

Bishopton Villages Action Group Deadline 7 Responses and Comments

10th January 2025

This table sets out BVAG's responses to / comments on documents and submissions relating to 1) Deadline 6 (6th December 2024); 2) the ExA's Rule 17 Request (10th December 2024); and 3) the ExAs' third round of written questions (ExQ3) (10th December 2024).

BVAG Table 1 Deadline 7 Responses and Comments

1) Deadline 6 Submissions 6th December 2024	
REP6-018 / RWE 8.24: RWE comments on Deadline 5 Submissions for Deadline 6	
Topic	BVAG Comment
Matters Raised During ASI	<p>REP4-040 BVAG page 12/15: RWE question whether discussions were held during the ASI about '<i>important omissions and discrepancies between the situation of the ground, and the applicant's Landscape and Visual Impact Assessment</i>'.</p> <p>BVAG strongly dispute the comments made by RWE regarding in particular May Tree Farm. Mark Smith representing BVAG attended the site visit and May Tree Farm was specifically highlighted whilst reviewing viewpoints from Downlands Farm. This was acknowledged at the time by RWE's landscape consultant Mary Fisher, and by Michael Baker. BVAG were also asked by the Examiners to highlight the entrance to May Tree Farm from the bus whilst transiting between sites: Mr Smith duly pointed this out to the Examiners and other parties.</p>
Effects on Heritage Assets	<p>Despite assurances that geophysical surveys would be repeated around Castle Hill this work has not yet been completed, and there are no enforceable commitments to complete this extra work. We only have RWE's assurances that it will take place.</p>

REP6-019 / RWE 8.25: RWE comments on DBC ISH4 Actions	
Topic	BVAG Comment
Worst-case Scenario VPs	<p>DBC’s position is that the LVIA’s VPs do not always represent the worst-case scenario. At comments on VP21 (page 3/9), RWE’s response states that criteria for the selection of VPs for assessment included safety, in terms of taking photos and groups of people visiting locations for example on busy roads.</p> <p>The problem with this approach is that the worst-case scenario may not have been assessed.</p> <p>The most sensible solution would have been to a) report the worst-case visual scenario at the relevant point, even if no photo was taken; b) include a photo from a nearby representative VP in a safer position; c) explain that the photo does not show the worst-case scenario; and d) set out levels of effects at i) the worst-case VP and ii) the ‘safer’ VP. That would make it much easier for decision-makers to understand the likely visual effects.</p> <p>But bear in mind that existing and proposed screening vegetation will vary in nature and height over time.</p>
REP6-020 / RWE 8.26: RWE response to matters raised at ISHs 5-7 & OFHs 3-4	
Topic	BVAG Comment
Capacity	<p>Re the issue of the proposed development’s level of capacity and the Longhedge appeal (RWE response to BVAG comment on pp. 11 & 12 of 32).</p> <p>The key point is whether the Byers Gill proposal could generate ‘up to 180MW’ on a smaller area of land, potentially resulting in lower levels of environmental and human harm.</p> <p>The Applicant pointed out that BVAG’s landscape expert Carly Tinkler (CT) ‘<i>was unable to say whether a legal challenge will be brought to the decision which has been taken</i>’ on the Longhedge scheme. CT can now confirm that the claim (ref. AC-2024-BHM-000287) has been lodged and the Secretary of State and Interested Party (the Appellant) are due to respond by the 10th of January.</p> <p>The implication of the decision being allowed to stand is that that developers will be further encouraged to install far more solar panels than are needed to provide the stated capacity of the site – that could be 200, 300, 400% more, there would be no limit: in order to generate higher profits they would use far more land than is</p>

	<p>actually required to achieve the stated capacity. Indeed, the Applicant confirms that they have overplanted for this reason as well as to account for panel degradation.</p> <p>It must be noted that in this scenario, large quantities of useable energy are wasted because the energy generated must be clipped before reaching the grid, to keep the site within its AC capacity.</p>
<p>Sheep-grazing</p>	<p>Re CT's query about solar sites where sheep are currently being grazed (RWE response to CT comment on p. 15/32).</p> <p>The ExA asked the Applicant to provide a list '<i>of Solar Farms RWE is aware of where sheep or other animals graze</i>'.</p> <p>Having looked closely on Google Earth, there only appear to be sheep in one field on one of the solar sites on the list (Newlands Farm, Axminster, Devon EX13 5RX); however, the images could have been taken at times when sheep had temporarily been moved, or taken indoors. Conversely, sheep-grazing may have ceased after the images were taken (we are aware of sites where sheep were grazed for one season then removed, mainly due to the problems described in paras. 4.5.16 – 31 of BVAG's Deadline 2 written response to landscape matters [REP2-044]). At one site, it was reported that sheep were brought in for a few days when the planning committee visited the site prior to the application being determined, then were taken away again.</p> <p>No hens or geese are visible in the images, but they might not be so easy to spot.</p> <p>One of the sites may not yet be operational (Twitch Hill Solar, Shropshire TF10 9AE).</p> <p>BVAG is making its own inquiries, but would like to know what evidence the Applicant has for these sites <i>currently</i> being used for long-term sheep- / other animal-grazing purposes?</p> <p>Incidentally, and with reference to keeping poultry on solar sites, a number of factors must be borne in mind, for example:</p> <ol style="list-style-type: none"> 1) Poultry may perch or roost on the tops of the solar panels, covering them in excrement. 2) In order to avoid adverse effects on certain species of fauna, the majority of solar sites proposed / constructed in the UK require 'permeable' security fencing that permits the continued passage of small and medium-sized mammals (eg badgers but not deer) across land occupied by solar arrays – usually in the form of purpose-built gates or flaps created at regular intervals along the length of the fenceline. Indeed, such an arrangement is proposed for this Application (see ES Figure 2.15 [APP-053]). However, evidently, the gates also allow access to foxes, badgers, hedgehogs, mink, stoats, weasels and ferrets, all of which are

	<p>poultry predators. Closing the gates would help to protect the flock, but would also result in adverse effects on the excluded species.</p> <p>3) Poultry manure contains considerable amounts of soil-enriching nutrients (eg nitrogen, phosphorus, and other excreted substances such as hormones, antibiotics, pathogens and heavy metals which are introduced through feed); this can be very damaging to / may kill vegetative cover, and severely adversely affect soil and water quality (and peoples' quality of life as well). The manure also contains ammonia. The toxic effects of ammonia gas can damage and kill plants, and can decrease soil PH. This is also relevant to comments on / responses to EXQ3 LUS.3.5.</p>
<p>Long-term Soil Health / Benefits</p>	<p>The Applicant's response to this matter (on p. 16 of 32) includes, at Appendix A.1, a report which '<i>shows that there is comprehensive, quantitative evidence of the benefits to soil health from converting from arable land to pasture</i>'. However, this does not address the point CT was making, ie that 'resting' arable soil for long periods of time (over 5 years) decreases levels of fertility. The Applicant's stated intention is to restore the land to its previous use (ie arable agriculture). The question is, how would the current levels of soil fertility / the ALC grade be restored at decommissioning?</p> <p>If the current ALC grade could not be achieved, then the development would have resulted in the permanent loss of over 20ha of BMV land, when Natural England assumed the loss would be 'temporary'.</p> <p>CT does not agree that 'restoration to agriculture' at decommissioning would be a 'significant' scheme benefit, as claimed by the Applicant: this is simply restoring the site to its original condition. Indeed, this also suggests that the development would result in associated significant disbenefits.</p> <p>CT also raised the question of the Applicant possibly having to carry out an EIA under the EIA (Agriculture) Regulations at decommissioning, mainly due to the likely adverse effects on biodiversity arising from the change from pasture to arable cultivation.</p> <p>See also CT's comment at ExQ3, 12. Land Use and Socioeconomics, under the heading Soil Management.</p>
<p>Glint and Glare</p>	<p>This matter is dealt with in BVAG's comments on ExQ3 GCT.3.2 below.</p>

REP6-021 / RWE 8.27: Landscape and Visual Assessment - Cumulative Effects Technical Note	
Topic	BVAG Comment
Cumulative Effects	CT does not agree with certain aspects of the interpretations of the published methods which are set out in the technical note, but has no further comment at this stage, as BVAG and the Applicant have agreed that the proposed development would give rise to significant adverse cumulative landscape and visual effects, many of which could not be mitigated.

2. ExQ3 issued 10th December 2024		
ExQ	Topic	BVAG Comment
1. General and Cross-topic Questions		
GCT.3.2	Glint and Glare	<p>Re glint and glare effects and question 'can the Applicant confirm if it has considered non-reflective panels'.</p> <p>This matter was raised in BVAG's Deadline 6 Post-hearing Submissions to the ExA 6th December 2024 (ISH6 Landuse and Socioeconomics Carly Tinkler CMLI oral submissions on behalf of BVAG [REP6-036]), under the heading <i>Glint and glare</i>, on pp. 16 – 18.</p> <p>As explained at paras. 4.6.10 and 11 of BVAG's Deadline 2 written response to landscape matters [REP2-044], currently, there is no formal guidance for carrying out glint and glare studies (GGs), only high-level guidelines from the Civil Aviation Authority. As a result, the company which carried out the Applicant's glint and glare study (Pager Power – which appears to carry out GGs for the majority of the solar developments proposed in the UK) produced its own informal guidance (<i>Independent Solar Photovoltaic & Building Development – Glint & Glare Guidance</i>, currently 4th edition (September 2022)).</p> <p>Please note there is an error in BVAG's REP6-036. At Item 1), an extract was provided from what was said to be 'a glint and glare study carried out by the same consultants which carried out the study for this proposal' [ie Pager Power], which stated that '<i>no solar panel absorbs 100% of the incoming light. Therefore, any solar PV panel has the potential to produce a solar reflection. The relative absorptive properties of a solar panel</i></p>

		<p><i>should be considered on a case-by-case basis</i>'. In fact, the extract is from para. 1.11 of Pager Power's informal guidance 4th edition.</p> <p>Another point about the Applicant's GGS method was raised in BVAG's REP6-036, relating to the fact that <i>'Other road users, such as walkers, cyclists, and horse riders have not been considered within the study [because] In Pager Power's experience, significant impacts to pedestrians / equestrians using the surrounding public rights of way / bridleways are not possible due to glint and glare effects from PV developments</i>'. However, EN-3 para. 2.10.158 states that <i>'the Secretary of State should assess the potential impact of glint and glare on... public rights of way</i>'.</p> <p>Furthermore and very importantly, as explained in REP6-036, the GGS does not assess effects on the visual amenity of 'local' road-users (drivers, pedestrians, cyclists etc). The Applicant explained that the focus of the GGS is on safety, in terms of whether glint / glare could cause a serious accident on major roads, railways, and in the air, although effects on the amenity of residential receptors are assessed.</p> <p>However, as far as I can ascertain, NPS EN-3 does not state that glint and glare effects should be confined to safety issues.</p> <p>The question remains, should the Applicant's GGS be updated, to assist with judgements about effects? It is agreed between the parties that in principle, the proposed development would give rise to significant adverse visual effects, so in that regard a GGS may not be necessary; however, there is the potential for users of PRoWs and local roads to be severely adversely affected by glint and glare, with implications for road safety.</p>
<p>9. Health and Air Quality</p>		
<p>HAQ.3.1</p>	<p>Effects on Human Health and Well-being</p>	<p>HAQ.3.1: <i>At OFHs concerns have been raised by several different IPs regarding the impact that the Proposed Development is likely to have on their general well-being, particularly in relation to stress levels linked to the Proposed Development. Can the Applicant please confirm if these have been considered and how the Applicant has mitigated against these?</i></p> <p>I could not find any assessment of this issue in the Applicant's submissions.</p> <p>Paras. 6.43 – 51 of BVAG's Deadline 2 written response to landscape matters [REP2-044] briefly explain why it is important for schemes such as this to consider effects on human health, well-being, and the quality of people's lives, with reference to relevant policy requirements.</p>

11. Landscape and Visual		
Generally		BVAG has no comments at this stage, but may comment on the Deadline 7 responses to ExQ3.
LSV.3.6	Landscape SoCG	The Landscape SoCG is now complete, and should be submitted to the ExA before or shortly after Deadline 7.
12. Land Use and Socioeconomics		
LUS.3.5	Soil Management	<p>LUS.3.5: <i>At the ISH6 on 27 November 2024 and as stated in the Applicant's Post-hearing submissions [REP6-017], the Applicant submitted that it would not be necessary to explore the movement of panels away from BMV land on the basis of Natural England's relevant representation [RR-373], in which it states that "the solar panels could be removed in the future with no permanent loss of agricultural land quality likely to occur, provided the appropriate soil management is employed and the development is undertaken to high standards". Would the Applicant explain the suitable soil management techniques to be adopted to safeguard the land quality up to the decommissioning stage of the Proposed Development?</i></p> <p>Paras. 6.43 – 51 of BVAG's Deadline 2 written response to landscape matters [REP2-044] 4.2.49 – 88 deal with potential long-term adverse effects on soil quality and fertility. With specific reference to the above extract from Natural England's relevant representation [RR-373], paras. 4.2.62 and 63 are relevant (added below for ease of reference):</p> <p>4.2.62 The ADAS / Welsh Government soils report mentioned above confirms that <i>'There have been few studies of solar PV sites which have a focus on the impacts on agricultural land and soils. This is largely because solar PV sites are recent developments but also because in the early years sites were located on brownfield land or poorer quality agricultural land. The importance of achieving successful restoration of solar PV sites has increased in significance as the number, size and operational time frame of solar PV sites on BMV agricultural land has increased'</i>.</p> <p>4.2.63 In one of its responses (March 2023) to a proposed solar development (Mallard Pass NSIP EN010127), Natural England explains that regarding solar development generally, <i>'there could be a disbenefit to the soil resource due to unknowns as a result of the solar development infrastructure. It is currently unclear as to what impact the solar panels may have on the soil properties such as carbon storage, structure and biodiversity. For example, as a result of changes in shading; temperature changes; preferential flow pathways;</i></p>

		<p><i>micro-climate; and vegetation growth caused by the panels. Therefore, it is unknown what the overall impact of a temporary solar development will have on soil health</i> (my emphases).</p> <p>See also CT note about the adverse effects of poultry manure on soils at RWE 8.26 Response to matters raised at ISHs 5-7 & OFHs 3-4 [REP6-020], RWE response to CT comment on pp. 11 & 12 of 32.</p> <p>See also CT comment on Long-term Soil Health / Benefits p. 16 / 32 of RWE 8.26 Response to matters raised at ISHs 5-7 & OFHs 3-4 [REP6-020].</p>
17. Cumulative Effects		
CU.3.1	Landscape SoCG	The Landscape SoCG is now complete, and should be submitted to the ExA before or shortly after Deadline 7.

3. Rule 17 ExA request: information submitted by RWE 20th December 2024	
At this stage, BVAG has no comments on the information submitted by RWE.	