



The countryside charity
Durham

CPRE Durham

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DEVELOPMENT CONSENT ORDER FOR PROPOSED SOLAR ARRAY AT BYERS GILL

My name is Richard Cowen and I have been a member of CPRE, the countryside charity, for over 20 years. I represent the Durham Branch regularly in making representations to planning applications or similar.

CPRE, the countryside charity, supports renewable energy as a way of combatting climate change but this cannot be at any cost. Members have been working for some time on seeking guidance to encourage solar arrays on roof tops, particularly commercial buildings and new builds. We are concerned at the loss of large areas of farmland and greenfield areas to large scale energy projects which will detrimentally affect our landscape and food production ability.

The Byers Gill project, if consented, will take up a large amount of land to the north of Darlington. This remains a rural area but we have been concerned about the amount of land that has recently been allocated for development (particularly housing development) in the Darlington Borough Local Plan to the west, north and east of Darlington. In addition, permission has recently been granted for large solar arrays (albeit not exceeding 50 MW) at Brafferton in the west of Darlington and Redmarshall in Stockton to the east. This proposed development would almost join these consented schemes.

We acknowledge that much of the land in this area is Grade 3b or below and so not Best and Most Versatile land for agricultural purposes. However, such land can still be productive from an agricultural point of view and in addition can have other uses, even if the land does not have other designations such as being an Area of Higher Landscape Value. The proposed

array is in an area used by many people for recreational purposes and many cyclists frequent the relatively quiet roads here.

The area to the north of Darlington is now undergoing significant change and there is a distinct likelihood that much of the rural character in this area will be lost. We acknowledge that, as far as this proposed development is concerned, this is said to be for a temporary period of 40 years, but 40 years is a very long time in human life expectancy terms. In addition, we note that there are now applications to extend the life of wind farms which were said to be for a temporary period of 25 years, and indeed the latest version of the National Planning Policy Framework issued in December 2023 (and following on from previous versions) makes “Repowering” applications easier than new applications. We therefore are concerned that this 40 year period may well, in the fullness of time, become in effect permanent. (This is likely to be made yet easier under the current review of the NPPF).

We therefore represent that these issues need to be addressed fully before the proposed Order is determined. In view of the loss further agricultural or greenfield land and the proximity of parts of the development to residential accommodation, we represent that the following issues need to be addressed to determine the planning balance in this case

- 1) The anticipated peak generation from the site. Bearing in mind that solar panels generate electricity in Direct Current and this needs to be converted to Alternating Current for transmission, we represent that the amount lost during conversion (believed to be about 33%) should be clarified and that the number of houses it is said are likely to be served is for AC, not DC.
- 2) The difference in peak generation in the various seasons. In particular, how much will be generated in winter bearing in mind poorer weather conditions and longer nights during this period.
- 3) How it is proposed to fill any gap that may be identified? We of course appreciate that battery storage is included within the application, but how is a supply from batteries to be guaranteed particularly in winter? When fully charged, how long is battery storage anticipated to last assuming there is no supply from the panels (eg at night)?
- 4) The impact that the scheme may have on recreational users of the area, including during construction which will take a number of years and introduce more heavy traffic on quiet roads often used by cyclists. What provisions will be included to ensure that the amenity of such people is protected?
- 5) The cumulative impact of such a large solar array, a commercial development, with other similar developments in the vicinity and indeed with other consented or allocated development under the Darlington Plan in the area to the north of Darlington.
- 6) The protection to be given to the amenity of local residents and other visiting this area. We note that various public rights of way are to be extinguished and various permissive routes created. What protection is to be given in respect of “permissive routes” and what guarantees are there that they will last for the duration of the Consent Order?
- 7) We also note Article 8 of the draft Order relating to Statutory Nuisance. We represent that this Order should not restrict any statutory provisions under Section 82 of the Environmental Protection Act 1991, themselves somewhat daunting given that they

are criminal proceedings in the Magistrates' Court and so incur a criminal standard of proof and are limited to the 6 month rule for commencing proceedings. Indeed, we question how this proposed article is to be read in light of the provisions of Section 152 of the Planning Act 2008, subsection 8 of which prohibits the removal of any protections offered by that Section in respect of any nuisance caused.

Richard Cowen