaminated land…identified during ground investigation' DBC would ask the ExA to consider whether this is sufficient to ensure the recommended site investigation work and any necessary mitigation measures are secured in order to ensure the level of risk identified is mitigated as set out in the Desk Top Study.

5.9.5 Requirement 4(2) requires the production of a CEMP for each phase of the development. Point (i) specifically relates to a *'protocol requiring construction with the Environment Agency in the event that unexpected contaminated land is identified during ground investigation or construction'*. The Environment Agency is not a statutory consultee on land contamination and as such there is a possibility that they will not provide comment on any information submitted in respect of this requirement, particularly if they have not been consulted on the protocol in the first instance. DBC would welcome clarification on this matter.

5.9.6 Requirement 8(1) requires the submission of a Materials Management Plan for each phase of the development. DBC agree with this requirement however this would not normally be subject to further approval by the Local Planning Authority. The CL:Aire Definition of Waste Code of Practice requires that the material management plan be signed off/declaration be made by a qualified person (as defined in the Code of Practice) independent to the project which is then submitted to the Environment Agency. Accepting that this matter should be the subject of a requirement DBC requests that the Environment Agency is identified as an appropriate third party with which they can consult in relation to any documents submitted under this requirement, as set out in the Explanatory Memorandum accompanying the DCO.

Adequacy of the Application/DCO

5.9.7 DBC accepts the conclusion of the Preliminary Risk Assessment (Desk Top Study) in terms of risk to human health and the environment, subject to mitigation measures being secured by the various requirements. Providing appropriate clarification can be provided in respect of requirements 4 and 8, as outlined in the previous paragraphs of this LIR, the proposed development is considered to have a **neutral impact** on land contamination.

5.10 Glint and Glare

Key Policies

- DLP Policy IN9(b) – Renewable Energy Infrastructure – Solar Power developments
- DLP Policy DC4 – Safeguarding Amenity

5.10.1 DLP Policy IN9(b)(vi) sets out that solar power developments will be granted planning permission if the applicant can demonstrate that the proposal has adequately mitigated (the visual impact on the landscape) and the effect of glint and glare on neighbouring uses and aircraft safety. Impact on aircraft safety is not considered as part of this LIR. It is assumed that the ExA will seek the views of Teesside International Airport on this matter.

5.10.2 DLP Policy DC4 requires that new development should be sited, designed and laid out to protect the amenity of existing users of neighbouring land and buildings and the amenity of the intended users of the new development.

Key Local Issues

5.10.3 Visual disturbance, including glint and glare is covered in Chapters 4 (Biodiversity, Ecology and Natural Environment) and 9 (Land Use and Socioeconomics) of the Environmental Statement. Appendix 2.2 of the Environmental Statement includes a Solar Photovoltaic Glint and Glare Study (2024) prepared by Pager Power (APP-106).

5.10.4 There is no existing official planning guidance or standardised assessment methodology for the assessment of solar reflections from solar panels towards roads and nearby dwellings. Pager Power has produced guidance for glint and glare and solar photovoltaic developments based on industry knowledge, consultation and experience, the fourth and current edition being published in 2022. DBC would seek clarification from the ExA as to whether this document should be considered the authoritative guidance to be used in assessing the submitted Glint and Glare Study, also prepared by Pager Power.

5.10.5 This matter has previously been raised with the applicant as referenced in the Principal Areas of Disagreement Summary Statement (PADSS) dated 8th February 2024 entered into with the applicant (point DBC9). Should the ExA decide that this is the authoritative guidance to be used, DBC would offer the following comments.

5.10.6 Pager Power's approach contained within both their guidance and this assessment is to undertake geometric reflection calculations and, where a solar reflection is predicted, consider the screening (existing and/or proposed) between the receptor and the reflecting solar panels. The model used is conservative, for example it considers 100% sunlight during daylight hours.

5.10.7 In total 259 dwellings were used for assessment based on dwellings being within a one kilometre study area and have potential views of the panels. In areas with multiple layers of dwellings, only the outer dwellings have been considered for assessment. The panels are fixed, south facing and solar reflections at ground level towards the

north at this latitude are highly unlikely. Therefore, the area to the north of the northern-most solar panels has been excluded from the assessment.

5.10.8 The PEIR version of the Glint and Glare Study dated May 2023 identified 310 dwellings for assessment. DBC would seek clarification as to the reason for the reduction in the number of dwellings but assume that this is due to a reduction in some of the panel areas, some dwellings being excluded due to their location to the north of the site, and/or positioning of the solar panel areas.

5.10.9 The Pager Power guidance includes the following key considerations for residential dwellings which have been used in this assessment:

- Whether a reflection is predicted to be experienced in practice by undertaking geometric calculations and intensity calculations and if so, at what time will it occur.
- The duration of the predicted effects, relative to thresholds of 3 months per year or 60 minutes on any given day

5.10.10 Where reflections are predicted to be experienced for more than three months per year/or for more than 60 minutes on any given day, expert assessment considering various mitigating factors (visibility on all storeys, separation distance, are windows facing the reflecting area and position of the sun) has been carried out to determine the impact significance and mitigation requirement as per Appendix D of the report. If following consideration of the relevant factors, the solar reflections do not remain significant, the impact significance is low, and mitigation is not recommended. Further technical details regarding the methodology of the geometric calculations and an assessment of limitation and assumptions of the Pager Power Model are presented in Appendix E and Appendix F of the Byers Gill Report.

5.10.11 In terms of the proposed development, the report states that a moderate impact where a solar reflection is geometrically possible is predicted on ten dwellings (87 – 88, 98, 101, 111 -115) due to the duration of effects (greater than 3 months per year), and the lack of sufficient mitigating factors. Assuming that the height of proposed hedgerow/tree planting along reflecting panel boundaries for these dwellings will be managed so that relevant reflecting areas are obscured from view, so that the impact would be reduced to low/none, no further mitigation is recommended. Section 7 makes reference to the preferred screening being the provision of planting or opaque fence within the site boundary as this is in the developer's control. The locations of the proposed hedgerow/tree planting are shown in Figure 66 and 67 of the report. The required height will depend on the relative elevation of the receptors, the base of the planting itself, and the reflecting panels.

5.10.12 It is not clear how this is to be secured by the DCO and managed and maintained for the lifetime of the development, including the approval of such details to include a timescale to carry out such works prior to the operation of the development, the length of time needed to establish required hedgerow height, and replanting if required during the lifetime of the development. While references to landscaping and

boundary treatment/means of enclosure are made within requirements 3, 12, 13 and 16 it is not clear how this would specifically secure the required mitigation for the lifetime of the development, or within the appropriate timescale, such that the LPA could agree with the conclusions of the report in respect of these dwellings.

5.10.13 The receptors used within the Solar Photovoltaic Glint and Glare Study are given numerical references within the study. The receptors are not identified anywhere in the study by their address, making it not easy to identify the properties. This has been identified as an issue when considering the relevant representation made by the McKeown Family trustees of High House Farm, Brafferton which refers to the cumulative impact from glint and glare. Whilst Figure 11 of the Study shows an aerial overview of the location of the dwelling receptors, and Figures 12 – 53 an aerial image of numbered dwelling receptors, the figures do not identify the addresses of the dwelling. DBC would therefore request a list of addresses for those receptors used in the assessment.

5.10.14 A low impact where a solar reflection is geometrically possible is predicted on nine dwellings (84, 91, 117-118, 119, 121, 126, 200 – 201) due to the duration of effects and the presence of the following mitigating factors:

- Significant separation distance between observer and closest visible reflecting panel
- The position of the sun – effects that coincide with direct sunlight appear less prominent than those that do not

The impact may be reduced to none for some of these dwellings once proposed hedgerow/tree planting has been established.

5.10.15 In the case of dwellings 84 (previously 83), 119 (previously 120), 121 (previously 122) and 201 (previously 200) the PEIR version identified the impact as moderate but for these properties in this assessment the impact is considered low. Clarification is also requested as to why the level of impact has changed to allow Environmental Health to consider this matter further.

5.10.16 No significant impacts are predicted on any of the remaining 240 dwellings within the assessment area, because where solar reflections are geometrically possible, there is significant existing and/or proposed screening such that reflections lasting more than 60 minutes on any given day and/or 3 months per year are not expected to be possible. Mitigation is not therefore required.

<u>Adequacy of the Application/DCO</u>

5.10.17 DBC requests clarification from the ExA regarding the status of the Pager Power Guidance 2022 and whether this should be considered the authoritative guidance to be used in assessing the submitted Glint and Glare Study, also prepared by Pager Power. Clarification is also sought as to how mitigation for those ten dwellings where a moderate impact is predicted is to be secured by requirement, as outlined in the previous paragraphs of the LIR, the reason for the reduction in the number of

dwellings for assessment, and why the assessment of impact has changed between the PEIR and this assessment for some dwellings. Addresses of receptors is also required to allow further consideration to be given to the cumulative impact of the proposed development in terms of glint and glare.

5.10.18 Without such clarification, the proposed development is considered to have a **negative** impact on certain properties in respect of glint and glare, with the potential to have a **neutral** impact should these outstanding matters be satisfactorily resolved.

5.11 Health and Air Quality

Key Policies

- DLP Policy DC3 – Health and Wellbeing
- DLP Policy DC4 – Safeguarding Amenity

5.11.1 DLP Policy DC3 requires that all new development that may cause groundwater, surface water, air (including odour), noise or light pollution, either individually or cumulatively, will be required to incorporate measures to prevent and reduce their pollution so as not to cause unacceptable impacts on the living conditions of all existing and potential future occupants of land and buildings, the character and appearance of the surrounding area and the landscape. Major development requires the submission a Health Impact Assessment as part of the application to explain how health considerations have informed the design.

5.11.2 Much of this is echoed in DLP Policy DC4 which requires that new development should be sited, designed and laid out to protect the amenity of existing users of neighbouring land and buildings and the amenity of the intended users of the new development.

Key Local Issues

5.11.3 It was agreed at the EIA Scoping stage that air quality could be scoped out as emissions are likely to be restricted to the construction and decommissioning phases with negligible exhaust emissions from construction road traffic and non-road mobile machinery. The low number of vehicle trips during the operational phase will not exceed the criteria set out in EPUK/IAQM's Land Use Planning and Development Control: Planning for Air Quality.

5.11.4 The outline Construction Environmental Management Plan (oCEMP) includes a construction dust assessment using the IAQM's Guidance on the Assessment of Dust from Demolition and Construction. This would be secured by Requirement 4 (CEMP).

5.11.5 The issue of dangers of battery storage is raised for consideration, however DBC would suggest that the matter of safety (in this case fire risk) is not normally a material planning consideration and Environmental Health would not be in a position to provide further guidance on this aspect. It is noted that an outline Battery Safety Management Plan (oBSMP) has been submitted with this application and it is assumed that the ExA will seek the views of the Health and Safety Executive and the County Durham and Darlington Fire and Rescue Service on this matter.

5.11.6 Requirement 11 (Battery Safety Management) requires a battery fire safety management plan (BSMP) to be submitted to and approved by the relevant planning authority (11(1)) which should substantially accord with the outline BSMP. Requirement 11 (and Explanatory Memorandum) further sets out at 11(3) that should any BSMP be submitted which proposes changes to the outline BSMP this must not be approved by the relevant planning authority until it has consulted with the Health and Safety Executive (HSE) and relevant Fire and Rescue Service (being the County Durham and Darlington Fire and Rescue Service (CDDFRS)).

5.11.7 Should the views of the HSE and CDDFRS not be sought on the outline BSMP at this stage, DBC would request they be identified as appropriate third parties with which they can consult in relation to any documents submitted under this requirement, as set out in the Explanatory Memorandum accompanying the DCO.

Adequacy of the Application/DCO

5.11.8 As Air Quality was scoped out of the EIA and provided dust mitigation measures can be secured via requirements, the proposal is considered to have a **neutral** impact on air quality. The views of the HSE and CDDFRS should be sought on the adequacy of the outline BSMP and identified as appropriate third parties for consultation on the final BSMP to be submitted under requirement 11. DBC are not therefore in a position to advise on the impacts of the development in relation to battery storage safety.

5.12 Noise and Vibration

Key Policies

- DLP Policy DC3 – Health and Wellbeing
- DLP Policy DC4 – Safeguarding Amenity

5.12.1 DLP Policy DC4 requires that new development should be sited, designed and laid out to protect the amenity of existing users of neighbouring land and buildings and the amenity of the intended users of the new development. New development will be supported where it is suitably located so as not to give rise to adverse impacts from noise and disturbance, including traffic movements and hours of operation from new development.

Key Local Issues

5.12.2 Noise from the construction, operational and decommissioning phases of the development was scoped in to the Environmental Impact Assessment and is considered in Chapter 11 of the Environmental Statement (ES). Chapter 11 details the assessment methodology considering the impact in terms of the sensitivity of the receptor in determining the magnitude of change in operational noise, road traffic noise, construction and vibration. The Council's Environmental Health Manager is satisfied with the assessment methodology used.

5.12.3 Background noise modelling was carried out by Wardell Armstrong over 24 hours to cover a full day and night at nine locations (ML1 – ML9) around the development site

that are representative of the nearest noise sensitive receptors to establish the existing noise levels. The noise assessment identified 35 existing sensitive receptors (ESR) (ES Figure 11.1) within the assessment area, based on the agreement with the Council that 300 metres is sufficient to encompass where any noise sensitive receptors are potentially affected by the development. Where a receptor sits outside the 300m buffer, but is representative of receptors in a certain direction, it has been included for completeness and to ensure a robust assessment.

5.12.4 There is a lack of ESRs in the northern area of Panel F and West House Farm, as well as Downland Farm and Cobby Castle Forge (the latter has a predicted daytime noise level of 25dB but is situated within a contour showing levels in the region of 35-40 dB) would appear not to have been identified as an ESR subject to a BS4142 assessment. Section 11.6 of ES Chapter 11 makes reference for the purpose of the noise assessment that the study area consisted of the Order Limits and within a radius of up to 300m beyond the Order limits for robustness. These properties would look to be within 300m of the Order Limits and clarification is therefore sought as to why these properties have not been included as an ESR. It would also be helpful if a list of addresses for all ESRs subject to a BS4142 assessment could be provided.

5.12.5 Noise modelling using software SoundPLAN 8.2 has been undertaken, taking into account the proposed development's layout, proposed equipment noise levels and traffic data (operational phase) to predict noise levels at receptors. The noise levels have been modelled to the worst-case scenario with all equipment operating at 100% capacity. A comparison has been undertaken of the existing and proposed noise levels during the operational phase to determine the magnitude of impact (change) and significant effects, according to the guidelines.

5.12.6 Subject to clarification regarding the lack of ESRs in the northern area of Panel Area F and confirmation of the addresses for all ESRs the following comments are provided following a review of the information provided with the application.

<u>Construction Noise</u>

5.12.7 The application states that construction time would be 12 – 18 months for a single-phase construction or 18 – 24 months for phased construction. Construction of the proposed development will be transient in nature and the application states that best working practice will be implemented to ensure the effects associated with noise and vibration will be less significant. This will be managed by the Construction Environmental Management Plan (CEMP) and construction times (08.00 – 18.00 Monday to Friday and 08.00 – 14.00 Saturday with no working on a Sunday or Bank Holidays) which will be secured by the DCO (requirement 15). Measures to control noise as defined in Annex B of BS 5228:2009+A1:2014 'Code of practice for noise and vibration control on construction and open sites' will be adopted where reasonably necessary.

5.12.8 Chapter 12 of the ES sets out that an average of six deliveries per day (12 movements per day) per Panel Area during construction will be expected. The draft

requirements/outline CEMP do not however seek to control delivery times. The Council would request that consideration be given to including deliveries within those activities to be time limited to ensure such activities do not adversely impact on nearby sensitive receptors.

5.12.9 Requirement 15(3) also seeks to allow certain permitted work to take place outside the construction hours which do not cause noise that is audible at the boundary of the Order limits. It would be preferable if reference could be made to such activities not being audible at any of the noise sensitive receptors as some of these receptors are within the Order Limits.

Operational Noise

5.12.10 Noise modelling has been carried out to calculate the operational noise levels at the existing receptors. A comparison has been undertaken of the existing and proposed noise levels during the operational phase to determine the magnitude of impact (change) and significant effects, according to the guidelines.

5.12.11 The results of the initial BS4142 assessment of operational noise (Battery Energy Storage Systems (BESS), inverters, switchgear) indicates that predicted noise from the proposed development will not exceed the background sound levels at any ESRs during the daytime, indicative of a low impact. The existing residual levels are significantly higher than the specific levels during the day which will result in the Proposed Development not being distinctively audible at any receptor during the daytime.

5.12.12 During the night time, however, it expected that the proposed development may exceed existing levels by 1 to 2dB at 4 of the 35 ESRs (15, 23 and 25) and up to 6dB at ESR 16, as the background noise levels at these locations are particularly low. A difference of around +5dB is likely to be an indication of an adverse impact, depending on the context. The assessment then goes on to consider the context in further detail and points out that BS4142 states that “where background sound levels and rating levels are low, absolute levels might be as, or more, relevant than the margin by which the rating level exceeds the background. This is especially true at night”.

5.12.13 The background noise level at ESR 16 is 26dB, i.e. very low and the noise rating level of the proposed development at this location is 32dB. As the exceedance occurs at night, the noise would only be considered internally, as outdoor amenity space is not generally in use at this time of day. Any noise from the Proposed Development would likely be inaudible internally even with windows open and would not disturb sleep.

5.12.14 While the relocation of the relevant BESS, inverters, switchgear etc impacting the rating level at ESR 16 could be requested, DBC agrees with the context explanation that the absolute sound levels are more relevant at night and as such it would be difficult to justify such a request if the impact on the noise sensitive receptor is likely to be negligible.

Adequacy of the Application/DCO

5.12.13 Chapter 10 of the ES covers the principal issues in relation to noise and vibration that require consideration as part of the DCO application. Further clarification regarding the lack of ESRs in the northern area of Panel Area F and confirmation of the addresses for all ESRs is requested, to enable a clearer assessment of impacts on specific properties to be undertaken. Comments on these further matters will be provided at the appropriate time. DBC would also wish to seek clarification on the wording of requirements 4 and 15 as detailed above. Without further information and clarification on these various matters, the proposed development is considered to have a **negative** impact on noise and vibration, with the potential to have a **neutral** impact should these outstanding matters be satisfactorily resolved.

5.13 Geology and Soils (including Agricultural Land)

Key Policies

- DLP Policy IN9 – Renewable Energy Infrastructure (Strategic Policy)

5.131 DLP Policy IN9 requires that proposed solar power development which involves agricultural land will be required to demonstrate that (1) the land has been shown to be poorer quality land in preference to higher quality agricultural land; and (2) the proposal allows for continued agricultural use where applicable and/or encourages biodiversity improvements around solar arrays. Land, which is classified as Grades 1, 2 and 3a in the Agricultural Land Classification system is defined as best and most versatile (BMV) agricultural land.

5.13.2 A Written Ministerial Statement (WMS) was published on 15th May 2024 which prioritises protection of high value agricultural land for food production over solar projects and encourages more use of brownfield land and rooftops. This statement sets out that due weight needs to be given to the proposed use of BMV land when considering whether planning consent should be granted for solar developments. For all applicants the highest quality agricultural land is least appropriate for solar development and as the land grade increases, there is a greater onus of developers to show that the use of higher quality land is necessary. Applicants for Nationally Significant Infrastructure Projects should avoid the use of BMV agricultural land where possible.

Key Local Issues

5.13.3 An Agricultural Land Classification and Soil Resources report (APP-150) and an Agricultural Land Assessment Criteria report (APP-151) prepared by a competent professional have been submitted with the application. The loss of agricultural land and impact on soil resources is considered in Chapter 9 (Land Use and Socioeconomics) of the Environmental Statement (APP-032).

5.13.4 The report concludes that overall BMV would account for 30 hectares (6.1% of the overall site area) of land within the Order Limits (2.4 ha or 0.5% of Grade 2 land and 27.6 ha or 5.6% of Grade 3a land), with 427.1 ha (87.1%) of land being Grade 3b land (not BMV) and 33.1ha (6.8%) being non-agricultural land (Norton substation and

highways). It is noted that the off-road cable route has not been fully surveyed (21.2ha out of 35ha was not accessible for surveying) as part of the ALC report which makes assumptions about the quality of land within this area.

5.13.5 The Grade 2 land is located within Panel Area F on land to the east of Bishopton and Redmarshall Primary School and also on the proposed on-road cable route between Bishopton and Redmarshall. Areas of Grade 3a land are located around Brafferton in Panel Area A, and to the north east and south west of Great Stainton within Panel Areas D and E. There is also an area of Grade 3a land at the northern most end of Panel Area F to the north west of West House Farm, Bishopton. There is a small area of Grade 3a land to the north of Redmarshall forming part of the cable route although this land falls within Stockton Borough Council's administrative boundary.

5.13.6 A small amount of this higher-grade land is to be used as biodiversity off-set land, including land to the south of Town End Farm, Brafferton (Panel Area A) and to the north west of West House Farm, Bishopton (Panel Area F). The ES at Chapter 9 sets out that "during construction, agricultural uses will cease within each of the panel areas and for the laying of underground cables. Subject to demand, agricultural uses including sheep grazing may resume within the panel areas once construction is complete, other than in the areas proposed for the on-site substation, operational access tracks and other infrastructure such as BESS, inverters, switchgear and spare containers".

5.13.7 Overall, the assessment concludes that proposed development would require the temporary loss of approximately 457ha of agricultural land within the six panel areas and the underground cables, in addition to approximately 33ha of non-agricultural land. The vast majority (93%) of the agricultural land is Subgrade 3b quality, and areas of BMV (Grades 2 and 3a) total 30ha or 6.6% of the agricultural land. The ES considers the loss of agricultural land during the construction period would have a moderate adverse, significant effect, however impact on agricultural land during the operational period has been scoped out and is not assessed further within the ES. At decommissioning stage and beyond, the land would be returned to agricultural production, which is considered to have a moderate beneficial, significant effect.

5.13.8 It is acknowledged that the proposed development would not result in a significant loss of BMV, that some of the higher-grade land would be used for ecological off-setting purposes, and that land between and beneath the panels in each of the panel areas would technically be available for sheep grazing. While grazing is identified as a potential means of managing the grassland habitat surrounding the panels (either grazing or light cutting), the application provides no certainty or commitment that this would take place.

5.13.9 In the absence of any such information however it cannot be demonstrated that the proposal fully meets the requirements of DLP Policy IN9 in regard to the use of agricultural land. Furthermore, the Council does not agree that the assessment of impacts relating to the loss of agricultural land during the operational period should be

scoped out and requires further consideration, particularly as the ES in both Chapters 6 (Land Use and Socioeconomics) (APP-032) and 13 (Cumulative Effects) (APP-036) acknowledges that there would be a significant cumulative effect relating to the temporary loss of agricultural land.

5.13.10 The potential loss of 457ha of agricultural land for the operational lifetime of the development (40 years) has the potential to have a negative impact in terms of food security, particularly when considered in conjunction with the loss of agricultural land in the near vicinity for other consented solar farm development.

5.13.11 It is also noted that little or no justification has been provided for the use of BMV land within the development proposals as required by the recent WMS.

5.13.12 The Council has not assessed the impact of the proposed development on soil resources, although notes that Natural England has provided detailed comments on this matter as part of their relevant representation. It is assumed that they will continue to contribute to the examination process and will be required to comment both on this matter and be satisfied that there is no significant loss of BMV having regard to national policy.

Adequacy of the Application/DCO

5.13.13 The relatively low level of BMV within the scheme is acknowledged (30ha or 6.1% of overall sit area), however in the absence of any justification for the use of BMV within the proposed development and the limited details of any potential grazing activity as part of the management of the grassland habitat surrounding the panels, the scheme does not fully meet the requirements of either DLP Policy IN9 or the WMS. The Council would wish to see further information submitted and be given the opportunity to comment further, but the scheme is considered to have a **negative** impact in terms of loss of agricultural land, particular the in-combination effects with other consented schemes.

5.14 Socio-Economic

Key Local Issues

5.14.1 Socio-Economic impacts are considered in Chapter 9 of the Environmental Statement 'Land Use and Socioeconomics' (APP-032). This Chapter makes reference to a Community Benefit fund of approximately £1.5m over the lifetime of the development being provided by the applicant during the operational period of the development. No further details are provided of the proposed fund, how the figure has been arrived at, how it is to be administered and allocated, and the type of schemes likely to be eligible for funding.

5.14.2 At Issue Specific Hearing 1 (ISH1) held on 23rd July 2024 the ExA requested that the applicant provide further information about the proposed Community Benefit Fund including the applicant's approach to community consultation and proposals for the administration of the fund. This information is to be submitted by Deadline 2 (29th

August 2024) and it is anticipated that this will be the subject of further comment and discussion by all parties during the examination.

5.14.3 It is considered appropriate for the applicant to provide a community benefits package in order to secure some wider benefits for the local community who will be most impacted by this national infrastructure project, as well as a community benefits offer across the whole of the wider area, given the piecemeal geographic spread and strategic size of the infrastructure project.

5.14.4 Darlington Borough Council is a relatively small authority of 76 sq. miles and offers most of its 107,800 residents a good quality of life. 86% of the Borough's population live in the urban area of Darlington itself, meaning the remaining areas is of a rural nature, green fields, rich biodiversity and characterful villages. This area is already impacted by a number of renewable energy scheme. The proposed development would compound that impact, particularly by the broad geographic spread of the scheme design, running across the rural landscape in a swathe from Darlington through to the point of connection in Norton in neighbouring Stockton Borough Council.

5.14.5 The proposed development would have a detrimental impact on the Borough's economy, significantly change the landscape in this part of the Borough, and negatively impact the health and wellbeing of communities, particularly those closest to the proposed infrastructure, including the residents of the villages and numerous settlements across the 590 hectares the solar farm covers.

5.14.6 Should the ExA decide that the national benefits outweigh the harm to these communities, it will be essential to have a full robust package of community interventions to offset the damage. To this end, we would expect a substantial index linked offer from the developer to cover an annual programme of interventions for the lifetime of the solar farm, and its decommissioning. We would expect this programme to be based around the following themes:

1. Renewable energy and energy efficiency
2. Biodiversity net gain
3. Reducing waste and increasing recycling
4. Rural business and agriculture/farming support
5. Community health and wellbeing support
6. Employment and skills development in renewables and supply chains
7. Active travel and public transport support
8. Highways mitigations and improvements
9. Visitor economy
10. Education and young people

5.14.7 The Council would also expect the applicant to fund the provision of a community liaison post throughout the life of the development in order to help address any concerns from residents especially during the construction and decommissioning phases of development.

National Non-Domestic Rates

5.14.8 It should also be noted, that while economic benefit might be perceived as being delivered through National Non-Domestic Rates (NNDR) i.e. Business Rates contributions from the development, the point of connection is Norton Substation within the adjoining Stockton Borough Council. Additionally, while Central Government have agreed NNDR from renewables can be retained locally there is no such guarantee such a policy will be continued into the long term. Therefore, in the case of this development, no economic benefit can be assumed from NNDR to those communities most impacted by the development.

5.14.9 It is estimated that the amount of NNDR payable on the proposed development would be in the order of £200,000 annually (see Figure 5.14 below). Over the lifetime of the development (40 years) this would equate to upwards of £8 million in lost revenue to DBC as host authority. This would be in addition to lost revenue from other consented solar developments within the Borough, most of which are in the close vicinity of Byers Gill, and which also connect into Norton substation.

Figure 5.14

Details	**Units**	**Byers Gill Solar**
Scheme size	**MWp**	180
Schedule of Values	**£/MW**	2,040
Rateable Value	**£**	**£367,200**
Universal Business Rate Multiplier	**£**	0.546
Annual rates payable	**£**	**£200,491**

5.14.10 DBC would welcome the ExA and MHCLG noting that consideration needs to be given to the policy of retention of business rates from renewables, due to rates being applicable at the geographic point of connection, rather than across the geographic impact of the solar panels themselves.

Adequacy of the Application/DCO

5.14.11 Further details of the applicant's proposed community benefit fund are anticipated, and the Council would welcome the opportunity to consider and comment further on these details at the appropriate time. While acknowledging that the ExA is unlikely to be able to influence the policy of the retention of business rates from renewables as part of the consideration of this application, the loss of business rates from a scheme of this size to Darlington Borough Council where the greatest impacts of the proposal will be felt is considered to have a **negative** impact, particularly when considered in conjunction with other lost revenue from other solar development within the Borough.

5.15 Cumulative Effects

Key Policies

- Numerous, as set out in other sections of this LIR

Key Local Issues

5.15.1 Chapter 13 (Cumulative Effects) (APP-036) of the ES relates to cumulative effects. Comments have been made in relation to individual impacts elsewhere in this Local Impact Report.

6.0 CONCLUSION

6.1.1 This LIR has undertaken a consideration of the potential impacts of the Byers Gill Solar NSIP at the local level in respect of the Darlington Borough Council administrative area, within which most of the development will be located. It has considered positive, negative and neutral impacts, within the context of its knowledge and understanding of the area, although in some cases a view has not been formed pending receipt of further clarification or information.

6.1.2 While it is noted that the delivery of renewable energy of this nature is in accordance with key strategic policies of the Darlington Local Plan, offering in principle support for such development, as does applicable national planning policy, this is subject to a number of detailed considerations regarding the impacts of the proposed development. The ExA will need to be satisfied that any residual impacts arising from the proposed development can be outweighed by the public benefits brought about by the proposed development.

6.1.3 DBC has identified a number of potential negative impacts, which can be summarised as follows:

- The scale and significance of the impact on the landscape and visual amenity of the area, both in isolation and cumulatively
- The loss of agricultural land, including a small proportion of BMV, both in isolation and cumulatively
- The potential for the development to impact upon the community in terms of glint and glare, and noise and vibration, although with the submission of further information/clarification such impacts could potentially be considered neutral
- Impact on the local highway network principally during the construction period and also during the operational period (glint and glare mitigation), although with the submission of further information/clarification such impacts could potentially be considered neutral

6.1.4 The following neutral impacts have been identified, subject to appropriate mitigation where necessary, and are listed below:

- Air Quality
- Land Contamination
- Heritage Assets
- Protected species (subject to further assessment of water voles)

6.1.5 Positive impacts are identified in terms of biodiversity net gain.

6.1.6 DBC consider that further information is required in respect of the following subject areas before the Council can form a view on the impacts arising from the proposed development, and would welcome the opportunity for further discussions on these matters during the examination period:

- Flooding and drainage (further clarity on sequential test)
- Public Rights of Way