



## Hearing Transcript

<b>Project:</b>	Byers Gill Solar
<b>Hearing:</b>	Issue Specific Hearing 7 Session 1 (ISH7)
<b>Date:</b>	27 November 2024

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# TRANSCRIPT\_BYERSGILLSOLAR\_ISH7\_SESSION1\_27112024

Wed, Nov 27, 2024 3:50PM • 1:14:42

Can I just confirm that everybody can hear me clearly?

Yes, thank you very much. Can I also confirm in production 78 that the live streaming of this event is convinced? 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 will have to stop the live stream in order to give us clear recording files. As a result, at the point at which we recommence the meeting and we start the live stream, you'll need to refresh your browser page to view the restarted stream. I'll remind you of this again. Should we need to adjourn? It's now 2pm and it's time for this hearing to begin. I

would like to welcome you all to this issue specific hearing on cumulative effects 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 50,000 kilowatt capacity, ground mounted solar. Photo, they take modules and associated mounting, mounting structures, inverters, transformers, switch gear and control equipment, a substation, energy storage equipment and underground and off site cabling. Thank you for attending this here. My name is Max Wiltshire. I'm 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.

Good afternoon. My name is Andrea Pinto. I am a charter town planner employed by the planning inspectorate, and I have been appointed but Secretary of State for housing, communities and local government, as lead member of the panel to examine this application. Thank you.

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.

Together, we constitute the examining authority, and we will be reporting to the Secretary of State with a recommendation as to whether the development consent order should be made.

The case manager for this project is Jenny Savage, who has been supported today by Rebecca Becca Luxton. If you have any queries about examination process or the technology we are 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,

I'll now deal with 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 were no

fire evacuation tests planned for today. Should the fire alarm sound, please make your way to the nearest fire exit door using the fire doors marked in this room and head downstairs. Fire evacuation assembly point is in the square outside the main entrance to this building.

Today is a hybrid event, meaning some of you present with us at the hearing venue, and some of you are 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're speaking? If you are participating virtually and wish to speak at the relevant point in the proceedings, please use the 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, or make sure that however you have decided to attend today you will be given a fair opportunity to participate. Are there any questions on that?

Thank you.

In addition to the live stream, a recording of today's hearings will be made available on the buyers Gill solar section at 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're representing each time before you speak for those at the table, you can do that by pressing the large button at the base of the microphone, if you're not at

Able with a microphone. There is a roving microphone, so please wait for one of these to be brought to you before you speak.

You're attending virtually, and you 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 shot. Please use that area,

because the digital recordings that we make are retained and published, they form a public record that can 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 to add information to the public record that you would wish to be kept private or that is not all that is confidential. If you feel that personal information is necessary, please provide us 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. 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 principles set out in the data protection laws. Please speak to Jenny savage if you have any questions about this,

the meeting will follow the agenda which was published on the buyer skills, solar project information page of planning the inspectorate website on the 19th of November. It would be helpful if you have a copy of this in front of you, I'm going to ask for the agenda to be displayed on screen now.

Thank you. I'm assuming everybody now has access to that agenda.

We will aim to finish the hearing by today, by 5:30pm taking a break mid afternoon. Please remember those who are participating virtually to turn their cameras and microphones off during the breaks. We will conclude the hearing as soon as all relevant contributions have been made and all questions asked and responded to. But if the discussions can't be concluded, then it may be necessary for me to prioritize matters and defer other matters to written questions. Likewise, if you cannot answer the questions being asked or require time to get the information requested, then please, can you just indicate that you need to respond in writing, and we will tell you when best to submit your response or issue in writing. Thank you.

Does anyone have any questions on what I've just set out?

Thank you. I'll now hand over to Mr. Obadi, who will do the introductions.

Thank you, Mr. Weisha.

I'm going to now ask those of you who are participating in today's meeting to introduce yourselves when I state your organization's name. Could you introduce yourself, stating your name and who you represent, which agenda item you wish to speak on, if you are not representing an organization, please confirm your name, summarize your interest in the application and confirm the agenda item upon which you wish to speak. Please. Could everybody also state how you wish to be addressed? I mister, missus, Miss, Miss Can we start with the applicant and then any of the advisors, please,

sirs, good afternoon. My name is Alex minhnick. I'm a solicitor, a partner at Burges salmon, and I'm representing the applicant, RWE renewables, UK, solar and storage. I'm joined by a number of the applicants team, given the nature of the hearing today. To my immediate left is Mr. David Brown. He's a chartered town planner from Arup to Mr. Brown's left is Mrs. Mary Fisher, who is the project landscape architect. She's with Absalom consultants. To Mrs. Fisher's left is Mr. Michael Baker, who is the DCO development project manager at RWE renewables. To his left is his colleague, Miss Lily boys Hunter, who is controlling the screen share for us this afternoon. To her left is my colleague, Mr. Jonathan cat, who is also a solicitor at Burges salmon. We are also joined online by Mr. Alastair field fields,

who is the projects agriculture, agricultural land lead, and he is with reading agro.

Cultural consultants. Thank you.

Thank you, Mr. Mehn,

can we now move on to organizations and individuals that have given notice of their intention to speak,

starting with the Darlington Borough Council, please. Thank you. Good afternoon. I'm Lisa Hutchinson, development manager at Darlington Borough Council. I'm joined by Mr. Stephen laws, a landscape architect with Glen Kemp landscape architects who are acting for Darlington Borough Council on landscape matters and will contribute to discussions on any questions regarding Agenda Item three, thank you,

Stockton Borough Council Representative, please. Good

afternoon. Helen Boston, principal planner at Stockton Borough Council, and I'm here. Should any comments be needed discussion? Mrs. Boston, I think that your microphone is muted. Just bear with us for one moment while we try to hear we're not hearing you in the room at the moment. Can Can we try again? Please?

Does that work? Yes, we can hear you now. Thank you. Hi. So I was head of Boston principal plan at Stockton Borough Council, and I'm here to contribute if required during the course of the hearing.

Thank you. Miss Boston.

I will now move on to the parish councils, starting with Colin Taylor.

Good afternoon. My name is Colin Taylor, I'm representing great stains and parish meeting, and I'm happy to be addressed as Colin. To my left is Mr. Martin Philpott, who will also be speaking in relation to Item three this afternoon. Thank you. Thank you. Mr. Taylor,

no, ma'am. Millennia Bishop saying, bishopston parish council, please Good afternoon. My name is Norman Mulaney. I represent bishopton parish council. I'm happy to be addressed as Norman, and I'll be speaking on the cumulative effects this afternoon.

Thank you, Mr. Mulaney,

and I've got

interest parties here.

Robert bows,

okay,

good afternoon. My name is Robert bows. I'm a resident of bishopton Village. I'm going to be talking about the cognitive effects this afternoon.

Thank you, Mr. Bowers,

I've got Mark Smith here, bishops in village, villages Action Group,

good afternoon. Mark Smith, on behalf of bishops and villages. Action Group. Happy to be dressed as Mark. My intention was to speak on agenda item three. However, there's an awful lot of people speaking on Agenda Item three, so if the points that I had are covered by others, I will refrain from speaking. Thanks. Thank you. And I've also got mister Andrew gowing,

hello, I'm joining virtually. I don't have a camera. Happy to be addressed as Andy. I'm a bishop and resident. Don't have any specific questions right now, but if I think of any during the course of the proceedings, I will stick my hand up. Thank you.

Thank you. Mr. Gowen, is

there any other person present in the room, or indeed, online, who would like to speak?

Okay,

that's Mr. Can you please?

Mr. Wood, Yeah, hello. My name is Peter wood from bishopton. I'm happy to be addressed as Mr. Or Peter. I will comment on anything as matters arise, if that's fine. Thank you.

Yeah, thanks, Mr. Wood, sorry for missing you out on there,

so I haven't got any other person here.

Is there any other person who would like to speak

in the room or online?

Oh, okay, thank you.

We have a Oh yeah.

Suzanne, Melanie, I think

Hello, Ben. I definitely would like to speak on the cumulative effects this afternoon. Please do.

Susan Mulaney, a bishop and resident.

Thank you, Mr. Melanie.

I think that is everyone.

Thank you. I will now hand over to Mr. Weisha, who will lead us through item two of the agenda.

Thank you all very much. Let me briefly explain the purpose of this issue specific hearing. We're going to undertake an oral examination of environmental matters in relation to cumulative effects as previously mentioned. The agenda for this meeting was published on the bio Project Information page of planning Inspectorate website on the 19th of November. Today's hearing will be a structured discussion led by the examining authority. Please be assured that we are familiar with what you've already submitted to us so you don't have to repeating length anything you've already put to us in writing. Submissions carry equal weight regardless of the format in which they're put to us. If you do refer to any documents this morning, this afternoon, sorry, it would be helpful if you could give us the correct examination Library Reference. Please do try to avoid using acronyms as people who might be watching in the room might not be familiar with those terms as you are.

Are there any comments from anyone on item two of the agenda?

I can't see anybody's hand up, so I'm going to move on to Item three, which is cumulative effects.



A list of the key written submissions that will inform my questions have been included in the agenda published in anticipation of this hearing. As it's a long list, I don't propose to go through it in detail now, but that can I ask if anyone has any comments they would like to make on the list included in the agenda for this item.

Anybody in the room? I see no hands up online.

No,

I'm just going to list to assist us with the questions that are about to be asked,

with a list of the documents that refer to those questions for clarity.

So the first is the applicant's comments on deadline. Two submissions, which is rep 3004,

Darlington, borough Council's response to the examining authorities, first round of written questions. Rep two, zero, 31

environmental statement, chapter 13, cumulative effects, A, P, P, zero, 36

the statement of common ground with great Stainton parish meeting, which is rep 4016,

Mr. Smith's post hearing submission, including written submissions of all cases as heard at issue, specific hearing one, open floor hearing one and open floor hearing two, which is rep one, zero, 36

and the applicant's response to our first written questions, which is rep 2007,

so moving on to the first question,

would like the applicant to set out in broad terms how it says, assess the cumulative effects for construction, operation and decommissioning phases of the proposed development. Thank you.

Thank you, Sir David Brown, on behalf of the applicant. So as you mentioned, yes, chapter 13, A, P, P, 036, considers the potential cumulative effects arising from the proposed development. The chapter is supported by a number of appendices and figures which contribute to that assessment. And that includes appendix 13.1 which is the in combination effects table, and that's a. PP 160,

Appendix 13.2 which is the long list of committed developments, which is a, PP, 161

appendix 13.3 which is then the short list of committed developments, which is a, PP, 162

and then two figures, 13.1 which is the long list, which is a, PP, 102 and 13.2 which is the short list, that's A, PP, 103

so that's the collection of documents which inform the assessment. So I think it's important to stress as the assessment does, there's currently no standard methodology for cumulative assessment, cumulative effects, but the chapter has been compiled and is consistent with the planning inspectorates guidance and advice. Note 17, which highlights the.

Need to consider both cumulative effects arising due to interactions between different components to development as well as other existing developments and/or approved developments. So the chapter, therefore is split into two distinct parts, one which deals with in combination effects or intra project effects, which occur when a receptor or group of receptors are potentially affected by more than one source of the proposed development, and then the wider cumulative effects, or inter project effects, as we call them, and that's where receptors, or a group of receptors, are potentially affected by more than one development at the same time. So an example of that that would be multiple projects having a traffic impact on the highway network at the same time.

So we do know that on the 20th of September, pins published updated guidance and advice on cumulative effects assessment, and we have considered that guidance since that publication, and we don't think it would change the overall approach taken to the cumulative effects assessment chapter, or the results of that chapter, so

in terms of how the assessment was conducted, obviously, scoping and consultation has been quite key to the assessment chapter. The ei scope and report set out the proposed scope and assessment method for the cumulative assessment and that was consulted on at this scoping stage, stakeholders and the local planning authorities then had an opportunity to comment on the methodology further during the statutory consultation period in September 2023

before the long list and short list of developments were finalized. At that point, Durham County Council requested inclusion of a number of developments which were then including the assessment. Darlington Borough Councils who provided an updated list of local plan allocations and fed back on some specific developments which got included into the assessment, and Stockton confirmed that they had no comment on the long and short list at that time

in terms of the approach then to cumulative assessment, and in line with the planning inspectors guidance, we followed a four stage approach to cumulative effects. The first stage is establishing a zone of influence and the long list of developments. So that establishes a loan a zone of influence per environmental topic in terms of an area over which cumulative effects are likely to occur. It identifies a long list of other developments in the vicinity of the vicinity of the proposed development, and in our case, 10 kilometers is used as the further zone of influence. Projects are then identified from planning applications on the local planning authority websites, development plans other MSIP applications on the pins website, and also through the consultation responses that we received from the local planning

authorities. We then undertook a desktop review of the available information from those other projects to inform the establishment of a short list of projects to then move forward in the cumulative assessment.

In doing that, the shortlist identifies projects from the long list which have a potential to give rise to significant cumulative effects by virtue overlaps in temporal scope or geography, the scale or nature of development and other factors,

and this process gives a proportionate assessment using the criteria within the pins, guidance, Ei, regs and professional judgment. So we looked at temporal scope, considering relative construction, operation and decommissioning programs of the other approved or forthcoming developments, we looked at the scale and nature of the proposals in terms of how likely they are to give rise to cumulative effects and other factors such as the nature or capacity of the receiving environment, the availability or regenerative capacity of the resources in the area and the potential for pathways for cumulative effects.

The shortlist was then compiled and shared with the local panel authorities, before being taken forward for cumulative assessment. Further

information was gathered as part of stage three on that shortlisted listed of developments, and then at stage four was the assessment of cumulative effects through review of other developments and consideration of the mitigation measures.

So it's important to note that

that approach was taken and the shortlist was considered for the majority of assessment topics within the environmental statement and is reported in chapter 13. But there are a couple of exceptions to that approach in terms of cumulative so I just thought I'd touch upon those. So climate change, the assessment is undertaken in line with climate change guidance and is inherently cumulative in nature, looking towards the carbon budget, and therefore no further cumulative assessment was undertaken with traffic and transport. That assessment considers the short list of developments within the future baseline as part of the assessment within the ES and again, therefore no further cumulative assessment was undertaken. The cumulative assessment is inherent within the transport statement, and then for landscaping, visual again, the.

Chapter brings in a number of the shortlisted environments into the future baseline, rather than looking at them cumulatively. And I was going to just ask Mr. Fisher to expand on that a little bit, if that would be helpful from a landscape and visual perspective.

Oh, thank you, Mary Fisher, for the applicant,

so any of currently operational developments and consented developments

form part of the baseline and future baseline, respectively for the LVA,

which meant that that that in the list of those is provided in Table seven, six of the ES in a, PP, 03, O, and that includes Gately Moore, California Farm and wind field. High meadow two, middle field farm,

solar farms. Forest Park, which is an industrial trade Park. Very Mead farm, one which is housing, burglary Lane, solar, burttery Lane housing, thought bank, long pasture and Cowley House farm, solar farms

were all included as part of the future baseline as consented projects,

and then only projects in planning were considered in the cumulative assessment in chapter 13.

The reason for doing this is that the operate the LVA methodology doesn't consider effects at a point in time, but considers them for the duration of the operational life of the solar farm. I

be an assessment scenario for the main LVA in which none of the consented developments had been constructed would not be realistic.

In the normal course of things, you'd expect them to be completed relatively soon in the next couple of years,

and we cannot quantify the duration for which each of them might remain incomplete, or the order in which they will be completed,

but it can be expected that all of them will be constructed during the construction and or early operation of bioscale solar so an assessment that reflects all being in place for the full lifetime of the project reflects the likely significant effects

back to you, Dave. Thank

you. David Brown on behalf, and so that was all we were going to say in terms of that brief overview of the approach to the cumulative assessment.

Thank you.

I just asked you to elaborate that a little bit further in relation to the information in 13, four of the

APPO 36

which is chapter 13. So

this is in relation to questions we heard earlier in this morning's hearing on socio economic matters. Could you elaborate please on the impact of the in combination effects on the local residents? Please.

So the in combination, rather than the cumulative effects, yes, the ones that are in

paragraph 13, four, please do

so I say, Yes, we can. So the the in combination effects assessment, so the intra project, so that's within the project by skill solar

that has considered

the potential for into intra project effects on receptors

that is split by broad receptor groups to determine whether there is a potential effect from a in combination perspective. So it does look at human receptors in proximity to the works, and as discussed this morning, that would have included consideration of things like noise and air quality potential combining to have a significant effect on human receptors. It looks at ecological designated sites to

consider whether there is potential for different aspects of the proposed development, such as water and ecology, to impact on those sites. It looks at protected species and designated heritage features,

so those in combination effects have been considered. So no significant effects were concluded as part of that assessment, which is then summarized in Table 1311, of chapter 13, when considering the potential for those effects to combine as part of the project.

Thank you.

If I move Mr. Wheelchair, can I just ask you to explain a little bit further how you were after that conclusion?

I control ambassador. So yeah, I oversaw the assessment. I'm not the topic expert on each of these things, so the topic experts would have considered

each of the potential impacts that were identified within the individual es chapters, consider those alongside their own findings. So the best example I can think about from a human receptive perspective is noise and air quality, and potentially traffic and transport. So if I take traffic and transport or noise as an example, the noise specialist will look at the findings of their assessment, they then look at the transport statement and the transport es chapter and the air quality outputs as part of the application, and consider the findings from those assessment works, and consider the income or the potential in combination effects of the effects reported in each of those assessments. And that is how the conclusions Within chapter 13 are then drawn to so that it's a consideration of effects combining as part of the project to consider potential significant effects of those combined effects.

Thank you for that response. If I could take us back to paragraph 13, point 4.2, that of the same document that my colleague just mentioned. So I am in chapter 13,

and I'm quoting for you from your document. So the first bullet point within that specific paragraph states, human receptors in proximity to the works, local residential properties, businesses and recreational resources, including public rights of White could experience multiple adverse or beneficial impacts associated with changes to views, traffic and noise in vibration during construction, operation and decommissioning, considering that the applicant does acknowledge within The assessment that human receptors could experience multiple impacts

can you elaborate a little bit more in terms of how you have actually considered the interplay between all of those multiple impacts and how it has affected and how your assessment has evaluated its effect On Human receptors?

Yeah. Thank you, sir. So the recognition in the chapter is the recognition of that potential effect. So it's not acknowledging that there is an effect, just to make that clear before we start. But the in combination effects are considered in more detail in Appendix 13, one, which is the in combination effects table. And that's a PP, 160, so for example, so in relation to human receptors, that table has all of the topic headings across the top of it, and the table then summarizes the potential for in combination effects per discipline before then a final column, so which looks at the combined effects of those potential effects to conclude In relation to in combination and look at any mitigation that is required in relation to any potential in combination effects. So it's that table so which provides the detail of that assessment, which is then summarized in the chapter. And I appreciate the chapter is quite summarized in terms of what it presents. So the table is where the detail sits. Thank

you very much for that clarification, if I may, sort of insist on this point

a little bit earlier, within that same paragraph, 13, point 4.2,

you do state that the following receptors have been identified based on a review of the various topic assessments. So I would imagine that then those

impacts that have been listed on those different bullet points according to the different receptors that have been identified were actually informed by the review. Therefore, would not imagine it to be a list of general effects that could potentially be experienced, or if it is, then that's not clear from the assessment.

Thank you. So David Brown pF, that can applicant. Yes, I agree the so the list of potential in combination effects was informed by review of the chapters. So that may have been, for example, that noise has identified a potential effect on a receptor, and therefore it gets brought into the in combination assessment, because that in combination effect needs to be considered alongside of the topics to check that there is or isn't an in combination effect? So yes, so the list is informed by the topic chapters, and then a further assessment is done within the appendix 13 one to consider those in combination effects. But yes, I agree, and that will then be confirmed in assessed in further detail in Table 13, one, okay, yeah. Thank you very much.

You

over to you, Mr. Wheelchair, thank you. Thank you, Mr. Pinto

so having set out how you have made the assessment of cumulative effects, could you please go on to highlight any necessary mitigation monitoring?

Management and compensatory measures and their like, the effectiveness please.

Thank you, Sir David Brown, on behalf of the applicant, so in line with the pins advice note, and as mentioned in in the introduction, in terms of how we've undertaken the assessment, the information gathered on the short list of cumulative developments includes a review of any mitigation management monitoring that those proposals are proposing. It also then includes a review of our mitigation monitoring and management measures as part of the cumulative assessment those shortlisted developments



came forward, and many of those developments have similar management plans to our proposed development. So outline, Kemps, outline ctmps and other management plans. They've also been

they also follow good design practices in the round. And obviously they've been approved or are being considered on their own merits as individual schemes. So having undertaken a cumulative assessed assessment. No

cumulative effects have been reported within Chapter 13, and therefore we haven't developed any specific mitigation, monitoring or management for cumulative effects across the chapters. We do report a number of significant cumulative effects within the chapter, and I can go through this quickly.

One of them is relation to climate change, and that recognizes the number of other renewable energy production developments within the cumulative assessment list, and cumulatively that is anticipated to provide a notable benefit in meeting the UK target toward net zero, because of the beneficial nature of that cumulative effect. There's no mitigation, monitoring, management, which is deemed to be necessary. Another

cumulative effect that is identified is in relation to biodiversity and biodiversity net gain.

As we all know, there is a 10% minimum requirement to deliver net gain across projects. So a lot of the other projects in the cumulative list will be delivering that 10% in addition to our circuit 80% I believe it was last time we looked at the figure,

biodiversity net gain. Again, there could be significant potential for biodiversity net gain across those cumulative projects in terms of mitigation and management in relation to that benefit. We have got a number of management plans proposed, as

do some of the other developments, including the outlines landscape mitigation and ecological management plan. And those management plans will be key to ensure that by division, net gain is achieved across those developments. And then finally, so we do conclude a significant adverse, temporary loss of agricultural land effect, cumulatively and again, that recognizes the other schemes within the cumulative list, many of which are renewable energy developments and will lead to a temporary loss of agricultural land. We do, however, then have a soil resources management plan, so and a lot of the other schemes also have similar management plans, which, if the soil is managed properly, again, we record that there could be a cumulative benefit longer term, when the soil is returned to agricultural use.

Thank you, sir,

thank you for that.

I now turn to

the comments on deadline, two submissions that you made in rep 3004,

in particular, in response Darlington Burke Council's response to our first written question that document will IS rep two Oh 31 regarding a Long and short list of committed developments, and that question references, GCT one, dot 13.

In your response, you indicated you were going to do further sensitivity analysis to understand the implications for the cumulative assessment in response to the development applications identified by Wellington Borough Council. Could you please update us on that?

Thank you, Sir David Brown, on behalf of the applicant, yes. So the long list and shortlist of committed developments for the cumulative assessment, they were frozen in January 2024, and that was really the latest we could freeze those lists to allow us to undertake the assessment prior to submission of the application. We

acknowledge that Darlington by council, sent through some status updates on other developments within the short list and also provided some new developments they asked us to consider as part of the cumulative so deadline three. So as you mentioned, we responded on the change in status at a high level. And that was our r e p3 004, and then subsequently, we haven't taken a sensitivity analysis and submitted that a deadline five, which was R E p5 005,

in summary, so the change in status of the three developments provided by dBc, we don't.

Consider has an impact on the cumulative assessment outcomes. Those projects were in the shortlist at the time of assessment, and the status change is really around whether that they've gone from being in the system to approved, I think, in the majority of cases. And that was the burtrey Garden village land north of Connors Cliff road, and then the NW I water main project.

So as I say, so, they were already in the short list and were considered as part of the cumulative development. So the sensitivity test then on the three additional

projects. So one, which is application number 17, 00636,

is situated

within the Duncan Council local plan, housing allocation, a six, it actually joined a project that was in the short list of cumulative schemes initially. We have, however, undertaken an additional sensitivity test on the additional site, and that was in the deadline five submission, ROP 5005,

that scheme would have only been in their zone of influence with biodiversity, given where it lies in relation to the scheme, and

biodiversity is actually scoped out of the EIA for that development on the basis that adequate mitigation has been provided. So the habitat losses are not considered a scale that's significant, and there's sufficient intervening distance between our scheme and the proposed development, and therefore inclusion of that in the cumulative assessment doesn't change the assessment as presented.

Then come on. So application 24 00772, and that was only submitted in August 24 and it's still a waiting decision, I believe. And the application actually included its own cumulative assessment, which included the buyers, Gill solar project.

We did, however, consider it in our submission at deadline five, and it would have been in the zone of influence of biodiversity, landscape and visual cultural heritage and archeology, again, so with the mitigation measures that we are proposing and that scheme is proposing, we don't think there are any direct or indirect impacts that would bring cumulative effects alongside our scheme, and therefore it doesn't change the assessment. And then

finally, there was application 21 00529,

again, submitted in May 2021, and has subsequently been granted or consent. I believe that scheme shows 5.5 kilometers from approach development, and therefore only in his own influence about biodiversity again

and from the sensitivity analysis undertaken and submitted a deadline, five, no cumulative effects were identified. Okay.

Thank you, sir.

Thank you, Mr. Brown.

Just on that particular topic. I just would like to give darling to the opportunity to comment on that answer, and

so that you on that please. Thank you. Lisa Hutch and Darlington Borough Council, I would have possible, like the opportunity to consider the submission at deadline five and respond in more detail at the next deadline. If that's possible, obviously, there's a lot of information in that for us, you know, for Darlington to consider, to respond to that. So if that was possible, to have that as a hearing action point to respond at the next deadline. I'll do it at that stage. If that Okay? Thank you. The first action point from the meeting, can I just ask, presumably, you had some input into that, or is it being done independently in terms of responding to the questions and providing the long and the short list? Yes, I mean the sense the short this list that they produced at deadline five.

Have you had much input into providing information in that or is that,

well, I haven't looked in great detail at that information provided at deadline five I have provided information at previous deadlines in terms of updates to statuses of

developments and allocations on the list the one

I'm particularly interested in is ID 65 the nwl pipeline, which was received as an application approximately four weeks ago. So I'd like to have a look at that and comment in more detail on that. Okay, all right, no, I accept that you haven't had time to review that, so that'd be very helpful, too. Thank you. Have your response to that? Please? Thank you.

I just you've touched on this, Mr. Brown already, but I just would like to turn back to Table 1310, of ES, chapter 13, Appo, 36

and just to run through the identified cumulative effects of.

As of the proposed development as summed in that table, like

you said. David Brown, on behalf of the applicant, so I said, Would you like me to run through just the significant effects, or run through the effects as they're reported in that table, high level, through them, each one, please. Thank you, sir. So the first topic is climate change within that table, as I mentioned in the opening, around the assessment approach. So the approach to climate change assessment within the IEMA guidance is inherently cumulative in terms of consideration being made of the post development against UK carbon budgets. So the guidance is very clear that no further cumulative assessment is needed. It would be duplicating assessment work.

However, given the

So, given the number of other renewable energy developments within the cumulative shortlist

we've recorded in that table, a potential beneficial cumulative effect in terms of climate and carbon production. From an energy production perspective

in relation to biodiversity, which is the next topic, the proposed development includes appropriate avoidance and retention of ecological features as well as good design mitigation enhancement measures. Or the short list of developments which are considered

also follow similar mitigation practices and the mitigation hierarchy. And as such, cumulative impacts. For example, habitat loss would not be at a scale which is considered significant in EIA terms, given the mitigation measures

in terms of bng, we've touched upon this already, because all of those projects are seeking to achieve biodiversity net gain in line with legislation, we've reported that a significant beneficial effect there, in terms of biodiversity net gain across the projects,

in terms of landscape and visual as I outlined above, some of the shortlisted developments were considered in the assessment chapter as future baseline. But overall, in terms of cumulative effect assessment,

by virtue of the stranded topography, the glimpse views, intervening distances and screening proposed as part of our development, as well as some of the other developments, cumulative effects in terms of landscape character and changes to views, were concluded to be not significant

in terms of cultural heritage and archeology, none of the other developments that will have a direct impact on any archeology. Remains standing Earth, virtual buildings within our order limits. So cumulative effects were focused on indirect impacts, or potential indirect impacts,

three asset groups or receptors were considered to potentially have these effects. So therefore considered further. So that was asset group three, which is bishopson, none of the other developments actually lie within the setting of that asset group, and therefore no cumulative effects were considered to be present. In terms of Bishop conservation area, which is another receptor, again, none of the other developments lie within the existing setting of that conservation area. And therefore no cumulative effects were concluded. And in relation to the schedule, monument, modern Bailey, two of the developments, Gately, Moore, solar and bischool Lakes, had the potential to lead to cumulative effects. However, having considered their potential, the chapter concluded no cumulative effects as part of those developments considered

moving on to land use and socio economics, we did sort of consider the generation of additional construction employment in the localized economy,

given the lack of information from other projects and the lack of certainty around that employment, we didn't include a significant, beneficial cumulative and recorded as not significant. We also then considered potential cumulative effects on recreational community facilities, polar rights away and other receptors, but because of the location of the other developments, again, there was no significant cumulative effects drawn as part of that assessment, and as I've already mentioned, so the cumulative extent of temporary loss of agricultural land because of the other renewable energy schemes in the locality was concluded to be significant in EIA terms. In

relation to hydrology and flood risk, there was limited cumulative interaction between the developments that could collectively either increase flood risk or reduce water quality, and therefore no significant EIA, no significant cumulative EIA effects were drawn. And similarly, in relation to noise and vibration,

because of the location of the other schemes, there was no significant noise conclusions

drawn as part of the part of the cumulative assessment. And there were no vibration sources associated with any of the pros developments that were in very close proximity to our proposal, and therefore no effects drawn there either. And then finally, so on, traffic and transport, again, due to how the assessment is undertaken with the future baseline.

And the consideration of the other committed schemes within the traffic modeling, there's no further cumulative assessment undertaken as part of traffic and transport.

And that's that summary. So do you like me to go back through the significant effects, or are you happy with that

summary? I'm happy with that does any of the Thank you, sir. Any panel, any other panel member wish to comment? Mr. Pinter,

yes, please. Thank you. Mr. Wheelchair,

can I just revisit

table while we're still on table, 1310, cumulative effect summary, particularly in terms of what you have just explained now, in terms of effects on landscape and visual so on this, on the conclusion, you state that the adverse cumulative effects is limited by virtue of surrounding topography, glimpsed views, intervening distances and screening both from the proposed development itself, in the presence of screening not associated with proposed development. Can you explain a little bit more how you have arrived to that conclusion and to that assessment? Particularly, I'm particularly interested in terms of

what you state in terms of the presence of screening associated with proposed development, because obviously, one of the characteristics, and we've we've been, we've been to the site several times, on several different site visits, one of the characteristics of the landscape, it's actually its openness. So the screening will have an impact on that. And I think that in terms of cumulative effects, particularly depending on where you are located, in which panel area you might look at, they might differ quite significantly because of the mitigating measures that are proposed. So can you explain to us in a little bit more detail why you believe the assessment is is the effect is not significant in ei items?

Thank you. So Mary Fisher for the applicant. So table 1310 summarizes the cumulative landscape visual effects as described at paragraphs 13.5, point 40246,

and it's important to remember that the summary relates specifically to those schemes in planning considers part of the cumulative assessment. It's not a general reflection of on consented and operational schemes.

So if we turn to those particular paragraphs and consider which developments are being considered, so at 13 point 5.40,

the developments considered in the cumulative assessment for landscape and visual impacts are net zero. Teesside power, which is number three on the plans, burtra Garden village, which is number 15, bishopton Lakes,

which is development holiday lodges close to bishopton,

Beaumont, Hill, which is ID 32

plot 3b, merchant Park, Id 67 and acliff Quarry.

And then paragraphs

13.5, point 41246,

continue to discuss each of those individual developments. Would you like me to walk through those

one by one? Yes, but if I'm interpreting the information in those paragraphs correctly, it seems to me that that is from a point of view in terms of future projects that have been considered in terms of cumulative effect. In fact, I am actually looking at further evidence and further explanation from the applicant in terms of the cumulative impact effects to of the proposal, so not in combination with other, with other applications nearby of this proposal on those, on those residents, because obviously



those commute, those landscape in visual impacts will be cumulative with other types of impacts, like increasing traffic, for example, which we have heard before, potentially noise. So how has that been considered as part of your evaluation?

Thank you, sir. So, so you're talking about the intra project effects. I'm talking about table 13 point 10, which says cumulative effect summary. So.

And within that table you list the different topics that you have analyzed cumulative effects, correct?

So David Brown and perfect, yes. So that table summarizes the cumulative effect, right? Not the in combination effect, which are two different things. So the difference I think Ms Fisher was trying to explain is, as I was trying to explain in the introductory element, with the landscape and visual assessment, a lot of the shortlisted developments which other topics would have considered in the cumulative are part of the landscape future baseline, and therefore the cumulative effect assessment and the landscape and visual only actually deals with a small number of projects which Mrs. Fisher's just run through.

Thank you. Okay, in that case, then let me ask my question in a different way. So if I wanted to find information of how the applicant has actually taken into consideration the landscape of visual effects, of say, all of the residents of great Stanton of the proposal, how? Where can I find that information within the applicant's documents?

So all of the landscape and visual effects are described in the landscape and visual assessment chapter seven, but individually. So my question is, have you actually taken into consideration the fact that you're going to be affecting not one property, not two, but maybe five, maybe six, maybe seven, and how has that been considered and taken into consideration as part of the overall proposal? So the number of properties affected is not relevant consideration in LVI, a that's set out in the guidance.

And also, I think it's worth remembering that an effect,

for instance, on landscape character or a landscape designation is an effect on a landscape receptor in its own right, not on people. So the visual effects are effects on people, and the residential visual amenity effects are effects on people in their homes. So you could perhaps consider those in the round,

but generally they are separate effects. So you look at the effects on each one of those residential receptors that you have identified in reporters those individually. So there isn't a combination

assessment of that for a specific location where several different properties close by might be affected by the same issue. It's that's just what I'm trying to clarify in order to provide more clarity in terms of how that assessment is carried out.

So for residential visual amenity, it is one by one, but the assessment which provides a summary, if you like, at the end, so you can tell where is affected.

And the

LVI a chapter considers effects on places settlements as well. Okay, and those effects on places will be more than just an individual residential dwelling. Obviously, yes. Thank you. Thank you. Thank you for clarifying that. So in terms of the information that we have on table, 1310, cumulative effect assessments, it is the cumulative effect assessments per topic, but in relation to other applications that are relevant that you have identified and you have gone through with the long list and that was then convert it into the short list. Yes.

Thank you, sir. Mary Fisher, for the applicant. So

just to be clear, developments in the short list that are operational or consented are fully taken account of in the main LVI a chapter,

any that are in planning are addressed in chapter 13,

okay, and that is reported on table 1310, yes. Thank you. Thank you. No

further questions from me on this topic. Thank you. Thank you. Mr. Pinto, just to put this into context. Got quite technical, and I just wanted for the room it to be clear, I think you're saying that

with landscape and visual

in a number of places, the effect of this project is significant on

local receptors, so people who live there,

but when you look at other developments in the wider area, the landscape and visual impact is not regarded as significant. So.

Thank you, sir. Mary Fisher, for the applicant, not quite, I don't think so.

Essentially, the significant effects that are reported within the main LVA chapter take account of existing and consented developments. They are significant

with those developments in place

in the

in chapter 13 the cumulative effects assessment,

it's considering a different group of projects. So it's considering the projects in planning, and the conclusion in chapter 13 is that the interaction with those projects would not be significant.

Does that help?

Yes,

it does.

Yeah, thank you.

So I'll move on to a different question.

So some smaller sites were identified in the statement of common ground with great stain and parish meeting. The document references, rep 4016,

in row, ID, GS, PM, six on page six, which also is evidenced in Durham

Darlington Borough Council's landscape and visual assessment table, LI, 1r IR, one

as and also referencing the Cowley complex solar plant identified by Mr. Smith in our R, E, P, 1o

36

Can you just update us please on how those particular sites have been considered in the assessment of cumulative effects?

Thank you, sir. David Brown, on behalf of the applicant, so those the sites that were identified in that statement. That statement common ground with with great state and parish meeting and the Cowley complex, as identified by Mr. Smith, they were all developments that were in the both the long and the short list as part of the cumulative assessment, and therefore they have been considered as part of that assessment process. So that's across all topics,

thank you. And also the Cowley complex, identified by Mr. Smith, is that in there

it is, I believe it is called something else from memory, but that might have been some of the confusion. So I think with the reference, I think it's actually called Cowley House farm,

or a group of three projects, rather than one single project. But we did check that, and it has been considered as part of the cumulative

assessment. Thank you. Mr. Brown,

will I move on to open up the questioning a bit more? Do any of my fellow panels have any questions they'd like to ask?

Yes, I have one. Mr. Bucha, thank you.

I would like the applicant to demonstrate how you have used joint working or information sharing initiatives

with similar developments whose activities are

likely to coincide at the timing of activities is likely to coincide with the timing of the construction activities for the proposed development.

Thank you, sir. David Brown, behalf of the applicant.

So in terms of joint working, I know that arably have tried to engage with a number of the other solar developers within the proximity to the proposed development in terms of informing the cumulative assessment that information was largely drawn from publicly available sources, as per the guidelines so and guidance so information available On Darlington Borough Council's website portal, for example, if the application have been submitted or any other information in the public domain as part of that development. So we've not specifically engaged with all of those developments at this stage of the project, but as we discussed this morning, there are commitments in the management plans to engage with projects that are likely to be being constructed at the same time, and that will be in coordination with Darlington, particularly on the highway

side of things. Okay, just a quick one. So does that mean then the applicant would liaise, I would initially identify those consented development.

Mens that are likely to carry out their construction in parallel with the one of this proposed development.

Thank you, sir. David Brown, on behalf of the applicant, yes, sir. I mean, our experience of these things is primarily highways driven in reality in a lot of these cases, so a lot of these schemes will need high risk consents, or at least to engage with the highway authority to enable construction. So we will engage with the highway authority through needing to agree our CCMP, but also, more generally, to understand what is likely to be coming forward at the same time as the bias goes solar project, if we gain consent, and then understand the likely impacts of that and how that can be managed. I think it will be driven by the Highway Authority in relation to transport, but we'll also consider other potential impacts as well at that point. Okay, thank you. Mr. Abraham,

thank you, Mr. Obadi, Mr.

Pinto. Thank you, Mr. Wheelchair. Can I ask one more question, and I will try and make this brief, but if I could take us back to an issue that we covered early in this hearing, in relation to the in combination effects assessment, where the EXA was pointed was directed to table, 1.1 in combination effects, which is appendix, table, 13.1,

I think reference is a PP, 160,

so if I could actually take us back to that table, and particularly considering the response that we just received in terms of How cumulative effects have been taken into consideration. I can see on the second row of table, 1.1

in relation to human receptors in the proximity to the works

at operation. So that would be for the majority of the of the lifetime of development.

Landscape in visual it recognizes there will be changes to views for residential and recreational receptors. And then there are other possibilities that are recognized by the applicant in terms of interaction with other topics, such as, for example, traffic, noise and vibration and activities on site, and the noise and vibration and then the traffic contrast in transport also impacts upon severe severance and amenity to pedestrian, horses, riders and cyclists, pedestrians, obviously, including the whole population that will be living in The proximity of purpose development.

So in light of that, can you please explain the wording that you have used and the conclusions where you state no significant effect, interactions are expected. Each individual effect is unlikely to work in combination to generate significant effect. Thank you, sir.

David Brown, and be off the applicant. So I think we just need to. I need to be aware that the difference here that this is the in combination assessment, so the assessment of intra project effects. So that's effects being generated by a project, rather than cumulative effects with other projects. So just to make that clear, in terms of what this table is presenting, so in terms of the operational stage and human receptors, appreciating that that table does record some potential effects against certain topics and disciplines, the final column on that table then looks at the potential for in combination effects. So those effects combining to create a more significant effect. So I

think it's important to recognize that those effects are likely, and a lot of them will come with embedded mitigation, as we talked about this morning, and the Lemp is mentioned in in that final column, for example. So just to go through that, it appreciates the changes in views to residential receptors. It then talks about, for example, traffic noise and vibration during operation, that will be very minimal, and that is reported in the traffic assessment, likely one visit per month, for example. And then traffic and transport in terms of severance and amenity to pedestrian, source, riders, etc, again, that will be minimal during operation, because the activity on site is minimal. So in combination, when you consider all those potential effects individually. That's where the non significant in combination effect conclusion gets drawn to. I understand that and accept that, but obviously you have mentioned mitigation that you have put in place to mitigate against those effects that you have identified.

However, by

debt, mitigation is mitigation that doesn't is

looked at and considered for each and every chapter, because on the in combination assessment you have identified, there is no significant effects. So my my question is not to.

So it's before that, if you would like. So it is how you have arrived to the conclusion that actually there will be no in combination effects that generate a significant effect, when actually, when you look at that specific row, there are potentially several different effects that have been identified on several different chapters, so it's before you get into mitigation. So even I understand that mitigation is considered as part of the overall assessment, but even considered in mitigation, you report here that there is going to be potentially

effects that are negative. So how come the some of all of those effects lead to a now significant effect in the IA terms, that is the question. Thank

you, sir. David Brown, off the applicant. So, so you say that lead to a now significant effect. You mean not, not significant, because that's what the conclusion well is. I mean, well, yes, because that is what you actually report on cyber so in the last column of the table, you say no significant effect, interactions are expected. So I am trying to understand your thought process in arriving to that specific conclusion. So you need it needs to be considered in the round. So the report the row of the table identifies it per topic area. But then the in combination effect assessment, which is completed after each of the topics have reported against that receptor, considers the likelihood of those interactions. So there is a likelihood of

traffic and transport and noise occurring alongside the changes to landscape and visual for example, and that the conclusion of that for that specific row is that that likelihood is fairly minimal and therefore fairly low, and that's why there's a no, no significant or not significant effect from the items.

So there's a number of and processes to go through once the individual effects have been identified per topic chapter. So to reach the in combination, fact, I understand that. But in that case, Then may I suggest that there is, perhaps, in that case, a lack of clarity within here, because

looking at the assessment that you have on the table,

it just recognizes the impact, it does not quantify that impact, which is, I think, what you are explaining now, so obviously,

anyone looking at your assessment would logically lead to the question that if several different impacts that have not been quantified as low are identified, How come is it that interaction between All of those impacts leads to no significant effect. If, if that is your answer, then there is a lack of clarity here, which obviously would need to be reflected in your overall assessment, and why it is not reflected.

Thank you, sir. David Brown, on behalf of the applicant, I think I see the point you're making. So it perhaps comes back to the actual detail within the table in terms of the individual effects and then how they're brought together in combination. And perhaps we could take that away so and have a look at it and provide an update back into examination at some point in time, if that would be acceptable.

That would be acceptable. But I think that TxA would also like as part of that update for the applicant to provide clearer reasoning in terms of where within the other chapters of DS those conclusions come from, because obviously, there is a concern here in terms of how those conclusions will be reflected on the table.

Thank you. Thank you, sir.

Oh, and apologies. Can I just confirm that that's an action, obviously, just for the record. Thank you.

Thank you. Mr. Pinto, I'm



going to break it half past three, so I think I'll turn first to the local host authorities and give them an opportunity to comment, and particularly concentrating on the main outstanding areas of disagreement,

I will turn to

Darlington Borough Council first, please. Sorry,

could we just have two minutes just to convert? Sorry, of course, I

Yes, in that case, I will adjourn us now to give you a little bit of time to do that, and we'll it's 314

we'll recommence at 330

Thank you. Applause.