



Planning Inspectorate
Arolygiaeth Gynllunio

Hearing Transcript

Project:	Botley West Solar Farm
Hearing:	Issue Specific Hearing 1 (ISH1) – Part 3
Date:	15 May 2025

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FULL TRANSCRIPT (with timecode)

00:00:36:00 - 00:00:45:28

Good afternoon and welcome back. Time is now 2:10. My name is Mukhtar Shaikh, and on behalf of the examining authority, this issue specific hearing is now resumed.

00:00:48:02 - 00:00:55:23

We are now on agenda item three, aviation safety. And my first set of questions are to Oxford Aviation Services.

00:00:57:09 - 00:00:58:17

So my first question.

00:01:00:13 - 00:01:07:00

Do all aircraft take off in a south westerly direction, or are there times when the runway operation flips?

00:01:08:21 - 00:01:42:08

Um, if I may introduce myself before I answer the question. Uh, my name is Wil Curtis. I am the managing director and the CAA accountable manager for Oxford Airport. That means that in the event of any breach of regulations, I'm personally responsible as the individual who represents the body corporate. Um. And I am a professional pilot. Um, qualified flying instructor was an air display pilot for 17 years, and I flown in and out.

00:01:42:10 - 00:02:00:04

I actually trained at Oxford in 1990, so I'm familiar with the airport. Uh, in answer to your question, yes, the runway is used in both directions and aircraft will land going north and aircraft will take off in the other direction. And it depends on the prevailing wind to take off and land into wind.

00:02:06:24 - 00:02:17:15

So just following on from that. So panels are not proposed at the northeast end of the runway. If that is the case, how significant would glinton glare impacts be for pilots.

00:02:18:10 - 00:02:52:15

Okay. So you're correct. Of course panels are not, um, planned to the northeast. Um, however, um, whether or not the runway is being used in the northerly direction or in the southern direction, overflight of the um proposed development is necessary either to land in an orderly direction or to take off in a southerly direction. And in either of those circumstances, um, an engine failure would constitute an issue.

00:02:52:28 - 00:03:25:09

So, um, the applicant, I'm sure, will point out that at many other airports, there are solar panels located in the undershoot and overshoot of runways, and in some cases there are car parks. But that is the case at airports where aircraft fall into performance category A, which means that um, on departure, they either have sufficient power to continue the takeoff or, or they have sufficient runway remaining to arrest. So you'll hear the commonly used phrase decision speed.

00:03:25:11 - 00:04:07:14

Decision speed is the point at which the pilots, um, predetermined that they will continue a takeoff even if they lose a motor. And the whole idea of performance A is that you will always be able to get airborne and maintain flight, having departed. The difference at Oxford is we do a lot of single engine training. So we're the the preeminent airport in the UK for professional pilot training. Um, we have at any one time roughly a thousand cadets training for professional licenses on the surface of the airport, and many of them operate in single engined aeroplanes that in the event of an engine failure, they will have to land, um, in, you know, ahead.

00:04:07:18 - 00:04:43:29

And they're taught to land within 30 degrees either side of the runway centerline. Uh, but they, they have no option but to land because they run out of power. So their only job then is to make a survivable crash landing in an off aerodrome site. Um, no, I don't think it's, uh, unreasonable to suggest that if you make a crash landing into a solo display, your chances of survival are probably nil. Uh, and indeed, last year, we had exactly that case where an aircraft had an engine failure after takeoff and landed in a field.

00:04:44:01 - 00:05:16:24

The instructor took control and landed in a field. I'm pleased to say that everybody got out completely unscathed, and the aircraft was coincidentally undamaged. Uh, I can also say that had this scheme been in place when that accident occurred, neither of the two crew would have survived. They would have gone into the back of a solar array. So in other words, into the gaps where the panels are, are, you know, because they face South. And I think the outcome would have been, um, almost certainly fatal.

00:05:16:26 - 00:05:31:23

So we have concerns. And I mean, we're not ideologically opposed to this development at all. We just have some concerns to do with aviation safety, which we want worked through properly before we can remove any objection. And, you know, we that's our position.

00:05:33:17 - 00:05:52:16

So it's the case, it's a following on from there. So in PDA in your submission PDA 002, you've submitted what looks like effectively a triangle with a semicircle at top. Can you explain how you derived that area in terms of if you if you need to crash land, that area would be sufficient.

00:05:53:00 - 00:06:32:11

Certainly. So when we, um, when we started to talk with the developer about this and we saw the plans, we went to the flying schools, um, on the airport, it actually took quite a while to convene the right people and to get the right to work up the right, um, the right sort of, uh, middle ground that people felt. But we arrived eventually at this arrangement as being a satisfactory mitigation to the risks of engine failure after takeoff or indeed, engine failure on approach to land, because that's also a factor, uh, for any single engine aircraft operation runs the risk at any time.

00:06:32:13 - 00:06:43:24

The engine, you know, it doesn't happen often, thankfully, but it does happen. So this was really the output of, um, of a lot of consultation with the flying schools on the airport.

00:06:47:10 - 00:06:58:12

Terms of not questioning your safety record, But how frequent are such events? And did all these accidents or emergency? Well, it was just the one that you mentioned. How often do they occur?

00:06:59:09 - 00:07:18:04

Uh, it's difficult to say exactly. I think it's probably an average of one event every two years. If you look back historically. Um, there have been lots of, um, um, rough running engines, that sort of thing, which which obviously have not resulted in an off field landing. Um,

00:07:19:24 - 00:07:50:26

I don't have the long term history. I've only got my tenure to go by. Um, I do know in the past there have been fatalities that have resulted from, uh, things that have happened post departure or on, on arrival. And again, you know, um, we we although we don't own the risk of engine failure as an airport operator, we, we have to consider whether the environment we are providing to, uh, airport users is sufficiently safe.

00:07:51:20 - 00:08:03:20

Um, ultimately is the the aircraft operators who take the risk. But our duty of care is to ensure that we have done our best to mitigate risks associated with the use of the airport.

00:08:05:12 - 00:08:24:21

Just going back to your submission. PDF 002 there. I mean, you've highlighted the fields that you don't want development in, but at the southwest corner there remained a small red triangle. Is there a reason why that particular field or that section of field, you're happy for it to remain in there?

00:08:25:00 - 00:09:01:01

Um, we thought that that was so far towards the end of the display, and the display was wide enough there to accommodate that. You'll see there's a gap to the left and to the right of that. If you were flying an aircraft, you would have gained you probably would only be considering landing in that area if your engine had failed somewhere just after Spring Hill, which is the built up area that sticks out

into the triangle. And at that altitude, you'd have enough, potentially enough height to be able to make a turn and just select left or right according to the to the wind.

00:09:01:03 - 00:09:13:10

So we think that's an acceptable. And as I say, we're not ideologically opposed. We don't want to do any more damage to the proposal than than would be necessary to maintain safety.

00:09:15:14 - 00:09:46:25

Thank you, Mr. Case. My next set of questions are to the applicant. Um, so in terms of going PDA 2002 submission from Oxford Aviation Services. Uh, paragraph 3.3 of that document mentions sharing this document, referred to as annex one, with yourselves during the pre-application stage, in which they proposed a reduction to the development area. Have you discussed this proposal with Oxford Aviation Services with a view to reducing incident risk, and if so, what was the outcome of these these discussions?

00:09:49:03 - 00:10:13:02

Toby. On behalf of the applicant, we welcome the airport here today, and it's helpful to hear their oral submissions. Um, in response to your point, I understand there's a meeting that's been arranged for next Wednesday between the applicant and the airport, and preparation of a statement of common ground is also underway and can help form the basis for those discussions next Wednesday, which will pick up on the points raised already today and also those in the written submissions.

00:10:15:24 - 00:10:39:14

That's good news. Uh, I mean, my second, second question is it would appear that there's mutual interest here for for the best possible outcome, which is an area where the emergency landings could take place without any increased risk to life by the presence of panels. And the best outcome for the applicant is an area where solar panels could be constructed and remain operational without possibility of severe damage or destruction. So there's risks on both sides.

00:10:41:14 - 00:10:54:18

If the Zar were minded in the interests of both parties to impose an exclusion zone via a requirement based upon the annex one, which is submitted by Oxford Aviation Services. What would your thoughts on that be?

00:10:58:06 - 00:11:16:22

On behalf of the applicant, and I'll hand over to Mr. James Plummer in a second. On aviation safety. Initial thoughts so that hopefully we can reach an agreed position before the end of examination so we could put forward a exclusion zone. It's a mutual benefit for both parties. But in terms of the applicant's current view, I'll pass over to Mr. Plumb.

00:11:20:09 - 00:11:22:24

Is there anything Oxford Aviation Services would like to add?

00:11:25:24 - 00:12:02:11

Um, yeah. We do have other concerns apart from the off field landing. We need more work done on wildlife displacement because we have quite a, um, a big extant bird population problem. We have to

spend a lot of money bird clearing, We don't think the ecology reports have completely covered the, um, removal of 2500 acres of green countryside where the next nearest green area. We think it could encourage more birds. We also think that on a summer's evening, um, these panels will act as a big heat store.

00:12:02:13 - 00:12:33:18

That heat will be released as a thermal plume. There are questions that have been raised by Brize Norton, uh, regarding radar performance through thermal plume. And that's something that we have asked National Air Traffic Services to look at. But they don't have any expertise. It seems the military have more expertise than civil providers. That could be a problem. Um, birds that saw birds of prey that saw also could, um, uh, be more prevalent if there's an updraft.

00:12:33:20 - 00:13:16:26

They are of a size that will bring transport sized aircraft down. As we know, the most famous incident being, uh, Captain Sully landing in the Hudson. We have a holding pattern right over the airport, which has existed for some time. Uh, that holding pattern crosses the area of the, um. Or certainly the departure from that holding pattern. Uh, and the procedural approach crosses the area of the solar farm. So we would need to understand what the likelihood of birds aloft would be. We also think that the heat coming off those solar panels could present, um, turbulence problems for light single engine aircraft with relatively inexperienced pilots on approach or departure.

00:13:17:16 - 00:13:36:20

Um, these are all things that we, we don't think have been adequately dealt with, um, by Paige apart as yet. But again, we can we can, uh, work with the applicant to work through those and hopefully to reach a a statement of common ground, um, before the examination ends.

00:13:38:28 - 00:13:52:05

Regards to increasing incident risk due to, um, heat turbulence or bird flight. That is something that I'm covering later on in one of the agenda items. But is there anything else specifically that the applicant would like to say in response to what we've just said?

00:13:55:08 - 00:14:27:21

Thank you. Examiners. Uh, James Plum for the applicants. Um, I've been working on the aviation safety and also the Clinton glare aspects of the application. Um, I would like to return to the engine failure scenario for a moment to explain the current position of the applicant. So we completed, um, an aviation safeguarding report following the initial, um, raising of concerns by Oxford airports, um, in which we considered the current most applicable um, guidance on engine failure after takeoff.

00:14:27:29 - 00:15:16:24

Uh, which is cast and advice note five, published in February 2024. Um it discusses a number of issues, one of which being engine failure after takeoff and establishes the potential landing zone in these scenarios to be a 45 degree splay from the runway threshold. Um. However, it also goes on further to present a possible safeguarding zone for engine failure, um, which we, uh, have proposed as part of the scheme in a corridor, uh, extending from the extended runway centerline, uh, which is the same width as the runway strip at the airport, uh, which would be kept clear of panels to enable a safe landing in an emergency scenario.

00:15:17:07 - 00:15:19:09

Uh, immediately following the runway.

00:15:23:00 - 00:15:58:04

Um, on the other matter of turbulence, which was raised, um, there is currently a lack of guidance, um, specifically on thermal plume from solar panels or other associated infrastructure are the most relevant. Guidance in this area relates to wind turbines and thermal effects from solar and turbulence effects from them, primarily through wake turbulence and vortices produced, so thermal turbulence is rather not well understood.

00:15:58:15 - 00:16:06:01

However, we are not aware of any reports of significant thermal turbulence affecting flying activities from solar farms.

00:16:09:06 - 00:16:11:04

If you have a question for Mr. Wallace.

00:16:12:08 - 00:16:44:15

Yes, indeed. Just on on that point. First of all, about the thermals, um, as as was mentioned earlier, it's about the the type of aircraft that are taking off and having the power, you know, in terms of single engine failure and whatnot. But if they are bigger aircraft, presumably they are more resilient to thermals. And so from bigger airports, there wouldn't be too much in the way of turbulence. Whereas here we're looking at single engine, lighter aircraft.

00:16:45:01 - 00:17:03:15

So the fact that at the moment there isn't necessarily the information to show that there is a correlation between thermals and potential disturbance. Bear in mind, this being right at the end of the runway, if you'd like, of the airport and the smaller aircraft, do you see there being any difference in value there?

00:17:05:02 - 00:17:37:10

James Plum for the applicant? I um, yes, I agree with you that smaller aircraft tend to be more susceptible to, um, turbulence effects in general. Um, I do believe that there is some precedent for having solar panels, um, shortly after a runway threshold, both in the UK and internationally. Um, so in the UK, there are examples of this, um, for instance, at Bournemouth Airport and also, there is a newly constructed solar farm up at Edinburgh Airport as well.

00:17:38:04 - 00:17:59:19

Um, my understanding is that both airports are used for general aviation flying with single engine aircraft. Um, although Edinburgh also has scheduled flights. So there is some precedent in this area. And as I say, we're not aware of any reported, um, concerns where there have been significant impacts.

00:18:00:23 - 00:18:13:28

Okay. And I appreciate that from different geographical locations. But if you could just provide sort of a map or something, just showing the general proximity of the solar farms to those airports, that would be that'd be useful.

00:18:15:18 - 00:18:54:23

Excuse me if I come back to yourself, sir. Um, obviously we've got the exclusion zone that you've proposed on on your annex there, and the applicant has said they'll be talking to you next week. Statement of common ground and whatnot. Um, Obviously that area was in terms of the single engine failure, you know, safe area there. If that area was also, um, pursued, enforced or whatnot. Would that resolve your concerns regarding the thermals or would those surrounding, you know, other panels in the red areas there? Would they cause you sufficient concern?

00:18:56:16 - 00:19:27:03

Um, I think we would want to see some work to, um, model that turbulence. And there are firms that can do that, but, um, I strongly suspect it would be acceptable. I think it's my our biggest concern is it's not if we have another engine failure after takeoff, it's when we know it's going to happen. We hope it doesn't, but we know that it will, because statistically, it happens once every 4000 engine operating hours, roughly.

00:19:27:28 - 00:19:58:16

Um, and it depends a little bit on aircraft type. The types that operate from Oxford probably arguably may have a slightly more frequent mean time between engine failure, because they're a fairly new engine design that's had a few problems in its time. Um, whatever it is, you know, if an aircraft can put down in agricultural land 99% of the time, the occupants just get out and walk away and it's there's nothing more than a bit of bent metal.

00:19:59:10 - 00:20:35:15

Um, if if you land into the back of a solar array that's been tilted to face south, you're going to nosedive between between the rafts. And I think the chances of survival, as I say, are nil. And then to compound that, the difficulty for the airport fire and rescue service to get to the casualty and to, you know, say somebody has survived to extinguish a fire, they're now surrounded by live electric panels. And we have done some work with the applicant on, um, accessing and there are methods of doing it, but it slows down the response quite considerably.

00:20:35:21 - 00:21:07:11

Yeah. I just think, you know, we we have a high level of ab initio training. We, um, you know, I there may well be panels at Bournemouth and there may well be panels at Edinburgh. I don't risk assess Bournemouth or Edinburgh and I don't operate from there. So I haven't been forced to make that assessment. I can only speak for the risk assessments we've done as an airport operator at Oxford, and those we've taken from, um, flying training organisations based at the airport.

00:21:07:20 - 00:21:40:27

You know, we've been doing training at Oxford since 1932. And as I say, we are not ideologically opposed to this development. We just want to protect our the safety of our customers and the viability of our business. And if we lost single engine training, we would be really struggling to survive as an

airport. And I actually believe that if this, uh, development was built, um, in the current form that it's being proposed, we would be forced to close to single engined training.

00:21:40:29 - 00:22:13:10

I think we would have no option but to shut down because the risk would simply outweigh. I don't think it's a risk we could reasonably take. And the corridor that the applicant mentioned is completely insufficient. You know, the runway strip is basically formed around the period when you are on the ground and very shortly after takeoff, an inexperienced pilot in a wind crosswind from the west, and typically the winds are from the west, will not be maintaining that corridor and may even be unable to see that corridor if it's actually below the aircraft.

00:22:13:12 - 00:22:28:15

So I think the splay is less than the 45 degrees cast recommended. As you can see, it's considerably less. It's, um, it's a reasonable compromise that we think presents an acceptable degree of risk.

00:22:29:15 - 00:22:59:09

Okay. And just one further question. If I if I may, let's go in reverse, if you like, we've talked about taking off and going into the back of panels. Let's now talk about the landing and the approach into landing. Um, how how is the safety record, if you like, in terms of landing, do pilots generally make it if you like. Do they make it or are there problems? Are there crashes associated with landing.

00:22:59:11 - 00:23:35:08

Across the UK? There have been many occasions when when pilots have landed short of the runway. Generally it's because they've run low on fuel and then ended up not quite making the airport. Sometimes it's because of an engine failure. I'm. I can't tell you the last time that happened at Oxford. I know in the past there have been people in bad weather who've run into terrain. Um, top of Spring Hill Springs to mind. Um, but that was, you know, 20 years ago. I think, um, the danger is equal, you know, on on arrival.

00:23:35:10 - 00:24:06:25

It's just that the accident will probably happen closer to the airport in the northern end of that display, because you would cross yards and or just below yards and which is in the center at the bottom of the picture. And then you would turn onto a final approach over the red area that we spoke about earlier, heading on the centerline of the runway. You know, if the engine fails there, you're probably around 800 foot above ground level and you will probably be landing somewhere around the green area near Springhill and Big Brook.

00:24:07:02 - 00:24:31:25

Um, if that happens, um, again, the display available is getting narrower and narrower there, but because the aircraft is already aligned on the runway centerline and has the visual reference of the center line ahead, the pilot should be able to maintain that and find a suitable place to to ditch the aircraft. I think this is only about survivability. It's not about leaving the aircraft intact. It's about survivability.

00:24:31:27 - 00:24:33:01

Risk to life, isn't it?

00:24:33:03 - 00:24:35:03

It is a risk to life. Exactly that.

00:24:35:18 - 00:24:58:11

And and in that respect, again, if the proposal was to go ahead as shown there in terms of a pilot coming down into land described to me their, their visibility where they're looking. And therefore, if there was the panels causing glint and glare, is that in their peripheral vision? Is that how does that work?

00:24:58:13 - 00:25:31:16

Um, glint and glare is an issue that. But it's better understood, I think. And you know, people have done, um, a work on this. I think it should be noted that Amsterdam has recently had to close one runway for two hours a day, because somebody's got the calculations a bit wrong. On glinting glare, I couldn't comment on glinting glare below the glide slope. I can tell you that I've had in my career to make one off field landing in an aerobatic aircraft. I honestly can't remember the decisions that I made because it was totally instinctive.

00:25:32:01 - 00:26:05:15

But the will to survive means that you will direct your aircraft towards the area least likely to cause you physically damage. And the slightly scary thing is that could mean heading towards built up area rather than solar panels. If they look to the wood on the hill there. I mean it, you know, it wouldn't. It would be Hobson's choice if one had an engine failure and short final there. I don't think it would. And you know, we we must again, I come back to the point that some of the people flying there may only have 10 or 12 hours in their logbooks.

00:26:05:17 - 00:26:38:05

You know, they're flying circuits as raw beginners. They don't have the depth of experience to make decisions. They will tend to almost to freeze, but just essentially to land ahead and accept what's coming. That's that's the sad thing. I think it's a very, very if it was built as it's currently construed, it would present a very serious risk to life. And I would go as far as saying, and this is why we would cease to operate single engine. I think it's realistic to say it would not be if it would be when there would be a fatality.

00:26:38:18 - 00:26:50:14

So we would we would only have one choice and that would. I think I say with some certainty, certainly put our business in peril. If not, you know, be terminal.

00:26:51:08 - 00:26:57:20

That's understood. Thank you very much. See your colleague there. Just wants to come in, if I may. Just on the back of.

00:26:57:28 - 00:27:31:25

What Mr. Curtis said there, I think we what we're speaking to as well is perhaps the the lack of evidence presented with the application around some of these issues in terms of technical reporting. Um, and I think that probably in my mind perhaps speaks to the process before around the decision,

around the scoping of the is the exclusion of major accidents and disasters from that, as you've heard from Mr. Curtis. This is about the risk to life. And that was scoped out by the applicant and on the basis of the plans as shown.

00:27:32:15 - 00:28:07:27

Um, I think it isn't necessarily clear that that scoping report that was put forward, properly addressed all of these issues. It may not be aware of them at the time, perhaps, which might have led to that being scoped out as a topic. And consequently, perhaps then the reporting has not followed with the application to support the coverage of solar that we're seeing as part of this application. Because I do note that, uh, yourselves, in your scoping opinion, wrote back to the applicant and this is, uh, an AP one, two, six and specifically paragraph 3.15.5.

00:28:08:13 - 00:28:48:22

Uh, if I may just read it, the ES should take the location and operation of London Oxford Airport into account for any mitigation proposed to ensure that their operation and emergency procedures are not compromised. And I don't think that yes, document as the panels are laid out here necessarily does. That is evidenced by the fact that the airport cannot calculate the potential risk, not only of the emergency landing scenario, which is perhaps easier to see, but perhaps some of the reporting that is absent in terms of thermal plume, which which is just left to an assumption that it that it won't cause an issue.

00:28:49:06 - 00:29:22:23

And from the issue of bird strike, I have to say that the ecology reporting around displacement, the ES chapter certainly references displacement as a as an issue during construction, decommissioning and operation, but then fails to talk about what that issue is within its reporting. And the issue of bird strike is is prevalent through all of the sort of CAA DFT documentation, Including reference within the principal MPs here as well. In terms of the risk to aviation, it just isn't covered.

00:29:22:25 - 00:29:35:27

And I think what the airport is asking for is just that. Those matters are considering a little more detail to ensure you have the confidence in what's presented or, if required, further changes made to give everybody that comfort.

00:29:37:17 - 00:30:12:11

Thank you very much for that. And let me just say that the panel do share your concerns and are curious as to why. As you know, as you mentioned in your submission at PDA 002, curious that you said that this document on screen was shared with the applicant during the pre-application stage, and yet you're only having a meeting to discuss it next week? That causes me great concern, but I am encouraged that there's going to be discussions next week, and a statement of common ground will be emerging as a result of that.

00:30:12:13 - 00:30:20:00

So I will say no more on the matter, but look forward to more information coming forward. Mr. Shaikh, I'll hand over to you.

00:30:20:24 - 00:30:47:21

Yeah. So just finishing off on that particular agenda item. So major accidents and risk in general is something that we tend to cover later on on the agenda. Um, just finishing just one more query on that. So what you've submitted P in PDA 002. Am I am I right in thinking, yes, there's a level of risk in terms of the operations you undertake. But if that area was excluded as per your proposal, you would be comfortable in accepting that level of risk.

00:30:49:20 - 00:31:29:17

Uh, we would in respect of our field landings. Yes. I think we reserve the position with regard to turbulence and and bird, uh, bird and animal displacement. And just to clarify one thing for the panel, the risk of bird strike, um, is probably less serious, ironically, to light aircraft because they're not moving very fast to turbojet aircraft. Um, the business jets and the transport aircraft that use the airport, if they ingest a bird of significant size or any size, actually, but particularly large birds down an engine, it will it will disable that engine.

00:31:29:29 - 00:32:01:16

And as I think I said earlier, you know, the the most famous example is Captain Sully's landing in the River Hudson when he got both engines knocked out by geese. So, you know, wildlife displacement is an issue to us. And I think I think we mentioned it somewhere also in, in, in our reports or it's certainly been mentioned in peer reports that we're going to share with the applicant. Um, there is evidence to suggest that in some weather conditions, solar panels can look like an area of water and attract geese.

00:32:02:12 - 00:32:43:06

Um, they are of serious concern to us because they are absolutely going to finish a jet engine, even even a fairly substantial, um, you know, something like a Global Express or a Gulfstream, which has a Rolls-Royce Tay that will be knocked out by a goose. So we have some concerns remaining. But in answer to your question, if that splay were excluded from the development, we believe that the risk would be acceptable. There would still be remaining risk because aircraft don't approach the airport will have to overfly the solar farm, but we think there'll be a sufficient altitude to be able to reasonably find an area to land in that doesn't, um, contain solar panels.

00:32:44:17 - 00:32:48:28

Thank you, Mr. Curtis. Um, would the applicant like to respond in what we've just heard from Oxford Aviation?

00:32:49:27 - 00:33:20:05

So on behalf of the applicant, a few points, if I may. Um, first one is just to try and give the panel some comfort around engagement and the fact that the applicant is committed to engaging with the airport and has been driving the meeting that's now going ahead next week. So we absolutely welcome engagement from the airport and are eager to meet and discuss all of the concerns raised. We've also taken a note of each of those concerns raised today in relation to glint and glare, thermal plume and ecology, and all of the others that have been mentioned.

00:33:20:10 - 00:33:57:02

And I'll hand over to Mr. Nick Betts in a second to come back on the point in relation to the geese concerns and the impacts of geese. Just before I do, we've also noted the the key concern of the airport

here today is in relation to engine failure after takeoff. And from a safety perspective, that's their key concern. And we'd be happy for that to form a central part of the discussions next week. I think with that in mind, it'd be helpful for the applicant to understand either now or in those discussions next week, how the area that's marked orange on the map on screen fits into that concern of the airport.

00:33:57:23 - 00:34:30:10

Just for everyone's reference, that area that's orange relates to the planning application and forgive the reference to it's 20 Dash 03522 dash out. And that relates to the erection of up to 540 dwellings, amongst other things. And that planning application was granted on the 2nd of April, 2024. And from what we've seen, we're not aware of any concerns of a similar nature being raised by the airport in relation to that planning development.

00:34:30:12 - 00:34:54:01

So again, it would just be helpful to know, given that falls within the safety zone, it'd be helpful for the applicant to understand how the acceptability of that planning permission differs from the proposals being offered here. Given the substantial nature of dwellings versus the structures that we're proposing at solar panel. So I'll leave that there for now. And as I say, just hand over to Nick Benson to come back on the geese concerns.

00:34:56:10 - 00:35:27:25

Thank you. Toby. Nick Benson for the applicant. Um, just on, uh, two issues, really with respect to ecology and bird strike. Um, the first one is in respect of the the lake, so-called the lake effect. That's something that's, um, the research that's quoted is, um, was the whole effect of the idea of the lake effect is something that's been hypothesized as a potential effect. It's not something that's ever been proven as something that actually does occur.

00:35:28:10 - 00:36:11:11

And the, um, a Natural England's position on the lake effect is that it's it's a hypothetical risk, but their own research on the subject suggests that it's not something that is needs to be considered in as a, as a, as a potential effect of, of solar farms with respect to impacts on birds. So while the applicant obviously accepts the fact that, that, um, there will be some displacement from the, um, yeah, uh, the land of birds as a result of the solar farm, especially during construction. Um, coming on to my second point, in terms of the airport grassland itself, that grassland is, I'm assuming, managed according to the regulations, which makes it is specifically managed to be unattractive to birds.

00:36:12:00 - 00:36:42:20

So it's very much the applicant's position that we it's birds. Any any birds that were displaced from the airfield from the application site would not use the grassland within the airfield because it's managed specifically to not be attractive to birds. So the birds that are using the application site at the moment are either there for feeding or for nesting, and the airfields grassland is managed specifically to not be suitable for birds in either of those regards.

00:36:44:01 - 00:36:44:16

So.

00:36:46:21 - 00:37:10:19

While we're we be very useful to discussion with you in terms of what's that? The, um, when we meet on Wednesday to go through this issue and discuss it in more detail, I think that'll be very helpful for us. But our position at the moment is very much that that's we don't think that the any displacement from our from the site that might occur during construction would, would displace birds into that that area, into the airfield itself.

00:37:13:21 - 00:37:19:29

Thank you. Can I just ask you to submit the research by Natural England regarding bird strikes and so on.

00:37:20:01 - 00:37:24:24

It's not regarding bird strike. Sorry. It's about regarding, um, the lake effect. Sorry. The lake effect. Yes.

00:37:24:26 - 00:37:32:08

All right. Thank you. Before I go to the gentleman with his hand up at the back, can I ask if Mr. Curtis would like to respond to what we've just heard from the applicant?

00:37:33:11 - 00:37:38:20

David Rogers, um, ecologist. Sorry. What do I need to do?

00:37:40:13 - 00:37:41:08

Can you hear me?

00:37:43:01 - 00:37:43:19

Yes.

00:37:46:05 - 00:37:46:20

Sorry.

00:37:46:22 - 00:38:18:15

Okay. Sorry to respond. Um, yes. We manage the grass to be hospitable to birds, but from a residential point of view, we don't want them nesting. Uh, we have a permanent bird scaring vehicle that goes around the airport and broadcasting bird distress call signs. Firing off bangers, flashing lasers at them. Um, you know, we we have an unusually high bird population already on the airport from, you know, by any. And that may be because of our location.

00:38:18:28 - 00:38:51:23

We've piloted trees around the boundaries. We've done everything we possibly can to reduce the bird population. And yet we still have a very, very significant Rooke population. Gull population. Um, I think it's inevitable that, uh, any work going on and actually a solar farm would be likely to increase the density of birds on the airport surface. That's not to say that we couldn't manage that by increasing the, um, bird patrols. We could put two vehicles on, for instance, and work harder.

00:38:52:05 - 00:39:15:17

Um, but that's a discussion we need to have with the applicant next week, because, uh, if the applicant causes an increase in bird bear population. They might need to help us with the mitigation. As I said, we're not ideologically opposed to this development. We don't want to make problems where problems don't exist. We just want to protect the safety of our customers and the viability of our business. And that's that's the full extent of our concern.

00:39:17:15 - 00:39:19:21

Thank you, Mr. Curtis. So the gentleman at the back, please.

00:39:19:23 - 00:39:50:11

David Rogers, solar Q I'm sorry, the lake effect is a well-established scientific. The scientific proof for it in the American literature. If Natural England denies it, they're not reading the literature. I will give the references to the inspector. Can I come back to the. The developer's very often saying we know of no evidence. That's really not acceptable for something that's important as aircraft safety. Absence of evidence is not evidence of absence. Commenting on the thermal effects of solar panels, they know of no evidence of thermal effects.

00:39:50:17 - 00:40:08:14

There is evidence in the literature that an ambient temperature of 25°C, a warm summer's day in England, the internal temperature of solar panels is 50°C. That must cause thermal effects. How important they are. We don't know, but there will be thermal effects. Thank you.

00:40:09:27 - 00:40:11:02

Thank you, Mr. Rogers.

00:40:32:29 - 00:40:45:24

And I can see quite a few number of hands, but, um. And the constraints of time. Can I ask if you have any other comments to make? You can submit those in writing to us. Uh, we'll now move on to the next agenda item, and I will now hand over back to Mr. Wallace.

00:40:47:16 - 00:41:07:18

Thank you very much. The next item on the agenda, three F, is in relation to the development consent order. Um, there's only a couple of questions in here. Uh, specific questions that came to mind. So I'm not planning to dwell on the development consent or doing any in any depth. Uh, today. Um.

00:41:10:04 - 00:41:48:20

The main point that I want to look on at the moment, um, in the planning statement, there's several community initiatives spoken about, um, described as benefits, the community benefits that we've spoken about, aside from the provision of the community growing areas, which are listed in work number eight in the draft development consent order. There appears no other controlling mechanisms for any of the other, um, community benefits or the infrastructure side of things. Um, should there be any provisions on the face of the DCO for any of the other community benefits, community funds or anything like that?

00:42:00:13 - 00:42:32:10

On behalf of the applicant. Um, relation to community fund? No sort of feeds into the discussions we were talking about earlier, and how the community fund falls outside the planning balance, and is a fairly discretionary offering from the applicant in terms of the other benefits. Um, at the time of submission, the applicant did a thorough review of all the works it's proposing to carry out and check that that secured under work number, um, 1 to 9 or as part of the further ancillary works at the end of schedule one.

00:42:32:28 - 00:42:38:06

But we can do a review of that just to make sure that everything we're proposing to carry out is captured under that schedule one.

00:42:38:20 - 00:42:56:23

Of course, that would be good if you could review just in terms of the community fund not needing to be on the DCO. Okay, fine. But how would that be secured? Is that a side agreement? Is that a legal obligation? Section 106 with the Council. How how is that actually secured?

00:42:59:11 - 00:43:19:05

It's on behalf of the applicant. It's not secured at this current moment. And I think it will depend on what position is actually reached when we discuss with the relevant parties about the agreed community benefit, and depending on what form that takes and whether it's a form of commercial agreement or otherwise, we can update the examiner authority once that agreements be met.

00:43:20:07 - 00:43:47:15

Okay. Now that'd be good to know what's happening with that. And the same question kind of applies to the the setting up of the new retail company. I understand looking to set up a new retail company, offer discounted power to to residents in Oxfordshire. Um, what process is involved in establishing that new company and how that how do those benefits get reached by the people of Oxfordshire?

00:43:50:12 - 00:44:27:11

Tell me Debates again on behalf of the applicant. So I understand discussions are progressing in relation to what the community benefit package looks like. And I understand there's some difficulty around the deliverability of that form of community benefit that's currently proposed, which, as we alluded to, yesterday's is leading to a reconsideration of potential uplift of the current fund to make sure that it is a proportionate, full community benefit package in absence of that energy company. And we'll update at that time on with further details as to what the latest is on in terms of the offering from the applicant, in terms of community benefit.

00:44:27:21 - 00:45:08:23

Okay. Um, the the reason why I'm sort of dwelling on this, if you like, is I appreciate that what you're proposing is not mitigation as such, it's a discretionary voluntary aspect that you're looking to do here. I'm just concerned. I know we've talked about the Greenbelt VSC case earlier that year, looking to revise upon that. But my concern would be is that if these community benefits are to be taken into account in in any sense, then it would be good that if they were secured in some way or that we had confidence, reassurance that they were going to be followed up on.

00:45:09:05 - 00:45:25:28

Otherwise they are or could be perceived as being sort of empty promises. And I just want to make sure that what's what's coming forward is a clear pathway post consent. If consent is given for that, those benefits to actually reach the people who who want them.

00:45:27:28 - 00:45:57:26

Yeah, that's completely understood. And as you say, it forms that wider point around the confusion as to what the community benefit package looks like. But just to clarify or confirm what we said earlier, we don't consider a need to secure those because we aren't looking to attribute weight to those in the planning balance. We don't consider that's necessary given the critical national need for this renewable energy infrastructure, etc., etc. so we'll clarify that in terms of the VSC case as well as the community benefit offering. Deadline one.

00:45:58:10 - 00:46:37:10

Okay. One other question. Um, regarding the consent order, again, as I say, it was only a brief section here and now, um, it's in relation to the ES clarifications report that you provided and no need to bring it up as such. But in there you state that table 6.3 in ES chapter six, the project description, that is the document that sets out the maximum design parameters that have been used in the environmental statement. My experience from previous development consent orders, that's usually a requirement in a DCO that sets out those parameters.

00:46:37:29 - 00:46:53:05

Um, the limits of deviation and such forth like that. And I don't see similar provisions here securing that maximum design scenario in the DCO, and I'm curious as to why and whether that could be a revision, please.

00:46:55:06 - 00:47:25:27

Maybe it's on behalf of the applicant. So that is called the maximum design scenario. And that's in the outline Layout and design principles which was updated. And the reference for the latest version of that document is PDB 012. And you'll see in that document I'm not sure if we can get it on screen. It might not be needed. But you'll see in that document it sets out different parameters next to different work numbers to show where the maximum design scenario relates to specific pieces of infrastructure.

00:47:26:17 - 00:47:58:08

It also sets out in the front end of that document, references to the various other management plans and other commitments being made by the applicant, which are then secured by specific requirements in schedule two. So as you say, it's standard approach to have maximum design scenarios set out for the purposes of an assessment, which, as you say, is table 6.3, and the parameters in that table correspond with the parameters set out in the outline, layout and design principles secured under requirement five.

00:47:59:12 - 00:48:20:12

Okay, apologies for the sounds of my laptop. I was basically doing a word search in your outline and layout, outline, layout and design principles. Document for the word deviation or limits of deviation, usually the height or the depth of which you bury cables, how much the construction corridor can go and I don't see any. Is there a reason for that?

00:48:20:19 - 00:48:30:03

We're not proposing limits of deviation for this project. The works plan set out the maximum parameter of what was being proposed for this project. Okay.

00:48:32:13 - 00:48:37:21

Okay. Do the councils have any concerns on what I've just raised, either of the elements I've just raised?

00:48:38:09 - 00:48:39:00

Uh, yes, we.

00:48:39:02 - 00:48:42:19

Have, uh, Mr. Mayor Thomas online who'd be representing the councils on this issue.

00:48:43:04 - 00:48:43:24

Of course.

00:48:44:25 - 00:48:45:21

Thank you very much, sir.

00:48:45:23 - 00:49:22:21

Emma Thompson. Sisters. Just a quick point on your point regarding, um, securing community funds by agreement on other DCS, you'll be aware that agreements have been entered into under, say, section one of the Localism Act and section 111 of the Local Government Act 1972, when the mitigation proposed doesn't fall within section 106. So as you identified, section 1 or 6 could potentially be one avenue. But if not, um, those those sections of those acts that I just mentioned could also provide an opportunity of securing those funds by agreement.

00:49:23:08 - 00:49:24:01

Thank you sir.

00:49:25:14 - 00:49:31:01

Excellent. Thank you very much for that clarification. Thank you. In other views from any of the councils.

00:49:32:19 - 00:49:39:29

Okay. Anyone else in the room on those matters? I see a hand raised in the left side. Well, I'm on the left side.

00:49:46:09 - 00:50:24:07

I'm Hilary Brown. I'm from. I'm representing the views here of sustainable Woodstock. I spoke earlier in the week on community benefit and, um, I wasn't quite prepared today to, to be speaking, but I really don't understand, um, why I think everyone's aware that the community benefit doesn't pay any part in the application, but we know that it does play a part. We can see other, um, proposals where there has been significant amounts of money going to communities for various projects.

00:50:25:02 - 00:51:06:00

Um, we know that in Scotland that there are guidelines. We know that in England there are no guidelines, and I don't really understand that. And we're not here to um, obviously we would like there to be guidelines for for these kinds of developments. In fairness, um, we've spoken about various ways of dealing with that. And of course it can be with, um, a amount of money per megawatt, which in Scotland is for the wind farms is £5,000 per megawatt generated. And if, if it's easy to do that calculation, if £5,000 times 840MW, then it's £4.2 million per year index linked as well.

00:51:06:02 - 00:51:40:05

And that's for 37 years. That's a large amount of money going to communities to use in a way in which they decide how they they should be used. So so if this isn't necessarily concrete, there are other examples around England where the money has been agreed. There's all kinds of things going on in the background, and it would be good to use this if it is agreed. If you do get consent for this, that actually it becomes an exemplar for the whole of England, for all the other future proposals that are going ahead.

00:51:40:24 - 00:52:13:05

Individuals, I don't think communities we've heard about 17 communities I think that are going to be affected by the the proposal. So, you know, it's really while the while wind is slightly different, those wind farms are often in not exactly remote, but they may affect very few residents compared with what's happening in this bodily west. And um, and so I think, you know, there's an equal weight to a solar farm here as a wind farm elsewhere.

00:52:13:16 - 00:52:48:23

So for this particular one, because in the vicinity to people, communities and to World Heritage sites, all those things that we've, we've mentioned before. So I just feel that there should be much more pressure to put on something more concrete for this particular one and then use it as an exemplar going forward. Even if it doesn't, it would be sad if it didn't go ahead for this one. But, um, I think that I think we've had a couple of meetings with, with PvP, um, in the last couple of years as a community group.

00:52:49:12 - 00:53:28:10

Um, there's obviously been movement. I mentioned this, we started off with zero. Um, we went to £50,000 and people said, well, that's wonderful, isn't it? £50,000 between, you know, 300. However many residents we want to talk about how many parishes. Then it then it leapt to £200,000 and it's still woefully low compared with £5,000 per megawatt, which really I feel residents should be, um, and communities should be, uh, looking at receiving that money and managing it very effectively for full communities.

00:53:30:22 - 00:53:42:24

Thank you very much for, for for that. Um, I know another hand's gone up in the room. I'd have seen a hand on line first, so I'd just deal with the online person. Then we'll come back to you. So, um, Doctor Hearn, I believe that's you online.

00:53:48:00 - 00:53:48:27

Yes. It is.

00:53:50:10 - 00:53:50:25

Glorious.

00:53:50:27 - 00:53:51:12

Your sir

00:53:52:26 - 00:53:53:20

does it me now.

00:53:53:22 - 00:53:55:10

Sorry, a yes, indeed.

00:53:55:14 - 00:54:27:06

Right. Thank you. When we, uh, wrote to Simon Ray wood asking to be included in this session, we made a specific point about wanting to discuss the decommissioning section of the DCO. Um, which is on page 41 of the document, uh, section two for clause 14. I think, uh, this built on the section in our relevant representation section for about decommissioning.

00:54:27:22 - 00:55:06:12

Um, we have serious concerns about whether the, uh, the DCO will actually enable enforcement of decommissioning on the applicants. Um, the clause as drafted deals only with obligations relating to decommissioning, and contain no mechanism by which decommissioning can be guaranteed or paid for. Uh, section four of our RR explains there is no way of ensuring PvP or solar five will exist when decommissioning becomes a legal requirement, so that a DCO requirement could be enforced against them.

00:55:06:25 - 00:55:40:29

So, in the words of the applicant on Tuesday, there may well be a criminal offence, but sadly there won't be a criminal to sue. Um, sections two and three of our RR describe the lack of transparency in the funding and operations behind the applicant, which is primarily offshore of the UK. It seems, therefore, it would be inappropriate at best, for the Secretary of State assumed that they will have sufficient funds within the jurisdiction of the UK legal system in 40 years time to fund the decommissioning if legal action were then required.

00:55:41:26 - 00:55:42:11

Um.

00:55:44:17 - 00:56:17:15

In view of our group, that an appropriate form of bond should be lodged by PvP before construction is allowed to proceed. The amount of the bond would need to be set at the decommissioning cost, hopefully assessed independently, and to include a contingency large enough to cover the sensible eventualities over the 40 year life of the project. Our suggestion is that the DCO could be modified to accommodate this requirement in a straightforward way. The model may already exist in clause 46 on page 31.

00:56:17:19 - 00:57:07:01

Guarantees in respect of payment of compensation, which makes arrangements to ensure payment for land and the rights required for developing the scheme are made. Presumably, if requested, the applicant's lawyers could easily modify the draft DCO. You already have the big believe that only if the Secretary of State can find a mechanism to ensure absolutely, that the scheme is fully decommissioned. Would it be reasonable to assess its impacts as ending after 40 years and the scheme therefore being temporary as it's described? We would suggest that even such a if such a bond or guarantee is unusual for this type of development, it would be appropriate in these circumstances, given the nature of the ownership of the or the nature of the applicant.

00:57:07:06 - 00:57:33:00

The lack of transparency in its funding, the scale of the scheme, and the fact that it affects significant areas of greenbelt. Best and most versatile land, and a World Heritage site. Um, putting some form of guarantee in place to cover the financial cost of known future liabilities is not unusual in contracts. It would be a reasonable approach to adopt in respect of this scheme, we believe.

00:57:34:29 - 00:57:39:12

Thank you very much, sir. Thank you for for that. Before I put that point to the applicant.

00:57:40:28 - 00:57:47:06

I just hear from the one final party at the back there. So yeah, that's. Thank you.

00:57:48:05 - 00:58:22:19

Thank you very much, Richard. Debra Cook, chair of the Parishes community benefit steering group. Um, if you'll recall, I spoke the other day about the position as far as we were concerned. Just to follow up the comments that came from the speaker before, uh, Doctor Hearn. Um, there is indeed a scheme in Scotland which was established by the Scottish Government to deal with payments to be made through renewable energy generation. And it's correct that a figure of up to £5,000 per megawatt, um, have been mentioned, have been established.

00:58:22:21 - 00:58:52:23

That's for onshore wind. And I stress again, it is not in respect of solar moving to England, which is where we're concerned. Um, there is some work being undertaken by the government, but there's no real information about the speed of that. It doesn't appear to be proceeding at pace. To use the modern language. And at the moment, we don't know how much effect that's going to have. It may. It may not. We'll see.

00:58:53:00 - 00:59:25:15

As I said the other day, we are in really regular contact with the applicant and discussions are proceeding at pace. And we find those discussions helpful. Um, and we can only say that that, that they will continue. It said that this scheme, this project will be used as an exemplar. Um, I would beg to differ in the sense that this Botley West scheme is so big.

00:59:26:08 - 01:00:11:26

It is so close to so many communities, so many people within a kilometer, a kilometer and a half of its red line boundary that it is, in fact, unlike just about every other ground mounted solar project in this

country. The nature of the landscape is different. This isn't the wide open and flat fenland of the eastern counties. This isn't like all of the solar farms in the southwest, where they are generally much smaller. The historic information on so-called community benefit funding to solar farms in the past has almost exclusively been related to projects of maybe 50 acres, producing maybe ten megawatts or less.

01:00:12:08 - 01:00:33:24

And so this Botley West proposal is so completely different that I would suggest, and I interpret it partly as a lawyer. I would suggest it's going to be very easy to distinguish it from other applications that may come along in the future, and that will make it not an exemplar in that particular sense. Thank you.

01:00:33:26 - 01:00:44:07

Okay. Thank you very much. I did say that I just have the hand there. So I appreciate there's other hands, but I, I want to go back to the applicant now. I beg your pardon, sir.

01:00:47:20 - 01:00:54:18

Apologies I, I missed that in the scheme. Then. Then we'll just have yourself and then I'll come back to the applicant because I want to move on. Please.

01:00:54:20 - 01:01:13:08

It's just a just a quick reference. There's a benchmark on the other side of the wall, and there's an existing 4.5MW solar park. Uh, the, the community benefit. There is £50,000 per annum. That's for 4.5MW. The planning one is 840.

01:01:13:27 - 01:01:43:21

Yes, indeed. I believe we heard from the lady, uh, from South Hill Community Group yesterday regarding that. I'll come back to the applicant now. Not putting words in your mouth. But I know earlier on you spoke about the community benefit. You're reviewing, that potential uplift and whatnot. So I don't necessarily want you to comment on that at the moment, but I would like a response to the decommissioning part. I have seen in other development consent orders, no bonds secured, um, via requirement. And I'd be interested to hear what you have to say on that, please.

01:01:45:01 - 01:02:22:29

Sure. Toby Yates, on behalf of the applicant. So just firstly touching on the funding and financial means to carry out the decommissioning, as I'm sure you'll be aware, the applicant's position is to its financial and corporate structure set out in the funding statement, which is app dash 022. Appreciate this. There's some disagreement there, but that's the applicant's perspective on its funding capabilities and corporate structure. Your reference to other AES, including a form of bond? I don't think there's been a Sola DCO where the Secretary of State has felt it necessary to have a bond in place.

01:02:23:26 - 01:02:55:12

And before I come back to that, I'll just again apologize for some repetition, but just to set the context as to how requirement 14 operates. So in terms of financing the decommissioning, the order at requirement 14 requires the project to be decommissioned in accordance with a decommissioning

environmental management plan or dump for short. And as I've said before, decommissioning must commence no later than 37.5 years, so that is an obligation to carry out decommissioning.

01:02:56:12 - 01:03:19:00

You'll see, as part of the application documents app Dash 236, that sets out an outline form of that dump, which has been prepared to set out the outline mitigation measures that the applicant would adhere to as part of decommissioning, and the final dump that submitted must be substantially in accordance with that outline document. So it sets a reliable framework

01:03:20:25 - 01:04:07:29

And in terms of where that requirement is enforceable. As the gentleman mentioned. It's a criminal offence not to comply with that requirement. And that's pursuant to section 161 of the Planning Act. And that would be enforceable against anyone who holds the benefit of the order at the time that the project is decommissioned. So it binds the undertaker under the draft development consent order rather than a specific individual entity. Obviously, at the moment, that is, that is the applicant. And it's worth also noting from a commercial perspective that the elements of the installed solar represent a valuable asset for the applicant, so it'd be in the financial interest of the applicant to decommission the site in order to recycle or sell the the components and those assets.

01:04:08:01 - 01:04:44:09

So it's a benefit of the applicant in that sense as well. But if the undertaker under the order went into liquidation, then those assets could be sold in order to fund the decommissioning under that legal requirement. And it's on that basis that the applicant doesn't consider that a bond is necessary. And just to try and put a full stop on the point. We note that similar arguments have been raised in various other solar DCO. So for example, it was raised in the Cleeve Hill solar DCO, and same points were accepted by the examiner authority in that report.

01:04:44:21 - 01:05:15:10

I won't read it verbatim, but paragraph 12 .3.5 of that report deals with the point and also in the Sonica solar farm. The Secretary of State's decision there recorded that several interested parties again had similar concerns around the applicant's ability to fund the full delivery cost of the proposed development, including decommissioning. And again, consistent with all the other solar discos made to date, the Secretary of State didn't consider a bond to be necessary for Sonica either. And again, I can stop there.

01:05:15:12 - 01:05:29:29

But Mallard Pass was the same where similar points were raised. But again, a bond wasn't considered necessary and the applicant isn't aware of any reason that distinguishes this project from all of those other solid echoes. In order to justify that a bond would be required here.

01:05:31:17 - 01:05:36:28

Okay. Thank you very much for that. I believe my colleague, Mr. Sheik may have a question on that.

01:05:38:08 - 01:05:53:27

So granted, a bond is not required. And I think you've explained the examples where, you know, Secretary of State has not insisted that one needs to be in place. Can you provide any assurance that there will be money available in 37.5 years time to restore the land back to its original condition?

01:05:57:02 - 01:06:29:11

On behalf of the applicant, I personally can't provide that assurance. Um, and as I say, the application, the position of the applicant is in the funding statement, the fact that funds will be available and the funding statement goes into detail as to how that investment is expected between now and decommissioning, to ensure that funds are available in order to fund that decommissioning. And as I say, with it being that criminal offense and threat of criminal offense in the requirement, we find that is the strongest way of being able to give confidence that decommissioning will occur.

01:06:29:20 - 01:06:39:20

And that follows the standard approach from other schemes. As I've said, that that is the form of assurance the applicant can give by committing to a requirement of an order, a breach of which would be a criminal offense.

01:06:41:28 - 01:07:02:28

Thank you. Thank you very much for answering that. That completed my little sort of sortie into the development consent order at this point. There'll be more questions in the written questions that will come out, uh, later in June. Um, in the interest of time and moving on, um, I'll now hand over to Mrs. Metcalfe for agenda item 3G.

01:07:07:12 - 01:07:44:15

Thank you, Mr. Wallace. Um, I have a few questions that are fundamental to our understanding of how landscape and visual matters have been assessed. And also a question on the agricultural report. So firstly, I'd like to ask about your assessment of significance levels in chapter eight of the is the Landscape and Visual Impact assessment, which is our er reference PDB 006. In table 8.13, you define a moderate effect as being noticeably out of scale or at odds with the character of an area or with an existing view.

01:07:45:20 - 01:07:59:18

And then at paragraph 8.5.22, you have stated that for the purposes of this assessment, any effects with a significance level of moderate or less are not considered to be significant in terms of the EIA regulations.

01:08:02:10 - 01:08:18:09

Section 42 of the EIA 2017 states that the EIA must identify, describe, and assess in an appropriate manner the direct and indirect significant effects of the proposed development on several factors, including landscape,

01:08:19:27 - 01:08:59:02

the guidelines for Landscape and Visual Impact Assessment. Third edition, which I will refer to as Olivia three, provides guidance on assessing the significance of effects in paragraphs 3.23 to 3.36. In particular, paragraph 3.32 states that the phrase not significant in AI terms has no specific meaning in relation to the EIA regulations and can lead to confusion. Paragraph 3.34 includes a requirement for

justified tables and descriptions of categories, including a clear explanation of why certain categories may be considered not significant.

01:08:59:25 - 01:09:06:12

This paragraph also includes warnings over on the overreliance of matrices or tabular summaries.

01:09:08:02 - 01:09:31:23

So your statement at paragraph 8.5.22 that any effect with the significance level of moderate or less, and not considered significant in terms of the AI regulations, is neither justified or explained, and neither does it appear to align with the guidance. Can you explain on what basis you have set the levels of effects and why you are treating moderate effects is not significant?

01:09:33:20 - 01:09:39:14

Maybe it's on behalf of the applicant. I'm joined online again, hopefully by Mr. George Lilly who can talk to this.

01:09:43:17 - 01:09:44:02

Uh.

01:09:44:04 - 01:10:17:27

Good afternoon. Thank you. Uh, George, really? On behalf of the applicant. Um, so the landscape visual impact assessment was carried out in accordance with, uh, GL via three. Um, and as I'm sure you're aware, this is not a, um, a detailed or formulaic recipe for the assessment, um, each, uh, assessment of effects needs to be the responsibility of the professional to make a judgment.

01:10:18:10 - 01:10:49:00

Now, uh, the three further, um, goes on about judging the overall significance of effect. Um, and the assessment, uh, the landscape and visual assessment has been influenced by the proportionality principle expressed in paragraph 1.17 of GL three, which states that identifying significant effects stresses the need for an approach.

01:10:49:02 - 01:11:19:10

That is, proportion is in proportion to the scale of the project that is being assessed and the nature of its likely effects. Judgments needs to be exercised at all stages in terms of the scale and investigation, and is appropriate and proportional. So in terms of the West Solar Farm project, those effects of moderate and adverse or below are considered to be not significant.

01:11:20:09 - 01:11:56:21

Um, now, taking the proportionality approach to the assessment, it is judged that having moderate adverse as significant would have resulted in a disproportionate level of significant effects when considering the circumstances of individual landscape and visual receptors, uh, many of which are considered highly sensitive in landscape and visual terms. Um, and this point is further clarified within the Landscape Institute.

01:11:56:29 - 01:12:44:20

Um 1020 2401 uh, which states that if you're using a scale of minor, moderate, major, then major effects will be significant and minor effects not significance. In this example, moderate effects may or may not be significant, and, uh, this would need to be justified within the text of the Elvia which has explained um on various viewpoints, um has given justification for why an effect is not considered significant or not um, although of course, Sylvia has acknowledged a number of significant effects.

01:12:45:26 - 01:12:46:16

Thank you.

01:12:52:17 - 01:13:02:29

Thank you. Um, can I go to the council's. Um, Mr. Thompson, I believe you brought this point up. Um, previously. Um, would you like to comment any further on this?

01:13:05:02 - 01:13:05:21

Um.

01:13:06:10 - 01:13:34:03

Yes. It is an issue that we've covered at length in our relevant representations, um, about our perceived on the plane of the significance of impacts on the landscape and in turn, the impact on the significance of the heritage assets as well. Um, we have support from our landscape consultant. I don't know whether they're on the line to to field some of this now, or it may be something that we, we.

01:13:34:05 - 01:13:34:20

Seek.

01:13:34:22 - 01:13:39:04

To follow up in a, um, a written submission, but.

01:13:39:06 - 01:13:39:21

We have.

01:13:39:23 - 01:13:57:11

Sought to understand through a review of the applicant's evidence, um, where these anomalies might exist with regard to the, um, understanding of the significance of impacts with regard moderate or less or above.

01:13:59:29 - 01:14:08:06

Thank you. Um, I can't see any Notification online that your landscape person is there. Um.

01:14:09:21 - 01:14:20:20

Uh, sorry, I, I am here. Um, but I think, um, it might be better to clarify some of this through the written questioning. Can you hear me?

01:14:21:16 - 01:14:30:20

Yes. Um, thank you for that. Um, yes. We'll we'll we'll await your, um, written representations then. Thank you.

01:14:30:24 - 01:14:34:25

And if the county council could come in on this issue as well. That'd be acceptable.

01:14:35:06 - 01:14:36:20

Apologies. I didn't hear you then.

01:14:36:22 - 01:14:39:21

Uh, sorry. Good, good. Oxfordshire County Council comment on this issue as well.

01:14:39:26 - 01:14:40:26

Yes. Please go ahead.

01:14:40:28 - 01:14:42:08

Then I'd like to introduce my colleague.

01:14:44:18 - 01:14:47:22

Yes. Um, hello. I'm. I'm the landscape.

01:14:47:24 - 01:15:11:19

Officer for Oxfordshire County Council, and I just wanted to stress that the level of significance is something that has been raised by, you know, ourselves and the district councils in previous representations as well. So there is that in our relevant presentation. We will elaborate on that in the Local Impact report with the help from the consultants as well.

01:15:13:25 - 01:15:14:21

Thank you for that.

01:15:15:21 - 01:15:47:08

Yes. Thank you. Thank you for that. And the commitment of both councils to to giving more detail in writing. One question I think I asked in the open floor hearing and it was deferred for later, it probably be in written submissions was whether the applicant had agreed with you the methodology and the the parameters, if you like, in advance of preparing the environmental statement and the Elvia chapter. I'm not sure I got a comprehensive response to that.

01:15:47:17 - 01:16:14:05

And so if there's this these disputes about whether a moderate effect constitutes significant, um, impact, that seems to be more than just a matter of judgment. That seems to be a matter of methodology and assessment. So can I just ask anyone from the council side? Was it agreed in advance as to what the the chapter would be shaped up to be?

01:16:16:26 - 01:16:39:24

Um, I can speak only for the county council here, and, uh, from my position, I have not been approached to agree that in advance. And it is my understanding that conversations have taken place with the district councils, but I'm not aware that anything was agreed as such. But that's maybe more for my district colleagues to know that.

01:16:40:15 - 01:16:45:09

Okay. Thank you. Uh, is it Mrs. Oxley? Um, are you able to speak to that at all?

01:16:47:26 - 01:16:51:06

Uh, yes. I'm here. That's Miss Oxley. Um,

01:16:53:00 - 01:17:11:18

there was a certain amount was agreed, but, um, some of that, uh, Was done before we were taken on. So again, I think it would be better to confirm exactly what was agreed through the written exchange in order that we can check the timeline first.

01:17:13:16 - 01:17:17:07

Okay. Thank you very much. Um, sorry, Mr. Thompson.

01:17:19:00 - 01:17:19:24

Sandra Thompson.

01:17:19:26 - 01:17:22:19

West Oxfordshire district council. Um, the.

01:17:22:21 - 01:17:24:01

Methodology wasn't.

01:17:24:03 - 01:17:24:29

Agreed between.

01:17:25:01 - 01:17:25:16

The.

01:17:25:18 - 01:17:33:11

Um district councils and the, um, applicant beforehand. We, uh, we engaged prior, uh, during.

01:17:33:13 - 01:17:33:28

The.

01:17:34:00 - 01:17:34:15

Pre-application.

01:17:34:17 - 01:17:35:02

Stage.

01:17:35:04 - 01:17:35:19

To.

01:17:35:21 - 01:17:36:06

Agree.

01:17:36:08 - 01:17:36:23

Viewpoints.

01:17:36:28 - 01:17:38:03

Um, to be undertaken to.

01:17:38:05 - 01:17:38:20

Be.

01:17:38:22 - 01:17:47:22

Utilised in the landscape and visual assessment. But that, I think, was the extent of our engagement in determining how the landscape and visual impact should be assessed.

01:17:50:09 - 01:18:00:07

In which case, I'll just come over to the applicant and ask what engagement was, um, done in terms of coming up with the the assessment methodology.

01:18:01:16 - 01:18:23:24

Maybe it's on behalf of the applicant. I'll hand that to Mr. Lily in a second about the engagement on Elvia. Specific matters. But just to note the point that we raised earlier this week with the councils that are statement of common ground is in circulation, and that can cover the points that are either under discussion or have been agreed previously. But I'll hand now to Mr. Lily for previous engagement.

01:18:26:28 - 01:18:57:14

Thank you, George. Lily, for the applicant. Um, yes. As Mr. Yates has said, the, uh, statement of Common ground is in circulation. And, um, the Elvia methodology is specifically, uh, part of that. Um, in terms of engagement and my involvement, my involvement with the project, um, the engagement was, um, based around the representative viewpoints.

01:18:58:02 - 01:19:24:18

Um, as already discussed. Um, but I think the the methodology itself is something that's going to be needed to, uh, be covered within the statement of common ground if there are ongoing, um, disagreements with the significance, particularly, which is a professional judgment at the end of the day. Thank you.

01:19:25:09 - 01:19:39:24

Thank you. So just in relation to that, then I'm just going to make an assumption that the answer to my question about engagement beforehand was no. Um, so I'll hand back to you.

01:19:40:00 - 01:20:02:21

If I can just jump in there. Toby, on behalf of the applicant, um, I obviously wasn't involved in those discussions, and I understand that there was some change in personnel amongst the applicant team. So it may well be the case that there was limited engagement, or there might have been a lot of

engagement. That's just not been raised today. So we can take an action for deadline one to speak amongst the wider team to find out what early engagement did occur. Yes, please.

01:20:08:18 - 01:20:51:25

Um. Thank you. I'm sorry. I had a question and now it's gone. But if I remember it, I'll. I'll come back to you all. Um, I'll move on to my second question, which is on visual effects, which leads on from the previous question. Um, actually, I'm so sorry. I've just remembered what it was. Um, miss Lily, you said that, um, it was professional judgement as to, um, the levels of significance. Um, but one of my points was that it was neither made clear or justified in your report as to why you would reach those decisions, and I think that's certainly something that that needs to be, um, further explored in the Elvia.

01:20:51:27 - 01:20:52:12

Sylvia.

01:20:54:04 - 01:21:35:19

So I'll just leave that with you for the moment. Perhaps we can have that as an action point, please. Um, sorry. I'll go back to my second question then, which was visual effects. Um, so the result of you stating that a moderate effect is not considered significant in AI terms has a knock on effect on how you've assessed the visual impacts. Paragraphs 8.9.14 3 to 8.9 .256 provide the details of the assessment of visual impact on your chosen viewpoints, with not one view considered to be impacted to a greater degree than moderate, which therefore according to your matrices, is considered not significant.

01:21:36:22 - 01:22:08:00

The Exa undertook uses in February and also on Monday this week. And from our experience during these inspections, um, we have to disagree with many of these assessments and consider that many of the viewpoints would be affected to a moderate or even a major degree in light of what we've covered. The Xa is concerned about the ES assessment and the applicant's conclusions that arise from that. Um and the Exa require reassurance that due process has been followed.

01:22:08:13 - 01:22:11:02

Um, can the applicant provide that reassurance, please?

01:22:16:09 - 01:22:56:29

Uh. Thank you. Uh, George, really? On behalf of the applicant. Um, yes. The, um, Elvia chapter has been produced. Um, and the methodology based on the guidelines for Landscape and Visual Impact Assessment Edition number three. And, um, this is the, um, industry standard. And the applicant's position is that the method is Just to assess the landscape and visual effects of the Botley West cell phone project follows best practice guidance.

01:22:58:02 - 01:23:10:05

Um, the judgments made in the landscape visual impact assessment are clear, transparent and correct and proportionate to the project. Thank you.

01:23:15:05 - 01:23:32:08

Um, I think we'll probably have some further questions on that. Um, particularly in light of the points raised in the open floor hearings yesterday. Um, and I think it's a topic that we will revisit in our written questions. But meanwhile, can I ask if there's any comments on the visual impacts from the council?

01:23:37:29 - 01:24:13:28

Yeah. Again, I, I, I think the best is to refer you back to our previous comments because we have actually, um, we haven't covered the. done detailed critique of the whole Elvia to to each viewpoint, but we have given examples where we feel the assessment methodology hasn't worked, you know, and that it's not there. There is. The impact has been underestimated on on views. And we have given some examples in there. And we can provide these again, and we will certainly elaborate on those in the local impact report as well.

01:24:15:03 - 01:24:17:03

Thank you. Anyone else from councils?

01:24:24:01 - 01:24:28:18

Sorry. There's a couple of hands up in the room if I can take some questions on this. Thank you.

01:24:30:21 - 01:24:41:24

Yes. George Smith, interim resident and former district councillor. I would echo the concerns expressed by the inspectors and say that.

01:24:41:29 - 01:25:19:18

I think that many of the statements being made by the applicant about visual impact are, frankly ludicrous. We have a lot of words and a lot of theory. Rather little evidence or facts available to us. Can I once again draw attention to what I showed on Tuesday, which is the image published in the Oxford Times on Thursday the 8th of May, page five, which is the the direct evidential picture of what a 20 acre solar farm on the edge of the planet mistake looks like.

01:25:20:10 - 01:25:53:24

And this is a brutal impact on a rural village site. And it's ugly and it's industrial. If 20 acres is despoiled in this way, then the Botley Project, which is nearer 2000 acres, has 100 times that impact. To say that it is a small or moderate effect Fact is absolute nonsense. The the evidence of a farm in this exact locality shows that the impact is going to be absolutely major.

01:25:56:14 - 01:25:59:02

Thank you. Um, Mrs. Lewis, thank you.

01:26:00:29 - 01:26:05:05

I would like to ask the applicant a question. If all these viewpoints are.

01:26:05:07 - 01:26:05:22

Considered.

01:26:05:24 - 01:26:06:21

Insignificant.

01:26:06:29 - 01:26:07:14

Why are they.

01:26:07:16 - 01:26:10:06

Proposing 75km of hedging.

01:26:10:18 - 01:26:11:17

To hide it?

01:26:12:02 - 01:26:13:04

And, um.

01:26:13:08 - 01:26:14:08

I've just calculated.

01:26:14:10 - 01:26:14:25

That the.

01:26:15:00 - 01:26:16:04

36km.

01:26:16:06 - 01:26:17:14

Of public rights of way.

01:26:17:26 - 01:26:19:14

Will have, uh.

01:26:20:03 - 01:26:21:00

Hedging on both.

01:26:21:02 - 01:26:21:17

Sides.

01:26:21:19 - 01:26:22:04

Fencing.

01:26:22:06 - 01:26:22:23

And hedging.

01:26:23:04 - 01:26:23:19

And that.

01:26:23:21 - 01:26:24:06

Is about.

01:26:24:08 - 01:26:24:27

Three quarters of the length.

01:26:24:29 - 01:26:26:02

Of the Channel Tunnel.

01:26:26:26 - 01:26:27:15

Thank you.

01:26:28:08 - 01:26:33:00

Thank you. Um, we'll go back to the applicant in a moment. Did I see another hand or, um.

01:26:38:28 - 01:26:43:06

Back to the applicant. If you could respond to the points that have been raised in the room. Thank you.

01:26:50:24 - 01:26:55:16

On behalf of the applicant, I'll defer to George Lilly on those ones if he's still available online.

01:26:56:27 - 01:27:13:01

Uh, yes. George. On behalf of the applicant. Thank you very much. Um, yes. In terms of the, uh, the hedging, um, uh, which has been spoken about quite a lot, um, in the last few days. Um.

01:27:15:27 - 01:27:37:16

The purpose of the hedging, um, is to mitigate the visual effects of the, uh, project. Um, it cannot screen the whole project due to the nature of the double graphy. Um,

01:27:39:04 - 01:28:11:13

and In terms of the tunneling effect. This has been looked at quite carefully in terms of the widths allowed for the public right away, through through the scheme, with hedging on either side, which would be managed, um, and secured through the lamp. Um, so the purpose is to, to mitigate the effects of the um, of the project, uh, in terms of the scale of the project.

01:28:11:25 - 01:28:45:12

Um, it yes. On plan, uh, the scale appears large. Um, however, when viewed from the ground, uh, because of the spread out nature of the three separate project sites, um, there wouldn't be any one location where views of the project in its entirety would be available. Um, as such, uh, views to it have have been assessed from individual viewpoints on a case by case basis.

01:28:46:03 - 01:28:46:24

Thank you.

01:28:49:29 - 01:29:26:15

Thank you, Mr. Lily. Um. Moving on. I'll move on to my next question, because I think that, um, that will actually talk to the to your last comment. Um, as regards, um, visual receptors in Olivia three paragraph 6.13 identifies, um, visual receptors as including people who are passing through on road, rail or other forms of transport. The EXR have noted that aerial views over Blenheim Palace and the wider landscape are readily available to pilots and or passengers flying to and from Oxford Airport and Brize Norton.

01:29:27:03 - 01:29:53:24

In addition, leisure flights providing views of Blenheim Palace and its wider setting are widely advertised. As such, aerial receptors are considered to be a visual receptor and Olivia three.

Description. However, these have not been considered in the visual receptors section of the landscape and visual assessment. Can you explain why you have chosen not to include visual receptors? Sorry, aerial receptors in your assessment. Thank you.

01:29:56:03 - 01:30:29:24

Thank you. George. On behalf of the applicant, um, this is this is a very interesting point. I have, uh, not worked on a project where aerial receptors have been considered, uh, uh, relevant. Um, so I think this is something that we would have to take away and provide in writing as to why this was scoped out. I'm not aware of a case where they have been assessed.

01:30:32:08 - 01:30:32:29

Thank you.

01:30:35:21 - 01:30:36:12

Thank you.

01:30:41:01 - 01:30:53:27

Um, finally, I wish to discuss the agricultural impact assessment and method statements with you, which are documents app 145 to app 148.

01:30:55:28 - 01:31:31:28

This document includes plans labeled 701 to 7 one six that show the full cable route. However, the survey plans for both the north and south cable sections show cable route options that were indicated in the phase two consultation materials from November 2024 and not the cable routes, according to the most up to date operational development areas indicated in as 021. In particular, at Swinford Bridge, the Borough Cultural report Assessing the Arboriculture report assesses a cable corridor that crosses the river to the west of the bridge, rather than to the east.

01:31:33:01 - 01:31:40:27

So can you confirm whether or not you've surveyed the correct cable routes, or whether this is additional work that still needs to be undertaken, please.

01:31:43:11 - 01:31:48:14

On behalf of the applicant, I'm joined by Mr. Dave Cox to talk about the cultural impact assessment.

01:31:51:16 - 01:32:13:15

Good afternoon, David Cox, on behalf of the applicant. Yes, I think you certainly picked up the intervening period between design changes and auctioneering, probably coincided with design survey periods from our broader cultural team to that data is currently being collected to ensure it properly assesses the current designs for cable options, and that will be supplied to the examining authority as soon as possible.

01:32:18:26 - 01:32:24:16

Thank you. Um, so I understand so that works currently being undertaken and it will be provided at deadline one.

01:32:26:28 - 01:32:38:04

I represent and cultural team, so I just have to default to when that that data would be available. So if I could come back to or the team come back to you about timescales not able to commit a deadline just yet.

01:32:41:18 - 01:32:48:06

Um, I mean, obviously we'd prefer to see it at deadline one. Um, do you do you know when you would be able to get that to us?

01:32:48:18 - 01:32:56:14

So, yes, on behalf of the applicant. Um, we'll give an update, a clear update, a deadline, one in absence of that data, if it's not available by deadline one.

01:32:57:10 - 01:33:04:21

Okay, just just for the record, I will put it down as deadline one and you will if it's not going to be available, you will advise at deadline one.

01:33:06:15 - 01:33:11:11

Yes. We'll either provide the data or confirm at deadline one when the data will be provided. Thanks.

01:33:13:06 - 01:33:31:09

Um. Thank you. In addition to the cable routes, um, could you please also ensure that other information, such as the location of substations and the extent of the solar arrays is corrected on the updated plans, as there is also a few discrepancies to these items as well. So that's just to to note as well.

01:33:31:11 - 01:33:31:27

Thank you.

01:33:36:03 - 01:33:41:15

Do the councils have any comments on the arboriculture report as it's been received?

01:33:43:13 - 01:33:47:26

Uh, George Gurney, Oxfordshire County Council. It's something we'll be expanding on in the local impact report.

01:33:49:25 - 01:33:50:13

Thank you.

01:33:51:26 - 01:33:56:16

Um, are there any questions on the arboriculture report in the room?

01:34:04:25 - 01:34:36:10

Thank you. Just a quick one, Karen Squib Williams. It's just really a question to the developers whether the, um, health impact assessment of the tunnel effect, whether of hedges or fencing throughout the public rights of way and so on have been specifically considered for those with a neuro divergence issue that I think that might be important to ensure that neurodivergent people are properly considered and not by accident, excluded from walking through these areas.

01:34:40:08 - 01:34:44:06

Thank you. Yes. If the applicant could respond to that question, please.

01:34:45:26 - 01:34:53:21

Maybe it's on behalf of the applicant. I think that's more of a query for public rights of way. And we're not joined by the relevant expert here today. So that's another one we'll pick up in writing.

01:34:57:20 - 01:35:00:14

Thank you. We'll expect that deadline one as well then.

01:35:03:12 - 01:35:05:10

Um, I've

01:35:07:06 - 01:35:23:06

that's the end of my questions on landscape and visual for the moment. Um, I think it's time now that we take a short break. Um, time is 3:45, roughly, so we will reconvene at 4 p.m.. Thank you.