



Hearing Transcript

Project:	Rosefield Solar Farm
Hearing:	Issue specific hearing 1 (ISH1) - Day 1 - Part 3
Date:	20 May 2026

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FULL TRANSCRIPT (with timecode)

00:00:06:23 - 00:00:14:15

Okay. The time is now 1350. It's time for the hearing to recommence. As the live stream started.

00:00:17:00 - 00:00:55:09

Yeah. Thank you. Okay, so, uh, before lunch, we were on the Bechstein Batz item agenda, item three C, and we were talking about surveys, and we'd actually started talking about mitigation. Um, I want you to go back or move on a bit from there and talk about effects. So, uh, and this is the applicant. I wanted you to explain why you consider it appropriate to describe the effects on bats as only potentially significant, but not equating to significant harm.

00:00:56:06 - 00:01:04:20

And how is this in line with the Chartered Institute of Ecology and environmental management guidance. And standard practice in ecological impact assessment.

00:01:06:22 - 00:01:49:07

Amy Stirling on behalf of the applicant. And before we jump into the agenda item. So I did have two points of just procedure to address you on first if that's okay. The first one was just sort of an early flag, and that we do have a bit of a changing of the guard in terms of the people who will be speaking between ecology and landscape and visual impact assessments when we get to this agenda item. If we could have just a couple of minutes for people to change seats, that would be very much welcome. The second point is that I did undertake to come back to you after lunch, in relation to how the applicant has addressed paragraph 4.6.16 of N3, which is the 2023 version.

00:01:49:09 - 00:02:23:20

In particular, how the applicant has addressed the Natural Capital Committee's how to do IT handbook, etc. the applicant has reviewed its response and I think the intention was to to establish that the applicant believes it has met the principles of each of these documents through the design approach document. However, that is not as clear as it is it could be. So what the applicant proposes is for deadline three to clarify that position in writing, but then also for deadline four to provide a comparison exercise of essentially, here's what the Natural Capital Handbook suggests we do.

00:02:23:22 - 00:02:33:00

Here's the information that is before you and examination in this relevant document. So if that's acceptable to you, that was a proposed course of action.

00:02:33:02 - 00:02:34:25

Yes. That'd be very helpful. Thank you.

00:02:35:01 - 00:02:46:19

Thank you. And apologies for interrupting, sir. I will now pass to mysteries and who can explain the levels of precaution within the assessment, and therefore why we consider a potentially significant conclusion to be appropriate.

00:02:53:02 - 00:02:55:00

On behalf of the applicant.

00:02:55:17 - 00:03:32:15

I realise it's slightly strange to put in a phrase such as potentially significant, but the reason that we did that is that in 2023 and 24, there was a little flurry of papers which came out and made people much more concerned about potential impacts from solar farms. However, we've done an extensive literature review, and there are issues with most of those studies, and a lot of them are very short term and undertaken over very limited time periods. And they're also done on the basis of comparisons between sites with and without solar farms, not longitudinal studies.

00:03:32:17 - 00:04:13:00

And to my knowledge, there are no really good studies that have been taking place on solar farms before and after, which has been well-designed, well-run, well-managed, and looking at those before and after impacts. So we didn't want to completely ignore the fact that some people have raised those issues about potential impacts. But there's no really understanding about how such mechanisms might work. And I actually have a PhD student at the moment who've spent a year doing some field work, wondering if this is actually the echolocation returning characteristics of the panels themselves, which could be influencing bats.

00:04:13:20 - 00:04:51:24

So we kept in that potentially significant, but it's a bit difficult to see how that could translate into significant harm, either individually for Rose field or on a on a cumulative basis. And at least one study now has found increased by activity on solar farms which have been managed for biodiversity, the so-called eco voltaic sites, which you'll see mentioned in one of our responses. So there are some conflicting, um, thoughts around how how solar farms might impact bats also in relation to what Mark was talking about in terms of Siim assessments.

00:04:52:08 - 00:05:25:21

Siim asks that we define significance at a geographic scale. So how could that affect a population on a geographic scale? Would it simply be significant to that local population? Would it be significant on a district level or a regional level, or on a national level? And almost nothing is going to be significant on a national level? Obviously. But again, I can't see how that district level significance that we are potentially talking about could feed into a long term influence impact on the conservation status.

00:05:26:06 - 00:06:25:01

And there are a few reasons for that. Um, it would be very difficult to detect. Um, well, we can look at how bats are moving around the site. Uh, the, the major impact could be if that local and thought to be isolated population would go extinct. Extinct. I can't see that would how that would happen with all the mitigation that we have in place. Um, HST is one of the things that might feed into impacts on vaccines bats. But most of that construction, the major construction elements that I'm working on now, will be completed before Roseville ever starts construction, and things like a reduced breeding success that could come from a major construction project are unlikely to arise from race field, and we haven't really seen that impact arising, even from HST, which is a much, much bigger footprint and a much, much bigger construction disruption.

00:06:25:07 - 00:06:56:05

And my evidence for that is from a proxy species, which is being monitored very closely on HS2 naturalist bats, which are throughout fine Maywood, as are Bechstein. And they are doing really, really well. So to answer your question, more simply, we left in potentially significant because there is that concern are raised around solar farms. But we don't think that is going to happen. Um, if displacement is a real issue though. Then we will test that and we'll talk about monitoring later. But we will test that against specific objectives.

00:06:56:07 - 00:07:05:17

And we would have the time to respond to any such suggestion that something untoward was happening well before such effects would materially affect the population.

00:07:07:10 - 00:07:13:16

Okay. Thank you. Would the Natural England like to respond to that? Uh, what you just heard?

00:07:14:15 - 00:07:47:02

Um, Emily. Ivan, on behalf of Natural England. Um, yes, I'm happy to respond. Um, we've not had the chance yet to review in detail, um, the applicant's critique of the, um, scientific literature. However, um, we understand that, um, this area of study is in its infancy. Um, but the studies we're talking about are peer reviewed and in published journals. Um, they're the best we've got at the moment. Um, at no point have we stated categorically that we know that this is what's going to happen.

00:07:47:14 - 00:08:26:26

Um, we are taking a precautionary approach based on the available evidence that we have at the moment. Just because we don't know what the, um, the mechanism is, the reason for any avoidance doesn't actually undermine the fact that there is data suggesting that this may happen. Um, we're not just talking about any population of bats here. We're talking about a genetically, um, geographically isolated population, um, of rare bats. And therefore that's why we are presenting a more precautionary approach and why we are leaning into, um, research that's in its infancy.

00:08:26:28 - 00:08:57:01

We don't want to belittle it. We don't want to ignore it. Because if it is accurate and if there is an avoidance approach, we need to be considering the mitigation appropriate for that. The risk to this population is greater than the risk to other bats because, um, they're isolated. The UK's Buxton's population is at its northern extent, um, and this population is in the north eastern extent in England.

00:08:57:15 - 00:09:34:21

Um, so in terms of talking about the geographical scale of the impact, um, there's no getting away from the fact that that is magnified. Um, if there is an adverse response, um, an adverse impact on this population that is significant. And that's why we're pushing for the mitigation to go further than it is currently proposed, because we want to de-risk the project. We want to ensure, um, future resilience for the population. And we don't just want to rely entirely on monitoring that has not yet been secured and has not yet been defined.

00:09:35:00 - 00:09:47:18

We want to work with what we know now based on, as Paolo suggested, a lot of the data that's come from HS2. We want to build on the knowledge that we've already got, and we want to apply the mitigation hierarchy appropriately.

00:09:49:27 - 00:09:59:22

Okay. Thank you for that. Um, and on the specific point of, um, classifying the, the, uh, harm as potentially significant.

00:10:01:10 - 00:10:04:05

Um, what's your comment on that?

00:10:04:08 - 00:10:36:11

There's a lot of uncertainty, I would say, around this project. There's uncertainty over whether the solar is going to have an avoidance effect on the bats. But like I said, we're using the data that is available to us in peer reviewed, published science. Um, but there is also uncertainty over the mitigation strategy and whether things like buffers are going to be effective. So there's always uncertainty. And I would say with this project there's more than usual. Um, again, underlying why a precautionary approach is appropriate.

00:10:36:14 - 00:10:54:09

I wouldn't use the term potentially. I don't think it's necessarily appropriate to underline all of the problems with the the studies and use that to introduce new terminology into a standard practice for under an Isa that underlines an environmental statement.

00:10:56:07 - 00:11:03:27

Okay. Thank you for that. So so moving on to mitigation that we discussed earlier.

00:11:03:29 - 00:11:36:14

Can I come back on that point just briefly before we move on to mitigation? Amy Stirling, on behalf of the applicant, I just want to make clear, abundantly clear what we're talking about when we talk about significance. The applicant's conclusions of its environmental impact assessment is that there is a potentially significant effect in EIA terms. The applicant's position is that there are no significant harms to the favorable conservation status of the bat species. In terms of the NPS compliance, I want to make sure we are not conflating the two.

00:11:36:16 - 00:12:14:25

The applicant has not identified a potentially significant harm to the population. Therefore, the applicant considers the relevant test within the NPS relating to significant harm are not engaged. Nevertheless, the applicant has provided further evidence in response to its written questions, which says that even if the examining authority finds against us in EIA terms, and even if the examining authority finds against us in terms of Poland's policy compliance, and that there is a significant harm that would be attributed to significant weight in the planning balance, which would have to be weighed against the substantial benefits of the scheme as critical national priority infrastructure.

00:12:14:27 - 00:12:26:25

But I do want to make sure that everyone is clear on the difference between a significant, potentially significant effect at scale and significant harm to the conservation status of a population, which is something fundamentally different.

00:12:26:27 - 00:13:09:26

Yeah, absolutely. Thank you for that. Um, so, yes, um, moving on to mitigation, though. We have talked about it earlier before lunch. Um, you know, given the uncertainties around all this and all these different studies and lots of studies that haven't been peer reviewed. Um, what's your response, really to, um, Natural England's position. And, and Buckinghamshire is to, to a large extent as well that, um, you're really better off keeping, uh, the environment for the bats substantially the same as possible, potentially by, um, you know, not having, uh, panels in fields.

00:13:09:28 - 00:13:43:16

B6, b7 and b8. Um, I think Buckinghamshire their position is they suggest that, um, uh, you shouldn't have infrastructure in B11, D 28 and d20 nine as well. Um, because of all this uncertainty, um, and it's, you know, it goes back to what the lady from Natural England was just saying that, um, because of the uncertainty, um, you do things in incremental manner. and you keep as much the same as you can.

00:13:44:06 - 00:13:49:10

Um, and, you know, obviously still delivering the scheme. Not just what's your response to that.

00:13:50:08 - 00:14:22:08

Whole reason on behalf of the applicant? I think that's an interesting point, that one should keep things the same as they are, in that a lot of the area over which solar panels are is proposed, is arable and is of lower value to that. And therefore, if you kept it the same as it was, it may not be as beneficial as actually what we're proposing, which is to put twice as much grass and a better quality. And a lot of the problems that bats are suffering that's generally, um, is down to the fact that their insect prey is diminishing.

00:14:22:10 - 00:14:54:06

We've all seen reports that say insects are down by 50%, 70% in not very many decades. And it's a huge concern and therefore mitigation, which aims to improve the extent, distribution and quality of grassland and invertebrate biomass is actually going to be a benefit. And alongside the changes that HS2 are making, also investing in habitat creation and enhancements, this area could. And I'm not saying it will, but it could end up being actually better for bats in the long term.

00:14:54:12 - 00:15:14:12

HST has spent a lot of money trying to make sure that the Blackstone population stays secure. I work for both projects, and I am keen to make sure that the population is protected and secured in the longer term. So I think that idea that we should keep things as they are is is not really a tenable position. Um,

00:15:16:01 - 00:15:17:25

does that answer your question enough there?

00:15:18:01 - 00:15:35:27

Yeah, I think your position is quite clear on that. But perhaps I can go back to the Natural England, um, and get your view. Um, because you have suggested retaining fields b6, b7, and b8. Um, could you explain your rationale behind that?

00:15:36:02 - 00:16:09:28

Um, Emily. are in for Natural England, and we have recommended retaining the fields without solar panels. Um, I would support having the buffers on the hedgerows as well as retaining the habitat as mitigation for the scheme overall. So I think that there is a couple of, well, a few key areas. The whole site is within the core sustenance zone of the bats. So there's a few key focal areas. Um, I don't believe that the mitigation goes far enough, particularly in those B fields in parcel one.

00:16:10:00 - 00:16:45:15

So I would argue that we're not asking exactly for it to be kept the same. We're asking for the enhancement of the hedgerows with their buffers, as well as grazing maintained in the interiors of the fields. Um, we think that the location is really important because those fields that we're asking to be retained six, seven and b6, b7 and b8, um, they lie between three, um, fragmented woodlands. So sheep House wood, decoy pond Wood and shrubs wood, um, all of which were ah within our paused proposed triple C designation.

00:16:45:21 - 00:17:16:24

The fields where they're proposing mitigation in that area, B nine and B 17 are quite different. They're exposed, um, that topographically they're different and they don't link these woodlands. So we're really asking for the nuances of the, the spatial location of what they're proposing, um, to be changed because the B9 and B17 have been chosen for sociological and landscape reasons.

00:17:16:26 - 00:17:51:04

If they were being chosen for purely ecological reasons, I don't think those would be the location. I think the ones that we're asking for would be. So we're just changing the emphasis really on the purpose, the reason, the location for where that mitigation can be realized. So in answer to your question, we're not actually asking for it to stay exactly the same. We're asking for it to stay the same with some improvement to offset the loss of those arable habitats. Arable does not provide very good habitat for bats foraging.

00:17:51:06 - 00:18:07:21

We're aware of that. It also doesn't risk eliciting and avoidance response. So we're trying to balance the risk of the development with what could be, as they say, an improvement and enhancement for an important population of bats.

00:18:09:00 - 00:18:18:10

Okay. Thank you. Um, just before I give you a chance to respond to that, can I go to Buckinghamshire, please? Because I think your position is is similar. Yes.

00:18:18:12 - 00:18:25:01

Thank you sir. And hopefully, um, our expert is on the line as well. So if I can ask Annie Ottaway.

00:18:28:15 - 00:18:29:00

Hello.

00:18:29:02 - 00:18:29:24

Annie ottaway.

00:18:29:26 - 00:18:30:25

So, um.

00:18:31:03 - 00:18:33:22

From Buckinghamshire Council. Um, yeah.

00:18:33:24 - 00:18:34:09

I think.

00:18:34:11 - 00:18:36:23

We take a very similar stance to Natural.

00:18:36:25 - 00:18:37:12

England.

00:18:37:14 - 00:18:38:05

Um, and they've.

00:18:38:07 - 00:18:38:22

Explained it.

00:18:38:24 - 00:19:17:18

Very well. Um, but we I suppose what we were trying to highlight is that we know where the home range is for these bats. We know the areas that are important. We know there's existing grassland. Um, and following the mitigation hierarchy, we would seek, um, to avoid those impacts in the first instance, which would be to not have solar panels on the, um, six, seven and eight, which are existing grassland. Um, and then in terms of knowing that that area between those three ancient woodlands is, um, particularly well used by the bats, um, our recommendation to also not have panels in the fields.

00:19:17:20 - 00:19:48:15

Um B8 nine, ten and 11 is to um, I suppose better that connectivity and really mitigate from the potential for the avoidance impact of solar panels in that area. Um, and I know we're going to come onto Buffy's later. Um, but I suppose I said essentially it's similar in terms of buffering those existing commuting routes. Um, but we're proposing that really you need to have not have panels there at all to ensure that that connectivity is maintained in that particular area.

00:19:50:08 - 00:19:54:00

Okay. Thank you. Um, Sterling, would you like to respond to.

00:19:54:11 - 00:19:54:26

Amy.

00:19:54:28 - 00:20:27:02

Stirling on behalf of the applicant and competitiveness reason in a moment to see if there's anything further to add? I think so, in summary, our position is that the applicant has undertaken a precautionary assessment and has come to a precautionary conclusion and has incorporated meaningful mitigation within the design of the scheme, which is sufficient and proportionate to the level of impact which has been identified, again on a precautionary basis. But I'll pass on this reason if you'd like more information on other aspects of the mitigation which are proposed.

00:20:28:06 - 00:20:49:09

Okay. Thank you. Okay. Um, perhaps moving on then to to buffers, which have come up a few times. Um, to the applicant. And why do you propose that the ecological buffers in appendix five of the Outline Landscape and Ecological Management Plan, a measure from the centerline of features instead of their edge?

00:20:52:28 - 00:20:56:18

Instead of on behalf of the applicant, Mr. Lange will address you on Mr..

00:20:58:00 - 00:21:43:29

Marc Lange for the applicant. So we've measured from the centerline of hedges rather than from the outer edge of the hedge, because the hetero is on site, aren't uniform, and we need a fixed location to measure buffers from, so the centerline makes more sense. I would also add that this approach has been agreed. It was agreed for Byers. Gill and Springvale both consented um in SIPs and also I think um Measuring from the outer edge means that potentially those buffers are not secure because the the long term proposals are for those hedgerows to grow outwards, to develop kind of scrubby and tall grassland to benefit invertebrates and bats.

00:21:44:01 - 00:22:13:21

And if we take it to its logical conclusion, if these buffers are to be enforced, we need a centre point from where we can measure from. If your hedgerow is growing at all the time, you get to the ludicrous situation where you might be moving your buffers back because it just moves. So I can't really see the logic. Um, so our argument is, is that we've undertaken it in a consistent and applied approach. Um, yes. That's. Yeah.

00:22:14:13 - 00:22:18:13

Okay. So how are you proposing that those buffers are secured and monitored?

00:22:19:15 - 00:22:28:13

They're secured through the outline lab and the DCA commitment so that the commitments are already there as to how they're secured.

00:22:28:28 - 00:22:30:29

And then monitored and maintained.

00:22:31:01 - 00:23:05:04

Yeah, correct. Um, and again, there's an outline monitoring strategy. Um, and also the, the being assessment, um, places obligations on the applicant in terms of habitat conditions. So the sort of development scenario, um, condition that we've assumed for the hedgerows and the buffers. There's a set of criteria and principles that we need to apply to each of those to demonstrate that we're meeting the condition that we say we think we're going to meet.

00:23:05:06 - 00:23:32:02

Now, obviously, the assessment is an interim assessment at the moment. And there's a commitment, um, that that detailed design to update, to make. You know, once once we know the full picture, what's going where, then we'll update the assessment at that point. But the the monitoring and the being monitoring and how we monitor the condition of habitats is how that's secured. And there's already commitments within the outline limit for that.

00:23:32:10 - 00:23:36:08

Okay. Thank you. Natural England would like to comment on buffers.

00:23:39:16 - 00:23:41:13

I think you've got some concerns.

00:23:42:03 - 00:24:15:12

Emily Irene representing Natural England. We do. We have continued concerns over the buffers. Um, the mitigation strategy is leaning into these not just for vaccines, but for all bat species. Um, when we started our discussions, our correspondence with the applicant and their ecologists, we had said very clearly that we wanted these to be additional to and not incorporating the feature that they're serving to protect. Um, otherwise, this basically represents diminishing returns. The larger the feature, the smaller the buffer it's going to effectively have.

00:24:15:14 - 00:24:46:02

So what you're doing is reducing everything down to its minimum size. Um, if you've got a really wide hedgerow with lots of marginal habitat. Marginal vegetation had field margin incorporated into it. Um, if you measure from the mid the centerline of the hedgerow, you may be protecting only what's there, um, which isn't really a buffer, it's just protecting what's there. Um, also, as I say, the larger the feature, effectively the smaller the buffer.

00:24:46:12 - 00:25:36:00

Um, on the on the note about, um, being unenforceable if they're measured from the edge. I don't see anybody offering to move fences or move panels as a hedgerow grows out anyway, so I don't understand that point. Um, we were never asking for those buffers to be changed as the hedgerow changes size or shape. We just wanted to make sure that from the baseline, which we're within at the moment and was mapped out at the start of this, um, Application that there is a buffer of a certain distance measured from the edge of that feature to the fence line, which is then installed, whether the hedgerow grows out into that, or whether it's managed as scrub grassland is a matter for the LNP.

00:25:36:18 - 00:26:07:25

Um, there's always going to be a conflict between scrub patches being beneficial for certain invertebrates, for bats, for wildlife and grassland condition assessment being based on there not being too much scrub so that conflict exists in net gain if it exists in just any habitat management. So I don't see that that actually makes any sense that that being a reason, the the measurement from the edge of the hedgerow to the fence line will remain fixed throughout the lifetime of the development.

00:26:07:27 - 00:26:44:08

And then the management of that zone is what's going to protect the existing habitat, which is the bud, the hedgerow. Um, it's also been raised by another consul. T I can't remember the reference. I'm sorry, um, that some of these hedgerows have large trees as well in them. Um, which is something that we hadn't really brought up, but some of these hedgerows will extend only just beneath the canopy of those hedgerows, hedgerow trees, um, which are important foraging and connectivity resource in themselves. Um, so we hadn't actually asked for them to be measured from the edge of the most poignant feature, just from the edge of the actual hedge.

00:26:44:26 - 00:26:59:29

Um, so we just want to be at a position where what we agreed in the first place is what's realized on the ground. And we're in the examination now and in a position where we're being told that we're not being given what we were expecting.

00:27:00:26 - 00:27:09:10

Okay. Thank you for that before responding. When I go to Buckinghamshire, because I think you had an issue with some conflict with local policy on buffers.

00:27:09:15 - 00:27:21:19

Uh, yes. Thank you sir. Um, and it may make sense to bring in our expert again. So, um, Daniel Gazelka for the council. So, um, I think again, if Annie Ottaway is there on the line.

00:27:24:16 - 00:27:55:03

Hello? Yes, sir. Annie Ottaway for Buckinghamshire Council. Um, and I'm going to start us off by saying this, um, issue does overlap with our response on arboriculture as well. And we have got our other cultural officer who may want to come in after me. Um, but in terms of ecology or in terms of develop. Yeah. So we do have, um, local policy that sets out, um, kind of our minimum expected buffers, um, for hedgerows, but that was always intended to be from the edge of the future.

00:27:55:08 - 00:28:39:18

Um, and I think that is our main concern in a similar way to how Natural England have explained these hedgerows, I think, as someone's already said, are not uniform. Um, because they are quite, um, they're, they're quite old, they're big. They've got these big trees in um, and if you take the buffer from the middle, you're not actually protecting the feature itself. Um, because the idea of the buffer is to protect a feature that is ecologically important already at the baseline. Um, and I think it was us that has raised the issue that, um, where you have got the trees within the hedgerow, the buffers as currently shown being measured from the center line and in many places, not, um, not even protecting the route protection zone of some of those big trees.

00:28:40:09 - 00:29:06:05

Um, so I suppose those are our pointer points. We don't we don't believe that the buffers as currently provided, um, are sufficient mitigation, um, for bats or just for the protection of the features themselves and for wider ecological purposes. Um, and I don't know whether you might like to hear now from our, um, our cultural officer in terms of the route protection areas or whether that that can wait till later on.

00:29:07:04 - 00:29:15:17

Um, I think that could probably wait. Um, yeah. If the applicant would address, um, both Natural England and Buckinghamshire points.

00:29:17:08 - 00:29:59:02

Amy Stirling, on behalf of the applicant. Um, yes. I do think this is a topic which warrants further discussion between the applicant and Natural England and Buckinghamshire Council. The applicant is not trying to, um, check the responsibility of having buffers, but if what we are talking about essentially securing a mitigation, that mitigation will be secured via a requirement, for example, by reference to the outline, landscaping, ecological management plan and ultimately planning conditions have to be enforceable. The applicant was under um from the applicant is under the impression, when we were discussing this with Natural England, that it was the outer edge of the hedgerow at some future point in time, and that outer edge may change.

00:29:59:04 - 00:30:31:13

Hence why the central line, being a fixed point, is something that we consider is necessarily specific and enforceable in a meaningful sense. If actually that is changed, and we should take the baseline now and apply an appropriate buffer from the outer edge. Although again, as I understand it, it is quite difficult to measure exactly where the outer edge is, and it's not uniform like the center line is. I just think it warrants. It seems to me that there must be an agreeable solution to the tension, as the applicant wants to ensure it knows what it has to comply with at any given point in time.

00:30:31:15 - 00:31:02:03

And of course, Buckinghamshire Council, in their enforcement mechanism, will need to be sure that they know what the applicant is obliged to deliver. And if we're basing that on what hedge may look like at some point in the future, I say that's too unspecific for all parties. But if actually there are specific areas that want perhaps a larger buffer or a bespoke approach that is definitely willing to consider this. So I think it is just something that warrants further discussion between the parties, it seems to me, and it should be resolvable.

00:31:02:15 - 00:31:13:21

Okay. Thank you for that. Um, okay. Moving on then, to monitoring, which is a really important feature of all of this. Um.

00:31:22:23 - 00:31:23:24

So, um.

00:31:25:17 - 00:31:29:18

Could you outline your, your, uh, monitoring strategy to start with?

00:31:31:08 - 00:31:35:14

Amy Stirling for the applicant, I will pass you to mysteries, and I can address you on this topic.

00:31:37:20 - 00:32:17:29

I found a reason for the applicant. Uh, our starting point for the monitoring strategy, um, is that it should include a number of, uh, objectives which are testable, and that the strategy was set out the the tests, i.e., the survey methods that you would use to test whether the objective was being met or not, and then set out some remedial measures that would take place if those tests were not met. And I think it's really important that we don't rush out and just monitor everything we need to monitor in such a way that the results mean something and can be looked at against an objective.

00:32:18:01 - 00:33:01:11

Because sometimes people go out and do surveys and you can't really apply the so what principle. So you get the data, but you can't translate that into something meaningful. And I note that bucks council had talked about temporary flight lines monitoring. And if we were going to use temporary flight lines where there were gaps in hedgerows, we should monitor it as we had done on HS2. And what I would say with that is it's been really, really difficult, even with the breadth of monitoring we've done on HS2, to be able to tell if those temporary flight lines have contributed to maintenance of continuity, because we can't statistically test for a difference between whether a temporary flight line has or hasn't helped with maintaining that activity in particular locations.

00:33:01:13 - 00:33:39:27

So I want to be very specific with those objectives that we set. And for example, we would look to see that the buffers provided were adequate to prevent bats being displaced. We would want to make sure that we've maintained connectivity for bats across the landscape scale as we have intended, and that the species are rich grasslands, whether or not they're grazed or cut, are generating that invertebrate resource for bats, which can be more effective than actually looking to see exactly where bats are in the landscape, because it's very difficult to collect enough data to make a meaningful response.

00:33:39:29 - 00:33:49:08

So that underpins the whole of our monitoring strategy specific objectives, testable and remedial measures where those tests are not met.

00:33:51:06 - 00:33:58:00

So I think it sounds like there's a lot of work to be done on this with Natural England and Buckinghamshire. We can get.

00:33:58:08 - 00:34:01:15

Some information on, on our suggested objectives.

00:34:01:17 - 00:34:23:26

Yeah. So perhaps at this stage it's important to understand, um, you know, who's going to be consulted in developing this strategy. How how would it be secured? Um, will it be part of the landscape and ecological management plan? Or is it going to be a standalone document? It's the the process really at this age?

00:34:24:01 - 00:34:54:25

Yeah, I think it's going to be, um, secured within the lamp. Um, and I think we need to make a distinction between who might be consulted on the document and who might need to approve the document. And I would suggest that Natural England are the body that I would approve the monitoring strategy, but that other stakeholders would be involved. And that's again the same approach as we do on HS2. We have an environmental ecology review group for Burntwood. They are involved in looking at all the results that come out of the monitoring strategy, but they don't approve or not approve it.

00:34:54:27 - 00:35:04:20

It's Natural England that have the responsibility of approving it, and I think you can have too many dogs in the fight here if you're not careful. That's probably not an appropriate analogy.

00:35:05:26 - 00:35:06:11

Okay.

00:35:06:13 - 00:35:40:12

Thank you. Amy Stirling, on behalf of the applicant. Just just to be clear, it's Buckinghamshire Council who retain administrative responsibility for discharging the planning requirements, including specifically requirement seven, which is the lamp. Um, I don't think the applicant would propose to change that established approach for Dsos, but I can confirm that it does require Buckinghamshire Council to consult with Natural England and the Environment Agency. Of course, it is open to the applicant to engage with Natural England as it formulates its detailed lamp before it submits it for approval to Buckinghamshire Council and consultation.

00:35:41:29 - 00:35:49:00

Um, so when do you think you'd be in a position to actually submit an outline of that monitoring strategy?

00:35:54:10 - 00:36:16:03

For the applicant? There's already an outline within the existing lamp. Um, but as Paula has indicated, we can provide some additional information with regard to the objective and the elements that we would we would look so we can provide some further information to kind of flesh out the outline monitoring strategy that's already there.

00:36:16:21 - 00:36:21:03

And it'd be good if that's informed by further discussions between the parties as well. Obviously.

00:36:22:10 - 00:36:34:05

On behalf of the applicant in that case, I would suggest a deadline for is an appropriate timescale, because it's probably unlikely diaries would allow for a discussion to take place meaningfully before the documents have to be finalised next week.

00:36:34:07 - 00:36:38:22

Yes, I agree. And just go to Natural England. Have you got any comments?

00:36:40:26 - 00:36:42:09

On the monitoring strategy.

00:36:43:16 - 00:37:22:25

For Natural England? Um, yeah. We would welcome, um, obviously involvement in um, developing or approving, um, working on that monitoring strategy. We are of the opinion that we can't kick that into the long grass that we need to know, um, what's what it contains and what those objectives would be and how that would be carried out. Um, we have already, as we presented in our. I think it was in our response to examine its questions. First questions. Um, there's been an issue around baseline analysis already, um, where data that was collected using static detectors.

00:37:22:27 - 00:37:57:03

Um, early on in the, um, application, 2122, I think it was 22, 23, maybe, um, used one sort of analysis of, um, that activity and then the paired sampling used another. Um, so when I was asking a question around barber style bats and whether there has been an increase in the activity of that species on this site since they started surveys, um, the applicant's ecologists weren't able to answer that because they had changed methodology halfway through baseline in the site.

00:37:57:19 - 00:38:34:16

Um, this raises concerns with us over the monitoring strategy. We want to know what baseline is going to be used or whether there will be baseline. As ground zero of the of the development before any work takes place. And that that would be what is monitored against. And it's things like this that are really important. Um, the other thing that's really important, as well as understanding the survey and the analysis and the process for all of that, um, is a commitment and security that there will be collaboration with HS2, possibly that doesn't just rest upon one ecologist being involved in both projects.

00:38:34:24 - 00:39:13:26

Um, that there are actual legal agreements in place or that will be in place, um, to collaborate on radio tracking because it's the, um, acoustic surveys are primarily for other species of bats. If we want to know how this development is affecting vaccines, it will rest on radio tracking, I think. And we would not be looking to license radio tracking separately for HS2 and for Rose field because it's the same population and a lot of the same area, the same core sustenance zone. So we really need to know that that radio tracking can be tailored to cover the objectives of the monitoring strategies for both projects.

00:39:14:04 - 00:39:31:28

Um, and also that there's agreement to share whatever costs or risks are associated with that and that it is a truly collaborative approach. And at the moment, we're not convinced that that is secured quite enough, um, for us to be relying upon it.

00:39:33:02 - 00:39:41:12

Okay. That's great. Thank you. Uh, do you want to respond to that, particularly the overlap between the projects and collaboration on surveys?

00:39:41:14 - 00:40:30:16

Amy Stirling, on behalf of the applicant. Yes. I'll pass the mysteries in in just a moment. I guess one point that I would like to make is, is, of course, not within the gift of the applicant to make commitments on behalf of HHS to neither would it be appropriate for the development consent order for this project to impose requirements on an entirely separate consented scheme which is progressing. So there is a limit to what the applicant can achieve within its development consent order and the mitigations it proposes. I do think it is an appropriate time to refer to some additional updates that have been made to the Outline Construction Environmental Management Plan, in addition of paragraph 2.1 to 2.5, where the applicant commits to consult with other developments in the local area, including HS2, to manage interactions and to reduce any potential cumulative effects.

00:40:30:18 - 00:40:57:25

So the applicant is undertaking it as far as it can to engage with the relevant cumulative projects to focus on mitigating the cumulative effects. But I think, you know, making any outright commitment that it will collaborate with H.S. to assumes that his two will collaborate. And that's not something that we're able to do within the confines of this application. But I will pass the mysteries into aside from the legal position, what the practical situation may Maybe.

00:40:57:27 - 00:40:59:19

Yeah. That's exactly it. Yeah.

00:41:01:03 - 00:41:36:19

Uh, reason on behalf of the applicant, I completely agree with Emily's, um, concerns about the original baseline data and what we can compare with going backwards. And we're not planning to rely on the original project data to, um, to to make a comparison against. We will set a new baseline working around the actual design of the solar panel. And what makes sense in the, uh, sorry, the solar panel layout and what makes sense in that in that context. And I understand the position of collaborating with HS2, and it needs to be firmed up and not just reliant on the fact that I work on both projects, but but those sorts of things are in motion.

00:41:37:03 - 00:41:37:18

Okay.

00:41:37:20 - 00:41:39:06

Thank you. We're on the same page basically.

00:41:39:08 - 00:41:44:07

And we're back. And I'd like to comment on the monitoring development of a monitoring strategy.

00:41:44:13 - 00:41:58:24

Thank you sir. Daniel Gazelka for the council. Um, just very shortly to say that we welcome the further information and look forward to discussing that and obviously, ultimately ensuring that what is what is secured in the lamp if it comes to it, is. Is acceptable.

00:41:59:07 - 00:42:11:18

Okay. Thank you. Um, I'm going to come on to the action group. But before that, I just want to go back to Natural England, and I think, um, someone from Natural England just wanted to say something about the importance of the bats next impacts.

00:42:13:21 - 00:42:15:00

Is that still the case?

00:42:18:03 - 00:43:11:26

For Natural England? Um, I think I managed to make the point, um, earlier as well. Um, it was just, um, we had prepared a statement. Um, we weren't sure what the format of the hearing was going to be. Um, so we had prepared a statement, which I haven't read out, obviously. Um, but we really did, um, want to focus, um, everybody's minds on the fact that we're talking about such a unique population that's already under a lot of pressure from development in that area. Um, and we just want to highlight the fact that all of our comments and all of our, um, analysis of the potential for impacts is framed within, um, the knowledge that we're talking about a development that may have adverse effects, that is within the core sustenance zone of an incredibly unique population, and that that's why we're, um, taking the approach that we are.

00:43:12:25 - 00:43:16:16

Okay. Thank you for that. Did you want to respond to that?

00:43:17:25 - 00:43:20:19

Amy Stirling, on behalf of the applicant? No, sir. That's nothing.

00:43:20:21 - 00:43:28:03

Okay. We'll go to the action group now. So on everything you've heard and the points you want to raise on vaccine bats. Thank you sir.

00:43:28:05 - 00:43:28:27

Um, I'm.

00:43:28:29 - 00:44:00:00

Conscious of time. There are a lot of points that we've got through. Um, I hope you will bear with me in going back to the beginning and making the points in the order in which they can. If you could be succeeded as possible, I would. I will try to be so. So, yeah. So, um, to start off with, we've heard a lot today about how the assessment we've heard a lot from the applicant and the assessment has been precautionary. Um, we've heard relatively little about the putative triple C designation, which is sort of hangs in the air as an uncertain prospect at the moment.

00:44:00:06 - 00:44:32:02

Um, but we do. I'm sure it would be useful for you, sirs, to understand what the delimitation of that triple SR was going to be. And to my understanding, we can second guess what it is. We know it includes the various woodland blocks, shrubs, wood, etc. but my understanding is that maps notification maps were sent to the Claydon estate and to various other landowners, and that the applicant has probably been sited on where the triple C boundaries lie, where the putative triple C boundaries lay.

00:44:32:20 - 00:45:04:18

The reason that's relevant is that we've heard a lot about precautionary approaches to assessment today, and it strikes me as sort of hanging in the air as an obvious question is, surely the precautionary approach here is to stay out of the triple C, even if it's not formally designated. Um, we know that Natural England reached the end of the process of data collection and satisfied itself that the land that it was looking to designate before that decision got paused was of special scientific interest, and therefore their duty to notify kicked in.

00:45:04:20 - 00:45:38:22

So if they've satisfied themselves that this is a this is land of national importance and should be part of the triple SIC series. Um, I am concerned that that doesn't sit very well with the precautionary approach that we've heard that's been taken. Um, and if I was advising as, as an EIA consultant or as an ecological input into an EIA process, I would want to test whether we could resolve an awful lot of the issues that we've spent so much time talking about by simply doing what Natural England ask and getting out of some of these key fields.

00:45:38:29 - 00:46:08:29

Um, and my, I just haven't yet heard a rational answer from the applicant yet as to why. For example, fields B6, b7, and b8 are so crucial to the scheme that they need to stay in and generate all of these risks and uncertainties about potentially significant adverse impacts on a very rare species and a nationally important population. That would be my first question. Okay.

00:46:09:16 - 00:46:11:06

Actually, if you make all your points.

00:46:11:08 - 00:46:15:26

Okay, okay, okay. Well, yeah, we can do it that way. Bond soberly.

00:46:15:28 - 00:46:17:18

But then perhaps in writing after.

00:46:17:20 - 00:46:57:03

Yes, yes, that may that may be the most expeditious way of doing it. Um, so that's dealt with quite a few of mine and kind of sort of related to that point. Um, I have been quite alarmed at some of the comments I've heard about sort of decisions that have been made along the way about. So, for example, we know that only 16 trees are now due to be felled. It really wouldn't have been very hard to have climbed those trees, and to have given you adequate certainty on the point about whether there was a licensing matter engaged here, and whether the likelihood of Natural England issuing those licenses, because you're required to engage with that test to some degree.

00:46:57:12 - 00:47:32:21

Um, and we're in a landscape here where we know that, Bob, didn't we know that Becks dines, um, roosts in non woodland trees in hedgerows and what have you. So it's not a case that the back stones are restricted to the woodlands in this area? Um, they do use hedgerow trees as well. And. Well, where we've only got 16 that are due to be felled, it really wouldn't have been very hard to have given you

that additional certainty and so slightly alarmed to sort of there's just an incongruity between this suggestion that everything's been done on a precautionary and highly, highly careful basis, but actually some slightly I'd almost put them as cavalier.

00:47:32:23 - 00:47:37:09

Decisions have been made about the robustness of assessment. Um.

00:47:41:09 - 00:48:14:03

The we've heard some assurances from the applicant psychologist miseries and about noise and about her experiences at H.S. two. The short point here is where is all this information? Um, it would be very useful. I'm sure in much the same way as it would be useful to see the putative LSI boundaries be very useful for understanding the risk to vaccines, bats, and the veracity of some of the conclusions that are being proffered by the applicant to have the data not just referred to as well.

00:48:14:05 - 00:49:01:00

I'm working on both projects, and my experience here is that everything's going to be fine, but actually you have the results of this extensive monitoring that's been referred to that's been done by HS2. That also relates. It relates it's extremely valuable here, particularly because it relates to the same metapopulation of bats, the same landscape area, and therefore the findings from those kind of monitoring studies would be extremely germane to your decision making and to assessing the risks to this species. So again, I asked the question as an open question where is all of this information and why is it not being made available to assist you in your decision making? Um, also on noise, um, and on questions around grazing.

00:49:01:20 - 00:49:49:16

The three fields that have particular concern to Natural England and and of concern to bucks and of course to concern to my client, um, b6, b7 and b8. No one has mentioned today that they are scheduled to be a construction compound, um, for, I believe, something like 2.5 years. The reference should you need is at 009 PDF page for if you want to see a plan. If you wanted to put up a plan that showed that they are scheduled to be a construction compound now again, that doesn't sit very well with this idea of everything being precautionary, why would you put a construction compound on fields that are acute concern to Natural England, and are the ones that they want to see taken out of the scheme in order to try and reduce the risks to the Blackstone's maths population.

00:49:50:04 - 00:50:21:13

Um. On buffers. You touched upon this, uh, um, the measurement from the center line. I mean, we've heard some bizarre rationale for why that's the way it should be done. Um, the only I mean, I think that point was exercised quite well, and you'd have heard what the applicant says and what other people have said about it. And certainly I would just make the very, very short point that we absolutely would take the same view as Natural England and Bucks counsel on that point. You should be measuring from the edge of these important features.

00:50:21:19 - 00:51:01:00

Um, and it has significant implications to do with the veracity of the applicant's claims on a number of these matters, because the applicant claims that it's turning vast swathes of arable land into permanent grassland. Well, actually, significant chunks of what it is now registering as arable land is already

grassland and we've already got significant buffers. You'd have seen it yourselves on your site visits and if you as and when you go back, I'm sure you'll find further examples. Um, we'll return to that issue in relation to the being assessment, which you'd have noticed that the BNG mapping, the baseline mapping and crucially, the baseline scoring disregard so much of this field margin vegetation.

00:51:01:02 - 00:51:39:27

So it's effectively left out of account in the applicant's measurements of landscape scale change. And the benefits that it's suggesting will arise from the scheme. They are much, much more modest than it is claiming simply by virtue of these fundamental base areas in mapping and classification. Um, on the matter of buffers, I'd also make the point that it's not just from the centre line of the hedgerows that we've got an issue. We've also got an issue with woodlands also seeming to be managed from the age of the Land Registry unit, if I can put it that way, or the land parcel unit, whereas woodland canopies often extend 1520m beyond that into the adjoining fields.

00:51:39:29 - 00:52:11:25

So if the Land Registry unit is being taken as the start point for that 30 meter measurement or whatever it is, that may be actually discounting half of what's already there in terms of terms of that woodland edge, um, on grazing. Um, we've gone startling to hear today that we've gone from grazing sort of presented as a panacea and as a mitigation and enhancement capsule to hearing today that there's the scheme is not actually particularly reliant on grazing.

00:52:12:06 - 00:52:43:17

Um, I mean, you've only got to go back through the application documentation to see how many times mentioned grazing is mentioned. Um, how much reliance is placed on it? It's referred to as proposed grazing. It's referred to as there will be grazing under panels elsewhere. It's referred to as the intention is to graze. And there's much reliance placed on this point in relation to the fact that so much of it would otherwise be displaced. So to now hear that it's not a fundamental part of the applicant's mitigation and compensation strategy is quite startling.

00:52:43:19 - 00:53:14:23

And again, doesn't sit with how the ES has been presented and the conclusions that you are being asked to to us to accept. Um, and again, again, you touched on it. So the there's a real question mark over the deliverability of any grazing in any event. And I think that's why we are particularly concerned about it, because it's very easy to say we all graze if we can. But actually what you heard today is that really the default and and the more likely outcome is that grazing won't happen and there will be a default to mowing.

00:53:14:29 - 00:53:52:25

Uh, that's the much more realistic outcome when you consider all the factors to do with stock management, stock rotation, all of the other real world problems that come with grazing management. Um, and just a couple of references just underline how we've gone. We've flipped from grazing is important to grazing isn't necessarily that important. 3.7.2 of the Bat Technical Study. The applicant is aware of the importance of the graze fields as a foraging resource for bats. Chapter seven of the Is preferred option management will be a combination of sheep and cattle grazing, etc.

00:53:52:27 - 00:54:23:06

etc. so we do need some absolute clarity, I believe on this point because as you've heard from Natural England and as you've understood, if you've read and I urge you, if you haven't read it already to read the the, the study of the Blackstone's bats, the literature review, and the non-technical summary, because that really does emphasize how important this local population is, how fragile it is, how pressured it is, and how much risk this scheme generates towards it. Um.

00:54:33:00 - 00:55:08:13

Yes. Preference to Miss Reason's comment that she hasn't seen this impact arising from HS2, but that's based on a proxy species nature as well. One hopes that a part of the HS2 monitoring has been focused on Beck Stein's bats, given what the two corridor runs through. Um, it's interesting that we're now talking about reliance on proxy evidence, so that's a point of concern. Again, all these matters would be cleared up if we only had these studies in front of us, and we could look at them and see to what extent they're relevant, to what extent they provide reassurance, and to what extent they raise new concerns.

00:55:08:15 - 00:55:24:06

It's simply not good enough, in my view, to be trying to sort of take on the hoof evidence on the basis of saying, well, I'm working on the next door project and we're not particularly worried. There you go. End of. I don't think that's good enough, personally. Um.

00:55:27:27 - 00:56:07:22

We heard from Natural England about the uncertainties and the concerns around the general impact of solar installations on bat foraging and displacement and avoidance. Um, we've heard that there is an uncertain at best and uncertain position about it. And that sort of substantive research into exactly what's going on is in its infancy. Well, these are all things that push us towards taking the precautionary approach. And again, it comes back to this view. Why is the applicant so hell bent on putting solar panels into fields, grassland fields, grazed grassland fields, which it acknowledges are important for vaccines which are close to known roost sites which are within core sustenance zones.

00:56:07:24 - 00:56:42:08

When everybody else is telling them, please just don't do that and you will have a much, much safer scheme. Um, but as we've talked about, we heard a little bit about the condition assessments. It seemed to be kind of dressed up as one of the kind of reasons for measuring from the centre line. But there was talk about how, how are we going to measure the condition assessments and measure our targets towards being the point that immediately leaves out from that is, well, if you've not classified and measured the habitats appropriately already so that it's such that you are discounting significant areas of field margin grasslands and what have you.

00:56:42:12 - 00:57:02:02

Um, in a lot of cases, your condition assessments will already have been met because you've actually got the habitat already there, even though that's actually not registered within your environmental statement. So there's a really skewed and biased approach towards the condition assessment process there. Um, I'm nearly there. So, um.

00:57:04:18 - 00:57:50:15

Monitoring, um, very concerned that there is a degree of bleed between mitigation compensation and monitoring and monitoring being almost used as a mitigation or compensation tool. It should certainly not be being used in that in that context. We've touched already today about the mitigation hierarchy, and we have significant concerns that that's been disregarded or leapfrogged in certain decision making to do with, to do with b6, b7, and b8. For example, again, I'm yet to hear why those areas haven't been avoided, but to suggest that monitoring and some kind of reactive measure acts as a mitigation measure, which seems to have been the kind of unsaid implication of some of the some of the discussion around monitoring that we've just heard.

00:57:50:23 - 00:58:37:14

That is to go completely out of step with with the approach that's advocated in policy and in good, good practice. Ecological impact assessment. Um, and in any event, unless the monitoring is backed up by firm commitments. So, for example, if this scheme were to be granted consent on the terms that it's been proposed, um, and if there were panels in B6, b7, B8, and if the monitoring showed that, um, that was causing displacement of bats from those fields and was having a potentially significant effect on them, by that reason, we don't yet have the last piece of that jigsaw, which is the applicant saying, okay, in that case, we'll take the panels out of those fields and revert them back.

00:58:37:16 - 00:59:15:09

The the applicant has actually categorically said it is not prepared to do that. It will come up with other measures by which to try and compensate for those impacts. Well, that is to prejudice and to get ahead of the EIA process and the correct decision making process. So I'm concerned about the way monitoring is being used in this scheme as well. Um, and finally we heard again from the applicant psychologist the suggestion that the loss. I mean, maybe I didn't hear this right, but the suggestion that the loss of this population to extinction would be a local level impact is absolutely beyond the pale.

00:59:15:12 - 00:59:47:00

The loss of this local population to extinction would be a nationally significant impact. There is no getting away around that. There is no argument to be had around that. You've only got to look at the importance of this population to the national population of Beck stones, um, and uh, and the sort of catastrophic effects this, the loss of this population would have in terms of range, in terms of favourable conservation status, in relation to all the applicable tests. There is no getting away from the fact that that's what's at stake here. It's a nationally important impact.

00:59:47:02 - 01:00:27:12

Now, if the if the SSSI was here and if the triple C was in force, that wouldn't even be there wouldn't even be any argument about that. And that's where I am again, concerned that the triple C has been put to one side, uh, as an irrelevant consideration here. Or the applicant rather says, well, we've kind of covered the matters anyway. Whereas the reality is, and I guess this is the ultimate question to leave you with, really is if the triple C was here and if it included those fields that Natural England and Bucks are particularly concerned about, and it included that intervening land between these fragmented woodland blocks, would that change the dial? Of course it would.

01:00:27:14 - 01:00:57:19

It would bring into play a whole raft of additional policy protections. It would bring in a whole raft of additional practical considerations. And it is very difficult to conceive that the applicant would be

proposing to put panels within that area, but that if we're really applying the precautionary principle, that is the approach that should be taken. Natural England have concluded that this is that meets the criteria. And they were two minutes to midnight from designation when there was a political policy change, which stopped that from happening.

01:00:58:09 - 01:01:15:20

If you're taking an honest view of environmental impact assessment, you go, all right. Well, they were they were two minutes to midnight. Effectively, we should assess this on the basis that it's there, in which case you'd have ended up with a very different assessment. Um, I think that's all from me. That's plenty for me. Thank you sir. Okay.

01:01:15:22 - 01:01:24:00

Thank you. Thank you for that. There's obviously there's a lot in that. Um, and we need a written response, but is there anything you want to say today.

01:01:25:12 - 01:02:10:07

On behalf of the applicant. Yes, I have a few specific points that I think it'd be useful to come back on. And of course we will provide a full response in writing, taking first the starting point. I think it is important to note that there is no blanket prohibition on development within the triple C, so even if this were a triple C, any impacts on that triple S, I would have to be considered within the planning balance in the round and weighed against a substantial need for the scheme as critical national priority infrastructure. Nevertheless, we are not in that territory and designated triple C is not, of course, the same as a triple C, and we would have to take away in check in terms of what information we were provided, if at all, on the location of the triple C, and in which context.

01:02:10:09 - 01:02:53:17

But of course, sorry, of the undesignated proposed triple, I say. But of course, Natural England may have further comment on the location and in particular, whether or not that proposed triple ACI, which is not designated, would have overlapped the fields which are currently in question in terms of why. Infrastructure remains proposed within those fields. I think this point has already been covered by the applicant. The applicant's position is already proposed. Extensive mitigation which is proportionate to its identified likely potential, likely significant effect on on the bat species, and that to remove solar panels from those fields would be disproportionate to to the benefit.

01:02:53:19 - 01:03:34:05

Given the mitigations which are already proposed, it would reduce the generating capacity of the scheme and therefore reduce its ability to deliver the government's critical national priority infrastructure. Many of the other points I suggest are already covered. So, for example, why the trees were not surveyed for maternity tourism? Which reason already covered that? And they would ultimately just have to be resurveyed again at some point in the future, because obviously the location of the risks may change between now and the point of construction. The gentleman is correct that the fields b6 and b7 are proposed as temporary construction compounds to allow the solar within the surrounding area to be built.

01:03:34:07 - 01:04:13:02

I'm not sure there's much more we can say on that, other than we can in our speaking notes. Identify where those construction compounds have been assessed within the assessment if it would assist a competitor. Mr. Lang, talk about the biodiversity net gain element that was referenced. Although I do note that the last agenda item on this topic. So once I'm finished in your hands on that point in relation to grazing, it is correct that the applicant's preference is to graze the fields with sheep and with cattle, and the relevant areas that is secured through the Outline Landscape and Ecological Management Plan, which sets out a clear preference.

01:04:13:04 - 01:04:48:28

And if I may, I will read paragraph 3.3.27 of that plan, which states that management of grassland within the order limits will be undertaken by a combination of a combination of sheep and cattle grazing, and only if grazing for any reason is not possible. Then a cutting regime will be implemented. Therefore, when the applicant comes to discharge that plan, I am sure that Buckinghamshire Council will be monitoring compliance against that commitment to understand what efforts the applicant has made to ensure that its primary commitment of grazing can be delivered, and it would be the onus on the applicant to demonstrate why that was not possible.

01:04:49:00 - 01:05:20:22

At the point of detailed design or during the lifetime of the scheme. Moving on then, to um, monitoring and mitigation and the comments made in terms of the applicant's approach to adaptive management are also correct. The applicant would not propose to remove solar panels again. That considers that that would be disproportionate to any impact that was identified. But the applicant would commit to amending its habitat management practices to further mitigate the impacts on bats.

01:05:20:24 - 01:05:33:20

And again, my colleagues may have further comment on that. And then finally, I'm sure it's more than capable of speaking for herself. I'm not sure she did suggest that an impact on the local.

01:05:36:03 - 01:05:55:12

A removal of the local population would not be significant. I understood mysteries and submissions to be that there is no pathway to suggest, or no credible pathway to suggest that this proposed development would remove the local population. But I was there, and to my colleagues and first Mr. Lang and emissaries to see if they have anything further to add.

01:06:06:12 - 01:06:29:28

I would just say sorry on behalf of the applicant, I would just say that I concur. I did not say that losing this population would be only of local impact. Clearly it would be an enormous impact and is something that HS2, my other project has made strenuous, strenuous and very expensive efforts to make sure that that didn't happen. And there isn't a pathway for that. This scheme to result in local extension, as far as I can see.

01:06:30:18 - 01:06:34:26

Okay. Thank you. And the written response. Which deadline do you think you'll be able to.

01:06:35:19 - 01:06:43:14

Amy Stirling, on behalf of the applicant, will incorporate this into our written summary of oral submissions are due next week. Deadline three.

01:06:43:16 - 01:06:44:20

Rather than a standalone.

01:06:44:22 - 01:06:45:08

Yes.

01:06:45:10 - 01:06:53:16

Okay. Yeah. That's fine. Okay. Uh, anyone else got any other questions on vaccine bats?

01:06:56:03 - 01:06:57:04

Yes, Mr. Barton.

01:06:58:07 - 01:07:35:09

Thank you sir. James Burton, on behalf of Preston Farms and TCS Biosciences. Um, it's really more a point of information, sir. In an effort to assist. But, um, having heard quite a lot today about the precautionary approach that said to be taken. Uh, It is concerning that the precautionary principle, which of course, as you both know, is well recognized as informing EIA and we could refer back to the words of Lord Carnwath in the champion case that made clear the precautionary principle runs all the way through.

01:07:35:11 - 01:08:06:24

EIA is plainly not being respected. And if I might just echo and perhaps just say something more about a couple of points made by Mr. Woodfield, that the first is that it's plainly not a precautionary approach to bad something as potentially significant. The precautionary approach, if there is uncertainty regarding data, is to say, right, that is significant. The second point, which if anything is even more concerning, is what's just been said by Mr.

01:08:06:26 - 01:08:34:05

Stirling for the applicant. And it's to suggest that in the absence of knowing what the monitoring will establish of anything we happen to be talking about back in bats, but that's really irrelevant. It can be said now that there could be no need to remove panels. That is, plainly putting carts before horses looking at the wrong end of the telescope and not taking a precautionary approach. Thank you sir.

01:08:34:23 - 01:08:35:15

Miss Stirling.

01:08:36:10 - 01:09:08:09

Amy Stirling, on behalf of the applicant, and I fear the word potentially is now becoming a friendly distraction and examination. The applicant has maintained potentially significant in an AI context, but has also confirmed that even if that potentially significant were significant and indeed even if that significant were a significant harm, which we suggest that it is not based on our evidence, it would ultimately not affect the planning balance if we don't consider really it's a material consideration whether or not it's potentially significant or significant.

01:09:08:14 - 01:09:22:18

Um, and of course, I do entirely agree that precautionary principle is important, and it has been applied throughout this application in EIA. In terms of the mitigation strategy, that's before you and the applicant's

01:09:24:12 - 01:09:59:20

statement that it would not propose to remove panels. I am not aware of any adaptive management scheme for any sort of major energy infrastructure project that would result in financial investments, decisions being taken, a scheme being implemented, and therefore and then at some point in the future, having to stop operating. What the applicant has proposed is a balance between, as I've said, the critical national priority and urgency of the scheme and ensuring that the applicant can proceed with it and ultimately the mitigation and benefits to the population.

01:09:59:22 - 01:10:11:15

And the applicant is confident that its proposed mitigation strategy, that there would be other means to carry out adaptive management, which did not result in the removal of the panels.

01:10:12:23 - 01:10:30:00

Okay. Thank you. Uh, I propose moving on now to 3D cultural impacts. So, uh, the question here is to, uh, Buckinghamshire. Um, I think the council had concerns about the baseline

01:10:31:21 - 01:10:36:07

cultural baseline. Could you elaborate on that and what your concerns are, please?

01:10:37:01 - 01:10:49:21

Uh, thank you, Sir Daniel Kazak for the, uh, council. Not to a question, but I'll go to my expert on the matter, which is, uh, Anna Patriarca, who hopefully is also, um, prepared online. Anna.

01:10:54:29 - 01:10:55:15

Right.

01:10:58:26 - 01:11:00:06

I think you're muted. Anna.

01:11:03:12 - 01:11:34:18

I am sorry. Uh. Good afternoon. I'm the agricultural officer for Buckinghamshire Council. Um. so we did raise, um, some concerns regarding the baseline. Um, namely, uh, regarding the survey which the applicant has, um, uh, addressed, uh, in part with these, uh, deadline two updates. Um, so that clarification is welcome.

01:11:35:00 - 01:12:00:05

Um, it does highlight that some of the areas were not survived because, uh, of constraints with access, um, growth, etc.. So it would be helpful to, um, have that on, uh, plan or schedule, uh, highlighting, uh, identifying the areas that, uh, are problematic. Um,

01:12:01:23 - 01:12:41:20

also, uh, regarding the woodland. Um, the applicant has also supplied Information regarding the woodland classification. I mean, the applicant has also supplied information. In regard to that, um, which um addresses in part our concerns in. We do feel that um further information is required in respect to buffers and um a specification um, of what happens um, within each um buffer.

01:12:42:03 - 01:13:04:26

Um, and that ties down to towns, ties up with, with the our request for the outline, uh, arboriculture method statement. Um, I don't know whether I'm, uh, my, uh, so if I reply to or your question. Sorry.

01:13:05:14 - 01:13:09:24

So, so what are your key outstanding concerns really about the baseline.

01:13:10:00 - 01:13:43:11

So basically, um, we feel that these inconsistent, um, um, lack of clarification, um, then um, filters down to how the buffers are, um, defined. And as Natural England has explained, uh. Um, and all my colleagues before me, it is important, um, for mitigation purposes and maintenance, etc., in the long term, uh, to have these buffers clearly defined.

01:13:43:17 - 01:14:05:17

Um, and if we don't have a clear baseline, then we don't we don't have the confidence that the buffers are appropriate. And then all the, the rest of the, the um, operational um, lifecycle of operational actions and maintenance are um, then um.

01:14:08:05 - 01:14:25:13

Sorry, my words are missing. Um, that the the the castle is not satisfied that these are appropriate. So, um, all the the the later stages of the process can. And the trees can be retained during the later stages of the process.

01:14:26:09 - 01:14:29:07

Okay. Thank you. With the applicant respond.

01:14:31:12 - 01:14:45:03

Amy Stirling, on behalf of the applicant. And we are joined today online by our agricultural consultant as well. Can I introduce a mr. James Butler from SK, I hope is online.

01:14:46:00 - 01:15:23:12

Yeah. James Butler speaking on behalf of the applicant. Uh, just a summary of the deadline. Two updates in regards to the buffers. And this is from an arboriculture perspective. Uh, the outline application environmental Management plan rep 2061 and the outline landscape and Need. Ecological management plan Rep 2067 have been updated at deadline two to commit a programme of inspections during the operation, including maintenance phases. These documents have been updated to state that routine inspections will be taking place.

01:15:23:23 - 01:15:34:18

It recommended intervals that will manage the tree protection areas and any, uh, you know, health and safety or health issues for the trees.

01:15:37:10 - 01:15:48:05

Okay. Thank you for that. Can I just check with Buckinghamshire? Have those, uh, deadline, two updates. Have they, um, met your concerns or you've still got outstanding concerns?

01:15:48:29 - 01:16:24:10

So we're not only talking about maintenance in the future, which we discussed affects. Um, um, for instance, the hedgerows and how these are going to be maintained in the future. Um, and there's also a problem with construction because obviously, um, the AMS will be secured by requirement, as my colleague said, requirement and need to be enforced, enforceable. Um, and at this point, um, we have a, an impact assessment.

01:16:24:12 - 01:16:57:15

So the impacts are, um, are assessed. Um, but we don't have anything to then, um, protect the trees and enforce if need be. Uh, because, um, the AMS kicks in, uh, after consent. So effectively we would need something that gives us a confidence that the trees will be retained and protected during construction and decommissioning, etc. later in the later stage of development.

01:16:57:22 - 01:17:42:01

Um, as of now. So. So we would need something to give us confidence. Either an outline AMS or something similar. Um, and uh, the lamp also, uh, like we, we discussed, um, there are a number of problems that are, um, born from, um, the buffers still being, um, discussed. Uh, and that then has an impact on how maintenance is carried out and, uh, how, for instance, uh, trees are uh, within the hedgerows are going to be, uh, pruned in the lifetime of the development.

01:17:42:03 - 01:18:16:26

And whether that will then result in an erosion of the agricultural value of the site. So I believe that the lamp also needs to be, um, uh, Discussed further. And and that length obviously is informed by constraints on the baseline. So again it ties down to to to the the method statement and the impact assessment.

01:18:16:28 - 01:18:59:07

So it kind of cascades. Um, so I appreciate that the applicant has made progress with the impact assessment. And a lot of the the updates, um, address some of our concerns and the Lemp as well. But there's still, I think, some work to be done. Um, and to have an outline, um, method statement and, um, would, would really give us more confidence, um, of the impacts and, uh, of the, the, um, um, of the controls, um, and how trees will be retained in the future.

01:19:00:22 - 01:19:03:21

Okay with the applicant? I'd like to respond to that.

01:19:04:07 - 01:19:39:27

Amy Stirling, on behalf of the applicant. I think it would be useful to clarify. Between the parties, what specifically the Buckinghamshire Council are looking for? Is it a method statement? If so, I am

sure that can be considered and discussed. Presumably they will need to be some discussion around what goes in that method statement. Is that a specific update to the limb? Is it a specific mitigation that they would like to see? So far, I understand we have been seeking to engage on that technical level, and we haven't been able to arrange a meeting. But I do suggest, given the level of discussion now is probably not something we're going to be able to resolve in this hearing.

01:19:39:29 - 01:19:51:10

And I think we are looking for more specificity as to what specifically mitigation wise, wording wise in the document they would like to see. And we can certainly consider that.

01:19:51:18 - 01:19:54:15

So you will go away and arrange a meeting with the Council.

01:19:54:28 - 01:20:03:03

Amy Stirling, on behalf of the applicant, we will continue to endeavour to do so. Um, I guess using this forum to encourage that meeting.

01:20:05:25 - 01:20:21:29

Um, Daniel, because of the council, yes. I, um, my understanding is it is at least the two things that you just identified. So a method statement and also, um, amendments to the lent. But I will take that away as well and encourage some, um, time to meet and discuss. Thank you sir.

01:20:23:02 - 01:20:30:19

Okay. Thank you. Anyone else have any queries on cultural impacts at all? Again in the room

01:20:32:08 - 01:20:37:19

and looking online. Okay. I'll move on to the next part of this agenda item.

01:20:39:21 - 01:21:03:07

Which is ground nesting birds. So this is the to Buckinghamshire. Um, in the latest statement of common ground between you and the applicant, which is rep two to actually two for this standing area of disagreement with respect to compensation, land and strategy for ground nesting birds, which you are concerned has not yet been identified or secured. At a minimum ratio of 2 to 1,

01:21:04:28 - 01:21:08:00

has the applicant's response. Um.

01:21:10:27 - 01:21:19:01

Their deadline? Two, which was the rep 2024. Address your concerns. Have you still got outstanding concerns on that?

01:21:19:03 - 01:21:30:15

Yes. Thank you sir. Daniel Kazak for the council. My understanding is that it has. But I'll just bring in Anna Ottaway, um, again, who will be able to address any further comments on that? Yeah.

01:21:31:15 - 01:21:38:01

And the Buckinghamshire council? Yes. That has now been resolved via updates to the lamp.

01:21:39:24 - 01:21:46:00

Okay. Thank you. Uh, can I open it up for any other queries or questions on nesting birds?

01:21:49:00 - 01:21:50:05

Uh, Helen Hamilton.

01:21:50:07 - 01:21:50:28

From Clayton.

01:21:51:00 - 01:21:52:15

Solon Action Group. Can I pass?

01:21:53:01 - 01:21:53:16

Yes.

01:21:53:18 - 01:21:54:03

Please do.

01:21:57:24 - 01:22:36:06

Thank you sir. Um, yes. It remains unresolved, in my view. Um, the rationale for the applicant lumping, um, uh, all of the grand nester. Well, all of the wintering birds and breeding birds receptors together, uh, and predicated its conclusions on a suggestion that because some hedgerow nesting species and some seed eating species that forage in field margins may benefit from the changes in land use associated with the solar farm, or it may partially benefit.

01:22:36:16 - 01:23:19:02

Um, that applies to all of them. Um, and I think the best analogy I've yet to hear a sensible justification for taking that approach, or a sensible ecological justification for taking that approach. The analogy that I would draw would be if that was a correct approach to take to nesting birds or wintering birds, or non-breeding birds as a receptor. Then it would follow that it would be the correct approach to lump Bechstein bats in with all other bat species and say, well, because pipistrelle is a pretty adaptable and they and they may not be too bothered about the lighting impacts, noise impacts and fragmentation impacts associated with the scheme, then it follows that it must also apply to textiles.

01:23:19:13 - 01:23:50:03

That wouldn't be an acceptable approach and it clearly is an acceptable approach in the applicant's mind. So why it is taken the approach of saying we're not going to worry too much about skylark, or nesting lapwing, or wintering lapwing, or wintering golden plover. Because we're generally wintering birds as a whole, we think might do might do better out of this scheme. Um, that fails to take account of the fact that some of the most important species in this landscape are those species.

01:23:50:05 - 01:24:24:07

Lapwing, Golden plover wintering raptors, for example. These are all species that solar arrays habitually displace because these are species that are like wide open sightlines and uncluttered fields. Excuse me, uncluttered fields. And those are exactly the things that the characteristics that a solar array takes away. So where is it? Absolutely true. And I'll be the first to accept it, that certain hedgerow nesting species may well benefit from a change in management regime, which means that these hedges are flailed less frequently and their buffet is, at least to some degree.

01:24:25:00 - 01:25:01:08

It's it's a fallacy to suggest that that applies across the board. And it just so happens that the species that actually would be displaced. Uh, Skylark, meadow pipit, lapwing, golden plover, snipe, large flocks of starling and what have you, um, are the species that generally are of higher conservation concern. So I think there is a fundamental problem with the adequacy of the applicant's impact assessment on these species. Um, and yes, the applicant has suggested that, um, the compensation that it's proposing and it is compensation, it's not mitigation.

01:25:01:10 - 01:25:42:04

Let's let's get that clear. Um, the compensation is proposing in terms of turning other fields into permanent grassland. Well, there doesn't seem to have been any sensible assessment of the extent to which those other fields already harbour populations of these species. Uh, nor whether this particular characteristics of these fields actually lend themselves to high densities of those species. So, for example, the field east of runts would can't remember its name or its number off the top of my head. Um, that has a topographical characteristics that probably limits its potential for things like skylark and could certainly would limit its potential for things like wintering golden plover and lapwing.

01:25:42:06 - 01:26:19:10

So it doesn't follow. Even if you set aside the fact that we're moving from hundreds of hectares of available habitat to perhaps less than 100 hectares of available habitat for these species. Even if you set that aside, it doesn't then follow that you can make an instant calculation that says, oh well, we're going to create 95 hectares of new grassland, and all of these species are going to flock to there in exactly the same numbers as have been displaced from several hundred hectares. So I do have real fundamental problems with the adequacy of the assessment on ground nesting birds and on wintering birds as well.

01:26:19:12 - 01:26:46:23

I'll add that in, um, and these are material considerations. These, these these include priority species which is a statutory duty to consider in decision making. These include parts of an assemblage of county importance. So these are county level impacts. These are all things that can add something to one or other side of the planning balance. And so um, these are relevant considerations. And I just don't think they've been adequately assessed.

01:26:48:00 - 01:26:50:13

Thank you for that. Mr.. We'd like to respond.

01:26:50:23 - 01:27:20:29

Amy Stirling, on behalf of the applicant, El Paso. Mr.. Lange, in just a moment to address you on the adequacy of the impact assessment and our approach to mitigation and why we consider it sufficient.

One observation before I do, sir, is that we've had some quite technical submissions from the Cleveland Solar Action Group in the course of this hearing, and the applicant has been seeking to discuss these matters on a one on one technical environment with the action Group has so far been unable to understand to secure any such meeting.

01:27:21:01 - 01:27:40:06

I suggest that to move those details and specific comments forward that that would be useful. So again, using this forum to to seek to arrange such a meeting, um, rather than sort of trading examination submissions when it might be that we can more meaningfully resolve points of concern through discussion.

01:27:40:08 - 01:27:44:05

Absolutely. We have all these parties could get together to discuss.

01:27:45:21 - 01:28:07:01

So while, um, we're very happy to do that where we where we can. Um, the, um, the seaside does have very limited funds, and so we are having to be a little bit careful about the extent to which we use our experts, and that's why we're taking this approach at the moment.

01:28:07:09 - 01:28:07:28

Okay.

01:28:13:29 - 01:28:50:07

Mark Lang for the applicant. So I would disagree that we haven't considered wintering, um, breeding and other bird species adequately. We've deliberately assessed the wintering assemblage. We've assessed the breeding assemblage. We've also looked at the shadow on raptors and other birds that we have. What I will say with regard to the wintering birds is it's correct. We did have numbers of wintering golden plover, wintering lapwing, but very low numbers, and these species are highly mobile across the landscape as a whole.

01:28:50:09 - 01:29:24:12

So if we think, um, taking it in terms sort of thinking from a Buckinghamshire perspective, um, I still don't think we'll have a significant impact. To a large extent, these spaces are dependent upon the farming regime. So if there's sufficient winter stubble left or plough, then the birds are likely to be there. They're unlikely to be there. Um, it depends on the agricultural cycle, really, so as to whether or not they're there. They're highly mobile during the winter. We've taken Skylark as a proxy for ground nesting birds because they are the most abundant species that we have.

01:29:24:14 - 01:29:56:12

And I agree totally with the assumption that Scarlett will be displaced because we haven't yet found any evidence of skylarks nesting under panel, so I think there will be displaced. However, they are present at very low abundance across the site as a whole. Um, and that's because the Agricultural practices at the moment don't make habitat very suitable for skylark. Um. We've had this change from spring sowing to autumn sowing. That generally means that skylark only exists in very low abundance.

01:29:56:18 - 01:30:28:26

We've done a very rough calculation. Um, we know that skylark existing grasslands, or set aside at a higher abundance than we have. So we have a general abundance of about 0.14 hectare territories per hectare. We know from the literature that skylark can exist in, um, higher abundance and that. So I think it's perfectly feasible to if we manage carefully to up the carrying capacity, we also need to consider that just availability of land is only one of the mitigation measures that we're proposing.

01:30:29:05 - 01:31:05:12

We're also proposing the enhancements under panels, which are likely to benefit the invertebrate abundance. Skylark and other ground nesting birds need protein, um, during the breeding season. We're also proposing a portion of margin to be signed with a winter seed source. That's another factor that's causing declines because modern agriculture is so efficient. We don't have that winter seed source left in the wider landscape. So we have to consider that it's not just the open ground that we're proposing. Um, also, we need to consider the retention and the majority of the hedgerow network, plus the buffers that we're proposing.

01:31:05:14 - 01:31:39:06

So for those species that nest on the ground, but in that marginal zone between hedgerows and grassland, we've already done that. If we take the woodland bird population, all of the woodlands retained, all of the majority of the hedgerows are retained. So I think the quantity of mitigation that we have is more than sufficient. I do take the point that some of the topography of some of the fields might be limiting, but we are looking at large open fields, so we're not proposing mitigation in field corners because it does need to be big open fields with a wide field of view.

01:31:39:08 - 01:32:08:21

So we've taken large blocks of mitigation that we're proposing. And also what we're proposing in terms of grassland is likely to deliver some benefits for farmland birds to a wintering bird as well. So should lapwing or golden plover decide they want to winter on the site again, then we're providing habitat that they can use as well. So the applicants are of the opinion that the mitigation we're proposing is sufficient, but not disregarding the comments that you've made.

01:32:11:10 - 01:32:13:22

Okay. Thank you. Have you got any response?

01:32:14:24 - 01:32:45:15

Yes. Um, I mean, I don't agree with the applicant's assessment of territory numbers. Um, I haven't had full access to the site, but I've walked the public footpaths and the territory numbers that I was picking up were in the region of about two territories of field skylarks, which, if you extrapolate across the area, comes out with an estimate of something in the region of twice what the applicant's assessment is. So there's a question there of the adequacy of the mitigation from from that perspective.

01:32:46:00 - 01:33:25:06

I was also very interested to hear that the rationale behind the assessment of displacement effects on lapwing and golden plover, which was that effectively that there will be other stables, other winter stables and other plowed fields in the area? Well, that is a displacement effect that hasn't been mitigated or compensated. There is a reliance inherent in that statement on other farmland in the

locality being available. Now, I'm not sure that that's fully reflected in the EIA, um, but in large part because it's swallowed up in this, let's just consider wintering birds as a generic reception, because there'll be some winners and some losers.

01:33:25:08 - 01:33:57:04

We end up with a conclusion that actually it's overall it's not going to be so bad. Well, that's not great news for the lapwings and the golden plovers. Um, and I do take issue also with the suggestion that the numbers on the site were low. I don't know how well the applicant knows the Buckinghamshire situation with regards to those species, but in the Buckinghamshire context those were significant numbers. Um, ten years ago you would have got significant big numbers of lapwing and golden plover over 20 years ago. Those those species are both in very steep decline in Buckinghamshire.

01:33:57:06 - 01:34:25:29

So the numbers are significant. Um, that said, I don't disagree with the applicant's overall assessment of the wintering bird assemblages of county importance. But those two species are key to that assessment and to suggest that displacement of them to some other farmland somewhere else in the vicinity, uh, is acceptable. Um, well, not so much as is acceptable, but it's something that's not worthy of mention in the EIA. I think it is a signature of a flawed approach or an incomplete approach.

01:34:27:04 - 01:34:30:13

Okay. Thank you for that. Do you just want to quickly come back on that or.

01:34:32:24 - 01:34:34:01

Respond in writing.

01:34:35:17 - 01:35:12:23

Amy Stirling on behalf of the applicant before we did so. Just one point that I do wish to make is that the applicant has set out in detail in its environmental impact assessment, the data sources that are used to inform the baseline characterisation, including the wintering bird surveys that it's carried out. I do not think with respect, one person walking public rights of ways within the area is in and of itself, and making such observations and a hearing environment is in itself sufficient to counteract the very significant amount of data that the applicant has provided in support of its baseline characterization, which is before the examination.

01:35:13:05 - 01:35:17:21

Okay. Thank you. Okay. I think someone in the audience I'd like to make a point.

01:35:22:24 - 01:35:26:26

Amy Stirling, on behalf of the applicant, just to flag sir as well. There's someone online with their hand up.

01:35:29:05 - 01:35:34:08

Thank you sir. Chris Jordan, East Claydon resident and East Clayton Parish Council.

01:35:34:18 - 01:35:35:03

If I could.

01:35:35:05 - 01:36:11:18

Just follow up on something Mr. Woodfield was saying about the Skylark population. I mean, the applicant has taken a very sort of silo approach to assessing numbers. So the surveys have been focused on the four principal parcels of land that are going to be developed. They haven't looked at other the other sites, the interconnecting sites. And for example, if you were to walk up Splash Lane as we drove up yesterday in the accompanying visit to your left and to your right, so to the east and the west, you would have heard large numbers of skylarks.

01:36:11:20 - 01:36:44:06

At least you would have done last year, except that the landowner now has taken over, decided to plant large numbers of bean crops. But, um, nevertheless, there were would be skylarks on both sides of that splash lane to the east. The applicant would have surveyed them to west. They would not. And then this sort of silo view is amplified further by if you look at other applications for infrastructure in the area.

01:36:44:13 - 01:37:18:20

The Long Beach Solar found 16 Skylark territories. We lost Turkey farm, 16 territories lost to Terra Bess, four Skylark territories lost statecraft, six. Skylark territories lost. So if you look more holistically at the area A, we don't know the exact number of Skylark territories across the within the the order limits, but also the numbers outside immediately outside the order limits should be considered and they're all going to be displaced.

01:37:18:22 - 01:37:48:23

And so where are they going to be displaced to? The applicant is talking about providing Skylark territories, Skylark plots, but we don't know the numbers that are going to be displaced overall. So I think that's an important consideration for this red listed population. And during the winter surveys of skylarks they found very large numbers I think something like 169 if I recall. And so, you know, this is an important population of skylarks in this area. Thank you.

01:37:48:25 - 01:37:51:15

Okay. Thank you. Do you want to respond quickly to that?

01:37:51:17 - 01:38:24:21

Yes, Mark. On behalf of the applicant, um, it's correct that we've only surveyed the areas under Sailer and we haven't surveyed the interconnecting areas, but there's a good reason for that because the interconnecting areas are subject to very short term impacts. So the cable route goes in, but it's very short term likely to happen outside of the bird breeding season. Then those fields would just be retained as agriculture as they are now. So any skylarks that those fields support, they can continue supporting um as, as they are.

01:38:24:23 - 01:38:33:13

So that's the reason why we haven't um, we've only surveyed those areas where we feel that birds are likely to be displaced from, so I don't yeah. So.

01:38:34:20 - 01:38:38:20

Okay. Thank you. And if we go to Miss Otway who's online from Buckinghamshire.

01:38:40:13 - 01:39:15:18

Thank you. I just wanted to say Anna Ottaway from Buckinghamshire Council. Um, obviously I started this saying that we we had it agreed that this was now resolved. Um, but one thing has been raised that has flagged a concern. And because when we looked at the applicant's proposed mitigation and calculations for areas required for ground nesting birds, I suppose we had taken on good faith at those areas being proposed on the plans were suitable. There were large open areas. Um, and it's slightly concerning to me to hear from, um, both the action group and the applicant that actually one of those areas, because of the topography, might not actually be suitable.

01:39:15:20 - 01:39:19:28

Um, and I have made a note that I'm going to go and check the calculations with that knowledge.

01:39:20:26 - 01:39:23:20

Okay. Thank you. Would you like to respond to that?

01:39:30:21 - 01:39:36:19

Amy Stirling on behalf of the applicant. I think that's one we'll have to take away, sir, but we can certainly discuss it directly with Buckinghamshire Council.

01:39:37:21 - 01:39:45:09

Okay. I think this is a good time to take a break for 15 minutes, so we'll reconvene at 3:45.

01:39:45:11 - 01:40:08:21

Amy Stirling, on behalf of the applicant. Sorry. Sorry to interrupt again. Just so unclear. Will we, when we come back, will we be discussing biodiversity net gain, which is a final agenda item on ecology and biodiversity? Or will that be taken to written questions or some sort of follow up? And will we be moving to landscape or will we be coming back on biodiversity and then look at it's just so we know who to sit at the table.

01:40:08:27 - 01:40:14:19

Um, I intended to briefly go through the by by diversity again.

01:40:14:21 - 01:40:15:06

Okay.

01:40:15:08 - 01:40:17:09

Thank you. Yeah. Okay. Thank you.