

Proposed Solar PV Development

Preliminary Environmental Information Report

Chapter 1 Introduction

Byers Gill Solar

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1. Introduction

1.1. Purpose

- 1.1.1. This Preliminary Environmental Information Report (PEIR) has been prepared to enable the local community and any other interested person and stakeholders to understand the potential environmental effects of Byers Gill Solar (the Proposed Development) and enable an informed response to the consultation. The document sets out how each environmental topic area is being assessed, the potential environmental effects of the Proposed Development based on the information available at the time, and measures proposed to avoid or reduce such effects. This is to support consultees in developing an informed view of the likely significant environmental effects of the Proposed Development.
- 1.1.2. It should be noted that the design of the Proposed Development is currently ongoing, environmental information is still being assembled and potential effects are still being identified. The information contained within this PEIR should be regarded as a preliminary account of the principal environmental issues identified to date. The PEIR details a number of uncertainties and assumptions and may be subject to change as the environmental assessment work progresses and is finalised.
- 1.1.3. The design may also be subject to change as a result of consultation responses which will in turn inform the ongoing environmental assessment process. The results of the environmental assessment process will be reported within the Environmental Statement (ES) which will be submitted to the Planning Inspectorate (PINS) as part of the Development Consent Order (DCO) application.
- 1.1.4. This PEIR presents the findings of the environmental assessments to date for the Proposed Development to inform the statutory consultation process for the proposed DCO application, in accordance with the Planning Act 2008.

1.2. Overview of the Proposed Development

- 1.2.1. The Proposed Development is a renewable energy scheme, covering an area of approximately 563 hectares (ha), and comprising of solar photovoltaic (PV) panels, on-site Battery Energy Storage Systems (BESS), associated infrastructure as well as underground cable connections between panel areas and to connect to the existing National Grid Substation at Norton. The Proposed Development will have the capacity to generate over 50 Megawatts (MW) of electricity.
- 1.2.2. The Proposed Development is located in the north-east of England, within the administrative boundaries of Darlington Borough Council, Stockton-on-Tees Borough Council and Durham County Council (see Figure 1.1).
- 1.2.3. It would take approximately 12 months to construct the Proposed Development and it would be operational for approximately 40 years.

- 1.2.4. The Proposed Development would provide new energy infrastructure, in line with national policy targets for decarbonisation, including meeting Net Zero targets, safeguarding energy supply and ensuring affordability.
- 1.2.5. The National Policy Statements (NPS) for Energy (in particular EN-1, EN-3 and EN-5, [1] [2] [3]) were established against legal obligations made as part of the Climate Change Act 2008, as amended by the 2050 Target Amendment Order 2019, for the UK to meet Net Zero Greenhouse Gas (GHG) emissions by 2050. The NPS set out a case for the need and urgency of new energy infrastructure, to support government policy on sustainability development.
- 1.2.6. The Energy Security Strategy [4] produced by the UK Government in April 2022 announced the intent to increase solar capacity in the UK from 14GW to 70GW by 2035. In addition, the Energy White Paper: Powering our Net Zero Future [5] outlined the need to 'build back greener' following the impact of Coronavirus, addressing the inter-generational challenge of climate change. The White Paper identifies the UK Government's aim for a fully decarbonised, reliable and low-cost power system by 2050. The recently published 'Powering Up Britain' policy paper [6] further reiterates the Government commitment to solar energy, setting out a goal for a fivefold increase in solar power by 2035.
- 1.2.7. A full description of the Proposed Development is provided in Chapter 2 of this PEIR.

1.3. Proposed Development Location

- 1.3.1. The majority of the Proposed Development, including the panel areas, substation and on-site BESS are located within the administrative area of Darlington Borough Council. The eastern part of the cable routes crosses into the administrative area of Stockton-on-Tees Council. The northern extent of the planning boundary (the 'Site Area') borders Durham County Council's administrative area. The Site Area for the Proposed Development is shown in Figure 1.2.
- 1.3.2. The Site Area and surroundings comprise of agricultural fields, interspersed with individual trees, hedgerows, farm access tracks, woodlands and local farmholdings. There are several local villages located within close proximity to the Proposed Development, including Brafferton, Newton Ketton, Great Stainton, Bishopton and Old Stillington.
- 1.3.3. A description of key environmental designations in and around the Site Area is presented in Chapter 2, alongside a detailed description of the design and environmental mitigation. A review of alternatives which have been considered is provided in Chapter 3 of this PEIR.

1.4. Legislation and Planning Policy context

Overview

1.4.1. To support the preparation of the PEIR, it is necessary to review the national and local planning policy and legislation that informs the overall approach. An overview of policies relevant and important to the Proposed Development are presented in this section. Further details on the planning policy framework are set out in Appendix 1.1, while topic specific policies have been considered within each of the topic chapters (set out within Chapter 5 to Chapter 12 of this PEIR).

Planning Act 2008

- 1.4.2. The Proposed Development is considered to be a Nationally Significant Infrastructure Project (NSIP) under Section 14(1)(a) and Section 15(2) of the Planning Act 2008 (the Act) as an onshore generating station in England with a capacity of more than 50MW.
- 1.4.3. As an NSIP, JBM Solar (the Applicant) is required to make an application for DCO before it can lawfully construct or operate the Proposed Development. The Act provides that the Secretary of State (SoS) is responsible for determining the application for development consent. The Planning Inspectorate, on behalf of the SoS, has responsibility for administering the examination of DCO applications and supporting the examining authority that will be appointed to make a recommendation to the SoS as to whether to grant development consent. If granted by the SoS, the DCO will provide the necessary authorisation to allow the scheme to be constructed and operated.
- 1.4.4. The relevant SoS for the Proposed Development is the SoS for the Department for Energy Security and Net Zero (formally the Department for Business, Energy and Industrial Strategy)¹.

The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017

- 1.4.5. The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 (the EIA Regulations) set out the legislative requirements for undertaking an Environmental Impact Assessment (EIA). EIA is defined by Regulation 5 of the EIA Regulations as a process consisting of:
- a) “the preparation of an environmental statement or updated environmental statement, as appropriate, by the applicant;
 - b) the carrying out of any consultation, publication and notification as required under these Regulations or, as necessary, any other enactment in respect of EIA development; and
 - c) the steps that are required to be undertaken by the Secretary of State under regulation 21 or by the relevant authority under regulation 25, as appropriate.”

¹ The UK Government confirmed on 7 February 2023 a new Department for Energy Security and Net Zero, which replaces the Department for Business, Energy and Industrial Strategy <https://www.gov.uk/government/news/making-government-deliver-for-the-british-people>

- 1.4.6. The EIA Regulations identify which developments are potentially required to undergo EIA, and these are listed under either ‘Schedule 1’ or ‘Schedule 2’ of the EIA Regulations. Those developments listed under ‘Schedule 1’ must always be subject to EIA and ‘Schedule 2’ developments are only subject to EIA should it be judged, in accordance with Regulation 3(1), that the development is ‘likely to have significant effects on the environment by virtue of factors such as its nature, size or location’. Schedule 3 of the EIA Regulations provides the selection criteria for reaching a conclusion on that judgement, a process known as “screening”.
- 1.4.7. The Proposed Development is categorised as ‘Schedule 2’ development under Paragraph 3(a) of Schedule 2 of the EIA Regulations, as it comprises of ‘industrial installations for the production of electricity, steam and hot water’.
- 1.4.8. Regulation 12 of the EIA Regulations requires the Statement of Community Consultation (SOCC) the Applicant is required to prepare under Section 47 of the Act to set out how it intends to publicise and consult on preliminary environmental information relating to EIA Development. For the purposes of Regulation 12(2), the preliminary environmental information in the PEIR means the information reasonably required to enable stakeholders to develop an informed view of the likely significant effects of the development (and of any associated development). PINS Advice Note Seven explains that the PEIR does not need to constitute a complete assessment and is a compilation of the preliminary environmental information available at the point in time the PEIR has been produced.
- 1.4.9. Further details on the approach to EIA for the Proposed Development is provided in Chapter 4 of this PEIR.

National Policy Statements

- 1.4.10. National Policy Statements (NPS) are the primary policy basis for NSIP development and the SoS is directed by Section 104 of the Act to determine a DCO application in accordance with the relevant NPS. Section 105 of the Act applies when there is no relevant NPS. It states that in deciding the application, the SoS must have regard to: the local impact report; matters prescribed in relation to the proposed development; and, any other matters that the SoS regards as important and relevant.
- 1.4.11. There is currently no specific NPS relating to solar development and therefore Section 105 of the Act applies. However, the Overarching NPS for Energy (EN-1) [1] is considered of relevance in relation to overall need, assessment principles and generic impacts of the Proposed Development. The following additional Energy NPS are also relevant: NPS EN-3 Renewable Energy Infrastructure [2], and NPS EN-5 Electricity Networks [3].
- 1.4.12. The policy paper: Nationally Significant Infrastructure Action Plan was published on 23 February 2023 and set out that a review of the current Energy NPS is underway, and updated NPS will be designated by Q2 2023 [7]. Revised Draft NPS were published in September 2021, followed by a national consultation in November 2021. That consultation confirmed that the original suite of energy NPS remains the primary policy

for any DCO application accepted prior to the revised NPS being designated by parliament.

- 1.4.13. On 30 March 2023, the Department for Energy Security and Net Zero published the 'Powering Up Britain' policy paper [6] which sets out how energy security is to be enhanced and how the Government's net zero commitments are to be delivered. It reaffirms the commitment to solar energy development, with a fivefold increase in solar targeted for 2035 to help decarbonise the power sector. Alongside the Powering Up Britain paper, a revised suite of draft energy NPS were published and a consultation launched to seek feedback on the amendments. This consultation runs until 23 May 2023.
- 1.4.14. Draft NPS EN-3 includes specific policies for solar development [8]. Whilst the revised energy NPS are not designated and therefore the existing NPS EN-1, EN-3 and EN-5 remain the national policy documents of most relevance and importance, it is considered that the SoS would consider the draft NPS to be a relevant and important consideration to decision-making if the Proposed Development were being determined at this time. Therefore, mitigation measures and approach to impacts assessment will be developed in accordance with the solar-specific policies contained in draft NPS EN-3 as well as taking into consideration the relevant revisions to draft NPS EN-1 and draft NPS EN-5.
- 1.4.15. Chapters 5 to 13 of the PEIR include the relevant assessment paragraphs from the NPSs and where the requirements of those paragraphs will be addressed within the ES. The Proposed Development's compliance with the NPS will be set out in a compliance table and submitted as part of the case for the scheme with the DCO application.

National Planning Policy Framework

- 1.4.16. The National Planning Policy Framework (NPPF) [9] sets out the Government's planning policies for England and how these are expected to be applied. The NPPF does not contain specific policies relating to NSIPs. However, as set out in Section 105 of the Act, the SoS may consider the policies of the NPPF to be both important and relevant to the determination of a DCO application. These policies will be considered where relevant.
- 1.4.17. The NPPF is currently being updated to align with the Levelling Up and Regeneration Bill [10], and a draft for consultation was published in December 2022 [11].

Local policy

- 1.4.18. The majority of the Proposed Development is located within the administrative boundary of Darlington Borough Council, with a section of the cable route situated within the administrative boundary of Stockton-on-Tees Council. A very small section of the Site Area is within the administrative boundary of Durham County Council. Therefore, under Section 43 of the Act, all three LPAs would be defined as 'host'

authorities. The relevant development plan documents from each LPA would be considered, as set out below.

1.4.19. Darlington Borough Council:

- Darlington Borough Council Local Plan (2016-2036) [12].
- Tees Valley Joint Minerals and Waste Development Plan Documents (DPD) [13]. This is a Joint Plan with four other LPAs grouped as 'Tees Valley', which are: Hartlepool, Middlesbrough, Redcar and Cleveland, and Stockton on Tees.
- Supplementary Planning Documents (SPD): Revised Design of New Development SPD [14] and Planning Obligations SPD [15].

1.4.20. Stockton-on-Tees Borough Council:

- Stockton-on-Tees Borough Council Local Plan [16]
- The Tees Valley Joint Minerals and Waste DPD (as above).
- Sustainable Design Guide SPD (2011)
- Planning Obligations SPD (2008)
- Conservation Areas and Historic Environment SPD (2006)
- Open Space, Recreation and Landscaping SPD (2009, updated in 2014)

1.4.21. Durham County Council:

- County Durham Plan adopted October 2020 [17].
- 15 'saved' Minerals Local Plan (adopted 2000) policies and 13 'saved' Waste Local Plan (adopted 2005) policies which continue to form part of the development plan.
- A Minerals and Waste Policies and Allocation Document is in development and was most recently consulted upon in January 2023.
- There are 9 adopted neighbourhood plans in County Durham. Sedgfield Neighbourhood Plan (2019) and Great Aycliffe Neighbourhood Plan (2017) are of closest proximity to the scheme, however, are not within the Site Area.
- There are two SPDs adopted in County Durham, however as they relate to residential development they are not considered relevant.

1.5. The Applicant

1.5.1. JBM Solar is a leading solar and battery energy storage developer with one of the largest development pipelines in the UK. JBM was recently acquired by RWE, a leading supplier of renewable energies worldwide. The highly experienced JBM Solar team has been developing projects in the UK since 2012 and have achieved consent for projects delivering over 1.2 Gigawatt (GW) of generating capacity across the UK and Ireland.

1.5.2. JBM Solar is currently developing a pipeline of solar and solar with storage projects with a potential generating capacity in excess of 4GW in the UK by 2025. In addition to the 800MW consented in the UK in the last 24 months, JBM Solar has an additional

350MW already in the planning system across 11 sites and a programme to submit in excess of 500MW in the coming year.

1.6. Competent expert evidence

- 1.6.1. The EIA Regulations require that the PEIR and ES are prepared by ‘competent experts’ (Regulation 14(4)(a)). The EIA is being led by Ove Arup and Partners Ltd. (Arup) on behalf of JBM Solar. Arup has been awarded the EIA Quality Mark from the Institute of Environmental Management and Assessment (IEMA) demonstrating competency in EIA preparation.
- 1.6.2. Chapters 1 to 4, 13 and 14 have been prepared by Arup, drawing on material provided by JBM Solar, which includes engineers, designers and external consultants. The design details contained in this document have been approved by JBM Solar.
- 1.6.3. The topic-specific chapters of this PEIR (Chapters 5 to 12) and their corresponding appendices have been prepared by Arup and a number of consultants on the Applicant team, as summarised in Table 1-1. The credentials of each topic expert and lead authors are detailed in the relevant topic-specific chapters of the PEIR.

Table 1-1 Competent Authors

Chapter	Author
Chapter 1 Introduction	▪ Arup
Chapter 2 The Proposed Development	▪ Arup
Chapter 3 Alternatives and Design Iteration	▪ Arup
Chapter 4 EIA Methodology	▪ Arup
Chapter 5 Climate Change	▪ Arup
Chapter 6 Biodiversity	▪ RSK Biocensus
Chapter 7 Landscape	▪ Stephenson Halliday
Chapter 8 Cultural Heritage and Archaeology	▪ Wessex Archaeology
Chapter 9 Land Use and Socio Economics	▪ Arup and Reading Agricultural Consultants
Chapter 10 Hydrology and Flood Risk	▪ Wallingford Hydro Solutions Ltd
Chapter 11 Noise and Vibration	▪ Wardell Armstrong
Chapter 12 Traffic and Transport	▪ Arup
Chapter 13 Cumulative effects	▪ Arup
Chapter 14 Summary	▪ Arup

1.7. Stakeholder engagement

- 1.7.1. JBM Solar is undertaking a consultation on the proposals for the Proposed Development between 5th May to 16th June 2023.
- 1.7.2. During this time, a copy of the PEIR (this report), together with a Non-Technical Summary, the Statement of Community Consultation and other consultation documentation explaining the consultation process and details of the Proposed Development may be inspected free of charge at Norton Library - 87 High St, Norton, Stockton-on-Tees TS20 1AE.
- 1.7.3. All consultation materials and further details can also be found on the project website (www.byersgillsolarfarm.co.uk). The website provides information to the wider community and the opportunity to contact the Applicant with any queries or for further information. Consultation materials will be free to read, download and print and responses to the consultation can be submitted via the website.
- 1.7.4. Additional hard copies of the PEIR can be provided at a cost of £500 per copy. All other consultation documents can be made available in hard copy, large print, audio or braille format, free of charge upon request.
- 1.7.5. A full set of consultation documents can also be provided free of charge on a USB upon request.

1.8. Structure of the PEIR

- 1.8.1. The PEIR is arranged in three volumes and subsequent topic chapters which reflect those which will be used for the Environmental Statement. These are outlined further below.
- 1.8.2. The Non-Technical Summary (NTS) is a standalone report which summarises the findings of the EIA, written in non-technical language.
- 1.8.3. The main text of this PEIR report is located within Volume 1
- Chapters 1 to 4 describe the Proposed Development, the alternatives considered, and the approach that will be taken to the EIA;
 - Chapters 5 to 12 present the preliminary assessment of the likely significant effects of the Proposed Development in relation to specialist topics covering particular aspects of the environment:
 - Chapter 5: Climate Change;
 - Chapter 6: Biodiversity;
 - Chapter 7: Landscape and Visual;
 - Chapter 8: Cultural Heritage and Archaeology;
 - Chapter 9: Land Use and Socio-Economics;
 - Chapter 10: Hydrology and Flood Risk;

- Chapter 11: Noise and Vibration;
- Chapter 12: Traffic and Transport;
- Chapter 13 considers the potential inter-relationships between the topics covered in chapters 5 to 12, and between the Proposed Development and other developments in the surrounding area; and
- Chapter 14 presents any further survey or assessment work to be undertaken and the preliminary summary of the likely significant environmental effects.

1.8.4. Volume 2 includes the technical reports and data that accompany the technical assessments in Volume 1.

1.8.5. Volume 3 includes all the figures that are referenced, however some figures relating to the description of development are integrated into the main text for ease of reference.

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