

AUDIO_DEANMOOR_ISH1_SESSION5_1111 25

Tue, Nov 11, 2025 5:24PM • 1:03:21

00:05

It's, It's four o'clock, so we will reconvene, hearing

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I'd like, I would like to move on to landscape and visual

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topic of discussion which is agenda item six, A, B, C and D.

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Can I start by asking Mr. Marsh, or an equivalent representative from the applicant, to explain what the key difference is between the parties in terms of the landscape and visual impact assessment methodology, and I understand it's been articulated in the statement of common ground, but I'd like you to explain to me and hearing where the differences are

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between the parties.

00:58

Thanks, Sir Richard, for the applicants. Now this agenda item will be spoken to by

01:06

the applicants landscape VISUAL EXPERT Andy Chester, who thankfully is in the adjacent room and has reappeared,

01:14

so I'll pass over to Andy. Good afternoon, Mr. Chester, welcome to the examination. Good afternoon. Thank you. Yeah. So. Andy Chester, on behalf of the applicant, I think, as has been mentioned in the previous questions and responses, we are, we do have an agreed statement of common ground with the Cumberland Council,

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and

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to

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to get to that stage, We've obviously had discussions and conversations with with the council following the submission of our materials for the application, and then the provision of materials from from the council following the submission the namely,

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the landscape visual impact assessment review document as 005 which was undertaken by Stuart Galpin on behalf of the council.

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And

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we held a meeting with the Council on the eighth of September,

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and we've had other matters which have led to the deadline for submission of the statement of common ground, rep 04, 15, and in terms of the differences on the methodology, think it's important to highlight that this is not disagreement as To the soundness of the methodology,

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the LBI methodology from from the applicant, that's document reference rep to zero, 34

02:48

but it relates to reasonable differences in professional judgments, such as the

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selection of View locations,

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think on those that that matter and others, the statement of common ground acknowledges those positions, and it concludes by saying that they don't fundamentally alter the overall conclusions of the lbia or the need for mitigation,

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which is confirmed by

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items CCL two and CCL nine, and statement of common ground, with regard to the locations and visual effects

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the work, there are also matters regarding design mitigation, again, the statement of common ground now identifies that that the council,

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we are agree with the council that those matters can be dealt with through the discharge of DCO requirements six, the landscape and ecology management plan. DCO requirement seven for the landscape in ecology management plan. Sorry, did I don't ever repeat myself. Requirement six is the landscape ecology plan. So that's the drawing and requirement seven is the management plan that goes along with that, and that's to do with the detailed design of the landscape proposals.

04:21

So it's the applicant's understanding that there is no further work required to address any of the previous comments have been made or raised in any representations made to date. And again, that's kind of the position that's been set out in the statement of common ground. Thank you, Mr. Chester, so in your view, the differences here lie in professional judgment, which doesn't affect or fundamentally change the conclusions drawn in the environmental statement. And then secondly, any issues in relation to landscaping and other matters, I think your inference there is that they can be secured through subsequent.

05:00

An agreement through control documents. That's correct. Okay, thank you. Can I ask the council, Cumberland Council, you may just agree simply with Mr. Chester's appraisal? Is there anything you'd like to add, or would you like to give me your version of the current position? Is it the case that this is a difference of professional judgment, essentially in relation to the methodology or some of the viewpoints.

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Nick hay Hurst, Common Council, I'll bring my colleague Stuart Galpin in, who did the independent review, but generally that that is the agreed position. It's just professional differences of opinion, minor minor changes

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based on the methodology used. Then it doesn't affect the final outcome or conclusions of the assessments. But

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I'll ask Stuart Galpin if he could just expand on that.

05:55

Yes. Stuart Galpin, Cumberland Council, yeah. Thank you, Mr. Chester, you eloquently explained opposition and our discussions. Yeah, first of all, the differences were professional judgments. Obviously some nature of of some work is subjective and but the conclusions weren't affected by the differences in the professional judgments

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and yeah, secondly, there were some details missing in terms of design or understanding the outcome

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of the mitigation measures, but these are agreed To be dealt with in this discharge of conditions.

06:42

Thank you. Thank you, Mr. Galton, so again, there's been extensive correspondence on this point, and I'm not going to revisit the

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comments that have previously been made by the council. And you commissioned a report on behalf of the Council, which obviously the applicants responded to. But one of the things I did note from that correspondence and that that submission was

07:08

potentially some disagreement over viewpoints, and it seems to me that there's there's agreement generally in the statement of common ground. But my question to the council is,

07:19

practically speaking, I'm going to be going on the site visit in December.

07:24

Are there any additional viewpoints outside those that have been identified in the environmental statement? Is there anywhere else you'd like me to see the site from? Are there viewpoints that you would wish to pinpoint on a map or a plan? Because I'm perfectly open to that suggestion at deadline number five, for example, if you'd like me to see the site from elsewhere, I'm happy to do so.

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Stuart Gelman Council, yeah, I think we did identify

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east of viewpoint free C, in between there and viewpoint 6b

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where it's obviously at the height, height of the hill. We did good discussions about this, of how and why it is, but if I mean certainly sequentially, along that road, and also between viewpoint six, six, A and B and seven, you'll, you'll obviously travel on that, that route. So that, I think the the first one you refer to is that Dean cross road between, more or less between the properties on the on the crossroads, and then traversing up the hill,

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around the the tight bend, and then along the kind of ridge, if you like. And so I have, I have, as you see from the unaccompanied site inspection notes, I have walked that or partly walked

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that route, but I will do that again on the site inspection in December as well.

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And in addition, just generally, I intend again to walk the perimeter of the site ie

09:14

branthway Edge Road and branthwaite Road and gilgaron Road, Dean cross road. So I do intend to do that. So hopefully that will pick up any, any viewpoints that you've identified early on in your representation. It was if there was anything specific you want me to look at, and as I say, happy for you to pinpoint that on a map, if you, if you wish, in deadline, five submissions,

09:39

Stuart government for Cumberland Council, I think you're already picking up the points of the residents at viewpoint six, viewpoint seven, those who are of concern, okay, thank you. Thank you.

10:16

Um, yeah, I'm going to ask I have, as I've suggested at the start of the hearing, and I'm just skipping through the agenda. I'll come back to the outlook matter shortly. But I did go on the site inspection last week and on an accompanying basis, and I did walk along the perimeter of the site, so my site inspection note is

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provided, and trying to find the reference number.

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Bear with me. It is on the examination. It is in the examination library. I can't find the reference number at the moment, but I think I did refer to it at the start of the hearing. So it's really a deadline five if the applicant does wish to provide any comments, and I don't necessarily expect any comments, but I think I did have some observations, really, which I'd like to just air in this hearing to give you an opportunity to respond.

11:13

And that is essentially that,

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I think really, the question I'm going to ask is, would would the applicant agree or disagree that topography and the existing and proposed landscaping

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overall contributes to what is a complex local landscape where there are a variety of obtainable views, often varying considerably within a short distance. So that's,

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I guess, implied in the site

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unaccompanied site inspection note that I made last week,

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where,

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if I was to put those observations to you, are they matters that you agree with? Now I think you've covered this in the environmental statement, but I just want statement, but I just want to pick up on, really, some of the points that the council have raised, in particular earlier in the process, where the sequential views and the variety of views within relatively short distances have been something of a disagreement between the main parties, albeit that's now been agreed.

12:19

Mr. Chester, do you have any views on the complexity of the local landscape? Would you describe it as complex? Do you have any anything you'd like to add

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in the in the general sense, I agree with that position in terms of the topography does have an influence on on the visibility of of of the site that

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that's evident, I think that's been reported through the, the Ibia, acknowledged through, through the LBI and the, for example, the ztv analysis that's been undertaken.

12:56

Yeah, yeah.

12:59

There's anything further to say, to say, I

13:03

think maybe the only other point to add is, you know, beyond the immediate locality, because of that varying topography, you know, visual effects maybe subdued, and then it is, is increases with the

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from, you know, from elevated positions, again, as I've been documented within his MTV analysis assessment, that's fine. Thank you. I'm not trying to catch you out or anything like that. I'm just trying to articulate what is quite a rigid process in terms of identifying viewpoints, and just try and address the fact that maybe variations between very short stretches of highway, for example, given the complexity of the topography, and those are points that have been raised in the environmental statement, so it was

giving you an opportunity just to provide any further detail that you wish to be heard during the examination, because ultimately, I'll need to report on this to the Secretary of State. Thank you. Can I just, can I just add a further point? I think we did obviously go through process pre to making the application in terms of agreeing view locations, you know, at a time when the scheme was developing and when, when we selected the location, 3c, for example,

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the development wasn't excluded from that upper plateau area. And

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you know, it's through the design iteration that we identified that was a constraint and something we wanted to avoid. So we we moved. But it's still useful to include that material within the application, because it provides that, as you say, that context is to the variation.

14:43

Okay, thank you. Thank you. Mr. Chester, can I, can we just go to the landscape strategy plan again, it relates to the

14:52

site inspection, but particularly representations that have been made through this examination. So the landscape strategy plan.

15:00

IS rep 2046,

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and just a question, really, about the landscaping

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proposed along Brant way, Edge Road in particular.

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Thank you for putting the plan on the screen for So really, the question simply is, is a landscaping along the eastern edge, particularly the southeastern edge of the site south of gilgaron Road, is that intended to screen views of the development over time, and to what extent is that intended to screen views of the development and to what extent will final detail of the landscaping strategy be realized in future, ie, through control documents? So that's a question to the applicant.

16:02

So the sorry Andy Chester on behalf of the applicant, so the intent

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along branthwaite Edge road is to to

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enhance and infill the existing hedgerow that is present along along that road, and then supplement that with tree planting. So we'll have a, you know, a series of a linear feature with taller elements to it that will the intent with that is that it will screen views, you know, sequential views from road users as they travel along along that road, and where there is also intent along that road to repair the dry stone wall that's been identified and and as you've alluded to, the the all this detail will be kind of dealt with through through the submission of requirement six, which will obviously consult with Cumberland Council as part of the development of that material to support that, that discharge that requirement,

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I think the Cumberland council have raised the desire to include more tree planting along there, and that's something we will obviously be open to and have conversations about as we move through that suppose

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a reservation with

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maybe changing that to a woodland and a linear woodland along that road that might appear out of context with the locality. If you look at generally, Woodland is in block form rather than linear form. So there may be opportunities to introduce blocks of woodland along that road, but we might not want to

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introduce woodland along the entirety of the of the road, and the types of conversations we can can have and we can deal with the detail at a later stage. But the principle being, we've made provision for a linear feature, hedgerow trees along that road that will provide that visual screening

18:05

and the same the same question before I ask the Council for any views or any comments on the submission you've just made in terms of Gil Garan Road and branthwaite Road, I appreciate their the types of landscaping feature proposed a different in each case, I think branthwaite road,

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you're proposing a broadleaf woodland, I think, at the northern extent of the site.

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So a question there was, is that realistically going to provide a screen of given the land levels? Is that going to screen the development in the long term. Realistically, is it intended to even do so, or is it to filter views? And the same question really, for Gil Garan road, it's a different type of landscape feature, but nevertheless, it's a different topography as well. So again, what's the intention behind the different approaches to each of the rural lanes?

19:01

So

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along branthwaite Road to the north, the

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intent that tomography does vary. There, it does. It does fall to a low point, and as you've just identified,

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that makes kind of screening the dwelling more more challenging. We have got a visualization from wide more so that kind of shows how that

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would appear at a year 15 scenario once, once that belt of vegetation is established, the intent is to provide, is providing visual screening for kind of sequential users of the road road users, and it's also helping filter the views from from the residential properties as well.

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So that that was the the position at Brant edge road, there is woodland in that in that locality that we're connecting to. So there was seen benefit.

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Doing, providing that scenario, something more structural. Sorry, I think, do you mean branthwaite Road? Sorry, yes,

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rather than just just relying on hedgerow planting, Gil Garam road,

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it's an over mature hedgerow, I would say it's become a tree lined belt. The intent is to to improve that

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through, through under planting, to kind of improve that understory canopy, to provide that it's it's quite tall, but there are gaps in it.

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And the intent there is to provide an understory to and gap up where there are breaks in that hedgerow to provide that, that visual screening towards the towards the south,

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obviously, to the north, looking north, the

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characteristics change depending on the on The position. But

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you know, you're sometimes looking at a woodland block, sometimes you're looking at just the hedgerow. So again, it's reinforcing that existing hedgerow to

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provide that visual screening.

21:12

Okay, thank you. Could, could I ask Cumberland Council whether that's Mr. Gilgarn or somebody else from the council? Either, it's fine. Any any comments on the landscaping strategy as a whole, in terms of, particularly these views that I've just discussed, or that these potential receptors along the rural lanes,

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Stuart, Hauptman, Cumberland Council,

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yeah, I think that's, yeah, that's good. Good take on it in terms of when we're looking at

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screening views, or filtering views, obviously

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planting in the in the correct areas to under plant.

22:01

I think, yeah, on the whole it's, it's in the correct areas, I think I did highlight

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where, as Mr. Chester said about the woodland, for example, near to the residents houses that that was, that was the point

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at those locations.

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I think that's it. That's it in terms of

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Gil Garan, what

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was the third one? Gil Garan, brantweight edge and branthwaite Road, which is at the north so branch, yeah,

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so the brown Foy h where, yeah, where we were suggesting more in terms of a block of woodland.

22:49

Okay, thank you. And could the applicant just explain to me, then this is obviously the landscape strategy.

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It sounds to me as though potentially the council would like to see some changes to it, or potentially not. But to what extent are there opportunities to refine this layout, and how is that secured in the DCO?

23:11

To what extent is this plan going to inform the future landscape strategy of the of the site in its entirety? And I wondered if either Mr. Chester or somebody else from the applicant's team could just explain that to me and

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walk me through that process. Please,

23:31

yes, if I may. Since Andy Chester, on behalf of the applicant, I think the this, the strategy plan that's that's on the screen here is as it as it's titled, a strategy

23:44

which we've relied on for our assessment purposes. We've we've taken that reasonable worst case scenario and a parameter led assessment and the areas of the kind of the larger areas where solar development is. This is an example where solar development could be facilitated. We haven't. So works number one, we haven't allowed provision for any landscaping other than the grassland within those areas. However, as the detailed design

24:21

emerges and develops, and we and we look to discharge requirement six, there may be opportunities within some of those internal areas where we can add more measures which will help, as we've had conversations with the Lake District National Park and and Cumberland previously, when we were developing this, one of the key strategies, as well as providing linkages across the landscape, it was also about trying to break up views of the of the massing of the development, and I hope that comes across in terms of the positioning of elements, trying.

25:00

To do that. I think there's, there's potentially further opportunities to do that as we move forward and solar panel areas for solar development become fixed. Works, number one, doesn't preclude the ability to add more landscaping at a future stage. If that answers the question,

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yeah, just thinking logically through the requirements,

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sure whether we can turn to the development consent order again,

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just to help my understanding of the mechanism by which this

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is going to work through the system, if the order's allowed.

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So

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requirements are on page four.

26:00

Okay, so detailed design, and then we have a ca cemption Environmental Management Plan, and then it's requirement six, isn't it? Which is a landscape design.

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So the let the landscape, the LEP landscape environmental plan, or landscape ecological plan. I forget which one is, which must be in principles set out in the landscape strategy plan.

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So in effect, the landscape strategy plan forms the framework is that correct, and then the follow on documents are in, must have,

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must be in accordance with the principles set out in that document. That's correct.

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Does I your understanding as well? Mr. Well, the Cumberland Council.

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Nick Council, yeah, yes, that's correct. So,

27:04

okay, fine, that's that's fine. I have no further questions on that particular matter, unless, unless Cumberland Council wish to raise anything else or even a Lake District National Park.

27:18

Okay, I will move on.

27:22

Item 6c I'm not sure whether we can just deal with this very quickly or even in writing.

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I did think there was a discrepancy between

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the Lvia chapter seven, paragraph seven, point 5.24,

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and the schedule of landscape effects. If I need to go through that in more detail, I can do so. But has the applicant had a chance to look at that agenda item?

27:47

Yes. Maybe I'm not sure if I'm mistaken or not. He might need you to talk me through it if I am. Or is it just a case that there's a discrepancy in there?

27:57

Yeah. Andy Chester, on behalf of the applicant, is a clerical error with regard to the magnitude of change that's reported in the

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appraisal table.

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So the conclusions that the narrative that's within Chapter Seven, rep 232,

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is correct. Okay, there is an error within the landscape effects

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tables at 120 and instead of moderate

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adverse, it should be slight adverse,

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if you the narrative. And thank you for pointing this out, the narrative that's written in there in terms of description of change and

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the combination of elements that make up the magnitude aligned to a slight rather than a moderate. And it's, it's an error that's

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and it's been formatted and put together.

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So if we, if we deal with this changing it to a slight, the overall significance of effect remains as as reported. Okay, thank you. I'm not sure whether Cumberland council have had a chance to look at that particular agenda item, because I will take it as read and let the applicant submit a revised version, and then if there are any issues with it. Obviously, I may need to write to them separately. But Cumberland Council, any any comments? Are you in agreement with the applicants

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summary that's just been given?

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Duncan? Cumberland Council,

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yeah, as far as I can see, that's yeah, and a green level of that.

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Okay, thank you. I'll leave that one there then, and we'll move on to 6b

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and again, I don't really need to spend too long on this. I'm just trying to understand if Cumberland council have a particular i.

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View on this issue at all, or whether or not it's just a point of agreement generally,

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and that is in relation to the effects of

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the proposed development on

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in visual terms, on the outlook of the occupiers of individual properties nearest to the application site,

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because I can't see Cumberland Council in your response the local impact report, I don't think really goes into much detail about outlook. It may be in the statement of common ground, and if so, then

please do let me know. But I just like to Are you satisfied with the appraisal that's been undertaken by the applicant, and that is effectively a residential

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visual immunity Impact Assessment, which is contained within Chapter Seven of the Ibia. And there is subsequent correspondence on this matter in the applicant's response to my first written questions. So I think in question 6.03

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of rep 2010,

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the applicant sets out an almost a summary, a brief, of their view on the potential impact on on residential amenity in relation to visual impact.

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And I'm not necessarily asking you to provide me with any comments. I just want to be absolutely assured that you've considered potential impacts on on individual properties in relation to Outlook and visual impact.

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Council, we've got an agreed position on that, so in the draft state of the common ground,

31:54

okay, thank you.

32:01

That's fine. I don't need to go any further on that point then thank you.

32:10

Finally, and it's not, strictly speaking, a landscape and visual issue, but it is a question I've asked previously. The permissive footpaths, is provision made for horse riders, or does it even need to be made for horse riders? Could the applicant confirm

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Andy chess from behalf of the applicant? I don't know if I can hand over to John Legg. I don't know if he's online or Richard on that particular point. Yeah. Hi there. John Flanagan here from the applicant, yeah, no provision for horse riders. There is no existing equestrian routes through the site,

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and none proposed. So would not going to spend too long on this, but would horse riders? At the moment, I don't think there's any

33:01

horse ride. Horse riders aren't excluded, necessarily, although I appreciate that this is private land, and would it be a case of the permissive pass? Would they be provided solely for pedestrians?

33:15

Is that, would horse riders be excluded? Is that, is that the correct, yes, they're not designed for for the purposes of horse riders. There'd be styles so not, not, not, um, not suitable, not designed as a bridal way. Okay? Thank you. That's that's answered my question. Thank you.

33:35

Are there any other points anyone will wish to raise on landscape and visual all

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Thank you. We do have some action points. I will revisit those at the end, so hopefully, if the applicant can miss Carling, you have your hand raised.

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Hi, Susan Carling, resident of Dean cross, hi

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as with the nearest resident. And this proposed farm is on our two of our boundary fences. When we're looking at the visual things they've sent, there's no actual sort of sizes. Could you tell us how far from our boundary fences these landscaping is going to be.

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So is this in relation to the landscaping or the proposed so is it in relation to the solar array or the solar panels?

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Where the how far the landscapes? How the father going to landscape it away from our boundary fence and all also

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how far the panels are going to be, because obviously, apart from the visual, the sound is going to be quite challenging.

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Okay, thank you.

35:01

The

35:02

Thank you. In relation to the sound, I've seen your representations on that. I'm not going to discuss sound today, but I will, sorry. No, no, that's fine, and there is an open floor hearing. So if you want to

have a make representations on sound, then Thursday is the best time to do so. However, in landscape and visual terms, I am going to turn to the applicant and ask for clarity in terms of distances from from properties. So this is Dean cross cottage, yes, and our boundary fence is right next to on two sides is right next to their proposed and nobody will give us measurements we've asked for the last three years. Okay, Mr. Marsh, would you like to come back on that point or, in addition, come back in writing? But is there anything you can say in this hearing today?

35:50

Rich Marsh, for the applicant, I understand that we the distances, both in relation to solar panels and landscaping, nearest points has been provided,

36:02

but I'm sure that we can reprovide that information directly to ms Carling, again. Okay, thank you. So if I can make that an action point and also a deadline five, if you provide me with correspondence on this matter as well, thank you. Sorry for mayor. Speak the people did show us just a vision, and it was far too close to the properties, and since then, you've lost the battery

36:32

storage. So we asked, if that was the case, could it not be moved further away? But again, we don't get any any sort of answers as such.

36:45

Thank you. So I will ask the question of the applicant. Thank you. Having regard to the pre application where battery storage was envisaged, it's not being proposed formally as part of this application. I appreciate. But how has the removal of the battery storage is that? How has that influenced the site to the extent that

37:07

you considered the views of the residents of properties with a view to making sure there's sufficient distance between the infrastructure and their properties. So are you able to answer that at deadline five as well? Mr. Marsh,

37:22

yeah. Richard Marsh, for the applicant, it may be the case that Andy may want to provide an input now, yeah, by all means. Mr. Chester, if you're able to elaborate now, that would be helpful. But all I just wanted to sign post so Andy Chester, on behalf of the applicant, to question 604, written question, one which touched on some of these matters and set, set out the position in terms of the distance from the property and the and the reasons behind, behind that. So think, in the first instance, it's worth reviewing what was said in that, in that regard, there,

38:02

okay, and I know that you have volunteered to have a discussion as well with Miss Carling. I think I heard that correctly, or provide that information directly as well

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Richard Marsh for the applicant. So there were two points. There was the request for the distances, and then separately, essentially consultation in relation to the to the best is that

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so question to miss Carling, does that first request for information still, is that maintained, or is it more the second point we still need to know, but it's not from the actual house, it's from our boundary fence. We need the measurements, because we're on a five acre site, so it's from the boundary fences that we need the measurements, if possible. Please Understood.

38:50

Thank you.

38:53

Okay, thank you. Thank you, Miss Carlin, thank you. Do I go off now, of course, I mean, I'm not suggesting you need to go off. It's you perfectly welcome to stay or to stay on camera as well. It's fine,

39:09

but I am going to, unless there's any other matters on landscape and visual I'm going to move on to biodiversity.

39:18

Okay, right? Okay, so I'll move on.

39:24

Biodiversity. I think again, these points are hopefully self explanatory. And the first question is, can the applicant explain to me why Dean Moore county wildlife site cannot be avoided? And again, I did ask a similar question earlier, it might be easier just to explain the implications for the proposed development if

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the county wildlife site was avoided.

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Richard Marsh for the applicant, this question will be dealt with by Mr. Legge do.

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Thank you. Hi there. Jonathan Legg, for the applicant, Sean, could you just get the

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figure up on screen we provided? So we provided some information at xaq one which presented the county wildlife site boundary with the works areas. So just useful to have that on screen while we while we discuss this.

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So

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in terms of, I'm just going to cover a few points here, I suppose you, you've asked me why it's included, and then I'll also go on to explain, to justify that. Basically, I think just to help, Mr. Lake, I have, again, you have made extensive submissions on this, so I'm not questioning that you are including it, and I understand the reasons why. And we I've asked questions on the mitigation hierarchy. I think I'm trying to turn the question around and say, if you were to avoid it, what would the implications actually be for the scheme, because I'm not clear. What would that mean for the for the scheme in terms of, I don't know, generated capacity, or is it, is it simply not feasible to avoid the counter wildlife site?

41:13

I mean, it's, it's important for the scheme in terms of flexibility. Basically, that's one of the key reasons that we would give for its inclusion.

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So essentially, we've got flexibility within our parameters

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to allow for

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information which will come forward

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prior to commencement. Basically, we'll need to do more ground investigation, ecology surveys,

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and that may reveal the need for

41:46

more land that we've currently identified as works area one, that can't be developed. And so we

41:56

you know with that there are hope you're aware some mine charts within the site, particularly within area B, where we need to undertake investigations. And subject to those investigations, there might be exclusion areas where we cannot place panels in those in the vicinity of those exclusion areas. And so, yeah, we need the entire area that we've shown as works area one, for the purposes of solar infrastructure

42:24

development. And, yeah, I think that's the that's the applicant's position on that matter, in terms of,

42:30

you know, the use of this area. It is important to highlight that the county wildlife site is designated for purple Moor grass and rush pasture communities, and there are very limited qualifying features within the site in general,

42:45

including the area shown in hatched. And there are none within the area which fall within works, area one. So the area that where the hatching, the cross hatching, overlaps in blue. There are no purple, more grass features in that area. So

43:03

I just

43:05

I mean, it's also important to acknowledge that if the project was not to

43:10

be developed, then the county wildlife site is currently subject to intensive grazing, and that the status of that land would likely further diminish over time due to that intensive direct grazing.

43:25

And so

43:27

the benefit of

43:32

our our sort of,

43:34

our as a whole, there would be a benefit even from the areas where there are solar arrays. Place we believe that there would be a benefit to the biodiversity within the county wildlife site for those areas where we're placing panels so and obviously, there are wider benefits to the county wildlife site as a whole through the biodiversity net gain and other landscape enhancements we're proposing. So

43:57

yeah,

43:59

our position on it is, it won't damage the county wildlife site, and there would only be betterment

44:06

in this area. And

44:09

it would, it would be much better than the the do do nothing scenario, without the proposed development. Okay, just, just on that point, Mr. Like the Do Nothing scenario. But there might be an in between position whereby

44:26

you don't do anything in the county wildlife site. It doesn't necessarily mean you would do nothing across the remainder of the order limits. And I think I'm just after some understanding as to what it would mean for the scheme. And I don't know, maybe your position is you wouldn't be able to develop the site at all. I don't know. I'm not suggesting that is. Suggesting that is your position, but maybe it would be that the amount of capacity that you or renewable energy that you're able to generate would be significantly reduced, or reduced, I'm not sure. Subject to the subject to the surveys I outlined. You know, there could be a reduction in the in the.

45:00

Area that we might theoretically be able to develop

45:03

if we were to also, you know, reduce the area to exclude the county wildlife site. So, yeah, it's not something we're, we're, we're, we're willing to consider for the reasons I've described, no understood, because the other, the other point you raised, and again, I don't need to spend long on this, because I've heard your submission on it, but I don't think it follows that

45:26

providing panels or infrastructure on within the county wildlife site would enhance the remainder of the county wildlife site any more than not developing in the county wildlife site would, ie, you would be proposing benefits, I assume, within the county wildlife site, with or without the development in it, so to speak.

45:50

So I don't know. I'm not, I'm not sure I follow that, that argue, that line of argument, although I take the wider point that you require this land in order to so the applicant isn't going to deliver any enhancements to the county wildlife site, if,

46:05

if, if, if, the if the development doesn't go forward.

46:09

So the status quo would be that it remains intensively grazed, and that the the status of the county wildlife site continues to deteriorate over time due to that activity. No I understand, but I think the point I'm making is I don't think it's a matter of either do nothing or do this proposal. I think the potentially, I just like you to set out what the implications would be for not including panels within

46:38

within the county wildlife site. I it's not a do nothing or do this scenario, necessarily. I accept that your position is the infrastructure may need to go in the county wildlife site, and I'm not necessarily disputing that position, but I don't accept that it's either do nothing or do this. I think there is somewhere in between. It just might be that the DIS benefits of not include an infrastructure within the county wildlife site are so significant that it means that this is the better option, if you like, because essentially, I need to follow through with the mitigation hierarchy, and without going back through that again, because I know you've provided written correspondence on that point already, I don't think we need to do that again, but I'd like to come back on this point and just just and justify your position in relation to the implications if the

47:33

proposed development was not within the county wildlife site, what that would mean? Yeah, I'll have to do that in writing. That's fine. Okay, Mr. Marsh, British Marsh, for the applicant, I was going to say exactly the same. So if we set out that position, particularly in relation to the the intermediate position

47:52

where

47:54

the development is delivered,

47:58

but that there would be no development within the CW, rest,

48:03

thank you. That's helpful.

48:11

Okay, finally, I think the final point on biodiversity

48:18

is

48:22

Mr. Marshall, Mr. Legg, could perhaps talk me through the measures included

48:29

to address any future failure of landscaping or planting. How are those measures? Measures secured? I assume it's under control documents and the like.

48:40

Correct. Yes. Jonathan legge, on behalf

48:44

of

48:46

the applicant,

48:49

so

48:52

the applicant has a responsibility to deliver the landscape and ecology plan and the landscape and ecology Master Plan Management Plan in accordance with the outline landscape and ecology Management Plan section 6.1,

49:08

and this includes responsibility for

49:14

replacing and reinstating existing ecology and landscape features and for implementing new landscape and ecology elements for the full operational lifetime of the proposed development. It also details the olemp also deals details replacing planting defects during the five year establishment period, and other management prescriptions, including monitoring that are scheduled to be undertaken during this period, monitoring the site against the

49:39

LEP and the Lemp commitments for conformity to the outcomes assessed in the s is also described within the Lemp, and the review and revision of the Lemp as necessary across the proposed developments operational lifetime is also committed to so that would include addressing failures of either a.

50:00

Individual feature, or

50:02

an area of or a habitat in general. So I'll just go on just to address a couple of features, types of failure that could occur. Okay, thank you, Mr. Lane, can you just, you're probably going to do this anyway, but can you just highlight the distinction between the five years and the duration of the operation of the development? So you did mention there's a five years for is that failure of

50:28

planting failure within the first five years. So the length must be reviews and revised as appropriate by the applicant. So this is inscribed in the olemp. The Lemp must be reviewed and revised as appropriate by the applicant at the end of the first five year establishment period thereafter, the Lemp should be reviewed as appropriate, as necessary, and I think it's as necessary I misquoted there as the planting matures and the ecology of the site evolves. So yeah, it's kept that beyond the five year period is also

captured. Okay, thank you. And would you like to continue? I think you were going to suggest some examples. Yeah. So there are two sort of types of failure that might occur, and so those are the failure of individual features, which can occur due to extreme weather interference by wildlife, pest or disease. And there's also the possibility of failure of a targeted habitat to establish so within our

51:23

grazing management plan, we have identified

51:27

certain establishment of certain grassland across the site, and it may be that that is not successful subject to the conditions on the site, and we would need to review the success of that and adapt our response to that, informed by the monitoring to be undertaken in accordance with the Alam,

51:49

okay, thank you.

51:51

So can I? Can I ask? And you have answered this question, I'm sure, but I'm going to give a practical example. I don't know if one of the trees along branthwaite Edge road or a row of trees was to fail within the first 10 years. For example, are you required to replant those trees

52:12

under under the control? It says we would replace them in the next planting season. That's the olomp requires us to do that. Yeah, okay, thank you. That's helpful.

52:36

Okay, before, sorry, I just wanted to add that all of that has been agreed with the

52:44

council and Natural England Cumbria Wildlife Trust and the Environment Agency in their socgs.

52:52

Yes, thank you. That's helpful.

52:55

Before, before I finish, actually, I would like to just go back to seven a which was about the more county wildlife site.

53:02

I've not asked the council if they would like to make any contributions to the points I raised. Is there anything they'd like to say about that? Again, it's not a matter that's disagreed.

53:13

If not, then I'm happy to move on.

53:17

Nick hay Hurst, Common Council, I don't think we've got anything to add to that. And similarly, 7b which is the

53:27

remedial measures I've just been discussing with the applicant.

53:31

Yes, we've got an agreed position on that with the applicants under the standard common ground. Okay, that's helpful. Thank you. I

53:48

it. I don't have anything else well in relation to the hearing at all, actually, but in biodiversity either. So does anybody wish to raise anything in relation to the topics that have been discussed today before I move on to close the hearing.

54:09

Okay, nobody's raising their hand.

54:12

There are a few procedural points to address. One of them is, hopefully the applicant's been keeping a list or note of action points, whether it's possible for them, just to summarize very quickly what those action points are that would probably help Mr.

54:31

Marsh, are you in a position to do that?

54:34

Yes, Richard Marsh, on behalf of the applicant.

54:40

So in relation to the

54:45

DCO,

54:48

think we've done with possibly, unless there's anything additional we we did agree the points

54:55

this morning, so I'm happy with that. So moving on to.

55:01

To other. So the first aspect of the afternoon session,

55:06

Action Point action point one,

55:09

policy compliance document that's at zero, 27 we need to check for consistency with the planning statement.

55:17

Action Point Two was for Cumberland council to provide a copy of the document

55:24

to which policies relate that are referenced in their local impact report. Action point three, in relation to the grid connection connection statement outline the terms, broad terms of the grid connection agreement.

55:41

Action point for

55:44

the consensus agreement position statement, so check whether any updates are required and check for consistency. Action Point five

55:53

es chapter four alternatives, confirm if and how sites beyond the grid connection were considered

56:05

in broad terms action point six, in relation to potato pot wind farm,

56:12

consideration of repowering, decommissioning and any potential conflict between the two developments and order limits, slash, red line, red line, boundary.

56:25

And in particular, you mentioned

56:28

cabling issues off site, for example,

56:32

action point seven,

56:35

so applicants response to relevant reps. That's rep 1002,

56:41

page 42

56:43

where there's reference to generic, quantitative risk assessment,

56:47

we need to demonstrate how what that what it is, and how it's secured, or whether it's secured by via a management plan. Action point eight, relation to the funding statement and DCO requirements, explain

57:00

whether or how decommissioning will be funded in relation to the funding statement, and also provide some commentary in relation to the suitability of a bond

57:14

within the DCO or or other control documents

57:18

in relation to the design agenda item,

57:23

single action point, review the the DPD, consider matters raised by the XA in relation to local context and esthetic and consider whether further changes need to be made to revive to refine the design in terms of esthetics. And also discuss those points with the council

57:45

in terms of the environmental issues agenda item responded writing

57:52

to the extent to which permitted preliminary works as defined in the DCA have been considered, or the extent to which they have been considered within the EIA

58:05

in relation to climate change, submit, finalize and submit the life cycle carbon assessment technical notes before, well, ASAP and before deadline five,

58:17

cultural heritage action point one, explain in writing the gradients of impact on less than substantial harm, and potentially

58:30

include an update within the statements of common ground with the relevant bodies action point to explain in writing

58:38

the way mitigation has been considered within the assessment for both the stone circle and

58:46

the other related asset. Sorry, there's some background noise

58:52

there. In relation to landscape and visual action point one submit a revised version of the scheduled landscape effects that's at 120,

59:03

with the correction to the description of magnitude for LC, LCT, nine, a so moderate becomes slight action point to

59:12

reprieve to miss Carling details of distances from The Edge boundary of her property to

59:21

both solar infrastructure and landscaping,

59:25

and also

59:27

confirm the position and consultation in relation to the removal of best from the scheme In respect of her property. Specifically,

59:38

action point three is

59:45

the the addition, ignore that one Biodiversity Action Point one respond in writing to set out the implications for the proposed development if the county wildlife site was avoided.

1:00:00

In that intermediate scenario where the development proceeds,

1:00:05

and that is

1:00:07

all I have.

1:00:10

Thank you. I think that's all I have as well.

1:00:19

Thing there was, I don't think there was a point an action point on 7b i didn't note anything down. I don't think there was

1:00:29

okay. No, that's fine. Thank you. That's helpful.

1:00:34

I

1:00:43

i Sorry, just checking through my notes just to make sure that the action points have been properly referenced.

1:00:55

Now Thank you, Mr. Marsh, that that was comprehensive and helpful.

1:01:00

So moving forward, the deadline for written summaries of responses to this hearing is Tuesday, the 25th of November,

1:01:13

which is deadline number five, amongst other documents that are also required by that deadline,

1:01:22

we do have an accompanied site inspection on Thursday the fourth of December 2025

1:01:28

this is likely to follow the same itinerary as that set out in the equivalent document on the ninth of September. I will inform you of the final itinerary in due course, I may,

1:01:42

I may review some of the viewpoints potentially, but I think it will, in substance, say, Stay largely the same,

1:01:51

and I do extend the invite to the council if they do wish me to view any particular viewpoints that have not been articulated in The first itinerary, then please do that by deadline, Number Number five,

1:02:07

and later in the week we have so tomorrow, obviously, we're not going to meet. We're not going to sit at all tomorrow. We are going to sit on Thursday for the open floor hearing and compulsory acquisition hearing, the details of which you've been provided with already.

1:02:25

So before I close, Does anyone wish to raise anything else

1:02:31

at all today?

1:02:33

No, okay,

1:02:37

right. Thank you.

1:02:40

So all that remains for me to say is thank you very much for your assistance and for attending today, and I do look forward to receiving your written submissions on the information that's been raised today and throughout the rest of the examination.

1:02:57

The compulsory acquisition hearing starts at 10 o'clock on Thursday, and the open floor hearing is on at two o'clock, I think on Thursday. So the time is just after five o'clock. So I'm now going to close the issue specific hearing and thank you for your time and have Have a nice evening. Thank you.