

**Byers Gill Solar  
EN010139**

# 8.36 ISH8 Post-Hearing Cumulative Assessment Clarification Note

Planning Act 2008

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# 1. ISH8 Post-Hearing Cumulative Assessment Clarification Note

## 1.1. Introduction

- 1.1.1. This document has been prepared following ISH8 and discussions in relation to Cumulative Effects Assessment. It provides a summary of the work undertaken by the Applicant which accords with the relevant guidance, recognising that there is no prescribed methodology for the assessment of cumulative effects within Environmental Impact Assessment (EIA). The document follows on from a technical note submitted at Deadline 6 [REP6-021].
- 1.1.2. In doing so, this note responds to Hearing Action Point 11 from ISH8 which requires the *'Applicant to submit note explaining approach to cumulative assessment and compliance with the PINS Advice Note 17 and to define clearly what was included in the baseline and why it was included in the baseline, alongside what was included and considered as cumulative and why.'*
- 1.1.3. The context for the Byers Gill cumulative assessment is an important factor in the approach taken. The project is in an unusual situation where there are 11 consented solar schemes within the Zone of Influence (Zol) or study area for cumulative effects. Although these schemes are not yet operational, as identified in Table 13-10 of Chapter 13 of the ES [AS-033], all schemes have planning permission with one under construction and the others active in progress towards construction (e.g. condition discharge activities or non-material amendments). The Applicant understands that all schemes within the table have a grid connection offer and therefore it is reasonable to assume that these schemes will be constructed and operational by the time Byers Gill is constructed, should consent be granted.

## 1.2. Approach to cumulative assessment

- 1.2.1. The requirement to carry out a cumulative assessment derives from the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017. Paragraph 5 of Schedule 4 to those Regulations provides that *"the description of the likely significant effects on the factors specified in regulation 5(2) should cover the direct effects and any indirect, secondary, cumulative, transboundary, short-term, medium-term and long-term, permanent and temporary, positive and negative effects of the development."*
- 1.2.2. There is currently no prescribed approach to cumulative assessment, however Planning Inspectorate (PINS) Advice Note 17 provides guidance for undertaking such assessment in the context of Nationally Significant Infrastructure Projects (NSIPs).

### Advice Note 17

- 1.2.3. Paragraph 13.2.7 of ES Chapter 13 confirms that the assessment undertaken for the Proposed Development is consistent with Advice Note 17, including through taking a

staged approach (paragraph 13.5.2); using a tiered system in establishing the long list (paragraph 13.5.6) and identifying threshold criteria for inclusion of developments in the shortlist (paragraph 13.5.17).

- 1.2.4. As noted in the Landscape and Visual Assessment Cumulative Effects Technical Note [REP6-021], the assessment was prepared in accordance with the 2019 version of Advice Note 17, which was the most current at the time of undertaking the EIA. This has now been superseded by an update in September 2024 which, as noted in paragraph 1.3.6 of REP6-021, provides further clarification, however does not change the overall approach. Thus the assessment as submitted remains in accordance with PINS Advice Note 17.

#### Scoping Report and Opinion

- 1.2.5. The Applicant's Scoping Report [APP-120] made clear in paragraphs 7.7.15-17 and Table 7.2 that consented development (i.e. development with planning permission) within the study area would be included in the future baseline for the LVIA unless there is a good reason to believe it is not to be constructed. It also makes clear that where consented development is not included within the future baseline, or is still within the planning process, it would be considered in the assessment of cumulative effects. Paragraph 7.7.16 acknowledges other proposed solar development within 5km of the Order Limits and the likelihood of their status changing during the course of the DCO application preparation.
- 1.2.6. The Scoping Report [APP-120] also sets out in section 10 the proposed approach to the cumulative assessment to be reported in a separate chapter, in which the methodology follows the guidance of PINS Advice Note 17 (2019).
- 1.2.7. As demonstrated in the Scoping Opinion [APP-121], PINS had no comments on the approach to cumulative effects in either landscape or the wider assessment (see Sections 3.3 and 3.6) and Darlington Borough Council (DBC) confirmed on page 5 of their response (page 47 of the Scoping Opinion) that 'The Council is generally in agreement with the scope and methodology set out.' In respect of landscape specifically, page 2 of their response (p44 of the Scoping Opinion) refers to potential cumulative effects of Gately Moor (22/00727/FUL) and Whinfield (21/00958/FUL), which are included in the future baseline as reported in ES Chapter 7 [AS-028/29] (see Table 7-6 in particular).

#### Scope and methodology

- 1.2.8. The Applicant engaged with the host local planning authorities in developing the long and short lists for the cumulative effects assessment, as identified in paragraphs 13.3.6 to 13.3.12 of ES Chapter 13 [AS-033/034]. Local authorities had opportunity to comment on the scope and methodology of the assessment at EIA scoping stage, following publication of the Preliminary Environmental Information Report (PEIR) and during the development of the final ES, through direct consultation on the long and short list in September 2023.

- 1.2.9. Table 7-6 of the PEIR provided a list of consented developments within the LVIA future baseline, whilst Chapter 13 of the PEIR was accompanied by a long list and short list; set out the approach taken to assessment for each topic; and, provided a preliminary assessment of effects. As reflected in Table 7-1 of ES Chapter 7 [AS-028/29], the Applicant continued to engage with DBC following publication of the PEIR and no specific concerns were raised regarding the approach to cumulative assessment within the LVIA. This includes through receipt of a landscape and visual report provided by DBC in August 2023.
- 1.2.10. The Applicant contends that it is only during the latter stages of Examination that it has become clear that DBC has specific concerns relating to the approach to cumulative assessment in the LVIA. This is reflected in the SoCG with Darlington DBC (Document Reference 8.4.2, Revision 5) in which the positions provided by DBC in respect of landscape do not clearly identify that cumulative effects are a specific concern.

### 1.3. **Assessment and conclusions**

- 1.3.1. The cumulative assessment is presented in Chapters 7 and 13 of the ES which were updated to include further clarity following a Rule 17 request in December 2024 [AS-028 and AS-034].

#### Landscape and Visual cumulative effects

- 1.3.2. As discussed during ISH8, and set out in the Cumulative Effects Technical Note [REP6-021], Chapter 7 of the ES [AS-029] provides an assessment of the effects of the Proposed Development which is inherently cumulative.
- 1.3.3. During ISH8 it became clear that it is agreed with DBC that as advised by both PINS Advice on Cumulative Effects Assessment and GLVIA3, it is appropriate to include operational development as part of the baseline, and the consented developments identified in Table 7.6 of the ES as part of the future baseline. The remaining disagreement focusses on the interpretation of what comprises an assessment of “*cumulative effects with ‘other existing development and/or approved development’*” as recommended by PINS advice.
- 1.3.4. The Applicant considers that this advice has been followed. The effects of other existing and/or approved development are clearly described in Chapter 7 and its related appendices which set out the baseline and future baseline. The effects of the Proposed Development are then considered against that baseline – thereby providing an assessment which takes account of the presence of existing developments and the changes which will arise from consented projects. Thus, the assessment set out within chapter 7 is an assessment of the cumulative effects of the Proposed Development “*with ‘other existing development and/or approved development’*” – i.e. with those other developments in place.
- 1.3.5. Chapter 13 then considers potential effects with other developments in planning, concluding that there are no interactions likely to give rise to new or different effects beyond those identified in the LVIA (ES Chapter 7). In potential development

scenarios where one or more of the developments in planning is consented, the assessment indicates that the effects of the Proposed Developments would remain as set out in the LVIA.

### Viewpoint Analysis

- 1.3.6. The markup below illustrates how cumulative effects are considered in Appendix 7.4 Viewpoint Analysis [APP-135] for two example viewpoints discussed during ISH8. For the avoidance of doubt, all viewpoints are considered in the same way. The left hand column of description (key features of existing view) sets out the current and future baseline (what is currently seen and what will be seen in future). The right hand column (predicted change to view) describes what changes would arise as a result of the Proposed Development, and any changes that may arise as a result of short-listed developments in planning.

VP	Location	Key features of existing view	Visibility of Panel Areas						Predicted change to view
			A	B	C	D	E	F	
3	Footpath west of High House	<p>This viewpoint is located in the middle of a large, open field under a line of pylons. The field extends away from the viewpoint, its boundary defined by trees, hedgerows and post and wire fences. Buildings at Lovesome Hill Farm are seen, filtered through vegetation, beyond adjacent fields to the south and more distantly to the southwest, houses on the edge of Brafferton can just be made out amongst intervening vegetation. In other directions, undulating terrain and vegetated boundaries of surrounding fields contain views.</p> <p>Whinfield solar farm will be visible to the north, seen in adjacent fields above or through existing hedgerows and trees.</p>	S	Z	-	-	-	-	<p><b>Medium-term:</b> Some of the solar PV modules in the nearest fields of Panel Area A would be seen beyond the vegetated boundary looking southeast and downhill. Further solar PV modules would be seen amongst vegetation looking along the row of pylons and to the right of this, in fields to the southwest seen beyond and amongst intervening vegetation.</p> <p><b>Permanent:</b> Proposed planting and management of existing hedgerows at increased heights would not markedly change the degree of visibility described above.</p> <p><b>Cumulative:</b> No proposals currently in planning would be visible from here.</p>
6	Bridleway near Ketton Hall	<p>This view looks out from an elevated position, views north and northwest take in a mosaic of agricultural fields defined by hedgerows, tree belts and small woodland areas extending into the middle distance with low, wooded hills forming a more distant skyline beyond. Brafferton can be seen through intervening vegetation, set on rising ground beyond nearby fields and, beyond this, traffic on the A1(M) and some commercial/industrial development to the south of Newton Aycliffe is seen amongst the distant trees. Parts of the consented Forrest Park development will also be visible here once constructed. Views east are contained to the field hosting the viewpoint while views south and west are screened by woodland and hedgerows.</p>	S	Z	Z	-	-	-	<p><b>Medium-term:</b> Solar PV modules within Panel Area A would be seen beyond, and filtered through, tree lines extending in front of Brafferton, to where the tree lines meets the skyline to the right – in summer, intervening vegetation would provide a substantive degree of screening. A narrow band of Solar PV modules may also be visible extending along to skyline to Little Ketton Farm.</p> <p><b>Permanent:</b> Proposed hedgerow planting around the southwest corner of Panel Area A and management of existing hedgerows at increased heights would provide some limited additional screening but would not markedly change the degree of visibility described above.</p> <p><b>Cumulative:</b> No proposals currently in planning would be visible from here.</p>

Key:

Blue – Description of the current baseline including any operational developments – considered in ES Chapter 7

Pink – Description of the effects of consented projects included in the future baseline – considered in ES Chapter 7

Orange – Description of the effects of the Proposed Development – considered in ES chapter 7

Yellow – Description of changes that would arise as a result of projects in planning – ES considered in Chapter 13.

### Other ES topics

- 1.3.7. Other ES topics have approached the assessment of cumulative effects in the context of the individual Zones of Influence (Table 13-4) and approach set out within ES Chapter 13 [AS-034].
- 1.3.8. As this demonstrates, the approach to cumulative transport effects takes the same approach as landscape and visual, with schemes included within the future baseline of the topic assessment in order to account for the likelihood of the traffic generated by

those schemes being on the road network during the construction and operation of Byers Gill. No further cumulative transport assessment work is therefore presented in ES Chapter 13 [AS-034]. Chapter 12 Traffic and Transport [APP-035] is also inherently cumulative. Cumulative effects between Byers Gill and the short list of scoped in developments for other topics is presented in paragraphs 13.5.24 to 13.5.83 and summarised in Table 13-11 of ES Chapter 13 [AS-034].

- 1.3.9. The demonstrates that two broad approaches have been taken to the assessment of cumulative effects, in line with guidance within the PINS Advice Note 17, including:
- Consideration of cumulative schemes within the future baseline of topic assessments, where the likelihood of those schemes progressing means that they would be within the baseline environment at the time Byers Gill is likely to be constructed, if consented (e.g. Landscape and Transport).
  - Consideration of potential cumulative effects within ES Chapter 13 where the potential effects are less certain and will depend on projects interacting (which is somewhat unknown) or further consideration of potential interactions has been presented in order to reach a conclusion on the likelihood of cumulative effects (e.g. Cultural Heritage, socio-economics and hydrology and flood risk).
- 1.3.10. Advice Note 17 requires that and Applicant's "*Environmental Statement should distinguish between projects forming part of the dynamic baseline and those in the [cumulative effects assessment] CEA*". It is the Applicant's view that ES Chapters 7 and 13 clearly make this distinction.

## 1.4. Summary

- 1.4.1. In the absence of a prescribed approach or methodology for cumulative assessment, the Applicant has followed available guidance (e.g Advice Note 17) and applied professional experience in undertaking similar assessments. The assessment submitted within the ES as part of the application is in accordance with PINS Advice Note 17.
- 1.4.2. The Applicant's approach was detailed within the original Scoping Report [APP-120] and no concerns were raised within the Scoping Opinion provided. The Applicant subsequently engaged with the host local planning authorities in developing the cumulative long and short lists with further opportunities for comments on these lists, and the methodology during the PEIR / statutory consultation period.
- 1.4.3. The cumulative assessment has been undertaken within the context of a number of other solar schemes already consented (i.e. benefitting from planning permission, but not yet constructed) within the study area or Zol.
- 1.4.4. Following ISH8, this note provides further clarity on how in particular, these consented schemes have been considered cumulatively within the ES, given the likelihood that they will be constructed and operational by the time Byers Gill enters construction, should consent be granted.

- 1.4.5. This demonstrates how all schemes within the short list for cumulative assessment have been considered within the ES, either through individual topic chapters (as part of the dynamic or future baseline) or within ES Chapter 13, in line with Advice Note 17.