



DARLINGTON
Borough Council

BYERS GILL SOLAR
DARLINGTON BOROUGH COUNCIL

IP reference number BGSF-AFP412

Hearing Action Point (ISH7) submission

Deadline 6

Darlington Borough Council to submit written comments on the Applicant's Cumulative Effects Sensitivity Analysis at section 3.2 of the Applicant's comments on any further information/submissions received by Deadline 4 [REP5-005]

In its response to the first set of written questions (ExQ1) [REP2-031] Darlington Borough Council (DBC) sought to correct, or update, the status of a number of planning applications included in the applicant's long and short list of committed development.

The applicant has undertaken a further sensitivity analysis around these updates which is presented in Section 3.2 of the Applicant's comments on any further information/submissions received by Deadline 4 [REP5-005].

Generally, DBC would agree with the comments made by the Applicant that the change in status is unlikely to affect the assessment already presented for most of those sites and allocations referred to in DBC's response to ExQ1 [REP2-031]. DBC would however make the following comments in respect of the Applicant's further sensitivity analysis around ID65 – NWL Water Main, Ketton Lane.

It was confirmed as part of the Council's response to ExQ1 [REP2-031] that the applicant, Northumbrian Water Limited (NWL), indicated that the application was to be submitted in September 2024. The application was submitted to the Council as a valid application on 25th October 2024 (24/01047/FULE) and is currently under consideration, with a determination date of 30th January 2025.

This is a significant development relating to Phase 2 of a scheme to replace the main drinking water pipeline between Lartington Waste Water Treatment Reservoir in County Durham and Long Newton Service Reservoir in Stockton on Tees. Phase 2 runs for a length of approximately 18km from Dyance Beck to the west of Darlington, close to its boundary with Durham County Council, to Long Newton Service Reservoir just over the border in SBC's administrative area. The application is subject to an Environmental Statement and is a cross-boundary application with both DBC and SBC, with the majority of the works falling within DBC's administrative area.

Phase 1 of the pipeline is currently under construction. The current application indicates that should planning permission be granted, work is likely to commence on Phase 2 in June 2025 with a 39-month construction period concluding in September 2028.

The NWL scheme is acknowledged as falling within the zone of influence (ZOI) for a range of topics as set out in ES Chapter 13, Table 13-8 Shortlisted committed developments [APP-036] and therefore the potential for cumulative effects exists.

ES Chapter 13 gives some consideration to the impact of this proposal based on an assessment of the route of the pipeline as set out in the applicant's request for a scoping opinion of the LPA (23/00733/SCO). Although the route remains largely unchanged, there has been some slight changes to the alignment of the pipeline to account for constraints such as landownership.

ES Chapter 13 at paragraph 13.5.82 identifies that construction traffic will use some of the same access routes as Byers Gill and will intersect Byers Gill access routes in a handful of locations. It continues that although the scheme was at scoping stage, it was considered unlikely that the two projects would be in construction simultaneously.

Given the proposed 39-month construction period for the NWL pipeline proposal (June 2025 and September 2028) there remains the potential for the two schemes to be constructed simultaneously, with resultant impacts on traffic and transport. Indeed these impacts could potentially be much greater given the Applicant's proposal to remove the respective Local Highway Authorities' controls over the NRSWA 1991 under Article 10(4) of the dDCO.

ES Chapter 13 at paragraph 13.5.37 excludes the NWL proposal from the likelihood of potential cumulative landscape and visual impacts due lack of above ground form, and DBC would agree with this assessment. However none of the other in-scope matters have been given consideration within the ES and neither have they been addressed as part of the sensitivity analysis submitted at deadline 4 [REP5-005].

The sensitivity analysis for ID65 – NWL Water Main, Ketton Lane indicates that as this development was included in the short list, it has been assessed as if it may interact with the proposed development from a cumulative perspective, and that the change in status would not impact upon the assessment already undertaken.

For the reasons set out above, DBC considers that the assessment already undertaken for ID65 was not sufficiently robust to conclude that there would not be any cumulative adverse impacts, and if such impacts were identified what mitigation measures might be necessary.

DBC considers that further information is required from the Applicant before an assessment of the cumulative effects of these developments can be made.