

Byers Gill Solar Development

Application by RWE Renewables for an Order granting Development Consent for a proposed solar development on land between Darlington, Stockton-on-Tees and Newton Aycliffe

PINS Ref: EN010139

SUMMARY

of

Landscape & Visual Review

for

Deadline 2 Written Representations

by

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for

Bishopton Villages Action Group

29th August 2024

- S1 I am a Chartered Member of the Landscape Institute (CMLI), a Fellow of the Royal Society of Arts (FRSA), and a Member of the International Association for Landscape Ecology (MIALE). I specialise in landscape, environmental and colour assessment and planning in the UK and abroad, and have done so for over 40 years.
- S2 My relevant experience is set out in Section 1.2 of my report, but for the last three years, I have been and still am involved with many renewable energy (wind / solar) proposals in the UK, some of which are Nationally Significant Infrastructure Projects (NSIPs), so I am very familiar with the issues associated with developments such as the one proposed here.
- S3 In February 2023, I was approached by a representative of the Bishopton Villages Action Group (BVAG), who asked whether I would be prepared to act as their landscape consultant for the proposed Byers Gill solar development, and advise them throughout the Examination process.
- S4 In order to establish whether I could act / advise, I needed to gain a preliminary understanding of the proposed development and the likely issues, so I carried out a fairly rapid desktop baseline study and review of the proposals. At that time, the scheme was at the pre-application phase, and scoping documents had been submitted. In the light of this exercise and past experience, I concluded that I was prepared to undertake the commission, and was subsequently instructed by BVAG to proceed. I undertook in-depth baseline desktop studies, visited the site and surrounding areas, and spoke to local residents.
- S5 Once it had been submitted, I carried out a full review of the Application, including the Applicant's Landscape and Visual Impact Assessment (LVIA), and undertook my own technical assessment of landscape and visual effects, in accordance with published guidance. This involved carrying out further site visits, research, and informal consultation.
- S6 However, please note that the scope of this commission is somewhat different from that of a 'standard' LVIA, in that it is a 'hybrid' between an assessment and a review, and it also factors in matters discussed / noted during the Examination process to date.
- S7 Also, for conciseness, I decided not to write up the findings of my assessment and review separately and in full; rather, I have summarised the most relevant points in this report, and provided a few detailed examples, to justify my conclusions about the LVIA review, effects, and the matters with which I agree / do not agree.
- S8 If necessary, I will draw on my full notes and hand-drawn plans during the Examination, to inform any questions and / or responses.
- S9 The main aims of my assessment and review were:
- i) to understand the issues of relevance to landscape and visual effects, and establish whether they are a) identified and b) properly addressed in the Applicant's submissions;
 - ii) to determine whether the Applicant's submissions provide sufficient information to ensure that informed judgements about landscape and visual effects can be made, and on which decision-makers can confidently rely; and
 - iii) to establish a) the main areas of agreement and disagreement, and b) the reasons for such agreement / disagreement.

S10 In summary, I concluded that:

- i) many issues of relevance to landscape and visual effects are not identified or properly addressed in the Applicant's submissions;
- ii) the Applicant's submissions do not provide sufficient information to ensure that informed judgements about landscape and visual effects can be made, and on which decision-makers can confidently rely; and
- iii) notwithstanding the above, there appear to be many areas of agreement about landscape and visual matters, including effects, as explained below.

S11 My own assessment concluded that the proposed development would give rise to **significant adverse** landscape and visual effects.

S12 National Planning Policy Framework (NPPF) paragraph 163 b)¹ says that '*applications for renewable and low carbon development should be approved if its impacts are (or can be made) acceptable*'. In this case, the majority of the significant adverse landscape and visual effects are not, and could not be made, acceptable, and would remain significant for the 40-year duration of the operation – for many, that would be a lifetime.

S13 Some effects would or could be 'truly' permanent, not just scheme elements such as the proposed Distribution Network Operator (DNO) substation complex, but also, damage to buried heritage assets and soils, and loss of vegetation.

S14 Not only would some of the levels of adverse landscape and visual effects be at the very highest level, but they would also extend over a vast area. The site covers c. 490ha, and stretches some 12km from west to east, and 2.7km from north to south, in the triangle of land between Darlington, Newton Aycliffe, and Stockton-on-Tees.

S15 Once the busy urban areas are left behind, the area very quickly becomes deeply rural, characterised by scenically-beautiful, sparsely-settled, working agricultural landscapes of arable and pasture, interspersed with woodland, watercourses, historic features, and historic villages linked by narrow, winding lanes. Here, levels of tranquillity are surprisingly high, with no disturbance, often, the only sounds are skylarks singing and the wind blowing across the fields.

S16 In fact, it is not easy to fully comprehend the magnitude of size and scale of the proposal, especially relative to its wider context and how much land it would cover. This is best established by travelling around by car / on foot, but by way of comparison, I calculated that the site could accommodate the nearby large urban residential settlement of Newton Aycliffe, which has a population of around 27,000.

S17 Also, the proposed development must be considered in combination with other existing and proposed solar developments and similar large-scale projects nearby, some of which have already industrialised / urbanised parts of the area, and will no doubt continue to do so.

S18 Importantly, the increase in such development, which includes housing, results in ever-more pressure being put on ever-decreasing landscape resources, meaning that the resources become even more valuable, and more vulnerable to change.

¹ December 2023 version used throughout

- S19 My report describes some of the significant landscape, visual and other effects likely to arise in detail, where they have not been identified or adequately explained in the Applicant's submissions. Below is a brief summary of other likely / potentially significant landscape-related effects which were identified in my assessment and review:
- i) There would be significant and unacceptable harm to social and recreational amenity, especially the enjoyment of well-used and highly-valued public rights of way through a high-quality landscape offering many valuable resources, and performing many valuable / critical functions.
 - ii) There would also be significant and unacceptable harm to residential amenity.
 - iii) The proposed development would result in high levels of harm to the settings of several designated heritage assets, and potentially, to buried archaeology.
 - iv) The claims that the development would deliver significant biodiversity net gains are doubtful, and the proposals are in fact likely to cause significant harm to habitats and species, including protected species including otters, water vole, and bats.
 - v) There is the potential for significant and probably permanent soil damage / reduction in quality and fertility.
 - vi) There is the potential for significant adverse effects on water quality.
- S20 There are many other matters of concern, especially in terms of potentially significant adverse effects, which are either a) covered in some detail in the Applicant's assessments, but the conclusions are based on flawed methods / assumptions; or b) not covered in sufficient detail (or at all) in the Applicant's submissions, nor in my own assessment: examples are given in Section 4.8.
- S21 Regarding the landscape and visual topic in relation to this Examination, not only did my own assessment conclude that the proposed development would give rise to **significant adverse** landscape and visual effects, but so did the Applicant's.
- S22 Whilst my review concluded that certain aspects of the Applicant's LVIA method and process are flawed, and as a result, the overall levels of landscape and visual effects would be higher than the LVIA predicts, it is hoped that the parties can agree that the adverse landscape and visual effects arising from the proposed development would be 'significant', and thus landscape and visual effects could be scoped out of the Examination, which would save a considerable amount of time.
- S23 Of course, 'landscape' covers / is relevant to a wide range of environmental and other topics, for example heritage, biodiversity, soils, hydrology, transport, and recreation (views are also relevant to some of these), so such agreement should not preclude further discussion about specific landscape and visual effects if necessary.
- S24 Indeed, in my opinion, it is very important to understand the specific cause and nature of the landscape, visual, and other effects likely to arise, as this may be useful for future discussions / queries about associated topics, especially mitigation.
- S25 Notwithstanding any such agreement, it would be helpful if the ExA could ask the Applicant to clarify some of the matters raised in this report where noted, and to supply additional information, if the ExA considers that this would be relevant / useful.

- S26 Naturally, the proposals for the Byers Gill application in particular have caused not only concern, but also great anxiety amongst local residents. My assessment concluded that these concerns and anxieties are not unfounded, or based on speculation: on the contrary, they are based on evidence and fact.
- S27 The government's Planning Practice Guidance (PPG) says, '*The National Planning Policy Framework explains that all communities have a responsibility to help increase the use and supply of green energy, but this does not mean that the need for renewable energy automatically overrides environmental protections and the planning concerns of local communities. As with other types of development, it is important that the planning concerns of local communities are properly heard in matters that directly affect them.*'
- S28 Members of the local communities have clearly expressed their concerns about the proposals, and I hope that this report adequately represents those relating to landscape and visual effects.

Carly Tinkler BA CMLI FRSA MIALE 29th August 2024