

## **Planning Inspectorate review of Early Adopter Programme products associated with Byers Gill Solar**

The Byers Gill Solar project volunteered to take part in the Early Adopters Programme (EAP) which involves the trialling of potential components of a future enhanced pre-application service. Amongst other components, the project chose to engage in trialling the production of a Design Approach Document (DAD) and a Policy Compliance Document (PCD) to support its application. The potential value of these documents has been indicated through an operational review of the Planning Act 2008 (PA2008) process and their production relates to government policy objectives pertaining to smoother and potentially faster post-submission stages in a reformed PA2008 service.

### **Background**

On 11 January 2024 the Applicant submitted the following documents for review:

- A draft DAD; and
- a draft PCD.

In August 2023 advice was issued to all applicants trialling the production of DAD summarising the document's intended purpose and suggested content.

In addition to the advice issued in this case, the Applicant is strongly encouraged to have regard to advice issued to other EAP applicants concerning the production of the DAD and PCD, namely:

- [Advice issued to Outer Dowsing Offshore Wind Farm](#); and
- [advice issued to Five Estuaries Offshore Wind Farm](#).

All advice should be considered in the Applicant's finalisation of its own DAD and PCD.

### **Observations and advice in relation to the draft Design Approach Document**

- Para 1.1.2 states that by 'becoming a certified document through the powers of the DCO [Development Consent Order], it places a duty on the Applicant (RWE), the future contractor and the relevant stakeholders to ensure that the detailed design and associated infrastructure is delivered in accordance with the principles outlined within and secured by this document.' The draft DAD appears to contain many of the right design elements but is not presented in a clear and logical manner and overlaps with the functions of other documents within the design process.
- A DAD is envisaged by the Inspectorate as a document that sets out the Applicant's vision for the project and the steps that will be taken to deliver and secure that vision. It should set out how the evidence that underpins the project's design will be assembled and map out the project's design process and how the eventual outcomes will be designed and secured. It should clearly describe the relationship between the key design documents, such as the Planning Statement, Design Principles Statement, Design and Access Statement, outline control documents including the Outline Landscape and Ecological Management Strategy, Landscape and Visual Impact Assessment and Consultation Report, where these are appropriate. The draft DAD in this case has been written when the project is significantly developed, and the key decisions made. The Inspectorate accepts that this is a consequence of the parameters associated with the EAP, which cannot be a criticism of any applicant engaged in the programme. The draft DAD contains a lot of information, including the

beneficial outcomes that are envisaged; however, it would be useful if it was re-written as a 'guide' to how the design has evolved and how it will be secured, with clarity, using appropriate diagrams, on how the various elements of the documentation relate to each other. It need not be a long document, but it should explain how the project will evolve from initial vision through to operational outcome.

- The Description of Development in Section 2 has not yet been provided.
- Section 3 summarises the policy context but adds very little to the narrative because it does not explain the steps that have or will be taken to address policy requirements. The policy context is repeated in full in the PCD (for both 2011 and 2024 relevant National Policy Statements (NPS)) where a relatively full account of how policy compliance is proposed to be achieved is provided; although in some policy areas, notably 'good design', the current version lacks appropriate detail – see below under PCD. Currently, the two documents simply refer to each other with no real content, for example, the DAD quotes para 4.7.2 of the (now) approved 2024 EN-1, which is the foundational paragraph for policy in relation to good design but does not explain how the objectives of the paragraph are addressed. In parallel, the PCD also quotes para 4.7.2 and simply refers readers to the DAD as evidence of policy compliance.
- Para 3.51 references local policies in relation to good design, which include creating 'attractive and desirable places' as an objective. It isn't clear where or how 'placemaking' is addressed. This is increasingly an important consideration for Nationally Significant Infrastructure Projects. Para 4.7.1 of the 2024 EN-1 states: 'Applying good design to energy projects should produce sustainable infrastructure sensitive to place, including impacts on heritage, efficient in the use of natural resources, including land-use, and energy used in their construction and operation, matched by an appearance that demonstrates good aesthetic as far as possible.' And the National Infrastructure Commission (NIC) have emphasised that delivering for local people and creating multiple beneficial outcomes are important objectives. The draft DAD contains considerable evidence of the placemaking benefits that the Applicant envisages – see, for example, para 9.1.5 – but does not go as far as describing how the place itself will be and who will benefit. It would be helpful if the DAD explained what the 'new' place that emerges during the operational phase will be like, how it will work and how it will add value to local communities and those from Darlington and Middlesbrough.
- Para 3.6 describes the NIC's four principles but doesn't say how they are addressed or what difference addressing them has made.
- Section 4 is partly Planning Statement information and partly a summary of several Environmental Statement conclusions; however, it does not go beyond stating the findings to explain how those findings have influenced the design (in the broadest terms) of the project.
- Section 5 – Our Vision should be at the start of the draft DAD. The wording might be tightened up and address (a) the renewable energy objectives; (b) the objectives for achieving mitigation and (c) the objectives for net gain in terms of quality of place, enhancing landscape character, biodiversity, benefits for local people and visitors to the area. The chapter could then outline the design principles and subsequent steps that will achieve and secure the vision and outcomes. Para 5.1.4 gives details of the envisaged outcomes but fails to give them any spatial dimension or to explain or how the outcomes achieve the vision.

- Para 6.1.2 provides a positive explanation of the project's objectives; however, it is not immediately clear what the design principles, derived from these objectives, are. Importantly 6.1.2 states that the design principles are derived from the detailed 'design principles and parameters set out in Section 8'. But Section 8 is largely an extract from the Works Plan in the draft DCO. This is confusing and could amount to a statement that the design is whatever the project requires to achieve its renewable energy objectives. Consideration should be given to establishing a clear set of design principles that provide the framework and 'drivers' for the design and implementation of the project. Para 6.2.1 could helpfully list the range of technical and environmental factors to be considered and 6.2.2 outline how the project has developed through its various stages of consultation.
- Section 7 outlines the dimensions, materials and engineering of the project; including the significant number of containers to be distributed across the site to house key equipment including BESS, inverters and transformers. The emphasis is on how these containers might be 'hidden' from the view of receptors; however, it would be helpful to address a positive approach to design and explain what range of materials and colour palette might be adopted for these significant objects, including security fencing, that will sit in the landscape and inevitably (and correctly) be in view of users of nearby footpaths and highways and how they accord with the project's design principles.
- Section 7.3 – Landscape and Environmental Design is not yet complete which is a disadvantage to this review process.
- While, as stated above, there is considerable evidence of the envisaged range of benefits from the project, it is perhaps a missed opportunity that the narrative does not yet go a step further to explain where these benefits will be located and how a distinctive place will be created. There also appears to be no information of the design, location and mitigation associated with the proposed sub-station and communications tower.
- Section 9 is a helpful summary of how good design has been approached, consideration could be given to whether it might be incorporated earlier in the document. As stated earlier and perhaps because of the way the draft DAD is organised, it is not always clear how policy requirements have been tackled and how the list of beneficial outcomes in 9.1.5 will be secured and delivered and the difference this will make to the location and its future use.

### **Observations and advice in relation to the draft Policy Compliance Document**

- Para 1.1.2 of the draft PCD sets out its purpose: 'This document forms an appendix to the Planning Statement (Document Reference 7.1). The Planning Statement sets out the overall case for the Proposed Development, considering the need for the development and the extent to which compliance with planning policy and other relevant considerations can be evidenced.'
- Overall, the draft PCD appears to achieve its purpose. In most instances the description of the response to policy sets out in some detail where the issue is addressed within the application and the measures that have been chosen to achieve compliance. In the current version there are several policy areas where this detail is absent. For example, in the sections dealing with how the criteria for 'good design' in

major infrastructure projects are met, which simply refers to the DAD, without providing any detail on the issue or the measures taken. In contrast the sections dealing with the response to climate change provide significant detail on the policy response and how compliance has been achieved.

- The draft PCD's 'readability' might be enhanced by (a) using only the text of the newly approved revised NPSs and (b) making clear, perhaps by use of colour coding and an 'across the page' banner, each individual set of policy considerations.