



DARLINGTON
Borough Council

**BYERS GILL SOLAR
DARLINGTON BOROUGH COUNCIL
IP reference number BGSF-AFP412**

**Deadline 9a - Post-hearing submission of oral case of Stephen Laws, Glenkemp Landscape
Architects on behalf of Darlington Borough Council**

**Issue Specific Hearing 8 (ISH8) on Environmental Matters (landscape and visual and cumulative
effects)**

Tuesday 14th and Thursday 16th January 2025

Landscape and visual, cumulative effects

This submission summarises the oral presentation made by Stephen Laws at the Hearings held on 14 and 16 January 2025 (ISH8). It also provides an overview of the DBC position on the methodology and assessment presented in the ES chapters covering landscape, visual and cumulative effects and confirms the current position of DBC on the SoCG with regard to these matters.

During ISH8 Mr Laws raised several matters (relating to landscape and visual and cumulative effects) after reviewing the Applicant's Response to the Rule 12 Request (AS-031), amendments to ES Chapters 7 (AS-029) and 13 (AS-034) and other information submitted by the Applicant. The matters raised cover the following topics.

- a) Worst-case views
- b) Setting of the villages
- c) Glint and glare
- d) Cumulative effects

- a) Worst-case views

In ES Chapter 7 Landscape and Visual Revision 2 (AS-029) the Applicant has assessed many of the worst-case views presented by DBC but fails to provide an assessment of DBC viewpoints V5 and V6 stating these views are not applicable and would be lost during construction and at completion due to a proposed footpath diversion. This approach is incorrect and not in accordance with good practice or common sense. Clearly, it is not acceptable to ignore the effect of the loss of the highest quality views in a study area simply because these views would be lost due to the effects of the Development.

The adoption of this approach by the Applicant may or may not affect the overall significance of effects on local receptors (where for instance, local receptors are grouped together i.e. local footpaths within 1.0 km) however, the loss of a key view can be significant in itself and should be highlighted for transparency and balance and also in response to local community concerns. By ignoring such views and the effects on such views, the Applicant may overlook appropriate opportunities for mitigation.

During the Hearing, DBC noted that the Applicant again made comments that the assessment of worst-case views is not a requirement of Environmental Assessment despite the issue of the Rule 17 letter by the ExA and the fact that the principle of worst-case effects is clearly set out in Advice Note Nine: Rochdale Envelope. The 'Rochdale Envelope' deals with effects of projects where there is an element of uncertainty, in other words, the worst-case scenario. Advice Note Nine confirms that it is not acceptable to simply describe the project- the developer must have full knowledge of the significant effects on the environment. Common sense would logically imply that where the detail of the project is known, the worse-case (visual) effect should also be assessed. If the worst-case adverse landscape and visual effects for the development remain unknown (or not presented in the LVIA), there is no confidence in the adequacy of the landscape mitigation strategy.

b) Setting of the villages

During the Hearing, Mr Laws drew the attention of the ExA to the assessment of the changes in ES Chapter 7 Revision 2 (AS-029) and Table 7-12 in relation to the predicted effects on the character of Great Stainton during operation. The Applicant has assessed the magnitude of impact to be negligible and the effect to be negligible /neutral and not significant. The assessment of magnitude in the original ES Chapter 7 (Table 7-12) for Great Stainton (character) was substantial/moderate, resulting in a major/moderate adverse effect. The Applicant later explained to the ExA how these differences arose by stating that the extent of the area defining the village character now only covered the settlement limits of the village, whereas the original ES covered part of the surroundings as illustrated in Figure 7.6 Key Settlements (APP-068). DBC is of the opinion that this explanation does not reflect what is described in Appendix 7.8 Effects on Settings of Settlements (AS-030) or in Revised ES Chapter 7 (AS-029). Paragraph 7.10.52 in Revised ES Chapter 7 states;

Illustrative Views (Appendix 7.2) show key views from, towards and within each settlement, and Figures 7.6.1-7.6.3 show the context of each settlement. (para 7.10.52)

ES Figures 7.6 (APP-068) show the same extent of area falling within the character boundary as shown in Appendix 7.8 (AS-030). The settlement sensitivity analysis provided in ES Appendix 7.3 (APP-134) clearly refers to views out of the village and scenic perception.

The conclusion of DBC is that the extent of the area described as the settlement setting in the original ES and that described as village character area in Revised Chapter 7, are the same. Therefore, there is no justification for a reduction in the assessment of effects on the village character from the original ES. Moreover, it is simply not credible to assess the effects on the character of Great Stainton during operation as negligible. For similar reasons, DBC is of the opinion that the assessment of effects on other villages is understated in the Revised Chapter 7.

DBC has concerns that the assessment of effects on village setting, set out in Revised Chapter 7 is entirely based on an analysis of views. For example, Appendix 7.8 (AS-030) provides an assessment of the visual effects on local footpaths at Brafferton to inform the overall assessment of the effect on the village setting. This is the only analysis provided in Appendix 7.8. It does not refer to the change in land-use, landscape character or scenic perception due to the introduction of the development nor does it consider the cumulative effects of Whinfield Solar Farm which also falls within the setting. The assessment also ignores the fact the development will cover almost 20% of land within the visual setting of the village. DBC is therefore of the opinion that the assessment methodology used to inform the effects on village setting is flawed and understates the actual effects. For this reason, DBC maintains the position that the effects on setting of Brafferton should be assessed as significant. Similar comments apply to the other villages.

c) Glint and Glare

DBC noted the response to BVAG by the Applicant on the issue of Glint and Glare, where it was confirmed that these effects were implicitly considered in ES Chapter 7. DBC have several comments to make on this response. Firstly, there is no reference at all to Glint and Glare in ES Chapter 7 and the overwhelming poor light conditions presented in the photographic viewpoints and visualisations would indicate that Glint and Glare was not an obvious consideration in the LVIA. Secondly, the absence of worst-case views in the ES from the local road east of Stainton towards the village (see DBC Supplementary Information – REP5-036 – view V10) and the worst-case view from Sadberge (REP5-036 – view V14) also suggests that Glint and Glare was not a key consideration in the LVIA assessment. DBC has taken this view because it is clear from the photographs presented by DBC that Glint and Glare would be a factor in views V10 and V14. Thirdly, we note that the conclusion in ES Appendix 2.2 Solar Photovoltaic Glint and Glare Study (APP-106) states in paragraph 6.2.4, page 103.

Assuming that the height of proposed hedgerow/tree planting along reflecting panel boundaries for these sections will be managed so that relevant reflecting areas are obscured from view, so that the impact would be reduced to low/none, no further mitigation is recommended.

DBC have concerns about the assumption made in the conclusion of Appendix 2.2 regarding screening and the effectiveness of existing and proposed planting. For example, in photographs V10 and V14 referred to above, it is clear the existing/proposed vegetation will not provide complete screening of the solar panels, even in the long term. The assumption made in Appendix 2.2 is therefore incorrect.

d) Cumulative effects

The following comments have been made in response to additional information provided by the Applicant regarding the assessment of cumulative effects required in the Rule 17 Request and the ISH8 Post Hearing Cumulative Assessment Clarification Note submitted at Deadline 8.

Turning first to the ISH8 Post Hearing Cumulative Assessment Clarification Note issued by the Applicant. This document refers to the agreement with other parties on the approach to assessing cumulative effects and baseline in the Scoping Study. DBC have no disagreement on this issue. The key point is that the implementation of this approach in the ES is flawed, and these flaws only came to light following responses by the Applicant to questions raised by the ExA and other parties during the Hearings.

The Applicant refers to PINS Advice Note 17 in the Cumulative Effects Assessment in Table 3-1 in the Response to the Rule 17 Request (AS-031). In relation to baseline, Advice Note 17 states;

Where other projects are expected to be completed before construction of the proposed NSIP and the effects of those projects are fully determined, effects arising from them should be considered as part of the

baseline and may be considered as part of both the construction and operational assessment. The ES should clearly distinguish between projects forming part of the dynamic baseline and those in the CEA.

In paragraph 3.4.1 the Advice Note states;

The applicant should assess the cumulative effects of the proposed NSIP with the 'other existing development and/or approved development' identified in Stages 1-3 of the process outlined above. As highlighted above, there may be some overlap and iteration between the various stages of the CEA.

It is clear from these paragraphs in PINS Advice Note 17 that consented projects and projects under construction can be considered as part of the baseline but that the effects of such projects should be fully determined and that it is not the intention of this Advice Note for the Applicant to avoid the assessment of cumulative effects (described in the baseline) as required under EIA Regulations.

Advice Note 17 also refers to EN1 and states;

...the Overarching NPS for Energy (EN-1)9 paragraph 4.2.5 states that "When considering cumulative effects, the ES should provide information on how the effects of the applicant's proposal would combine and interact with the effects of other development (including projects for which consent has been sought or granted, as well as those already in existence)".

DBC agrees with the Applicant that relevant cumulative projects are listed in Table 7-6 in Chapter 7 Landscape and Visual, Revision 2 (AS-029), however, there is no text in the LVIA which indicates the cumulative effects of the future baseline have been fully determined before assessing the potential combined effects of the development. There is no assessment of effects of other projects after Table 7-6. There is no reference to potential cumulative effects of cumulative projects in Section 7.8 of the LVIA. In fact, the only reference to any of these projects is in some of the baseline descriptions. For instance, the baseline for Bishopton Vale Landscape Character Area in the LVIA, paragraph 7.10.37 refers to Gately Moor Farm. It does not refer to Long Pasture Solar Farm which also falls within this character area. There is no reference to either cumulative project within the description of effects.

DBC then reviewed the predicted visual effects to try to establish whether cumulative impacts had been considered for visual receptors. Reference was made to Appendix 7.4 Viewpoint Analysis (APP-135) and the descriptions provided on page 3 for Viewpoint 3 located on the footpath between Brafferton Village and High House. The key features column refers to the visibility of Winfield Solar Farm but the predicted change in view states there are no cumulative effects. There is also no reference to Whinfield Farm in Table 7-8 (footpath NE from Brafferton to High House) despite the predicted maximum effect being assessed as large. It is assumed this is an average assessment across the whole footpath, but it is rather confused by the Viewpoint Analysis Summary on Table 7-7 which states the scale of effect on Viewpoint 3 is small and adverse. Again, no reference to cumulative effects.

The above analysis focuses on a single footpath but one where it is known there will be cumulative effects. If this level of assessment has been applied throughout the LVIA then it

would indicate the cumulative effects of projects listed in the future baseline have not been fully assessed. DBC considers this to be a notable weakness in the LVIA methodology and it most likely accounts for some outstanding differences of opinion on potential significant landscape and visual effects which cannot be reconciled in the SoCG.

DBC notes there are only three cumulative projects now listed under the Landscape and Visual section of Revised ES Chapter 13 Cumulative Effects. None of these projects would be expected to generate significant effects.

Summary of DBC position on the ES assessment of landscape and visual effects

The DBC Landscape and Visual Local Impact Report (REP1-021) highlighted a number of weaknesses in the LVIA (ES) and ES approach. Primarily, these related to worst-case views, cumulative effects, the setting of the villages, the lack of site analysis and design rationale in the Design Approach Document and the quality of the illustrative photography used in the visualisations. Following the examination of submitted information at the Hearings, oral presentations and the submission of additional information by the Applicant, these initial concerns have not diminished. In fact, DBC now has additional concerns regarding the assessment of cumulative effects and setting which we believe make it unlikely that agreement will be reached in the SoCG on outstanding matters. In particular, DBC disagrees with the Applicant's revised assessment of the landscape effects on the character of the villages and their settings. The disagreements are set out in the final section of the document.

DBC is of the opinion that the assessment of the LVIA (ES) by Glenkemp set out in the Landscape and Visual Local Impact Report (REP-021) is based upon what most practitioners would regard as good practice. The overriding aim of GLVIA (Guidelines for Landscape and Visual Impact Assessment) is to ensure that landscape assessment takes a common-sense approach which is balanced and transparent, avoiding complex technical terminology which might mask or understate obvious effects. Based on analysis set out in this document and also previous commentary on the ES documents, DBC is of the opinion that the highest standards of LVIA assessment have not been applied to Byers Gill as would be expected for a National Strategic Infrastructure Project.

The ExA will be concerned to understand how the weaknesses identified in the LVIA might affect the identification of significant landscape and visual effects. Clearly, any errors or omissions in the assessment of effects on local receptors have the potential to feed into the overall assessment of significant effects and to generate differences of opinion between the parties. (These differences are set out in the final section of this document). The reliability of the assessment of cumulative effects is an obvious example. However, the key weakness in the ES documentation is that it fails to capture the cumulative effects of the Byers Gill Solar Farm and other solar farms located within the strategic countryside gap between Darlington and Stockton and it fails to rationalise the design approach which focuses the proposed solar farm within the setting of three rural villages where alternative, less sensitive locations may be available.

The Design Approach Document is a key part of the submission, and the omission of any detailed site analysis across the study area means the high-level assessment of impacts on the countryside gap between Darlington and Stockton is absent. It also brings into question the overall strategic benefit of the mitigation measures since there is no '*joined-up*' strategic analysis of the baseline study area. It is unfortunate that the Applicant has taken this approach. As it stands, the Design Approach Document provides a lower level of information on site analysis than would be expected for a small-scale housing development presented in a Design and Access Statement.

Summary of DBC position on the SoCG in relation to landscape and visual effects

DBC is of the opinion that the following landscape and visual receptors will experience significant landscape and visual effects in addition to those identified in Table 7-12 in ES Chapter 7 Landscape and Visual Revision 2 (AS-029)

1. The character of Great Stainton (village)

Reasoning. The effect on the visual setting is predicted in the ES to be Major/moderate. This is likely to be understated as the assessment does not take account of several effects such as the change in landscape character of the setting, scenic quality or the change in land use. Regardless, the significant effects on setting will inevitably have significant effects on the character of the village where rural setting is a defining feature. For Great Stainton, the rural setting is reinforced by the elevated, open aspect of the village (from the south and east) views across the wider landscape to the church and the importance of views out from and towards the village. The DBC assessment of significant effects is consistent with the assessment in the original ES LVIA Chapter 2 (which included the immediate surroundings of the villages as shown in ES Figures 7.6 (APP-068)). The revised assessment in the ES Revised Chapter 2 predicts a negligible magnitude of effect on the character of Great Stainton resulting in a negligible effect during operation. DBC considers that this is not a credible assessment.

2. The character of Bishopton (village)

Reasoning. For similar reasons described for Great Stainton(village)

3. The character of Brafferton (village)

Reasoning. For similar reasons described for Great Stainton (village)

4. The character of Brafferton (setting)

Reasoning. For similar reasons described for Great Stainton (village)

5. Changes in character of LCA Bishopton Vale

Reasoning. The combined cumulative effects of the development and other consented solar farms in this LCA. The agreed significant effects on the rural setting of Bishopton (a key feature of the LCA), and the resultant change in visual character observed from public roads and footpaths through this LCA.

6. The visual effects on the local road network (central route) connecting the three villages in the study area.

Reasoning. The combined cumulative effects of the development and other consented solar farms on this receptor, including the loss of view or change in view resulting from numerous interactions with the development and other solar farms. These interactions will be experienced every 2-3 minutes by travellers along the entire 10.6km route.