

Submission through NSIP Portal

For Deadline 4

24<sup>th</sup> October 2024

The Examining Authority

**Planning Inspectorate**

Attn: Jennifer Savage | Case Manager – National Infrastructure (Environment)

**Application by RWE Renewables UK Solar and Storage Limited for an Order Granting Development Consent for the Byers Gill Solar Project. PINS Reference No: EN010139.**

Please find enclosed a table of comments in respect of the invitation by the Examining Authority to all Interested Parties to submit Post ISH submissions to ExA for Deadline 4 24th October 2024. This response is submitted on behalf of Bishopton Villages Action Group (BVAG) a registered Interested Party (IP Reference Number 200048675) to the Examining Authority.

This response also addresses the Action Points arising from ISH2, ISH3 and ISH4 issued by the ExA following these hearings.

BVAG does not necessarily express the views of the local Parish Councils or Meetings, although many of the opinions are shared by the affected community. BVAG includes residents from the villages of Bishopton, Great Stainton, Little Stainton, Brafferton, Whitton, Stillington, Sadberge, Carlton, and Redmarshall.

The response should be read within the context of previous submissions made by BVAG to the Examining Authority as follows:-

- (1) BVAG Adequacy of Consultation Representation (February 2024) appended to Darlington Borough Council's response to the Secretary of State (SoS) regarding the Applicant's Adequacy of Consultation.
- (2) BVAG Relevant Representations (RR-548) submitted 15th May 2024 and registration as an Interested Party (IP Reference Number 200048675) and summary of RR by Deadline 1 (13th August).
- (3) BVAG Response to ExA Rule 6 letter- Written submissions on the Examination Procedure and Timetable (July 2024) including suggested locations for Site Inspections Accompanied and/or Unaccompanied and attaching a map and table of other solar schemes consented in the near area.

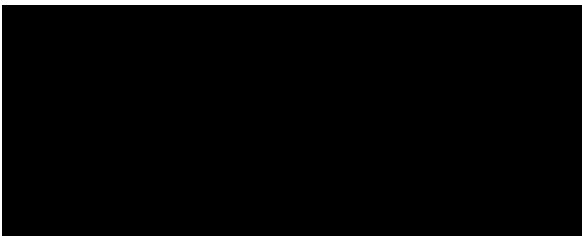
- (4) BVAG attendance at Preliminary Hearing on 23rd July 2024 and Open Floor Hearing (OFH) 1 on 24th July 2024.
- (5) RWE/BVAG Statement of Common Ground and exchange of drafts for submission for Deadline 1 (13th August 2024) submitted by RWE on behalf of the parties.
- (6) Written Representations submitted on 29<sup>th</sup> August 2024 (Deadline 2) consisting of a BVAG Statement of Objection and a separate Landscape & Visual Review, and associated Appendices.
- (7) BVAG Response to the Examining Authority 'Comments on responses to ExQ1' (Deadline 3) on 19th September 2024 .

BVAG attended the Issue Specific Hearings throughout as well as the subsequent Accompanied Site Inspection. The table attached addresses issues arising from both events.

It is BVAG's opinion that the responses by RWE at the Hearings continue to provide insufficient information or justification for the proposal at this scale, and of this form. It is hoped that further information will be submitted as part of the applicant's response to the ExA's Action Points listed above, and BVAG shall review and comment on those in due course.

BVAG continue to work with the applicant through a Statement of Common Ground approach, and welcomes the support provided by the Examining Authority in its engagement with the process.

Please find a table of comments attached. Please do not hesitate to contact me if you have any queries.



**Andy Anderson MRTPI FRGS**

**For and on behalf of Bishopton Villages Action Group**

Appendix: Table of Comments Below

# Byers Gill Solar Development

Bishopton Villages Action Group Post ISH submissions to ExA

for Deadline 4 24<sup>th</sup> October 2024

Issue	BVAG issue raised in ISH	BVAG Comment to ExA
<p>1. Alternatives  (Ref ExA ISH2 Action Point 3)</p>	<p>At the ISH as well as in ExAQ1 the applicants were asked to provide information on alternatives considered to the proposed scheme.</p> <p>Alternative scenarios should be reasonable and should include location, character, design and fundamental principles.</p> <p>The scale of the proposal should be proportionate to the alternatives examined. BVAG consider the scale of the proposal warrants a full and proper examination of the alternatives. As well as justifying the proposal, all alternatives which can achieve the same benefits with less adverse and harmful impacts must be explored to comply with legal requirements.</p> <p>For example, BVAG would question whether the applicant has applied best practise or even Government policy to reduce land take, and</p>	<p>At the hearing BVAG raised the issue of alternatives bearing in mind</p> <p><b>1. The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017, Schedule 4</b></p> <p>“ (2). A description of the reasonable alternatives (for example in terms of development design, technology, location, size and scale) studied by the developer, which are relevant to the proposed project and its specific characteristics, and an indication of the main reasons for selecting the chosen option, including a comparison of the environmental effects.”</p> <p>And,</p>

	<p>attempted to look at more innovative and exemplary schemes such as agrivoltaics solutions, or best technology to reduce land take, and impact on farming and the communities which BVAG represent.</p> <p>BVAG consider the proposal is grid led, and does not explore real alternatives in location, size, character or technology.</p>	<p><b>2. National Policy Statement for Renewable Energy Infrastructure (EN-3) Paras 2.10.10 and 2.10.11</b></p> <p>“The Powering Up Britain: Energy Security Plan states that government seeks large scale ground-mount solar deployment across the UK, looking for development mainly on brownfield, industrial and low and medium grade agricultural land. It sets out that solar and farming can be complementary, supporting each other financially, environmentally and through shared use of land, and encourages deployment of solar technology that delivers environmental benefits, with consideration for ongoing food production or environmental improvement.”</p> <p>And bearing in mind further RWE’s own website and statements re solar and agriculture,</p> <p><i>“Agriculture worldwide is facing the challenge of adapting to the requirements of a more sustainable food production. At the same time, the production of renewable energy is becoming increasingly important in order to mitigate climate change and drive forward the energy transition.</i></p> <p><i>This requires a large amount of land, including agricultural land. Agrivoltaics (Agri-PV) is an innovative solution that combines these objectives.</i></p> <p><i>Agri-PV plants are solar systems that are installed on agricultural land. They combine the production</i></p>
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<p>2. Overplanting, land take and technology.</p> <p>Ref: ISH2 Action Point 2</p>	<p>The applicant indicated an overplanting at a ratio of 1.6 which BVAG do not consider justified to meet the industry norms or Government guidance on overplanting to provide for normal solar PV degradation of panel efficiency over time.</p> <p>The guidance does not justify an over planting of 1.6 and taking both this into account, as well as future technology BVAG is if the opinion that a considerably reduced site could provide the same output, with far less adverse impacts and harm.</p> <p>At the ISH2 the applicant confirmed that the proposal has been designed to generate 288 MW peak DC and the quoted output for 180 MW is AC.</p> <p>BVAG would request that all information provided by RWE on over-planting and the estimated number of solar panels, and specifications of those (source, type, model etc) are provided to all parties and not declared commercially confidential.</p>	<p>Bearing in mind <b>ENS-3 Para 2.10.55:-</b></p> <p>“The installed generating capacity of a solar farm will decline over time in correlation with the reduction in panel array efficiency. There is a range of sources of degradation that developers need to consider when deciding on a solar panel technology to be used. Applicants may account for this by overplanting solar panel arrays. ”</p> <p><i>Footnote 92</i> then provides further guidance,</p> <p>“Such reasonable overplanting should be considered acceptable in a planning context so long as it can be justified and the electricity export does not exceed the relevant NSIP installed capacity threshold throughout the operational lifetime of the site and the proposed development and its impacts are assessed through the planning process on the basis of its full extent, including any overplanting.”</p> <p>This advice was reiterated in a Ministerial response dated 24 May 2024.</p>

<p>3. Highways</p>	<p>BVAG questioned the applicant’s assessment of travel to work assessments during the construction phase. The rural location results in car dependency and there are no options for other modes of travel as encouraged by planning policy such as walking, cycling and public transport.</p> <p>The ExA’s detailed questions on the applicant’s travel and traffic management proposals were welcomed, BVAG’s opinion based on experience and local roads and transport patterns is that the construction travel plans are inadequate.</p> <p>The CTMP should state where the proposed construction could impact on local businesses perhaps causing them to close, if such have been indentified.</p>	<p>The Applicant stated that construction workers would use ‘shared transport’ from a site compound to the work site.</p> <p>Based on a working day 8.00 -1800 hrs approx. 100 construction workers would gather at a site compound to be transported to the work site.</p> <p>They stated that transporting the workers would take 1hr and would involve 15 trips, based upon the ‘shared transport’ being a 7-seater vehicle.</p> <p>At the end of the day it would take 1 hr to transport the construction workers back to the compound, meaning a 12-hour day for the workers ‘on-site’ excluding their own transport to the site compound.</p> <p>Following the stated logic, it suggests that the Applicant’s TMP is based upon 1nr shuttle bus, on a 4min round trip (based upon 15 trips/hr) – this would be to load 7nr workers, transport to work-site, decant the workers, return to the site compound.</p> <p>Shared transport on construction sites is notoriously difficult to establish effectively. Expecting construction workers to wait for up to 2hrs/day to get from the site compound to their place of work is unrealistic.</p> <p>If some workers choose to use their own transport to get to the work site this could potentially result in up to 100 vehicles parked in rural lanes, etc.</p> <p>At the Hearing, the Applicant dismissed this would be the case when questioned, stating that a ‘fleet’ of shuttle buses would be used.</p>
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<p>4. Size of Proposed Byers Gill Solar Installation</p>	<p>BVAG pointed out that the proposal was equivalent to some <b>ten times</b> for the size of a typical UK solar farm.</p> <p>RWE responded to this assertion at the ISH quoting the MW output whereas BVAG referred to the size in hectares.</p> <p>BVAG would like to clarify the source.</p>	<p>ENS-3 on Renewable Energy Policy confirms:-                  “A typical 50MW solar farm will consist of around 100,000 to 150,000 panels and cover between <b>125 to 200</b> acres. However, this will vary significantly depending on the site, with some being larger and some being smaller. This is also expected to change over time as the technology continues to evolve to become more efficient.”</p> <p>The Byers Gill DCO area is 1,211 acres. This is thus <b>9.6</b> times greater than the lower end of the range. Since this refers to 50MW farms there are many below this range. It would therefore be reasonable to quote Byers Gill as being ten times the area of many existing solar farms in the UK.</p> <p><b>The UK Government’s Renewable Energy Planning Database: quarterly extract (July 2024)</b> indicates that Byers Gill is greater than ten times the size of many solar farms in terms of installed capacity. The Database does not currently provide information on area sizes.</p>
<p>5. Landscape and SoCG</p>	<p>There remain differences of opinion between BVAG’s own landscape and visual impact analysis and the applicants. There is agreement of adverse impacts in terms of landscape and visual impact, and disagreement thereafter on</p>	<p>It is understood that the applicant will work with BVAG to incorporate Landscaping matters into the Statement of Common Ground (SoCG) as soon as possible to enable these issues to be progressed, and potential improvements to mitigation and to influence or modify the scheme at detailed design</p>

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	the adequacy of proposed mitigation measures.	stages should the DCO be consented. (ISH4 Action Point refers).
6. Accompanied Site Inspection	BVAG were present during the Accompanied Site Inspection (ASI). During the ASI it was noted y the ExA that there were important omissions and discrepancies between the situation of the ground, and the applicant’s Landscape and Visual Impact Assessment.	<p>These include, amongst others an absence of assessment of</p> <ul style="list-style-type: none"> <li>• The complete omission of an affected local residence subjected to significant visual impact ( May Tree Farm).</li> <li>• Setting of Bishopton Motte and Bailey</li> <li>• Salters Lane and ancient drovers road</li> </ul> <p>BVAG would therefore expect additional assessments to be undertaken as a result of issues raised during the ASI.</p>
7. Heritage and Archaeology	BVAG raised the lack of Geophysical Surveys undertaken around the Bishopton Motte and Bailey. The response by the applicant is considered inadequate and does not address why several areas were part of a Geophysical survey for archaeological assessment yet the Motte and Bailey – a Scheduled Monument and the highest grade heritage asset within the DCO area - was excluded.	<p>BVAG consider that Historic England’s comments on settings relate to above ground assets. The Scheduled Monument which is an 11<sup>th</sup> century fortress has obvious potential underground assets. It was in fact one of a handful of Motte and Bailey’s within the UK studied for potential earlier origins. The proposed construction of a major infrastructure cable immediately adjacent has the potential to harm underground assets. No reasonable explanation was given for its exclusion in the archaeological geophysical survey, and BVAG consider this should be remedied before consent is granted. A post consent precautionary approach as proposed by the applicant at the Hearing is inadequate for such a high grade asset of this nature.</p> <p>BVAG are undertaking further research into this site and will be reporting in due course.</p>