



Hearing Transcript

Project:	Byers Gill Solar
Hearing:	Open Floor Hearing 3 Session 1 (OFH3)
Date:	26 November 2024

Please note: This document is intended to assist Interested Parties.

It is not a verbatim text of what was said at the above hearing. The content was produced using artificial intelligence voice to text software. It may, therefore, include errors and should be assumed to be unedited.

The video recording published on the Planning Inspectorate project page is the primary record of the hearing.

TRANSCRIPT_BYERSGILLSOLAR_OFH3_SESSION1_26112024

Tue, Nov 26, 2024 4:12PM • 1:22:50

Good afternoon, everybody. Can I confirm that everybody can hear me clearly? Thank you.

And I also confirm with production 78 that the live streaming and recording of this event has commenced. Thank you very much

for those people watching the live stream. Can I also advise that, should we at any point adjourn proceedings this afternoon, we'll have to stop the live stream through clear recording files as a result. At the point at which we recommence the meeting and restart the live stream, you'll need to refresh your browser page to view the restarted stream. We will remind you of this again. Should we need to adjourn? Sorry. Can I just check that everybody virtually can hear me? Could somebody give me a thumbs up, please?

Anybody who's not in the room, who's participating,

there all are people you

are they hearing us? Alright? Production 78 I assume they are. Thank you.

It's now 2pm and it's time for this hearing to begin. We will aim to finish this hearing by 5pm at the latest. I would like to welcome you all to this open floor hearing three in relation to an application made by RWE renewables, UK solar and storage limited, who we will refer to as the applicant for an order granting development consent for bios, gills solar, the development proposed consists of a solar farm with over 500 megawatt megawatts capacity, ground mounted solar, photoc, PV modules and associated mounting structures, inverters, transformers, switch gear and control equipment, a substation, energy storage equipment and underground on and off site cabling. Thank you all for attending this hearing. My name is Max Wil, a chartered civil engineer employed by the planning Inspectorate. Have been appointed by the Secretary of State for housing, communities and local government as a member of the panel of inspectors to examine this application. I'm now going to ask my fellow panel members to introduce themselves, because

Good afternoon. My name is Andre Pinto and I'm a charter town planner employed by the planning inspectorate, and I have been appointed by the Secretary of State for housing, communities and local government to be the lead member of the panel to examine this application.

Good afternoon. My name is Alex oyebade. I am a charter transport planner employed by the planning inspectorate, and I have been appointed by the Secretary of State for housing communities and local government to be a member of the panel to examine this application.

So together, we constitute the examining authority, and we will be reporting to the Secretary of State for energy security and net zero with a recommendation as to whether the development consent order should be made. The case manager for this project is Jenny savage. Jenny has been supported here today by Miss Rebecca Luxton. You have any queries about the examination process or the technology we're using for virtual events, they should be your first point of contact. Their contact details can be found at the top of any letter you have received from us, or on the project page of the national infrastructure website.

A few housekeeping matters for those attending in person. Can everyone please set all devices and phones to silent.

The closest, inclusive and female toilets are just outside the room on this floor through the same doors you used to enter the room earlier, there are additional toilets just by the snack bar on the first floor. There are no fire evacuation tests planned for today. Should the fire alarm sound? Please make your way to the nearest fire exit door using the far doors marked in this room and head downstairs. Fire evacuation assembly point is at the square outside the main entrance to this building.

This is a hybrid event, meaning some of you are present with us at the hearing venue, and some of you joining us virtually, using Microsoft Teams for those people observing or participating through teams. Can you please make sure that you stay muted unless you are speaking, you're participating virtually and you wish to speak at the relevant point in the proceedings, please use that hand up function. Please be patient, as we may not get to you immediately, but we will invite you to speak at the appropriate time. We'll make sure that, however, you have decided to attend today, you will be given a fair opportunity to participate.

In addition to the live stream, a recording of today's hearing will be made available on the buyers guild section of the national infrastructure planning website as soon as practicable after the meeting is finished with.

This in mind, please ensure that you speak clearly into a microphone, stating your name and who you are representing each time before you speak.

For those who will come forward to the table, you do that by pressing the large button at the base of the microphone. If you're not at the table with a microphone, there's a roving microphone that will be brought to you, so please wait for one of these before you speak.

If you're attending virtually and don't want your image to be recorded, you can switch off your camera. For those in the room who don't want to be recorded, there is an area at the very back of the room out of the camera shop. Please use that area,

because the digital recordings that we make are retained and published, they form a public record that may contain your personal information, and to which the general data protection regulations apply only in the rarest of circumstances, might we ask you to provide personal information of the type that most of us would prefer to keep private or confidential, therefore, to avoid the need to edit the digital recordings, please try your best not to add information to the public record that you wish to be kept private or that is confidential. If you feel that personal information is necessary, please provide this in a written document that we can redact before publication. The planning inspectorates practice is to retain and publish recordings for a period of five years from the Secretary of State's decision,

a link to the planning inspectorates privacy notice was provided in the rule six letter alongside the notification for this hearing. I assume that everybody here today has familiarized themselves with this document which establishes how the personal data of our customers is handled in accordance with the principle set out in data protection laws. Please speak to Jenny savage if you have any questions about this. Are there any questions or comments on what I have just laid out?

I can't see any Thank you. I will then explain the purpose and conduct of this meeting, and the gender has not been prepared for this hearing because its purpose is to hear the representations of interested parties who have registered to make all representations, elaborating on their written representations to date, open floor hearings are your opportunity to raise anything directly to the examining authority that is important and relevant and you think we should know about and consider they're not about a particular location or topic. The topic of your representations, about the proposals, is therefore up to yourself.

I propose to start by calling those interested parties that have confirmed their desire to speak in advance to this meeting, joining us here in the room. I will then call on those that have confirmed their desire to speak in advance of this meeting, joining us virtually, after having heard those who have given us prior notification and subject to time availability and the exas ability to manage the hearing. I will then ask any additional interested persons joining us, either virtually or in person, who wish to speak, but I mentioned this is at the examining authority's discretion. Please note that once you have spoken, the panel may wish to ask you questions.

Once all interested parties have been called, we will get, then give an opportunity to the applicant to believe briefly respond to all the points made

as per previous hearings, all participants will be asked for post hearing, written submission of their all cases as heard, as heard at this open floor, hearing,

the applicant will be given an opportunity to respond to any matters raised once all speakers have been heard, either orally or in writing, by deadline six, which is the sixth of December, following from this open floor, hearing, if any other interested person wishes, is to make a written submission you can but please do so by deadline six, the sixth of December.

Does anyone have any comments to make on this proposed way forward? Please.

Thank you

when I call your name, please introduce yourself as and when you come up to speak, and if you are representing someone, whom it is you represent, we will conclude the hearing as soon as all relevant contributions to be made and all questions asked and responded to.

So I'm going to run through the list as I've got it on my attendance sheet, if you can come forward to the table, make your representation, and then I'll call the next person. So the first person I've got on the list is Colin Taylor. Please. You.

Good afternoon. My name is Colin Taylor, and I'm representing great stains and parish meeting.

The question the issue I've got today is in relation to finance and the ability of Darlington Borough Council to meet its obligations in relation to this development.

The context to this is that great Stainton is a small hamlet on the boundary of the Darlington Borough Council area.

We enjoy minimal services from the Darlington Borough Council and have noted the increase in pressures on the budget of the authority over a number of years.

An example of this is the authority's capabilities in relation to maintaining the public rights of way in the area surrounding the village.

My understanding of the provision of the business rates revenue is that Stockton Borough Council would be the recipients

in relation due to the connection of the grid of the buyers guild development being in their area. This also appears to be true of all the other solar developments within the Darlington Borough Council area,

the costs associated with the planning development and ongoing maintenance of the solar developments for buyers Gill and others appears to mainly fall to Darlington Borough Council.

Given the above the cumulative effect of buyers Gill development and other solar farm developments within the Darlington Borough Council area will impoverish residents within the Darlington area by placing a greater burden of financial responsibility upon the authority, without any additional budget to carry out those duties and responsibilities.

Can the examining authority be assured that Darlington Borough Council have sufficient resource to effectively carry out their responsibilities if this application is granted by the Secretary of State.

Thank you.

Thank you, Mr. Salem,

thank you very much. Can I just ask you a question? I'm assuming you haven't raised this with this particular representation with the local authority yet? Colin Taylor, great state and parish meeting. No, I haven't. Okay. Thank you very much. Thank you.

And can I just, if I may, Mr. Wheelchair, can I just comment, Mr. Taylor, that

in in trying to assist with your query, and in answer to your query, I would probably say that,

considering that your concern is to do with Darlington Borough Council's budget that actually you do raise that concern with Darlington Borough Council directly, because obviously, in terms of the examination, we will obviously be able to

look into The relationship between the applicant and what's happening once Darlington Borough Council takes responsibility over some of the public rights of ways that that you have mentioned, but budget will probably not, will not dwell too much on budget, because that would be within The domain of Darlington Borough Council, not within the applicant.

I understand that, but I think the big concern is, if the application is granted without any budget allocation, then they will either they will be unable to carry out their responsibilities in relation to this development or other services within the borough will suffer in that case, then am I right in assuming that your question is more to do with clarification in terms of any agreements that there might be between the applicant and Dalton Borough Council for the maintenance of public rights of way and roads,

my understanding it may well be wrong is that there is no financial compensation to BART Darlington Borough Council in relation to this application.

But your question is about that compensation? Correct? It is yes. Okay. Thank you very much. Mr. Taylor, thank you. Thank

you very much. Next on my list is Mr. Belani, please. Applause.

Good afternoon. My name is Norman Mulaney, and I'm representing bishopton parish council.

What I would like to talk about this afternoon is a general item, really, that could have been brought up under EIA or DCO,

and it's about

the general aspect

that RWE have not addressed all major concerns in their design approach and either excluded or glossed over issues that the residents of all the parishes find unacceptable.

These issues are fundamental. Are a fundamental part of the DCO EIA section and the cumulative and sequential aspects of planning in request one item applies to this session and is lacking enough of the detail that would allow the residents to make a meaningful response. I therefore suggest the following is generally applicable to solar farms, and it should be noted that the quantitative measure of

effect increases with the size of the farm and the cumulative conditions.

Noise from solar farms is a problem that's not been talked about, but the following points require inclusion in any calculation or assessment made in design and design approach,

solar farms can produce low level noise that can be a concern for nearby residents, especially in rural areas. A large solar farm may include more than 100 string inverters arrayed across the site. This, coupled with the transformer units, can give rise to a significant level of noise. The noise can come from several sources, including inverters and transformers, and the constant hum from these devices can be particularly noticeable cooling fans, the fans using the cooling systems for transformers and inverters, can be louder than the electrical side of the of the hardware

and the air condition unit for battery storage can be noisy, especially if the facility is close to a residential area.

The area is not just residential. We have 11 livery stables just in bishopton. Horses do not like noise, and they suffer from fright and flight syndrome.

The noise from solar farms can be mitigated through a combination of design considerations, incorporation incorporated noise considerations into the design process at an early stage and help minimize the impact noise barriers, physical instruction obstructions, called for photovoltaic noise barriers can lower noise levels between noise sources and sensitive receptors

and technical improvements ongoing research into the long term effects of noise pollution from solar farms can help inform future technical technological improvements.

Unlike wind farms, which are often criticized for the audible whoosh of turbine blades towards solar farms are generally perceived as quiet. However, several elements within these installations can produce noise.

Those I mentioned, inverters, Transformers and such like. But maintenance activities will also routine. Maintenance, panel cleaning and vegetation management will also produce noise.

Battery storage and cooling fans.

All of these add to the impact on local communities. The noise generated by solar farms, while generally low, can be a source of irritation and concern for nearby residents, the constant hum from inverters and transformers, especially in rural areas, can be particularly noticeable.

Battery storage systems do produce noise. The air condition units required can be very noisy.

The noise generated by solar farms, while generally low level, can be a source of irritation,

a material change and/or attitude resulting in certain activities during periods of intrusion, can be identified where there is no alternative ventilation. It would lead residents having to keep windows closed.

Most of the time because of the noise, there is a potential for sleep disturbance, resulting in difficulty in getting to sleep, premature reawakening and difficulty in getting back to sleep. Quality of Life can be diminished due to the change in acoustic character of the area.

Significant observed adverse effect avoided is noticeable and very disruptive,

extensive and regular changes in behavior and/or inability to mitigate effective noise leading to psychological stress or psychological effects, for example, regular sleep deprivation and/or awakening, loss of appetite, significant medical definable harm and auditory and non-auditory damage

as the UK continues to expand its solar energy capacity, it is essential to balance the benefits of renewable energy with the need to protect local communities from potential disturbances.

The long term effects of noise pollution from solar farms is unknown, and to date, guidance and regulations are not available.

In conclusion, while solar farms are a key component to the UK's energy strategy, addressing the concerns related to noise pollution is vital,

particularly as we have such a large planned number of solar farms being built, and we also have the wind turbines that already exist. And through the combination of technological innovation, thoughtful planning and robust regulation, it may be possible to harness solar energy's benefits

at the same time helping us to maintain the peace and tranquility of rural communities. Thank you.

Thank you very much. Mr. Mulaney.

Next person I have on my list is Mr. Wood, please. You

Good afternoon. Peter Wood from Bishop Duncan,

I would like to if I could follow up a submission that I made on 13th March. Agenda, Item four, concerning flooding and drainage issues.

I did follow this up with a written statement that you can see at reference 021,

and videos and photographic evidence at R E, p4,

32 to 39 inclusive.

Those videos and photos were taken on October the ninth this year, as I alluded to,

and were therefore very fresh to the last is h3 meeting,

the applicants, expert you may recall at that time, had done a remote computer overview using environmental agency global maps, and basically had no knowledge whatsoever of the actuality of our flooding problems. Those flooding problems still continue, and it is worth noting that I did say at the time that Darlington council had attended the four or five sites that regularly flood over many years and had not achieved any measure of success. Funnily enough, since I sh three meeting, they've been back out again, presumably because they witnessed my statement, again without success.

So

we've included it, R, A, p4,

32 a map of the sites shown by arrows, which are all very close to and circulate all the way around the village

because of the applicants, replies at the time which were somewhat woolly, vague and frankly waffly, exer gave them an action point,

asking them to look again. You may also recall that the flood so called flooding expert asked me if I would supply him details of our flooding problems.

Needless to say, I didn't.

The applicant's response, as far as I can ascertain.

Is R, E, p5,

dash zero, 18.

That is an original document that only seems to have one tracked amendment on it, which is paragraph 3.7

point three, and table 3.3

if the exit choose to read that paragraph, which is, I guess, their response to our actual serious flooding problems. You will see it's woolly, it's vague, and it's basically non specific.

This extremely superficial response to our detailed problems is just unacceptable.

There is no drill down to the actuality. It is clearly accepted by all that by glazing over substantial proportions of what are now open fields and by no doubt, and substantially destroying farm existing farm drainage systems during the construction process that the runoff is going to be considerably and substantially increased. Now I do recall that their expert was saying, Well, we're going to leave some grassy margins around the fields that will absorb the runoff. Well, you don't have to be much more than a schoolboy to understand that if you got vast open acreages planted with vegetation, that they will absorb vastly more than a little bit of grass around the edge of field, around the glazed areas. So again, it's waffle, it's wooly, it's not specific. It is not going to help us.

So what my question to exer is is that it is that where we go? Is this the end of the story on our flooding issues? Are we not going to be listened to? Are they just going to be allowed to build this? Exaggerate the runoff, exaggerate our flooding problems, and we just have to sit and suffer it. And as my colleague, Colin Baker, Colin alluded to, it appears the Darlington Council will not benefit from any of the rates of these installations. They will all flow to Stockton, as that is where the Connect grid connection is. So they may have to do all of this extra work down the line with no budget. Thank you.

Thank you, Mr. Wood, and thank you for those references to the

the videos, etc, that you've you've sent in, we have looked at them in some detail.

Does anybody have any further questions? Mr. Wood,

just thanks. Mr. Bucha,

thanks. Mr. Wood,

my question is,

you did explain that the council has tried series of time using various methods, and the council has failed to address the issues.

I'm just wondering, if you,

you know, have any suggestions as well that you feel it would assist the applicant, apart from other measures? Because what happened is

they look at the implication of the development. The applicant has looked at the implication of the development on the existing flooding proposed certain measures that will mitigate the impact of the development which is along the right procedure, and we've asked the applicant to look at extra measures in terms of the thickness of the vegetation That would suppress or at least mitigate the

impact further, which is extra measures. I'm just thinking perhaps you have any suggestion that the applicant can look into and we can see what comes out of it.

Thank you, sir. Peter wood, bishopton,

as I mentioned in my written response, which is our R, E, p4, 21,

two. Areas that are adjacent to the panels are its folly bank below area E and the middle lane, which is adjacent to area f.

There are two or three other sites that flood, but they're not going to be adjacent to the glazed areas, but they are contributory to the problems we have in literally getting from A to B many times a year. But if I focus on area A and area f at.

Area E and area f,

then

area e at folly bank. The reason why the water drains off the higher landed area e down onto the road is because we're in a bowl the junction of the road where the drainage, the road drainage is, is next to a very low lying water meadow. And when I say water meadow, I mean a typical by definition, it floods frequently as a water meadow, which is adjacent to a stream. There is no fall from that road through the meadow to the stream. So the water level in the stream just lasts and raise slightly and it backs up.

Mitigation. What could they do? I don't know, because if one way or the other, if you move the water increased water off the roads, through the drainage system, into the stream that will be create another flood further down the line. So as regards that, I don't know, but certainly a little grassy fringe around a vast area of glass is not going to improve the situation. On the other one, at area f, which is in Mill lane. That too is a dip in the road that is much lower

than the surrounding land on 360 degrees around it, so short of putting a pumping system in at that point and in clearing drains that may be blocked on the land in about a half a mile run to the stream, the same stream. Then, short of putting pumps in, I couldn't tell you, but again, a small grassy fringe is not going to improve or increase anything for where we already have wide open acreages. Thank you.

Thank you very much, Mr. Wood for that. That's that's very helpful.

Next on my list, I have Hugh bents and Penny bents, if you want to come up together, that's

perfectly acceptable.

Hello. So Hugh Vance from bishopton, a 40 year resident. We're coming up separately because we got slightly different issues. I've come up first because I've going to add a few comments on top of Peter

Woods about flooding. So I've been a 40 year resident in bishopton, and there is regular flooding around the roads.

I've had specific issues on two occasions. In fact, my son's driving my cars. Two different cars returning late at night have had to come through flooded bits of the road and on the boat. On two occasions, we've had engine failures that have cost about 5000 pounds. That's how serious the flooding gets.

In terms of just talking about the mitigation aspects that Peter was talking about there,

the flooding occurs all the way down Bishop 10 Beck, so if you go out when the roads are flooded, you'll find there's a big flood plain near stillington That gets a massive holds a massive amount of water. The water then flows down to Whitten, and Whitten regularly has got flooded as well. So pumping anything, the only way you can pump it is way past Witten. So it's it's not, it's not simple.

Putting it into context, clearly, two and a half square miles of hard surface is a lot more than the sort of five square meters of hard surface you now require mission to put on private land

because of runoff issues and flooding,

so attenuation will be dramatically reduced by putting in all these solar panels and in heavy, heavy rainfall conditions, it will, without doubt, increase the potential and frequency of flooding and the depth of the flooding.

So it's clear the applicant really does need to put a detailed mitigation plan in place and not just simple words. And that's.

All I really wanted to add to what Peter had.

Thank you very much, Mr. Bentz.

So next on my list is Penny Bentz. You

Hello, Penny Bentz, I'm a bishopton resident.

In the early stages of consultation, the applicant stated that every panel would be washed once a month.

Could they confirm that this is the case,

A and B? I would like to know what account they have taken of the increase for 40 years of the lifetime of the solar panels, of the increase in industrial traffic on small, rural roads. And it's not the only maintenance issue with maintenance traffic. I've seen nothing about that the roads are not wide.

They are going to suffer again. It's a funding issue, I suppose, for Darlington Borough Council, where most of these roads will be, there will be added noise of the cleaning and even more water, probably if they are washing,

and that's really the comment I wanted to make. And look for some answers on that, because there haven't been any so far. Thank you.

Thank you very much. Applause.

Next to speak is Andrew Gowing,

who's virtual.

Mr. Gowing, do you want? Wish to turn your camera on? Please? This is your opportunity to

make your representation. Andrew Gowing, Bishop and resident without camera. No further questions at this time. Thank you.

Thank you very much. Mr. Gowing, you

I

move down virtually again to Mr. Anderson, please,

if you have a camera, do you want to switch it on and make your presentation? Thank you.

Hi. Thank you. Ken, can I be seen and heard? Yes, we can. Mr. Anderson, great. Thanks. Just just listening to those previous comments.

First, Anderson, sorry to butt in. You're representing Bishopton Village Action Group, yeah, yeah. Sorry. I'll start from the beginning, yeah. My name is Andrew Anderson, and I'm here representing the Bishopton Villages Action Group.

Thank you. Sorry to butt in. No, that's okay.

Well, firstly, I thank you for the opportunity to be able to represent the views of the action group

just listening to the previous speakers. These are all issues which are shared

quite widely throughout the community, and I think,

to me,

I think it shows the value of local knowledge, as opposed to the value of knowledge, which comes out of assessments from external experts

who come in for short periods of time. This is whether you're talking about flooding agricultural land ecology, you know, the value of the landscape.

I think local knowledge is incredibly important, and it's actually pointed to much of the guidance on environmental impact assessment.

I just wanted to say today I had a few points I wanted to make. I'm not going to repeat stuff it's been said in our written submissions. I'm going to try to draw on

the conversation that's been happening since the last hearing and some of the

questions which were raised in the second round of examiners exam, authorities questions.

So

if I do start to repeat, feel free to ask me to sort of pause or sort of not to carry on, if I'm going on too long, but I'll jump straight into it. I've got a series of issues here,

not particularly in order of importance, but they.

Represent the conversation that's been ongoing. So first of all, over planting,

I think, from the community point of view, the question over the importance of over planting is whether the applicant is taking more land than is actually needed.

The figure I've been doing some calculations. We said the figure is

1186

acres.

And the last hearing, I think the applicant was

explaining why they have an open planting ratio of 1.6

so I think the question is, is that necessary? Is that an industry standard, it's not ready for the community to sort of suggest why they would go for

an over planting of 1.6 which is generally above and beyond

other projects.

But the question for the community is whether they're taking more land as a necessary and whether the same amount of energy could be generated using less land if appropriate technology was used

better design.

I just want to refer to another NCIP so I can follow this up with reference numbers, but this is the East Yorkshire solar farm.

This is just completed examination. I think it's in report stage.

And so if you look at their proposals, they're talking about having an over planting of 1.2

that's 20% more panels being installed to achieve 400 megawatts.

Within the discussion of over planting, there's always this question of

the relationship between megawatts and land, land take and in this, in the examination for the East Yorkshire solar farm, the examiner authority took the view that the megawatts export should be based on the whole of the land. That's the ecology mitigation land and the grid connection corridor.

So when you're looking at the relationship of over planting megawatts of land. It's important to look at the whole of the limit,

the order limit area.

Interestingly, in that report, they do refer to buyers Gill,

the other applicant, and they're assuming that buyers Gill would over plant by 1.3

because they're saying that this is the industry standard.

So there is a question here as to why

the applicant is proposing 1.6 over planting. And I think

the question therefore is, you know, Mr. Going, apologies, if you can hear me. Mr. Going, sorry. Could you repeat that last bit? It's, we're not hearing you very clearly, so I missed that last bit, please.

The bit referring to buyers Gill,

the last sentence that you have said, which I think relates to how they the other application, which I believe it's the East Yorkshire solar farm, has actually referred to by his gill and what sort of standard they have mentioned, was it one point

I can reference a copy of the port afterwards I could do with submission. But what they're saying, I'm quoting here, they say that they've looked at other projects that have been examined. And they refer to Malay pass, cotton, solar, West burn. And they say the applicant has also reviewed buyers Gill solar, and they've assumed that buyers Gill would be over planted by 1.3

1.3 okay. Thank you. Now the reason they say that is because they're basing that on the industry standard, their own proposals, 1.2 and they're looking at 1.2 1.3 as being a standard

that's necessary to achieve the export that's allowed. I

now, in the applicant's response to the last hearing,

there's a there's a sentence that says where the applicant says, this

is in ish 202,

they say there's no direct correlation between the over planting ratio and the required land take.

Now I don't quite understand why that's the case,

so we would ask the community would be asking that, but it in.

Like contradiction that the next paragraph says, for the proposed development, a 1.0 over planting would require 30% less land.

Say this is in the applicant's response to the

is h2

and they'd also send references to that. So yeah, over planting is more land being taken as necessary. And if you do a quick calculation, if you go down from 1.6 to 1.3

you can lose about 15% of the land, which is

the calculation. Is about 177

acres,

which is quite a lot of land to play with. If you're pushing your panels right up against people's homes and villages. There's quite a lot of land that can be drawn back. And it has to say, it's not for us to say, why are they going for 1.6 but

the question is, are they using the best technology available, or at least an acceptable form of technology?

So that's all to sound over planting.

Just carry on to the next issue. Again, this is one that's come up in the examiners second round of questions. It's about heritage significance.

Sorry, I'm going to backtrack one and talk about harm to heritage assets.

There's some contradictions here, which I think we really need to explore. At least the community are very concerned about them. So the judgments are quite varied. Now the applicant and the examining authority were asking Darlington Borough Council and Historic England for clarification on this. The applicant says that there is negligible harm to heritage assets, and that negligible harm is the same as no harm.

I think I'm correct in saying that that is the applicant's position. Now, in answer to your second round of questions, Darlington Borough said that, in their opinion, no harm is not the same as negligible harm.

Historic England

stated that they understood that negligible significance of effect is to be no impact.

There's some confusion, however, what is negligible harm and negligible significance? They're not the same thing, but people seem to be into changing these when they make their decisions about the harm to hold you assets now RWE their

own position is that the harm is negligible and not considered significant.

So the question is, where do these conclusions come from? Where's the assessment, where's the judgment, where's the justification?

Now,

if you go to the background documents in the application issue, if you

she can bear the death by 1000 documents, and go back behind the cultural chapter eight is called where some of the Heritage assessments have been done by Heritage experts.

I just want to read this one sentence, if I may. So this is the applicant's own document. A, PP, 146,

paragraph, seven conclusions. This is a heritage assessment by the applicant's experts, and it says

the assessment has concluded through the application of the mppf and em one and em three, and using the stage process of setting of heritage asset, blah, blah by Historic England, as well as professional judgment and expertise, that there will be harm.

There will be harm.

My emphasis to the significance of the scheduled monument of the Mott and Bailey Castle, 400 meters south of bishopton, due to a change in the way the asset would be experienced in the landscape. It then goes on with the final sentence to say, the harm is in the order of less than substantial, but at the top end of that scale,

less than substantial, but at the top end of that scale due to the sensitivity of the asset change. Apologies. Mr. Going, could you actually you mentioned a reference of, okay, this is document. Can you? Can you? Can you please just confirm the paragraph number so that we can follow the examination. Document, a, PP, 146, it's the part of the application. It's some of the.

Background, historic assessments which inform the chapter eight of the environmental assessment.

So it's not within Chapter Eight itself.

No, this is the interesting thing, and I want to come on to what you have. You have a you know, environmental statements are supposed to reflect environmental impact assessments, but what happens in a case like this is you get the environmental statement becomes the document of advocacy.

So it takes the background assessments,

it chooses the bits it likes, it leaves out the bits it doesn't like, and then becomes a chapter in environmental statement. But this is part of the application. So as I say, it's a, PP, 146, this is written by one of the applicant psychological, okay, Mr. Going apologies. Can Can you please just give me the reference of the document that you are quoting from?

It's part of the application, and it's a, PP, 1461461,

146146,

I can

so that is appendix, 8.2, historic environment settings assessment. That's the one. And within that document, what paragraph does it have, that specific sentence that you were

if you go to paragraph seven, which is entitled conclusions,

it's a short section, so it's easy to track down. So it's in that document, paragraph seven, conclusions.

And then it says general. And then there is a paragraph which I just read out, which contain phrase that there will be harm to the significance of the scheduled monument, and that this would be less than substantial, but at the top end of that scale.

Now if you, if I'll continue when

you when it's convenient.

Did you? Did you find that I believe that you want I found a document. I believe that you are on page 38 is it 3839 i

Yeah, you know what I did is I went through, I found these things, and I referenced the document number on the library, and then the paragraphs I'd have to go back into the system. But one, take a minute talking.

Okay, general conclusions. Okay, please. Thank you.

See that their expertise that there will be harm and that it'll be less than substantial, but at the top end of that scale. Now,

the NPPF only has three scales of harm, so if you go to the top end of less than substantial, you're into substantial harm.

So I think it's significant, and I think it's a variance my understanding of the English language and also planning, is that it's at variance with the applicant's view, that it's not significant and negligible, where they believe that negligible, in this case, means no harm.

So I think that's what monty point out. There's a court judgment that I'd like to send you the reference to regarding the question of harm and heritage assets. And in that, if I just read very quickly, the court said,

rather, this is the judge in my judgment, there are three categories of harm recognized in the NPPF. There's substantial harm, less than substantial harm and no harm.

There were no other grades or categories of harm, and it's inevitable that each of the categories of harm will cover a broad range of harm.

The court went on to say that even limited or negligible harm was enough to fall within the bracket of lesser substantial harm.

So the way the assessment has been carried out is to push towards the definition of negligible harm, meaning no harm, from the applicant's point of view. But here the court is saying that the NPPF recognizes three types. The applicant themselves recognizes the middle range of harm, at the upper end towards more harm.

I wanted to alongside, just reference an appeal decision. This is a solar farm that was refused recently, earlier this year,

where one of the key issues was heritage harm and.

I mean, every site is different, but this was the solar farmer, so it was under 50 megawatts. It was going through the local authority and went to appeal after being refused.

Heritage grounds are one of the reasons for refused London. It was one of the reasons why the appeal was dismissed. It was a similar heritage asset, and that it was a mound.

Actually, don't quite know the history of it, but mounds tend to fall into similar groups. I think it was also a scheduled monument. So I have an appeal reference, which I'd also like to send as part of the written follow up from today, which I promise I'll keep the written follow up as short as possible.

But in this case, in the case of the appeal, the appellant considered that their proposal should be graded at the lower end of less than substantial, but the inspector disagreed with that

and considered that There was enough harm to want weighing against consent.

So that's my I want to finish there on harm to heritage assets, and I'd like to, on behalf the community, send those references to you as part of your considerations of that, because we can see it's an issue that you've picked up on. I think it's unfortunate that Historic England haven't had more time to spend on this, because I think if they did,

they would see that some of their references to EC guidelines on EIA are not entirely relevant here,

and it may be that they've been guided by resource constraints or whatever, but I'm going to send those references, and I'm going to move on to my third topic, which is heritage significance.

Now

I'm focusing on heritage because I think it provides an example of the way that this application and its assessments have guided forward,

where you have assessments that turn into environmental statements that become advocacy documents.

EIA is primarily, very simply about the assessment of impacts, as it says it's what it says on the tin is environmental impact assessment.

It's supposed to provide the assessments to decision makers to make those decisions. But when you have an advocacy document that removes the significance, then it's hard to make that decision. So my point here is on heritage significance. I think there's been a lack of assessment of significance.

We can all draw our own conclusions as to why that might be, but I refer just to NPPF paragraph 200 and I'm just going to emphasize one sentence. The level of detail should be proportionate to the assets importance.

The scheduled monument is the highest status of asset.

The applicant acknowledges this in their document, A, P, P, 031, table, 8.2 the scheduled monument is the highest status of asset.

Now EIA starts with an understanding of significance. You have to understand significance to understand the impact. So the first step of significance is terribly important.

And I think once again, as in the last example, you've had a more robust assessment in the background documents, but when that description arrives in the environmental statement, it's turned into an advocacy document. So let me just give an example here. So if you go to

again, it's the same background document, A, P, P, 146,

which I referred to earlier. This is now paragraph six, point 8.7, and I'm just going to read a short quote again about the modern Bailey. It says here the asset,

referring to the modern Bailey, derives its significance from its historic interest as a symbol of power and prowess in the surrounding landscape,

and through its definitive relationship with the settlement bishopton.

When that same information is translated into Chapter Eight of the cultural heritage statement, which is a PP, 031,

paragraph, eight, point 10.66,

has changed it slightly. And I think it's

I think the nuance has changed significantly enough

the asset here it says the asset draws its significance

from its historic interest as a visible and prominent remaining element of the medieval landscape, in particular the power and the prowess of its former inhabitants of the associated village. So the power and the prowess which are in the.

Assessment in the earlier assessment was defined by the surrounding landscape has disappeared, and the power and the prowess is now apparently only relevant to the next door village.

I think what this is doing is reducing the impact and the significance that that had within the landscape.

Now

this is this is compounded in the environmental statement by sentences such as, there is little known information about Castle, with only a single reference to ad 1143 to the fortification of a castle by Roger de comm years that may relate to the asset. So there's a concept that there's nothing, no information there, and there's some guy called Roger the COys who may have something to do that we're not quite sure.

That's about all it says. Now,

you know, you can spend 10 minutes on Google and you can find, actually, actually, there's actually quite a lot of information about this. I mean, I've just, I found several examples. For example, I'm just going to mention two. For example, this Martin Bailey at bishopton was one of 20 mounds throughout the whole of the UK, which was selected from potentially 154

sites.

To be subject to a special study of core sampling undertaken by a group of UK universities.

They they The aim of the study was to discover whether there was a pre Norman origin to these mounds.

Everybody knows it's it's 12th century mound. So I don't know why the applicant wasn't able to confirm that in their chapter, but it's a 12th century mound, and it was selected from a whole number across the country because of its rarity, because of its position strategically in the country, it has a very strategic location between Scotland and England and their histories and between Danish and early Anglo Saxon kingdoms.

So it's a it's a well recognized important mound amongst UK academics and archeologists.

I would go to another consultant. There are several websites which talk about this mound, and you can talk here about the conflicts between the why the mound was built, and the bishops, and the conflicts between the English and the Scottish crowns. Is highly significant. It's not just a remnant of a bit of a large earthwork, which is a remnant of a medieval landscape, that whole significance of its history is not mentioned at all.

Now this assists in the impact assessment, which moves towards negligible harm, because if you can't understand significance, you can't understand what the impact is.

So heritage significance understated. That's the third point I'd like to make. I'm

just going to raise the last archeology point, and I'll keep this short. So last heritage point. This is an archeology we raised the issue at the last hearing as to why the Martin Bailey, the highest status in the area had been missed out the geophysical survey. If I understood correctly, the applicant's

position was that it they'd only included the panel areas in the geophysical survey, and that this was more the Martin Bailey was more affected by the cable routes that they hadn't quite decided yet. So they decided that they might do some geophysical later, but only once they've been approved. Now, if you go to Historic England, advice note 12,

which is entitled statements of heritage significance, analyzing significance and heritage status.

They They, they advise against this approach, yeah,

rather than design first and then understand the significance, they advocate that you should understand significance of something before you decide to build something through it. So they actually, they say that

this sequence, where design of the proposal follows, investigation of significance

is better done where the significance is assessed first. Now, if you follow the applicant's logic,

once the cable routes are decided, there may be some geophysical there may be some trial trenching, there may be some archeologists on site, but all the best that can happen is

they get discovered and possibly not destroyed before the works happen. There's no chance of saying.

Them, there's no chance of keeping them in situ. And if it's a highly significant findings, and there's no way of taking decisions rather than continuing with the works. If you had undertaken more work on the history of this, you realize the applicant would realize that the rivers were actually a very important part of this structure, not least because there was a fishing industry based around it, and so anything that happens alongside rivers in ancient mounds, I think, has potential to be important. So archeology, I mean, I don't buy it basically that they were excluded because they didn't know where the cables were.

If you look at the if you look at the site location plan that was submitted, the application is quite clear, where the cables go.

Archeology, right. Moving on,

Mr. Anderson, I'm going to have to ask you to try, try try and be a little bit brief. Now, please,

if you could, try and be a little brief. Now, sorry, there was some noise out here.

Apologies. Could could you just repeat that? Please? Certainly, Mr. Edison, I was just urging you, if you could now, please be a little bit more brief on highlighting your next point, please. Thank you. If you can hear me.

Oh, yeah, okay, sorry, I will. I'll speed up a bit. So I'm just going to go through as headlines alternatives.

We've asked the the the

applicant sets out their vision to generate energy. If you look at the guidelines on EIA, alternative is not just about tinkering around with the borders of your proposal. It's about looking at where there's alternative ways of achieving what you want to achieve, and there's been no attempt to look at whether the same energy can be produced in another way, in another location. What's important here, I think, is that because we're looking at something to combat climate change, which is a global issue, there's absolutely no reason why this energy couldn't achieve the same by being offshore turbines as being the fields of

fields of England. So I don't think it will turn out as really been explored. It's interesting. If you look at RWE and some of what they're doing in Germany with agrovoltatics, where they're doing some very good work with looking at having solar and actually really having farming work alongside but I don't think there's been any attempt here alternatives. So I'm going to jump ahead now because of time ecology.

The new design approach. Document does recognize the rich cultural heritage and quotes ecological diversity, but I think that's been underplayed a bit. I think it's suffering the same fate as heritage. So there are statements which are made which I don't think have really been verified. For example, they say that the infrared lighting that will be used will have no impact on wildlife, and it's taken as far as that, but infrared lighting does impact cold blooded animals.

Cold Blooded is probably not the ecological term, but that's what we learned at school. But you're talking sort of snakes and frogs and fish

which inhabit the water courses, which are the habitat of the water voles, which are protected species. So anything that affects the habitat of the water bowl will affect protected species. It, it's not something given the scale of it. We're not just talking about somebody's sort of garage light

that might come on at night. We're talking about an enormous project here. So infrared light, these be taken seriously. Ditto with birds, their statements to say that the birds will not be affected by the solar farms.

I'm going to reference a website. It's called avian solar.org and I'll send you that. It's an American website. I know that. I know their habitats are different, but there's been a phenomenon notice that of high death rates of certain species of birds around solar so the industry and academics and ecologists have got together to set up a working group try to explore why that's happening,

and I think that needs to be looked at here. The last point, I'm going to say it's a slight repeat of before, but I didn't see any response from the applicant,

ecological clerk of works. If this does go ahead, there has to be some kind of independent supervision to really be able to implement the promises on ecology, you can't rely on an employee of the applicant to, you know, stop to two busloads of Polish workers at six in the morning because there's a hedgehog asleep. I mean, it's just not going to happen.

So

this, this thing will.

Ecological independent supervision is essential if it goes ahead. And I just want to repeat that

very quickly, design approach. I'm going to actually cut a couple of points short here, which I might follow up. So I'm just going to prioritize design approach. Document talks about 70,000 homes I'd like to ask the applicant, and if there's an opportunity for them to respond now, that would be great. 70,000 homes. Is that a guarantee that the electricity generated will go into homes? Because you You probably heard the big

sort of fuss that kicked off in the last couple of months. Where was it? Was it Cleve Hill, one of the first n sibs. They sold, they did a deal. They sold the electricity to Tesco in Sainsbury's. And suddenly the all the community are up in ours, because they had this impression that when applicants say that it's electricity is going to 70,000 homes, they actually believe that it's going to 70,000 homes. It's actually going into the grid. Is my Mr. Anderson, I'm going to have to watch you to to try and speed up a little bit. Thank you very much. Okay, so I'd like some clarification. With 70,000 homes, as if it is granted, the community here, don't face the same disappointment as people in North of Kent

Ray. One more short point public confidence in the planning process. We pointed out in our written representation that if you go to our W's website, it gives an indication that buyers guild has already been granted consent and it's on its way to being operational. That hasn't been amended. And in fact, that was repeated in a public consultation exercise just last week.

This might not be a planning issue in terms of the application, but I think it's important when you have the public being invited to participate and engage in this process, whereas the applicants publicizing that consent is already granted in its operation in 2026

so if the gap would like to respond on that now, that would be great.

I'm going to just one last point, and I'll finish decommissioning.

I think decommissioning, it's a long time up the road, and nobody's that interested in putting too much work into it. So when you look at Heritage impact, there's one sentence that says, no direct or indirect effects on heritage. That's from the non technical summary.

There is work that shows that reversing agricultural land, which has been solar farms, is not as simple as people say. And there's a report by the Welsh Government on this exact subject. I can send you the link. I'm sure you probably know about it already, but

the reversibility is assumed, and I think that needs to be explored if it weighs in the planning balance. And I think the temporary nature of these is often pushed by the applicant

and the idea that it can be reversed. So anything we've done that's bad can, don't worry, it will be okay in 42 years time.

And I think I would like to finish there then, because I don't want to take up more time than other people might want to speak. So I apologize if I took up too much time. These were issues that had been raised by the community, and I just wanted to have a chance to air them.

Thank you, Mr. Anderson, and you've spoken about writing in, so I'd encourage you to put those references in, because some of them were hard to pick up on the oral submission. Thank you very much.

I've got to the end of the list of everybody in the room and virtually who'd notified us that they wish to speak. I'll just ask now, is there anybody in the room who still wishes to speak?

Okay, I can see one. I don't think there's anybody else online. I just want to check is anybody else online who wishes to speak?

Okay, if you could come to the desk please and give your name and who you're representing. Please. You

Good afternoon. My name is Carly Tinkler, and I am the landscape consultant working with bishopton village's Action Group.

This it was just to pick up Mr. Anderson's point about capacity,

and I wasn't sure whether it would be a good idea to speak about this now, or whether you would prefer it to be a written submission for the sixth of December deadline. But it's just to clarify a couple of points in.

The applicant's responses to the hearing action points.

Shall I just quickly run through that now? Yes, please. Thank you.

Okay, so

what it is is that the applicant has referred to a recent appeal decision,

which they call long hedge, and this is at is 202

in document 820,

and the decision that they're referring to was for a solar development that's under 49.9 megawatts, and the appeal was allowed

the applicant uses this decision to justify their decision to over plant by a factor of one to six. Because, in fact, in that application, it was, I think the number was 1.57

however,

just for your information, that decision is now to be the subject of a legal challenge, or at least a pre action letter has been issued challenging the inspectors decision,

and that is specifically, or most specifically, in relation to the interpretation of over planting in en three,

which in that case and in this case, the applicants claim that over planting is permissible for reasons other than degradation,

whereas the challenge will set out that en three is very clear

that only panel degradation can be considered for over planting

and the definition

of over planting is given both in en three.

And also you're probably familiar with the Galloway judgment, the definition is also given in there. And furthermore, there has been significant clarification, both from ministers and in the consultation to en three,

where one consultee asked for clarification about over planting, and the government said that en three would make it very clear that over planting is only for degradation.

So in in an associated point to that.

I think I'll leave that one for written submission. But just to talk about the wattage of the panels, so we know that, that we now know that the number of panels is 5053,

86, 505 505

is that right? 5053? 86

and we are advised that those are 570

watt panels,

and that is where the figure of 288

megawatts and the factor of one to six comes from

now in the long hawks with long hedge appeal, which the applicant has just referenced in their document, 820

the panels that were proposed there were 610

watts.

And in the Galloway project, which has now come back in the panels which are being proposed the 685

watts.

Therefore it's very clear that the size of the panels that has been that are being proposed for construction

are rising very quickly. If you wished, I could send you, or I could put before you a summary of the pre action letter, which I am allowed by my colleague to publish. So if that would help, I could send that in, whether you would like that on the sixth of December or now,

I don't mind.

Thank you. Mr. Tinkler, I think your written submission of what you've already said and any supporting justification would be helpful to us. Thank you. Thank you.

Is there anybody who hasn't spoken who wishes to

thank you for that?

I'll now invite the applicant to respond please.

Please Good afternoon to the panel. My name is panick. I'm a solicitor of Burgess salmon. I'm representing the applicant, RWE renewables, UK, solar and the storage limited.

So as I'm not proposing to comment now orally on what has been said by the interested parties today, the applicant will take away the points it has listened to and we provide written comments on any of the points of deadline six, if that's acceptable, and then to the extent additional written material are submitted at deadline six, by any of the interested parties which goes into a level of detail beyond what has been raised in this hearing, we would respond to that at the appropriate time.

So there was just one very minor point of clarification that I wanted to raise, which, Mr. Wiltshire, in your introduction, you referred to the project as being one with a generating capacity of over 500 megawatts. I believe you intended to say 50 megawatts. Which would be correct? I'm very sorry you are correct. Thank you for picking that up.

Sorry to raise it individually, but I thought it important just to correct that point

so no otherwise the applicant would propose to come back on those points in writing. Thank you. Thank you for that.

That just leaves it for me to thank you all for contributing so fully and usefully to this meeting. We have found it extremely helpful, and we'll consider all submissions made carefully.

Can I just remind you to submit your post hearing submissions, including written submissions of all cases by deadline six, which is on the sixth of December, 2024

The Time is Now 1522.

An open floor hearing for the bios, Gill, sonar energy, is now closed. The next hearing will be an open floor hearing Four, which starts at 6pm

today. Thank you. Applause.