



Hearing Transcript

Project:	Rosefield Solar Farm
Hearing:	Issue specific hearing 1 (ISH1) - Day 1 - Part 4
Date:	20 May 2026

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FULL TRANSCRIPT (with timecode)

00:00:05:28 - 00:00:11:24

Okay. 345. So we're going to resume the the hearing as the live feed recommenced.

00:00:14:21 - 00:00:44:15

Thank you. Okay. We're on agenda item three F biodiversity net gain. Um, so the first question to the applicant, um, a note from the, uh, deadline, two submissions that you've provided the action group with a biodiversity net gain metric in Excel format. Mark Lang applicant. That's correct. Could that be submitted into the examination at deadline three.

00:00:46:28 - 00:01:17:15

Mark Langford applicant it can depending on whether or not you're able to receive an Excel spreadsheet, because we certainly couldn't submit an Excel spreadsheet via Pins, which is why originally we submitted a kind of printed version. but if you're able to receive it, then yes, we can make that available. Okay. We'll have to take advice from the case team on that. Thank you. Um, and then the other question I had was that, uh, Buckinghamshire Council, um, you had quite a few issues with that, uh, biodiversity metric.

00:01:18:18 - 00:01:25:11

Um, could you please explain what those are and whether they've been resolved to this and. Outstanding, please.

00:01:25:28 - 00:01:48:00

Uh, yes. Thank you sir. Daniel Kazakov of the council. I mean, as a as a preliminary point, I think we would welcome seeing the actual Excel, um, as well. And I've seen it submitted another, um, energy use here, so that would be very helpful. Um, on the specific, um, discrepancies that we have as a concern, I'll bring in Annie Ottaway again if she's still on the on the call.

00:01:50:28 - 00:02:21:05

I am yes, says Annie Ottaway for Buckinghamshire Council. Um, yeah. Just to reiterate, I've not had sight of the actual Excel metric tool, but I have reviewed the Biodiversity Net Game report, which I suppose is a summary of the methodology they've used with the tool. And some of the discrepancies that I've identified is between the methodology used versus the methodology set out in the statutory metric user guide. Um, they include.

00:02:24:16 - 00:03:06:25

Um inputting arable field margins into the calculation to avoid um, they're not meeting trading rules about replacing habitats with like like habitats. Um, there's the rules around reporting individual trees and have not followed the statutory metric user guide, which would essentially, um, over inflate the value of the trees that are proposed, um, versus the trees to be lost. Um, we have now published our local nature recovery strategy, which should now be used for strategic significance. Um, and There's been an assumption about the creation in advance of some of the woodland and hedgerows, which at the time was not, um, there was no assurance that that would actually be created in advance.

00:03:07:03 - 00:03:38:01

Um, and then also the condition of the grass. And so the species rich grass and other neutral grassland and because it's a lot of it's been used on arable, um, to get it into good condition requires it to be quite species rich in a lot of different species, and that requires low soil nutrients. Um, and at this time, there's no clarification that the soils are suitable, um, or that nutrient levels could be reduced to a point where that other neutral grassland in good condition could be achieved realistically on the site.

00:03:38:12 - 00:03:56:06

Um, and it's also unclear just from the report itself, um, which biodiversity units have resulted from um, um, habitat that's proposed as mitigation and compensation for something else versus which, um, which features are additional or the kind of true enhancement in terms of biodiversity net gain.

00:03:56:10 - 00:04:11:19

Sorry if I could just cut in there. Can we just adjourn for a couple of minutes? I think we're having some problems with the live feed, so I'm not sure at what point that happened. But if we can just adjourn for five minutes and we'll start when the live feed is working again.

00:04:21:15 - 00:04:25:13

Okay. I think we're back online now so we can recommence the hearing.

00:04:28:25 - 00:04:39:06

So I'm not sure if we got to the end that the lady was explaining the difficulties with the the metric. Um.

00:04:40:16 - 00:05:08:21

Thank you sir. Daniel Gazelka for the council. Um, I think what we may have missed was her first line about the trading rules. So, um, if ask any Ottawa aides, come on again and just confirm to that. I think we missed what your comments on the trading rules. Um, but we then did, I think, hear your, um, further comments about, um, conditions, um, and advanced creation. But if you could go over them briefly again, that'd be helpful.

00:05:08:23 - 00:05:37:07

Okay. Yeah. So, um, and then also from Buckinghamshire Council. Um, so I was just highlighting that on a kind of a high level review of the BNG report, having not seen the XL metric. Um, there was a few discrepancies in the method being used. Um, compared to the statutory um, metric user guide. And the first point was that the trading rules, um, have somewhat been avoided by not putting arable field margins in as arable field margins to avoid the replacement for like of like to like habitat.

00:05:40:11 - 00:05:41:20

And I think we have the other ones.

00:05:42:00 - 00:05:46:03

Okay. Thank you. Would you like to respond? Yes. Mark Langford.

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

Applicant.

00:05:46:22 - 00:05:49:09

Um, just give me two minutes to get to the right page.

00:05:51:05 - 00:06:11:06

11 on behalf of the applicant. Whilst Mr. Lang is doing that, just to confirm, we are also aware that having checked that other projects have been able to submit an Excel spreadsheet and that that is downloadable from the project website. For example, Natural England and other schemes have put forward a risk and issues log which is available in Excel, so we will submit that Excel spreadsheet at deadline three.

00:06:11:08 - 00:06:12:11

Excellent. Thank you.

00:06:16:20 - 00:06:48:06

Right. So Mark Lang for the applicant. So just to address the there were two issues with regard. The trading rules is correct. There are a couple of departures which we've clearly articulated within the assessment report. So the first one was in relation to arable field margins and arable field margins not being entered in the metric to avoid the need to create life like what we've done with arable field margins as we've entered them into the metric, as other neutral grassland is.

00:06:48:08 - 00:07:24:06

That is essentially what they are. They are areas of other neutral grassland around the edges of arable fields. The the metric scores them the same, so it doesn't undervalue them. And the reason why we can't create other arable margins is because we lose the arable context with where we're putting solar farms, because we're not creating arable fields. So we can't technically correct arable margins because that arable context is lost even though the habitat remains the same. I'd also want to make the point that not regarding the various back and forth we've had with buffers and where we measure buffers from.

00:07:24:08 - 00:07:54:15

I won't get into that argument again, but all of the arable margins that are there existing are going to be retained anyway. Um, because we're proposing buffers to all of the arable fields and the sailors. So all of the existing arable margins will be retained. Apart from the odd instance where there'll be a crossing pond or so. That's the first point. Um, second point was with regard to individual trees. Um, now, this is complicated. So we've taken a worst case scenario with regard the loss of trees.

00:07:54:17 - 00:08:26:06

The actual real loss of trees will probably be a lot smaller than we've anticipated at the moment. But we took a worst case scenario. As we are likely to lose some mature trees. We need to replace quite a lot of trees to account for that, because obviously one small replacement tree doesn't equal a mature tree lost. So currently the metric estimates that we need 435 small trees to replace those lost. Now trees, if they're being lost, will be lost from hedgerows.

00:08:26:08 - 00:09:00:21

But the metric is complicated and that it splits habitats into three different types. So it splits it into area habitat linear hedgerows and linear watercourses. With regard to individual trees that are likely to be affected if they're within hedgerows. The metric requires you to consider them as area based habitat in their own right. And what the metric asks you not to do is to trade between the various three habitat types that I've outlined. Now, hedgerow trees will be lost, and we're anticipating we will plant the trees within the hedgerows.

00:09:00:23 - 00:09:41:20

However, the metric assumes it's a hedgerow enhancement, and that's why the trading rules aren't met, because we're losing hedgerow trees. But it asks us not to put trees back in hedgerows because it regards that as a hedgerow enhancement. And ideally you would plant the trees out in the open to satisfy the trading rules. But it's one of those situations where the metric isn't quite fit for purpose, because putting trees 400 trees out in the open, if indeed we needed to replace that many, would compromise the mitigation we've already spoken about in terms of ground nesting birds, and also would compromise returning the area back to Arabic at the end of the scheme.

00:09:41:22 - 00:10:24:15

So it's one of those situations where there is a departure from the trading rules, but it's partly because the trading rules don't particularly work with regard end tips. And the different metric was never really designed for schemes of this size, and it has a few issues with it. The point about the local nature recovery strategy? Yes, I understand that, but the bag calculation when it was undertaken was undertaken at the time when the LMS was not yet published. So we used the Buckinghamshire Interim Strategic Significant guidance as per national guidance and the final iteration of the Bag assessment will, of course, incorporate the local market recovery strategy to assess strategic significance.

00:10:24:18 - 00:10:59:15

There is a question about curation in advance, and a one year curation in advance has been added to those habitats that have been identified as early planting. And early planting is secured within the lamp, so there is a secure mechanism for that in relation to. I'm going through my question about species growth and digitata. Yeah. In relation to species rich grassland. Yes. I take the point that we're aiming to create grassland on arable might have a high nutrient status.

00:10:59:17 - 00:11:29:24

We haven't yet undertaken soil testing in relation to nutrient status. We've undertaken soils work in relation to the agricultural land classification, but we haven't yet undertaken, um, assessment to work out whether the phosphate levels are high or not. If phosphate levels are high, there is a mechanism that's set out and secured within the length for cropping to reduce the nature and status to an acceptable level to correct grass should we need to. So we've already anticipated that there might be a requirement.

00:11:29:29 - 00:11:59:29

The other thing I would like to add is we need to be careful about terminology, and perhaps our terminology is a little bit loose in places where we're talking about species rich, but we're not talking about UK habitat lowland meadow. We're talking about other neutral grassland that needs to contain perhaps eight species per meter squared, and the majority of the grassland margins in the Arab fields

that we already have. Some of these already support that number of species knapweed, but all that type of thing.

00:12:00:08 - 00:12:30:15

So I'm fairly sure that we can actually create that if we need to, if there needs to be a couple of years of nutrient depletion, then we'll do a couple of years of nutrient depletion. It's also to make clear that we're not proposing topsoil stripping or topsoil inversion, because obviously there's a requirement to return these, um, areas to agricultural at the end. And I think that was I think that was everything that I had. Let me just.

00:12:33:23 - 00:12:36:03

Yeah, that's everything I had. Okay.

00:12:36:05 - 00:12:38:00

Would you like to comment?

00:12:39:06 - 00:12:45:04

Thank you sir. Daniel Cosgrove for the council. It won't be me. It'll be Antiochia. I'll see if she has any comment.

00:12:50:01 - 00:13:21:13

I know I probably haven't got much further. Obviously that I suppose that's explained why they've gone away from the methodology. However, that is the methodology that's been set by the government and it is intended that that is the method used by MSPs as well as already being used for other development. Um, so I think the question the question posed to me was, um, is the biodiversity net gains, um, calculation calculations, um, kind of suitable.

00:13:21:15 - 00:13:38:23

And, and I suppose my, my response would be it should really follow the, the methodology set by government and not, um, be using a methodology that is more favourable to this particular solar scheme? Um, yeah.

00:13:39:23 - 00:14:14:25

Mark Lang for that. I take the point that you've made with regards, um, adhering. But I would just ask the inspector to consider, um, the fact that the metric doesn't necessarily work. And just to take that into consideration, that we've we've valued everything. Um, without undervaluing the baseline. But clearly, if we're losing trees from hedgerows, the location to put those trees back again would be within the hedgerows, partly because of the points that have already been made with regard to the importance of the hedgerows for commuting bats and other things.

00:14:14:27 - 00:14:38:22

And just because we we have a tool that has some rules with it. Um, sometimes we need to depart rather than follow it slavishly, because sometimes it's not necessarily fit for purpose with the situation that we find ourselves in. I'd also like to make the point that we were quite clear where we have deviated from the rules, and we've given them justification as to why we've had to do that. Um, but yes. Thank you.

00:14:38:25 - 00:14:53:27

It sounds like Buckinghamshire needs to see the metric to get a full in all their comments together. And then what sounds like needs to happen is you get together with them and actually discuss that pragmatic way around those issues.

00:14:54:13 - 00:14:55:24

Yes, I'm sure we can do that.

00:14:55:26 - 00:14:56:27

Re on that.

00:14:57:16 - 00:15:00:04

Um thank you sir. Yes, that would be welcome.

00:15:00:06 - 00:15:07:25

Yeah. Okay. Thank you. Any other questions or issues on biodiversity? Net gain. Yep. Action group.

00:15:10:04 - 00:15:15:25

Should I should just go. Um, Dominic Whitfield for Canadian solo action group. Um.

00:15:18:25 - 00:15:52:00

Unlike yourselves as an Buckinghamshire council, we have seen the metric. Um, we chased up on your recommendation from, uh, which deadline? It was in relation to your first written questions that that the applicant should provide us with a copy of the Excel spreadsheet, as we requested in earlier, earlier submissions. And we have now received that. Um, and I'm afraid it does vindicate Buckinghamshire Council's concerns and our concerns, um, that the biodiversity net gain calculation that the applicant has put forward is unreliable.

00:15:52:11 - 00:16:31:21

Um, the margin of error, uh, is difficult to quantify at this stage without going through the whole process. But as you'll have hopefully picked up from our deadline two submissions, we've pointed you towards a couple of clear examples of where there have been base mapping and habitat classification errors. Um, potentially they may seem trivial in their own terms, where field boundaries have simply not been mapped. They've been one of the kind of key ones is that arable habitat, the lowest scoring habitat in the Benji regime, has been shown as continuous across field boundaries with a hedgerow line over the top.

00:16:31:25 - 00:17:05:21

Now, what that means is we just heard. Is that the hedgerow line doesn't count in area terms, which means that all of the habitats associated with that field boundary, hedgerow field margin, either side of it, or all of that gets discounted and classed as arable. And then obviously, when you come to do the future situation, um, it then all gets classed as being turned into grassland because at that point they are then measuring their buffer strips. So you get double counting upon double where you get suppression of baseline value and then double counting of future value.

00:17:05:26 - 00:17:36:13

Now we could go through and we could correct all those. And and as I as I said in the submission, that may seem trivial in its own terms, but actually when you tot up the various field margins where this mistake has happened, um, it tots up to a significant chunk of land about 8.2 hectares on a on a pretty conservative estimate. Um, and as I, as I said in my submission, that's equivalent to a kind of 300 unit housing scheme. So it's not an insignificant chunk of land that's been misclassified in the BNG calculation.

00:17:36:21 - 00:18:27:00

Um, there are other areas we've noticed trees in the middle of fields that have simply not been mapped. We've noticed other areas of habitats, higher scoring habitats than arable habitats that have also not been mapped. The suggestion that all the field margins score the same as arable, that only works if they are the lowest scoring type of grassland habitat around the edges of the field. And we've already heard that's quite a lot of them aren't that. Um, so unfortunately, there are so many mistakes and so many areas and so many departures from the methodology within the BNG calculation that the applicant has put forward, that I think rather than conversation, 1 to 1 conversations that say, can we agree slight deviations from methodology here and there, I think actually what's required in order that you can have some confidence.

00:18:27:13 - 00:19:06:06

And let's not forget that requirement seven of the draft SEO is that the applicant has committed itself to a 40% net gain from this scheme. Now, even if you just make a few of the corrected few of the areas that we've identified, they drop below, they drop below 40%. So at the minute there is an erroneous calculation in front of you which, if corrected, even on the limited number of things that we've already picked up, puts them below the requirement that they have suggested in the draft DCO. So my, my, my suggestion here is that actually what needs to happen, there's, there needs to be a ground up reworking of the biodiversity net gain calculation.

00:19:06:08 - 00:19:36:24

The errors need to be corrected. The methodology needs to be followed. The trading rules need to be satisfied. Um, and then you will have a calculation that you can actually have some confidence in that will actually reflect the land use change in this situation. It may well be that Wendell, those corrections are made, that you've still got a scheme that's in the positive, whether it's 10%, whether it's just over 0%. I don't know whether it's higher, whether it's lower. Um, but at the minute, we have just this huge measure of uncertainty.

00:19:37:07 - 00:20:10:27

Uh, and with BNG being a relevant consideration here, in accordance with the National Policy statement, even if it's not yet mandatory for in SIPs. Um, I think it's important that this is right. Uh, and I don't think it's something that can be kicked into the long grass. Excuse, excuse the pun. Um, and and seen as something that can be corrected later. Um, I think you guys need to have some confidence that what you're being presented with in terms of figures are at least correct to within a fairly narrow margin of error. Um, whereas in the minute I think the margin of error is enormous.

00:20:12:01 - 00:20:50:15

Okay. Thank you. Uh, would you like to comment on that? Uh, yes. Mark Lang for the applicant. Um, the first point I would make is we have mapped the field margins. There are instances where margins aren't mapped because on a scheme of this scale, they fall below the minimum map of the unit. In terms of our GIS, particularly where the margins are less than five metres wide, it's also important to understand that hedgerows habitat by the side of hedgerows, so margins are the side of hedgerows, does get considered within the hedgerow condition assessment.

00:20:50:17 - 00:21:23:28

So they may well be instances where, because hedgerows don't necessarily occupy a space and being turned by the time you've mapped a hedgerow, you've kind of included the margin that's present underneath the width of the hedgerow. So but that's covered within the condition assessment for the hedgerows, we've classified the arable margins as other neutral grassland, which reflects the condition and the habitat type that they are. So I don't feel that we're underestimating the value of the margins.

00:21:24:00 - 00:21:56:03

We did an extensive arable weed survey. Didn't find any scarce arable weeds within the margin themselves. So there's no evidence that the margins support any priority habitats or species. There were two parcels that you did identify specifically, um, parcels 45 and parcel 47, that these are within the metric as arable. It's clear from aerial photographs that these areas were grassland, but at the time of survey these areas had been sprayed.

00:21:56:05 - 00:22:26:26

So they were part of being converted from arable to grassland. So as they had been sprayed at the time of survey, that's why we'd classified them as arable. Um, missing trees. There may well be some trees that have been missed in the middle of the field, and we will take that away and ensure that the final iteration has covered everything. I think if we've missed trades, it's relatively minor. But I will take that point on board and take it away. There were some areas of non cropland habitat identified in the middle of field.

00:22:26:28 - 00:22:46:17

But again some of these may well be below the minimal map of the unit. In terms of UK hab survey, I've already explained the reason why we've had to derogate from the trading rules because of the situation we find ourselves in. Yeah, that's my response basically. Thank you.

00:22:47:24 - 00:23:21:16

Amy Stirling, on behalf of the applicant and if I may, to just, I guess, to pull all that together just to confirm that the requirement seven or of the draft development consent order does secure minimum percentages of biodiversity net gain per habitat type. So it is a minimum of 40% for area based habitats, 17% for hedgerow units and 10% for watercourse units. And that commitment is made using the Defra 4.0 metric or some other metric which is approved by the local planning authority in consultation with the relevant statutory nature conservation body.

00:23:21:18 - 00:23:46:05

So it is, of course, in the applicant's interest to ensure that it can actually discharge that requirement and deliver the percentage of bag that it has written into the draft of the relevant consent order in reliance on the 4.0 metric. As Mr. Lang says, there are a few points that have been raised that will take

away and reflect, but ultimately that is the commitment that we have made. That is the one that is specified in the draft ACO, and we believe that our assessment can support that.

00:23:46:15 - 00:23:47:00

Okay.

00:23:47:02 - 00:23:48:00

Thank you for that.

00:23:48:15 - 00:23:51:23

Any final questions or queries? Yeah.

00:23:52:03 - 00:24:38:01

Could I just come back on on that last point specifically? I don't think we need to exercise you you will see the examples that I've provided. And they are merely examples of some of the areas. To suggest that that's that's the totality of the areas that, that are within the metric, I think is I think is wrong. But just on that last point, it may be the case of the applicant if it if it ultimately corrects its metric and falls below 40%, can purchase off site credits and what have you. But in order for you to have assistance in your decision making and on matters such as how much weight to attach to this commitment that the applicant has made, that it will achieve 40% net gain, and whether that's on site or whether that's through purchase of commercial off site biodiversity net gain credits.

00:24:38:05 - 00:25:19:09

These are all matters that are relevant considerations for you. And I think, I think to ask you to do it on the basis of a clearly flawed calculation, I think is unfair. I think I think there is sufficient time for these areas to be corrected and to be scrutinized and to everybody to come to an agreement on what is actually a representative calculation for the for the biodiversity net gain change on this site. Um, and I would certainly be calling for that to happen because otherwise we are talking about another calculation that gets pushed down the lane, pushed down the line and which potentially significant impacts get lost in that process.

00:25:19:18 - 00:25:27:10

Impacts which are relevant to the determination process and to the attribution of weights to to the various elements which you guys need to consider.

00:25:28:04 - 00:25:28:27

Okay. Thank you for that.

00:25:28:29 - 00:25:29:23

And Buckinghamshire

00:25:31:17 - 00:25:37:11

and thank you, sir. This is actually diverting back to the first point under this heading. But um.

00:25:37:13 - 00:25:38:22

Because specific questions.

00:25:38:24 - 00:26:09:05

Were asked, I didn't get the opportunity to jump in. Um, if you'll just tune me on it for one minute. Um, and the point I wanted to raise, I think Miss Sterling made um, or referred to, which is about Beck Stein's bat and the policy approach to the harms identified and respect to Beck Stein's bats. Um, so obviously we're all aware and we've heard from the statutory nature conservation body the importance of this particular species and indeed this outcrop of this particular species.

00:26:09:11 - 00:26:43:13

Um, and there's this question about potentially and we heard the applicant say, well, potentially, maybe, you know, losing the point. And what was then said was because it would only attract significant weight in the balance anyway. Um, and my understanding is that that's relying on 5.4.43 of NPS one. Um, and this misalignment between the council and the applicant on the relevant policy test sort of comes through in, um, the applicant's response to our earlier.

00:26:43:22 - 00:27:17:26

But just for the avoidance of doubt, we think we're in the region of 5.4.55, um, which concerns protected species, um, and harm to it. And in circumstances where we're finding an EIA terms and applying a properly precautionary approach. Um, so significant harm what that paragraph says is that there should be a refusal of consent unless there's overriding reasons of public interest and the relevant legal tests are met, and that it should be given substantial weight in the balance, not significant.

00:27:18:05 - 00:27:48:25

Um, and obviously we've got a situation here of harm to be protected species, and it relates to its foraging habitat. So we say we're squarely within that test. And we think it's a misalignment to see this as a significant this is a substantial and could be a basis on its own to refuse development consent for this scheme. Um, I won't rehash lots of of the policy obviously was also a test in 4.2.4 about meeting the mitigation hierarchy and whether you attract the CMP infrastructure presumption where you can't show requisite avoidance.

00:27:48:27 - 00:27:54:14

But I just thought it's useful to flag this point because it is a point of distinction between the council and the applicant.

00:27:54:23 - 00:27:57:24

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

00:27:57:26 - 00:28:29:27

Amy Stirling, on behalf of the applicant, I'm not sure whether to respond to you first on biodiversity net gain or go back to the first agenda item. Um, taking biodiversity. Net gain. Given that was the agenda item we were discussing. I think we've taken the point that the action group has some issues with the biodiversity net gain assessment. We will be responding to them, of course. At deadline three, I would like to make the point that it is entirely voluntary that the applicant has included the requirement within the draft of that consent order.

00:28:29:29 - 00:29:01:00

It is not obliged under any legal mechanism to provide any biodiversity net gain, but it's certainly not obliged to provide 40% biodiversity net gain. That was a figure that the applicant identified and imposed on itself, and therefore, if it did not have confidence that it could deliver that biodiversity net gain, then it would be nonsensical to have included it within the requirement and hold itself legally, legally accountable to deliver it. So we will take away and reflect on the comments that have been made on the assessment, and if there are any clarifications or amendments, then we can consider those.

00:29:01:12 - 00:29:23:26

However, as I said, I am confident in our position in relation to the first agenda item in the significant effects on bats. Again, I think I just make clear that the applicant's position is a potentially significant effect in IIA terms, but because of the different scales of effects that there is no significant harm. Therefore, the relevant policy tests within n one are not engaged.

00:29:24:07 - 00:29:32:09

Okay. Thank you. Thank you for that. Okay. I think we're going to move on now to agenda item number five. So I'll hand over to my colleague, Mr. James.

00:29:35:06 - 00:29:42:24

Thank you. I believe the applicant may have had a reshuffle in anticipation of this agenda item. Is that correct?

00:29:43:09 - 00:29:43:25

Good afternoon.

00:29:43:27 - 00:29:50:20

Sir. Yes. My name is Richard Griffiths, partner at Pinsent Masons LLP, and I will just be leading the next few sessions of the agenda.

00:29:51:05 - 00:29:55:05

Thank you. Would you like to introduce the rest of your team for this item? Yes.

00:29:55:11 - 00:30:12:15

So for landscape and visual agenda item five, I have Mr. Daniel Leiva, director of Stevenson, Halliday and also joined by Ruth Knight on design, who's technical director at Absolutely Landscape Planning.

00:30:13:21 - 00:30:14:13

Thank you.

00:30:19:15 - 00:30:55:18

Okay. Um, just a follow up questions from the examining authority's first written questions to begin. Um, the applicant's response to first question queue 1.5.3 provide a further explanation of its conclusions on whether moderate effects are considered to be significant or not supplying its professional judgment. It is also provided a response to Buckinghamshire Council's Local Impact

Report, which suggested that the current professional judgment has a tendency to result in a lower magnitude of effects.

00:30:56:00 - 00:31:24:06

In terms of the ratings, the applicant refers to its use of standard practice. I set out in the guidance for Landscaping Visual Impacts, third Edition or Bolivia three and Guidance Note 2024 one. Notes and Clarifications on aspects of Bolivia three. It's a question, first of all, to Buckinghamshire Council. And does it have any specific comments or concerns on how the applicant has applied the guidance or not?

00:31:25:13 - 00:31:36:25

Thank you sir. Daniel Gazelka for the council. I'll bring in our expert on this point, which is Neil Hutchens, who should be on the call. Can you hear us now?

00:31:37:19 - 00:31:39:09

Yes, I can. Your questions.

00:31:39:19 - 00:32:22:20

On behalf of the Buckinghamshire Council. We do have concerns regarding the classification of sort of sensitivity. You've gone for a three point scale. Um, sort of. The common sort of approach to this would be a five point scale. You've gone for sort of high, medium and low, whereas the five point scale would be very high. High, medium, low and negligible. And we feel that by buying this three point scale with it, to some respects it's under underscored the likely effects on sort of landscape and visual receptors, um, where you've classified them with some of the classifications have come out as moderate slash adverse.

00:32:22:22 - 00:32:42:13

They've not. Normally we would expect any receptor to receive a moderate or moderate, um, sort of medium adverse classification that they would automatically sort of sort of cross over into a significant effect. But that's not the case with your findings.

00:32:45:13 - 00:33:01:23

Yes. I think it's a similar point that the action group is rated the same as the number of points on the scale that have been used in the the assessment. And because the applicant please respond to that point. Dan Lieber. For the applicant, the three point scale is.

00:33:02:02 - 00:33:02:17

Uh.

00:33:02:19 - 00:33:09:00

Follows the methodology and recommendations within three. So the guidelines for landscape and visual impact assessment.

00:33:09:08 - 00:33:09:29

Are as.

00:33:10:01 - 00:33:50:14

Published by the Landscape Institute. So it falls within the criteria set for um defining uh value of landscape in terms of having a three point scale, I think Livio recommends 3 to 5, uh, sort of gradations. So we're certainly within a methodological approach, which is appropriate. Um, we define those three levels of value, which affects sensitivity in terms of value, community value, regional value or national value, which, uh, I think is a sensible approach in terms of the overall effects, uh, whether moderate is significant or not.

00:33:50:24 - 00:34:27:25

Uh, this is a again, this does refer to, um, not giving you a page and paragraph, but it's within Bolivia. Three. In terms of, uh, an effect that falls within the sort of median, the sort of central band of assessment level, which in this case moderate is, uh, is an effect that that we deem to be requires a subsequent, uh, confirmation of whether that effect is significant or not. Um, and we do provide a reason justification for that within our assessment.

00:34:28:05 - 00:34:53:29

Uh, and that's in, uh, the main Elvia document, which is s volume two, chapter ten, Landscape and Visual Rep 2029. Uh, I would say as well that where we do judge those effects as moderate and not significant, we've done so for just two settlements. And in the case of 12 residential receptors.

00:34:55:28 - 00:35:06:12

So it's a relatively small number of situations where moderate effects have been defined as not significant. And in the overall assessment itself.

00:35:09:06 - 00:35:13:29

Thank you. Does the council have any further response back to that please?

00:35:15:11 - 00:35:46:11

Yeah. Would you have sort of previously sort of asked for the scores or for the assessments to be revisited? It would still be our position, particularly for the for the receptors that Daniels just highlighted. Um, like I say, it's quite normal practice for any receptor that has an element of moderate adverse for it to be classed as significant. Um, clearly that's not the case in all of the receptors highlighted in this, in this assessment.

00:35:46:13 - 00:35:52:04

So that's that's partly leading our request to have elements of it Revisited

00:35:53:23 - 00:35:55:18

and rescored. Potentially rescored.

00:35:56:13 - 00:36:26:15

Thank you. Um, I think this is one of the items in the common ground between the applicant and the council that's coded amber. So under discussion. Um, I'm just wondering where those discussions are going and what the prospect is of resolution, because there does seem to be a bit of a difference of opinion. Um, if you could update on that, please, from the applicant. Uh, Dan Leaver, the applicant. Yes. We've not had an opportunity to discuss this together.

00:36:26:22 - 00:37:15:17

Um, with the council landscape architect. Um, I think there probably is a difference of opinion in terms of how we are applying, uh, a methodology that we have, uh, agreement with, uh, Bucks Council in terms of they have agreed that the methodology that we've employed is suitable in itself. So they're now asking us to, as I understand it, Look at how we have then, as it were, scored the effects for a certain number of receptors. Uh, I think essentially our view is that we have followed our methodology clearly and succinctly, and that those effects are not going to change, um, whether we can provide further written information in terms of trying to clarify exactly why that's the case.

00:37:15:24 - 00:37:51:26

Um, I think that's that's eminently doable. I think perhaps there's an action point, whether there's any prospects of the parties getting together outside of the hearing to see if anything can be agreed or not. And then perhaps as a follow up to that, in a future iteration of the statement, common ground, if that could perhaps elaborate more specifically on what each party agrees, on which aspects of the guidance and apply, whether or not there might be a way of just clarifying where we are between both parties? If that sounds reasonable. Um, the deadline through realistic for the initial notes, its proximity, the deadline for suspect given the need for discussions.

00:37:52:05 - 00:38:15:23

Which the applicant given the deadline three is next week. I suspect deadline for is more realistic for that commitment, but certainly we welcome the continued discussions. But if we can't be reached, we'll certainly set out the position of our site as to to explain the the how the methodology has been carried out and the reasoning.

00:38:16:06 - 00:38:22:13

Thank you. Yeah. So clarity from both parties on the reasons why they think the guidance has been applied with or or not.

00:38:23:07 - 00:38:26:14

Danny. South of the council. Thank you sir. Yeah. We'll come down on the fence one way.

00:38:27:05 - 00:38:27:25

Thank you.

00:38:29:23 - 00:39:06:03

Um, and then a similar point, really, in response to She's Ready by the Clean Solar Action Group. Um, you can see the moderate effects should automatically be categorised as significant. Um, and that pressure and judgment should be applied to the term of a moderate or minor effect is significant or not. And again, I think the applicant's response back to this point, um, refers back to its, uh, adherence to Bolivia three. So again, a, a question to the action group as to whether or not, um, they can elaborate on the reasons why they don't think the applicant has applied with the guidance.

00:39:06:26 - 00:39:39:13

Thank you sir. Carly Tinkler for Clevedon Solar Action Group. Um, as set out in my landscape report. Um, my concern is that in terms of the moderate effect that a four point scale has been used and

therefore moderate doesn't sit in the middle of the scale. Now GL v3 does say um, 3 or 4, but it has been recognised as Buckinghamshire Council said that the three point scale is simply not.

00:39:39:17 - 00:40:27:24

It's too blunt a tool for assessment such as this. So as I've explained in my report, for example, if you take a high level of sensitivity, if you like. Does that cover nationally designated landscapes only normally, while GL v3 explains that the highest level of of or value is for nationally designated. Or does it include local designations, such as the area of attractive landscape? That's not made clear if it doesn't include the area of attractive landscape, where does that sit? Is that high to medium or is it medium? And my concern then is that if it's medium or moderate, then that covers most of the landscapes in the country.

00:40:27:26 - 00:41:13:15

So I feel as though the whole system, the way that sensitivity has been assessed, doesn't work well because of the point scales and the Landscape Institute's, um, It's I I teach. N 2020 401 actually goes as far as to say that we should use or recommends that we might use 5 or 6 point scales for the exercise. And I am discussing this with the Institute at the moment, because I'm on the Knowledge and Practice Committee, and I don't think anybody had entirely realized that when we're using a point scale with an even number 4 or 6, sorry.

00:41:14:12 - 00:41:41:01

Yes, four of it's where moderate doesn't sit in the middle. So four is problematic. If you see what I mean. Um, but, um, I think once we get on with the discussions, I don't want to spend too long on this because actually, I think we have quite a lot of agreement. So, um, this has become less of an issue for me, having understood points that the applicant has clarified. So perhaps when we talk about levels of effects we can come back to that.

00:41:42:13 - 00:41:49:21

Okay. Thank you. Um, does he have any further points to raise in response to that? Dan Leber for the applicant.

00:41:50:03 - 00:41:50:21

Uh, I think.

00:41:50:23 - 00:41:51:08

As.

00:41:51:10 - 00:41:52:00

Um.

00:41:53:00 - 00:42:28:13

Has been stated, the highest level of sensitivity is usually allocated to well, it is allocated to the national landscapes as set out in Libya. Um, the within our methodology, a regionally classified landscape could be assessed as high as high medium. So and that provides a differentiation between, say, a regionally sensitive landscape and a highly sensitive national landscape. So, um, I believe our methodology has been tested over very many years at examination and DCO and public inquiry.

00:42:28:15 - 00:42:59:22

And, uh, we are certainly happy that it provides a robust assessment in terms of sensitivity and magnitude effect. Thank you. I mean, just that there has been some progress here potentially. But again, I think this perhaps was another amber coded item in this attempt to common ground. So perhaps a similar action for both parties if they could try and agree, you know, if not, set out their respective positions as to how they do or do not comply with the relevant guidance again. That'll be useful clarification from both sides, please.

00:43:00:03 - 00:43:02:21

Um, again, an action per deadline for.

00:43:07:27 - 00:43:30:20

Sorry, sorry. I just wondered where where our position is. We comply with the guidance. I think we're being asked to slightly depart from the guidance. Um, but we'll we'll carry on with discussions with the with the action group and, um, where hopefully we'll reach agreement and that can be recorded. If not, we'll set out our position very clearly in, um, either a common ground if we can produce one with them or a separate note.

00:43:31:21 - 00:43:33:19

Thank you, Miss Tinkler.

00:43:35:07 - 00:44:10:04

Thank you sir. Yes. I think it would be an extremely good idea for us all to sit down together. Um, but would it be more sensible for all of the landscape experts to be in one room so that we can talk technical, um, and and work out? Exactly. I mean, there are certain matters that I would quite like to understand how the applicants, um, treated certain aspects of the method today, that that would help. But I'm very happy to sit down. But I think it should be all the parties together as opposed to Buckinghamshire first.

00:44:10:06 - 00:44:11:03

And then I saw.

00:44:11:06 - 00:44:18:18

That that could indeed be helpful, but I wouldn't want to dictate how the various parties arrange that. But but certainly it may be a way forward. Yes.

00:44:32:29 - 00:44:42:03

Moving on then, to consideration of field d20 eight and d20 nine,

00:44:44:02 - 00:45:15:29

and the applicant's response to the examining authorities in question. Q 1.15.2. That's lib reference rep 2-087 acknowledges that their removal from the proposed elements for solar PV would reduce the localized, significant landscape effects to landscape character vary. 9.1 Cinema Hill and visual effects. Reviews of rights of way Tiffany to not significant effects assessed as moderate to minor.

00:45:16:01 - 00:45:48:06

Not significant for the Queensland wing Hills area of attractive landscape, but also be further reduced if those fields are removed from development. However, the applicant also identifies that the removal would lead to a 9% loss approximately in the energy generating capacity of the development, which it considers should not be considered as exceptional circumstances where the benefits of reduction in scale would outweigh the loss of function as outlined in National Policy Statement M one. And that's paragraph 5.1.26.

00:45:49:16 - 00:46:00:14

Just a question to the council to begin with, in terms of whether or not it has any views on the application of that policy test, in light of the information on the amount of energy generated from those two fields.

00:46:02:21 - 00:46:34:06

Thank you sir. Daniel Gazelka for the council. I'll go to our expert in a second. Obviously you will have picked up, sir, but there is an overlap here and that we have concerns in this area, not just from a landscape perspective and its engagement with the area of attractive landscape, but it also brings in issues related to bats as well, near the wood. And so it's a combination of those things which we say, given what you've heard me already say about that and what we see as the relevant test on bat plus issue about the area of attractive landscape.

00:46:34:13 - 00:46:47:18

Our position is still stacks up to say, but these fields should be taken out on an avoidance basis. But I'll. I'll bring in our expert as well if Neil Hutchings is able to join this.

00:46:49:24 - 00:47:22:23

Neil Hutchings on behalf of Buckinghamshire Council. Yeah, I completely agree. I mean, we've obviously gone through various agenda items today in various sort of disciplines and topics, sort of individually. Um, but as Dan's just highlighted, the there is a need for a holistic view of certain areas and some of these fields or a couple of these few of these fields fall into that in terms of where we're making suggestions that certain items could be relocated, the different areas for one particular reason.

00:47:22:25 - 00:48:01:29

But Daniel says, you know, that does overlap into, say, from landscape to bats. Um, ecology. So again, it's an area where probably needs further discussion between all parties in terms of when you start looking at these items, there's certain advantages of disadvantages. When you when you make a suggestion to take a certain element from field X to put in field Y as an example, um, we do need to look at it more holistically in terms of reducing the effects as low as possible for as many different topics or disciplines as possible.

00:48:04:06 - 00:48:04:24

Okay.

00:48:06:28 - 00:48:31:04

Um, yeah. And just just to pick up on that. So, so I think it's, it's important to take that away from it, which is the combination, um, and the fact that ultimately we're in a, in a world in which to attract the

presumption of the applicant, applicants applying that they have to avoid, um, which obviously, as you've seen throughout the law, the Arbor Council has no real confidence that they have. Um. So hopefully that.

00:48:32:27 - 00:48:36:19

Yeah. Thank you. Um, would like to to respond, please.

00:48:37:00 - 00:49:08:23

Richard griffiths. On behalf of the applicant, uh, I just had some points first, and I'll see if Mr., um, Levy has some points to add in from the, uh, specialist side. I mean, first of all, um, you know, make it very clear that the applicant has, through the iterative process of design, removed various plots, uh, to reduce, um, uh, as far as it can, uh, impacts on all environmental topics. In addition to that, other mitigation measures have been, have applied.

00:49:08:25 - 00:49:41:21

So we would argue that, um, uh, the, the mitigation position before you is, uh, proportionate and has reduced where we can, uh, the effects, uh, in terms of landscape specifically, of course, in one, uh, makes it very clear that all proposed virtually all nationally significant energy projects will have adverse effects on the landscape and also in terms of visual effects. It's likely to have visual effects for many receptors and proposed sites.

00:49:42:02 - 00:50:17:15

Um, we're not talking about nationally designated landscape here. This is a local. And, uh, the mitigation put forward has, in our view, uh, reduced as far as we can those, those impacts. So the policy context is clear that we're never going to remove, uh, adverse effects on the landscape as a result of an energy energy project. And given the percentage that we've highlighted for fields D 28 and D 29, uh, we do not consider it's proportionate for the applicant to remove those, those parcels, um, given that policy position.

00:50:17:20 - 00:50:21:29

But I'll see if Mr. Levy has any further points from a technical perspective to add to that.

00:50:22:03 - 00:50:26:24

Thank you. I'll leave it for the applicant. It would really be.

00:50:26:26 - 00:50:27:11

To.

00:50:27:13 - 00:50:59:23

To reiterate the fact that as part of the design process, we have greatly reduced the area of all the locally local designation over which proposed development would be proposed. Um, it is proposed to the plateau area, essentially of the al and that is uh, has a sort of visual impact on a very local level. It's, uh, really not visible from anywhere other than the plateau itself and its immediate environs.

00:51:00:08 - 00:51:31:01

That's both affected the sensitivity assessment in terms of it being a localized and relatively small scale development within that context. So we've assessed the sensitivity as a medium rather than high medium in this context. And it's also reduced the magnitude because of the relatively small extent within the designation itself. So we feel it's an appropriate, uh, uh, approach to both design and mitigation. Thank you.

00:51:31:03 - 00:51:40:13

And does the council concur with a view that the effect is localized because of a limited degree of visibility with the wider countryside?

00:51:43:03 - 00:51:50:02

Thank you sir. Daniel Gazelka for the council. Um, I was, um, I will bring in, um, if he's there again. Um.

00:51:50:12 - 00:51:51:15

Neil Hutchens

00:51:53:03 - 00:51:56:09

Hutchinson from Buckinghamshire Council. Um.

00:51:59:08 - 00:52:11:09

There are medium or medium distance views. When you traverse the, uh, we traverse the area of the landscape by using the public right of way. Um.

00:52:13:13 - 00:52:49:19

It's not. Yeah. There are like I said, there are medium to long distance views. So the views of the development will be. That will be noticeable. Even with the proposed mitigation that's been put forward. I acknowledge or we acknowledge that, you know, the guidance states that, you know, there will be adverse impacts from a from a development of this nature within the area that you're putting it. However, our position is whether you make the point that your mitigation, your mitigation is going as far as it can.

00:52:49:21 - 00:53:18:12

I think our position is still we want reassurances that everything has been done in terms of, um, sort of reducing the impact and or mitigating the impacts, whether it be on the landscape or a visual, um, receptors. Um, I feel at the moment we, we don't have that, um, that clarity in terms of we feel that everything that's been possible has been done. Thank you.

00:53:20:00 - 00:53:52:06

Sorry, sir. Can I also just, um, ride in after that? I think as well, um, for the council. Um, I wasn't there. I think you had my planning officer Zainab home with you. I believe you went and walked around this area as well. So ultimately you will be able to form a view on, um, which positions you prefer, um, and just come back on the policy point. Um, obviously this is a local designation, and the council is aware of what, five, ten, 12 and someone says about local designations.

00:53:52:08 - 00:54:17:27

But we would emphasize the point where is that coming together of a combination of things, that leads us to the conclusion that we have. So I know that that policy says, you know, local designation shouldn't be used them themselves to refuse consent, um, which is what the policy says. But we say that still was being this under assessment of harm. And then it goes with the other things in a holistic assessment of this scheme. That brings us to conclusions that we're at.

00:54:18:27 - 00:54:24:06

So it's more than the landscape concern that adds to your request for the removal of the tooth.

00:54:24:15 - 00:54:33:08

The removal? Yes. Um, obviously harm for landscape harm, you obviously assess on the landscape basis, but but yeah, that that is the full picture.

00:54:33:10 - 00:54:34:14

Yeah. Thank you.

00:54:36:22 - 00:54:39:27

Did you have any further comments before we move on from this particular point, please?

00:54:39:29 - 00:55:11:16

Yes. Thank you sir. Richard Griffiths on the applicant, I mean, just on the landscape point. Um, your your judgment at five, 1035 of on one has to be is this adverse impact on the landscape so damaging? That's the phrase used, so damaging, um, that it is not offset by the benefits of the project. Our position is it is clearly not so damaging. Um, it's very helpful to have the clarification here. It's not on Elvia terms that they want the removal of these plots, but it's actually on other aspects.

00:55:11:26 - 00:55:23:29

Um, so I think we can, Um, on a landscape. Given this is the landscape Tod, be clear that there's no justification for removal of these two plots from a landscape perspective. So that was helpful. Clarification. Thank you.

00:55:24:14 - 00:55:25:12

Mr. Gazelka.

00:55:25:15 - 00:56:01:29

Thank you sir. I'm sure you saw my, um, slight squint there. Um, because of the council, um, Mr. Griffiths, um, suggests that that was essentially dropping. Something might change your position. It's very much not. And I think this is indicative of the entire approach of the applicant in this scheme, is to draw a box, um, and not include the appropriate things in that box and keep everything separate. Um, I suppose I've just described silos, but, um, that is the danger there. And we say it's a mistake to read the policy, therefore, of saying you must consider landscape completely in isolation.

00:56:02:01 - 00:56:21:27

You have to weigh everything in the balance at the same time. Um, and that is why we suggest that those steps should be taken in respect of D 28 and D 29. So I don't think there's some great gotcha or, you know, building there in what myself and Mr. Hutchings are saying. Thank you sir.

00:56:21:29 - 00:56:24:16

Thank you, Mr. Rivers.

00:56:24:20 - 00:56:58:11

Thank you. I'm not going to get into Turing throwing at this. I mean, just to be very clear, um, you know, obviously, cumulatively, we have looked at the whole site, uh, when the applicant has done a design. I think it's very clear in the design approach document how the iterative design has evolved. And by looking at things together, that has led to the avoidance elements such as the removal of plots and then embedded mitigation and then additional mitigation that the applicant has provided. And there's set out in environmental statements. So, uh, of course we have looked at things together.

00:56:58:13 - 00:57:20:06

My point was clearly that, um, from a landscape perspective on its own, no justification. That's clear. Um, and we've um, in the previous hearing, we've already discussed Our mitigation on bats, and you've heard from our experts on that. Um, if you have anything further to add on that, we'll obviously put that in writing to you.

00:57:21:18 - 00:57:26:29

Thank you. Probably best to draw a line under that for the time being. Okay.

00:57:31:03 - 00:57:43:00

Um, before we move on to landscape mitigation. Does anyone have any further points they wish to raise in terms of the applicant's assessment of landscape and visual effects? Klein solar action Group.

00:57:45:08 - 00:58:14:19

Um, really, it's slightly going to the back to the point that was just discussed just now. And just to sort of go back to square one, really, um, you know, cSAC has made the point that we have, uh, in terms of site selection, we haven't actually seen that any other site was considered in the first place. So it's not clear whether or not the applicant even considered a site that would have avoided using this designated landscape.

00:58:18:28 - 00:58:19:29

Mr. Griffith's.

00:58:23:03 - 00:58:24:11

Response to that point.

00:58:25:03 - 00:58:57:09

Which was on par for the applicant. Well, um, it's locally designated. First of all, it constitutes the word designated Blankley. It's not a nationally designated landscape. Um, but, uh, um, you know, I think the site approach, um, and the, the, the project principles. I was just trying to find them. Sorry if we interrupt you, um, call me to to speak and project principles, design commitments and, uh, approach to site selection, I think, clearly set out how we tried through, um, avoid certain, um, sensitivities.

00:58:57:16 - 00:59:10:17

Um, but you're never going to locate a project of this scale outside a locally designated, um, site. I would have thought. And that's Mr.. Bringing down Daniel Levy on that point.

00:59:11:15 - 00:59:55:16

Dan Lieber for the applicant. So when we were looking through the design process in the initial stages, we had more of the Eyal, uh, included within the scheme. Uh, we were looking at also including, uh, the additional, uh, area of attractive landscape, the Winchendon Hills landscape, which lie some four, five kilometres to the south of the site, because they potentially would have had views back towards the slopes of the, uh, of the other Eyal, uh, essentially by removing, uh, the number of, of of fields that we did, we were able to scope out that other area of attractive landscape because it was no longer considered a receptor.

00:59:55:18 - 01:00:06:11

So that was that was agreed as part of the scoping process to rule out that area. So those long distance views were effectively, uh, mitigated. They were avoided through the mitigation hierarchy.

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

Thank you. The the action group response back.

01:00:13:27 - 01:00:26:20

Only that that process wasn't clear as I understood it from the site selection process, which was to identify a ten kilometre radius and within that to find a single landowner. And

01:00:28:11 - 01:00:33:07

so there doesn't appear to be a record of the the process has just been described. Thank you sir.

01:00:35:20 - 01:00:37:13

Mr. Griffiths, is there anything you'd like to add?

01:00:38:03 - 01:00:45:21

Give me some of the opinions. We'll take a look. And if it does need clarification, we'll clarify that in our own summary of this hearing.

01:00:46:02 - 01:00:53:02

Thank you. Doctor Jordan, you have your hand up at the back. Can you have the microphone, please?

01:01:02:02 - 01:01:39:07

Thank you. Sam. Um, it's my understanding that, um, Chris Jordan, on behalf of his Claydon Parish Council. It's my understanding that maybe 20, uh, residents, uh, around the area have, uh, sought your visit to appreciate the residential amenity effects on the landscape effects. Um, and with holidays coming up, I mean, as far as I know, most of them haven't been visited so far. With holidays coming up, I think it'd be very useful if you could give some indication as to whether any of those properties are going to be visited.

01:01:39:17 - 01:02:11:17

And I mean, I would encourage you to do so because I mean, for example, in bottom of Claydon, not only will you appreciate the residential amenity effects, but as it's a conservation area, you could understand the setting of the impact on the setting of the conservation area. Um, I think there are residents from Granbury who have also looking from the other side of the valley, if you like, wear it to understand the impact on their properties. And then there are two other viewpoints.

01:02:12:11 - 01:02:46:20

I mean, we've just been talking about the area of attractive landscape. I think if you were to visit a hog or hill farm, then you would get a very good appreciation of the impact in a panoramic sense, because it's set at a high level. Be very useful to visit there to get a view of the overall impact on the landscape. And similarly from Burntwood Farm in bottom of Claydon, the the um, the as you look across the valley, that's a very good point at which to appreciate the the overall landscape effects.

01:02:46:22 - 01:03:04:04

So um, so my question to you, sir, is if I may, is, um, what plans do you think would you expect to have for visiting um, properties and when and particularly with holidays coming up, it's just useful for residents to know what's planned. Well, we won't be.

01:03:04:06 - 01:03:35:10

Conducting any site visits next week. Um, in terms of other locations, some of the requests will locations that we have already visited in our previous, uh, unaccompanied site inspection. And there were other locations that we could potentially visit in a future unaccompanied site inspection where, uh, they can be accessed via right away or, or from public footpaths. In terms of private properties, um, we've yet to form a view on that. I think that would be determined by whether or not they were assessed by the applicant in the residential visual amenity assessments.

01:03:35:28 - 01:04:14:07

Um, which I think was part of the driving behind some of those requests. And I believe some of those properties weren't assessed. So there's a question mark as to what we'd be looking at, because there's no assessment for us to be considering on our on our site visit. Um, if the applicant perhaps could just comment briefly on the The scope of the Residential visual Amenity assessment, and why certain properties were excluded from a initial assessment, and then a detailed assessment that might help shed some light on the issue and the request that came forward for the accompanying site inspection.

01:04:15:28 - 01:04:49:09

Dan Leber for the applicant, the Residential Visual Amenity Assessment app 114 uh, describes how um buffers were set for uh, which properties would be included. So buffers in terms of distance from solar PV development, uh, taller developments such as the Bess and the collector compounds. And then a wider, uh, buffer for the uh, Roseville substation.

01:04:50:03 - 01:05:07:22

Uh, once those that area had been mapped, we then contacted 31 properties initially that fell within those Avia buffers and offered to undertake a visit by the project landscape architect myself. Um,

01:05:09:10 - 01:05:46:15

subsequent to that and the ongoing design. Um, the number of properties was then reduced to 18 in total that fell within those buffers. Uh, of those we had responses from 12 properties. So 12 properties were visited, uh, and the remaining six were visible either from immediate neighbors or from the immediate frontage of those properties. Um, so in that respect, we've been able to visit every property that, uh, requested a viewing.

01:05:49:18 - 01:05:52:15

Jordan, do you have a response back to that?

01:05:52:21 - 01:05:54:03

Yes, The.

01:05:57:03 - 01:06:27:04

Clayton Parish Council. Um, yeah. I think the as my understanding is most of these, uh, requests were directed at pins, so rather than the, uh, rather than the applicant. Um, so I'm not sure that everyone that's made those applications was aware of the, uh, the possibility of doing it through the applicant. So, um, I think maybe there's been some missed opportunities here in terms of, of, uh, visits. Well, the applicant.

01:06:27:06 - 01:06:59:24

Assessment was carried out some time ago. The request recently was for the accompanying site inspection. Um, and people could put forward suggestions and reasons to why that should be included on the itinerary. We reviewed the the suggestions and made a decision about which ones to prioritize in the given time that we had. As I said, there may be a further site inspection at some point in time, but on the basis of what we received, I think we'd be looking some more. Reasoning and explanation as to why those additional properties would warrant an additional site inspection.

01:06:59:26 - 01:07:08:24

Having regard to the applicant's visual or residential visual amenity assessment, if that's the basis of the request, which wasn't always clear from what we'd received.

01:07:09:27 - 01:07:39:28

And Chris Jordan, again, um, yes, I understand your point, but the the two properties that were visited yesterday had really quite limited views and they were just in one single area. So I'm concerned that opportunities have been missed for, uh, for you to understand the, uh, the impact on, on residential amenity setting of, uh, of the conservation area and also from a higher level, as I say, at Hawkshaw Hill Farm.

01:07:40:03 - 01:07:46:21

So there's obviously been some misunderstanding amongst residents about the process.

01:07:48:14 - 01:07:59:21

If there are any other properties that the applicant has assessed, um parties could put those forward as additional suggestions for a future site inspection. And we would have regard to those.

01:08:01:24 - 01:08:02:15

Thank you sir.

01:08:03:18 - 01:08:04:15

Miss Tinkler.

01:08:06:08 - 01:08:21:17

Thank you sir. Karlie Tinkler for Clayton solo action group. Um, I was just wondering why it was necessary for the accompanied site inspections to private properties to only be properties which have been assessed in the VAR.

01:08:24:17 - 01:08:55:11

That's the assessment that the applicant has put forward. Uh, they were suggested, I think, in both instances by the applicant. We reviewed those. We sought comments on the itinerary. Um, and then we took a view as to what time we had available on the given day. Um, the reasoning behind some of the requests didn't really make it clear whether or not there was a residential visibility, mean it's the issue or a heritage issue? Many of them are quite vague, so it wasn't clear to us what the issue was that was there to be inspected.

01:08:55:23 - 01:09:31:03

And so we prioritized those where we could, um, take a view as to what was being viewed on the day. And frankly, we had a given amount of time and we had a full day on the overrun with what we already had. So with all the in the world, we wouldn't have been able to include any additional suggestions, but we aren't ruling out any further visits at some point in the future. So, as I say, if there is anything that people could do to put forward a case of further site inspections, if they could elaborate on the reasons why they should be inspected, having regard to what is available in the examination library or not, we can take a view on those.

01:09:32:10 - 01:09:33:01

Mr. Tinkler.

01:09:33:12 - 01:10:08:18

Thanks so. Carlie Tinkler for Clayton Solar Action Group. Um, we had we had tried to submit um our suggestions for the company site visit deadline two um, but unfortunately I think there was some Difficulty, and we have been asked to submit our revised suggestions for deadline three. But obviously it's too late. But we would like to take your suggestion of coming back to you with justified visits. But I just wanted to clarify that if they were not in the VA, are they excluded from potentially being visited by you?

01:10:10:11 - 01:10:28:17

I think it'd be useful to make it clear why they should be considered if they weren't within the buffers within the Residential Visual amenity assessment. So if they could put forward a case as to why that's necessary. Having regard to the approach to applicants taken with that assessment, then we would take a look at that.

01:10:30:17 - 01:10:31:11

Thank you.

01:10:33:21 - 01:10:36:17

Does the applicant have any further comments on that point?

01:10:37:13 - 01:10:37:28

No, sir.

01:10:38:00 - 01:10:48:01

Thank you. Thank you. Okay. Any further comments on the applicant's landscape and visual assessments will come on to mitigation next.

01:10:50:21 - 01:10:51:25

No. Okay.

01:10:56:11 - 01:11:29:15

Coming on to mitigation planting then appendix two C of the landscaping ecological mitigation enhancements. And that set out in the outline landscape and Ecological management plan. That's Rep 2067 identifies the potential to provide ecological enhancement slash screening through screening buffers and other measures. Um to the applicant. First of all, there are a lot of references in the area to potential mitigation.

01:11:29:21 - 01:11:42:14

Um, which does leave a question as to whether or not it will be provided or not. Can they just clarify its approach to that and the extent to which mitigation will be provided? It's not always clear.

01:11:51:20 - 01:12:22:05

Richard Griffiths, on behalf of the applicants. In broad terms, and I'll then bring in. Um, Miss Knight, uh, on design. Um, obviously, the final design of the scheme, um, has not been determined. And therefore, in terms of the, uh, final mitigation, uh, to be applied, um, has to. Well, it's not known until the final design is there. So, um, the approach will be that the final design is worked up alongside the mitigation.

01:12:22:07 - 01:12:59:23

Some may be required, some may not be required depending on where that design lands. And ultimately that final mitigation design will go to the local authority for approval. And therefore they will be able to look at the outline lamp and, uh, compare that with the final proposed lamp to determine its appropriateness for approval or not. So the ultimate gift is in the local authority to determine the suitability of that mitigation and to, uh, if there were some mitigation, that was class potential, but not no longer in the in the final lamp, ask why, but I'm not saying that would be the case.

01:12:59:25 - 01:13:09:19

I'm just saying they are the ultimate decision maker on that. So it's because the final design isn't known is why you've got that flexibility. But I'll bring in Miss Knight to provide any more detail.

01:13:09:24 - 01:13:10:17

Thank you.

01:13:11:01 - 01:13:11:18

Um, yeah.

01:13:11:20 - 01:13:15:13

Ruth night for the applicant. Um, just to add to that.

01:13:15:15 - 01:13:16:00

Again.

01:13:16:02 - 01:13:16:17

The the.

01:13:16:19 - 01:13:17:04

Detailed.

01:13:17:06 - 01:13:19:26

Design would include much more detail than we.

01:13:19:28 - 01:13:21:06

Include in these.

01:13:21:08 - 01:13:24:09

Very outline, um, drawings that.

01:13:24:11 - 01:13:25:06

We include within.

01:13:25:08 - 01:13:26:29

The outline lamp.

01:13:27:07 - 01:13:28:11

Um, so, yeah, that.

01:13:28:13 - 01:13:29:00

That again.

01:13:29:02 - 01:13:29:17

Is.

01:13:29:19 - 01:13:30:04

Why it's, it's.

01:13:30:14 - 01:13:31:12

Potential.

01:13:31:14 - 01:13:32:29

The specific.

01:13:33:01 - 01:13:33:20

Makeup.

01:13:33:22 - 01:13:34:18

Of those.

01:13:34:20 - 01:13:41:18

Mitigation areas would be developed in more detail. Once the detailed design is being worked up.

01:13:42:06 - 01:13:58:06

I appreciate the detailed design point. I guess the way that comes across in some instances it's mitigation is optional almost. It's potentially going to be provided rather than the make up of it is yet to be determined, which I think is what you've just described. Is that correct?

01:13:58:18 - 01:14:30:01

Would you give us on Path the applicant? Mitigation is not optional. We are committing to mitigating the scheme, and the final out final lamp has to be substantially in accordance of the outline lamp. So you've always got that. Um, that, uh, that lock, uh, of us having to demonstrate to local authority of its compliance with the outline. So it's nothing optional about it. The point is that where we are on the stage of the project, the detailed design, uh, isn't before us, and therefore the detailed mitigation can't be determined.

01:14:30:03 - 01:15:01:16

The makeup of what it might look like, depending on where that detailed design is. Um, that's why you've got that flexibility in the wording. But I think the key point is that Buckinghamshire Council approved the final lamp and the final lamp. We have to demonstrate it substantially in accordance with the outline. And if for some reason. Um, and we also have to confirm that there is no difference environmental uh effects under the draft develop consent order. If there are, then we have to demonstrate.

01:15:01:18 - 01:15:10:13

We have to explain why there are such differences. So you've got the lock. The mechanism is all in the draft development consent order.

01:15:10:28 - 01:15:29:15

Thank you. Um, it'd be useful to bring in the council at this point in terms of whether or not it is satisfied with the degree of confidence that it may take from the lamp in terms of, um, landscaping, visual mitigation, screening, the extent that is, um, secured.

01:15:30:00 - 01:15:39:21

Thank you, sir. Um, Dana Gazelka for the council to clarify, do you mean specifically whether the what is contained in the outline plan would be secured in the DCO?

01:15:40:08 - 01:15:59:02

Well, it's the point around. There's multiple references to potential screening, for instance, which suggests that the screening may not be provided. Yes. What we just heard, though, is that the screening is more a case of what the design screening may eventually look like at the detailed design stage, or what may need to be screened at the detailed design stage as well.

01:15:59:13 - 01:16:38:18

Yes, I know because I prefer counsel. I see the the points. I mean, it it wasn't a point. Um, unless Mr. Hutchens is going to fly to me. Otherwise it wasn't a concern that we had picked up. Um, it may be that the answer to this is simply to change a word in the, um, lamp. So it's not potential, and it's instead, I don't know what alternative word could be used, but it wasn't a concern that I had identified in the lamp. Um, because ultimately, everything in the Olympic potential until it's secured, but it has to be in substantial accordance with the Olympic.

01:16:39:13 - 01:16:44:19

Thank you, Mr. Griffiths. Do you have any final comments before we move on?

01:16:44:21 - 01:17:16:08

Richard Griffiths on the Atkins. Um, I mean, we can discuss this with the Council for the Common Ground, but I don't think there's any. There should not be any concerns here, because the outline lamp is secured via the requirements of the DCO. We have to demonstrate substantially in accordance with that outline lamp. Um, and uh, in doing so, we have to demonstrate that the conclusions of our ES are followed through in that final lamp. If we can't do that, then the council will be, uh, in.

01:17:16:10 - 01:17:43:08

It would be justifiably able to refuse approving that, um, final lamp. So the mechanism is all in the in that process. Uh, we have to we we submit the final design with a final Mitigation demonstrate this substantially in accordance with the outline, including the. In accordance with the conclusions of our environmental statement. That is your mechanism of having confidence in that lamp.

01:17:44:22 - 01:17:45:17

Thank you.

01:17:46:00 - 01:18:07:14

Mr. Denner, for the counsel to confirm. That's my understanding as well of what what the DCO secures and what it's intended to secure. So, I mean, maybe we have to have a discussion to satisfy you, sir, but I don't think the council has any concerns that what is intended to be produced is the standard approach to having a lamp and a lamp in a DCO.

01:18:08:27 - 01:18:14:00

Thank you. I think we shall move on to the next item. Um,

01:18:16:00 - 01:18:49:27

in relation to the establishment and ongoing maintenance and mitigation planting the applicant's response to the examining authority's first written question, that's question 1.5.9 states this updated

table a 4.1 of the Olymp. That's rep 2-067. Uh, to make the text clear relating to hedgerow management beyond year five in terms of establishing periods clearer. It's also stated that a ten year period for the establishment of planting is common practice.

01:18:49:29 - 01:19:05:14

Friendships with similar assumptions made in the spring world solar farm order. And again, a question to the Council is it satisfied with the applicant data lamp and approach to the establishment and ongoing maintenance of mitigation planting?

01:19:08:21 - 01:19:25:02

Thank you, Sir Daniel Gazelka for the council. Um, I think the answer is yes, but I would just check with Mr. Hutchins as well about, um, this issue about the maintenance being secured. Uh, Mr. Hutchins.

01:19:25:10 - 01:19:30:18

Yeah. Yes. No. Negligence on behalf of Buckinghamshire County. And I'm in an agreement with you.

01:19:32:26 - 01:20:07:08

Thank you. Um, and then a similar point raised by the the action group, uh, raised and it's written representation that the applicant has adopted years one and ten as the operation phase assessment lens, with year 15 being the norm, uh, in its view, and 25 years being preferred by some examining authorities looking at innocent cases. The applicants response to this, and that's at rep 206, suggests that this time period is based on assumptions for plant growth in the landscape and visual amenity chapter of the environmental statements.

01:20:07:10 - 01:20:16:28

And that's Rep 2029. First of all, does the action group have any comments on those assumptions and the applicant's response?

01:20:20:06 - 01:20:55:24

Thank you, sir. Charlie Tinkler of Clayton Solar Action Group. Um, yes, I thought it might help, I looked up. Um, this is the only project that I've worked on and I've worked on, I don't know, 50 solar projects where year ten has been taken. Um, but I do know that, um, Cleve Hill, Great North Road Solar took ten years. Um, those are consented now. The Norfolk Boreas Vanguard scheme, which was the offshore wind farm substation.

01:20:55:26 - 01:21:26:15

The examining inspectors there, um, were not happy that the woodland would have matured. I've said 15 years. Um, forgetting something up above a few meters. But they wanted 25 years for the woodland. And so the, um, the developer is now under the DCO is legally bound to replace trees after 25 years. So, um, in my opinion, and I think it's generally accepted that

01:21:28:06 - 01:22:12:05

year ten, you could get your hedges up to three, 3.5m, maybe year 12. I think the Landscape Institute and same were happier with between 10 and 12 woodlands. There is it would not form, um, a visual screen for at least 15 years. But I think the point here is that the 3.5m is normally screening panels,

which are up to 3.5m high, whereas on the lime down inset, for example, where panels which are 4.5m higher proposed than the hedges are proposed up to 4.5m.

01:22:12:07 - 01:22:24:28

And although I'm not 100% certain, I believe that there would be some 4.5m high panels here in the flood zones, but I would perhaps like some clarification on that.

01:22:26:21 - 01:22:27:22

Mr. Griffiths.

01:22:31:04 - 01:23:05:21

Done for the applicant? Yes. There are some higher panels in the flood zone to four, and I think it is 4.5m. Yeah. Um, in terms of the screening, uh, question with regard to hedgerows, um, so, uh, it really depends where the, the, the viewpoint is in terms of how, uh, effective hedgerows are in screening the wider landscape and where we have effectively shown a reduction or mitigation of effects for rights of way users.

01:23:06:03 - 01:23:37:29

Uh, it's, it is that where there are rights of way users, usually adjacent to the solar farm. So, uh, hedgerow height of 3.5m, wood screen. Uh, I think we've got, within the design and access. Sorry. The design approach. Document rep 1018. There are a series of um sections, uh, sketches through various parts of the the site.

01:23:38:14 - 01:24:13:27

Um, and although no site lines are shown clearly a 3.5m hedgerow adjacent to a footpath screens much more than, uh, what would be a 3.5m high or even a 4.5m high, uh, solar panel that would be positioned, uh, no less than. Well, the fence line is ten metres from the footpath, so you can imagine that the panel itself would be set back at least a little bit further. So effectively, those panels would be screened, whether they're three and a half or 4.5m high from an adjacent or near footpath.

01:24:14:20 - 01:24:36:26

There are obviously instances where the reviews from the wider landscape, from higher elevations. And in those instances, it wouldn't really matter whether the hedgerow was 3 or 5m high, such as would take, for example, views from Quanton Hill. Uh, they obviously would not reduce the effect in terms of the views, those panoramic views from Queens and Hill.

01:24:38:29 - 01:24:45:24

So the 4.5m high solar panels would still be effectively mitigated within the ten year growth period.

01:24:46:01 - 01:24:54:13

Assumed in the assessment. In terms of how we've assessed effects from local footpaths? Yes. Yeah.

01:24:56:29 - 01:24:58:13

Do the action group have any

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

points in response?

01:25:01:12 - 01:25:03:23

Thanks. So I think we'll respond to that in writing at the end.

01:25:04:26 - 01:25:06:00

Okay. Thank you,

01:25:07:15 - 01:25:08:17

Mr. Burton.

01:25:11:14 - 01:25:17:13

Very much sir. James Burton, on behalf of Preston Farms and TC's. So I.

01:25:17:19 - 01:25:18:10

Says, I hope.

01:25:18:12 - 01:25:22:06

This is the right moment to make this point. If it isn't, please.

01:25:22:08 - 01:25:22:23

Tell me.

01:25:22:25 - 01:25:24:25

To wait until population.

01:25:25:01 - 01:25:25:20

As.

01:25:25:22 - 01:25:56:15

I think you know, you've seen from our written reps. Um, one thing we're amongst the many we're very concerned about is buffering. Um, and of course, you went yesterday, I believe, to sign on, um, farm, and you saw the field and the livestock and, and obviously you had a sense, I imagine, of where the substation is proposed to be. And equally, you know, where the best, if it's going to happen, is proposed to be. And in the indeed the collector compounds.

01:25:56:17 - 01:26:32:18

Now, one of the issues we've raised is, um, all the applicant has told us and you so far, it is that they, they are going to deliver enhanced mitigation, but we have absolutely no idea what that is going to be to protect our livestock. And for us it needs to be high, very high, dense and quick. I'm afraid we can't wait around for for years and years for this to happen if our livestock is not to be disturbed.

01:26:33:02 - 01:26:38:27

So I'd be very grateful through you if the applicant could perhaps be asked to tell us what it's going to do.

01:26:41:03 - 01:26:51:22

Um, so the issue really is, is the effects on the, the operation as opposed to a landscape and visual effects, but it's hedgerow growth and planting that is the common issue between the two.

01:26:51:24 - 01:27:04:03

Yes, sir. That I'm I'm introducing it now in case it's more convenient to you to have have it dealt with and the applicant respond now. But of course it could wait until the we come to population. Yes.

01:27:04:12 - 01:27:11:12

I think perhaps if we if we hold fire at that point and if we lose it, it'll be tomorrow. Now. But, um. Yes, please keep that in mind. Thank you.

01:27:22:01 - 01:27:23:21

Moving on. Sorry. Sorry, Richard.

01:27:24:15 - 01:28:05:08

Just to be clear, in terms of landscape, we've got our landscape expert here. Um, we weren't intending on having a landscape expert for population, but, um, but in terms of the question of buffering, um, I don't think we're anything more to add than set out in our response to the written representations. Um, at the last deadline, where in terms of, um, the, um, I set out in the outline lamp, um, we are we have the ability to, um, uh, put strategic early planting in certain places.

01:28:05:21 - 01:28:46:23

Uh, way before construction. So should the consent, uh, be granted then and before construction commences. Then, as far as we can, we will be installing a early planting for various locations. Um, and the phasing strategy for that planting would be developed up as part of, um, uh, the discharge of the requirements, uh, with the authority. So we would be we have the ability to, uh, where practicable, to put early planting in to try and help, uh, enhance mitigation as quickly as possible.

01:28:48:17 - 01:28:53:09

Mr. Burton, did you have any further comments response to that point?

01:28:55:02 - 01:28:55:17

Well.

01:28:55:26 - 01:29:22:21

Thank you, Sir. James Burton, on behalf of Preston Farms and TCS. Um, well, sir, we'll hold fire until tomorrow. But, um, with respect, that isn't really telling us what we what we need to know, and it's certainly not reassuring us now. Um. We are. We are looking for detail of what the applicant is proposing to do.

01:29:25:22 - 01:29:34:23

Thank you, Mr. Griffiths. Is this an issue you'd like to continue to discuss now, or is it something like perhaps revisit on the population? Unless your expert isn't going to be here tomorrow?

01:29:41:17 - 01:30:15:15

Richard Griffiths on the applicant I think on I'm not sure we can take this further either today or tomorrow. And I think we can, you know, we would welcome further, as I think we set out in our responses to the written rep and get continually to engage, as we have been doing with Preston Farms and TCS. Um, but until we have a, until our own detailed design is worked up. And secondly, um, National grid and their own substation proposals. We are not going to be able to be in a position here and in this examination to provide the detail.

01:30:15:26 - 01:31:03:05

Uh, I suspect, uh, what's been requested, specific detail, um, of the type of planting, etc., that would be used for the buffering. Our commitment is that there will be and our commitment is, uh, early where we can early planting and our commitment is, um, a continuous dialogue both now and, uh, should the post or should the scheme get consent that is secured in various management plans? And our most effective way of mitigation, I think, with Preston Farms and TCS is through continuous communication and conversation, uh, uh, to to help with that detailed design and, and then the timing of that planting.

01:31:03:07 - 01:31:14:06

But I'm afraid I don't. From my understanding, I don't think we're going to be able to take this any further at these hearings. I think the right form for that would be in a in 1 to 1 conversations.

01:31:15:23 - 01:31:21:12

Thank you. Are there any further comments from Mr. Burton? I shall move on.

01:31:23:21 - 01:31:47:00

Thank you, Sir James Burton, on behalf of Preston Farms and TCS. Um, at the risk of being the broken record, that is not in my submission, a proper approach to EIA, and it's not giving you the information that you require to make the decision you will need to, or rather, the recommendation you would need to make in due course. It's not a precautionary approach. Again.

01:31:48:00 - 01:32:03:29

Thank you, Mr. Burton. Um, moving on to mitigation for the battery energy storage system in terms of landscape and visual effects, the response to the examining authority's first written question. That's question 1.5.1

01:32:05:15 - 01:32:33:09

suggests that the data mitigation will be better dealt with through the discharge requirement stage, as it would depend on the detailed best designs or similar points. What has just been raised a little bit from a different, uh, different type of effect. The action group's response to the same question that was at rep 2-102 suggests that planting may be more effective in some locations, but the further considerations of viewpoints would be necessary.

01:32:35:03 - 01:32:48:01

First of all, to the applicant, can it just set out how much how much more further detail provided in terms of visualizations in support of any future detailed design and mitigation to be considered by the local planning authority?

01:32:56:13 - 01:32:57:22

Um, well, we.

01:32:57:28 - 01:32:58:13

Can leave it.

01:32:58:15 - 01:32:59:09

For the applicant.

01:32:59:11 - 01:32:59:26

Uh, we.

01:32:59:28 - 01:33:07:09

Haven't been asked for any specific additional viewpoints to date, so it's a little bit difficult to understand exactly which ones would be required at this stage.

01:33:10:07 - 01:33:14:24

Good action group. Have any comments the British have any further light on that point please?

01:33:14:26 - 01:33:46:13

Thank you sir. Carly Tinkler, Clayton Solar Action Group yes, we um we were concerned that there were no, um, visualisations of the routes along public rights of way crossing the sites, and we felt that that was where obviously the levels of adverse effects on views and amenity would be highest. So we had suggested that the applicant might consider showing us what that might look like. Um, but I think they felt that it wasn't appropriate.

01:33:50:18 - 01:33:56:05

Uh, don't leave off the applicant. Um, we did provide a breakdown of which views.

01:33:56:18 - 01:33:57:03

Uh, we.

01:33:57:05 - 01:34:30:01

Had used within the site itself within the various parcels. So every viewpoint within of the 43 viewpoints provides an indication of the extent of the development in two dimensions for the solar PV and in three dimensions in a sort of maximum parameters approach for the larger infrastructure. So there are a number of those for viewpoints to within the site. Um, I don't think you can name each one at this point, but uh, there's certainly a number of those.

01:34:30:08 - 01:34:58:23

Um, in terms of, uh, photo montage, there are obviously views from the perma Jubilee Way, for instance, which is within the site. Um, and really without knowing specifics of which other viewpoints. That's obviously not the only one from within the, uh, within the, the parcels, but without knowing exactly which ones, uh, other viewpoints would be useful. It's difficult to comment further

01:35:00:19 - 01:35:02:03

with the group not to comment.

01:35:03:12 - 01:35:36:01

So perhaps we could discuss this when we meet. Or in my opinion, any of the footpaths or bridleways which cross the sites will receive significant. I mean, I think we agree that there will be significant adverse visual effects and in some respects, for the landscape experts, it's perhaps not necessary to see the visualisations, because we can imagine during our work how that's going to happen. But for other people who've been concerned about the effects, not really understanding, it's very difficult to understand.

01:35:36:06 - 01:36:02:15

I know that the applicant is proposing ten metre wide corridors where there's a fence and a hedge, which is very narrow, and then there are other areas where the the corridor is more generous. And I think it would help people if they can see examples through where the public rights of way crossing the site of what it would look like, but it's not something that I would necessarily personally, professionally find necessary.

01:36:04:27 - 01:36:05:25

Thank you.

01:36:11:27 - 01:36:27:27

Just turn then to the council. Um, is it satisfied with the level of detail provided at this stage to inform future decision making with respect to requirement discharge? I think you perhaps allude to that earlier in your response to a previous question around the lamp.

01:36:30:20 - 01:36:52:15

Um, thank you sir. Um, Danny from the council. I'll bring you Mr. Hutchings in a second. But my understanding is we're not we're not concerned about the mechanics of securing. It's more just, you know, what the mitigation is and whether it is enough. But I'll. I'll bring in Mr. Hutchings on that point. But as I say, the mechanics that Mr. Griffiths was raising, I don't think we are concerned about.

01:36:54:20 - 01:37:32:01

The Buckinghamshire Council. Agreed. We we we accept that. Mitigation will be provided. Um, we do not necessarily have any concerns regarding that. Um, and we do appreciate that this is an outline design stage, and there will be a detailed design stage where things will be a little more firmed up. Um, it's within that there's just a bit of ambiguity in terms of what's shown at the moment, whether that's, um, the greatest amount of mitigation that the applicant is going to put forward.

01:37:32:03 - 01:37:49:20

And as a point, it's only going to reduce down or or the opposite. Um, it's that's ambiguity just makes it difficult to formulate a complete, um, picture in terms of the position going forward, in terms of having confidence in

01:37:51:08 - 01:38:25:18

Fully articulating the predicted impacts, um, on various receptors, whether that be landscape and visual. Coming back to mitigation. I think we've briefly touched on this, um, previously, and I think some of the mitigation associated with the best is, um, at the moment, I think it's agreed to be a close border defense. Um, I think in the region of about 3.5m high. Um, our position is that that that is an element, um, would be introducing an element that's out of character, um, within this landscape.

01:38:26:04 - 01:38:52:15

Um, and the best is probably, you know, as an element itself is out of character. And then by enclosing it within or potentially enclosing it with a close border defense would further exasperate, um, sort of that negative or that sort of adverse impact. Um, yeah. We. Is there any scope to revisit the potential mitigation around the best. Thank you.

01:38:53:08 - 01:39:10:07

Thank you. Over to the the applicant. Understand there is some planting to be provided potentially around the closed board fencing as well, which I think is a noise mitigation, um, provision as opposed to a landscape one. But perhaps the applicant could comment please, on that particular point around the best mitigation.

01:39:12:20 - 01:39:45:19

Lever for the applicant? Yes. So as we stand at the moment, obviously the best design, uh, will progress to a detailed design stage. Um, it it may still require the acoustic screening, but at that point and that acoustic screening would be positioned at least 50m away from any sort of, uh, human receptor. So the footpath that runs through that parcel. Uh, at that stage, we would be able to look at, uh, a requirement for additional, uh, buffer planting, be that tree hedgerow.

01:39:46:27 - 01:40:02:00

What what essentially would be a would be, uh, characteristic for that sort of location that would provide further mitigation for the, for the fencing. So that's something we can take away and look at in the detailed design. Thank you. Mr.. Mr.. I'm sorry.

01:40:02:02 - 01:40:32:20

Thank you sir. No. No problem. Because the um, uh, for the council, sorry. Any other applicant, um, for the council. Um, just a flag. Um, obviously Mister Hutchins had given the example of the best. One of the things that we flag in the I ir, which you'll have seen is this concern about, um, generic mitigation and effective mitigation, which actually can be harmed because obviously, for example, you can use mitigation to screen views, but that can have an adverse effect in a different way. And so there's that additional factor of which the best is an example.

01:40:32:26 - 01:40:51:04

Um, and I know Mr. Hutchens is keen to explore the point further. So it may be if, if we've already been given the direction to try and, um, speak to the, to the applicant further that, um, that, that that can be expected. That is one of the issues that we still see there. Not just about the best, but generally.

01:40:51:18 - 01:40:56:18

Yes. I'd certainly encourage further conversations offline to try and advance some of those issues.

01:40:59:21 - 01:41:06:21

Okay. Thank you. Um, does anyone have any further points they wish to raise in relation to landscape and visual mitigation?

01:41:09:02 - 01:41:09:22

Miss Tinkler?

01:41:10:23 - 01:41:42:00

Thanks, sir. This is Carly Tinkler for Clean Solar Action Group. Um, I think my main residual, um, niggle regarding mitigation and method is whether mitigation measures have been double counted as enhancements. And I noticed that in the applicants responses to your written quest to your questions. Um, it still appears to me that mitigation measures are being double counted as enhancement.

01:41:42:03 - 01:42:15:03

And, um, I think one thing that that the applicant said was that it was very clear in the Elvia where the differences between mitigation and enhancement are described, but it's not clear to me at all. And I just wondered whether we could get clarification, perhaps on a plan, because, for example, where a hedge is proposed to screen views, therefore that's mitigation. It can't then if its purpose is to screen of you, it can't then be double counted as enhancement.

01:42:15:05 - 01:42:48:06

But there may be situations where the hedge is being proposed to improve the baseline. So for example, the applicant may be proposing to restore a lost hedge, but that hedge may not be required for screening those. It's doing it to um enhance the situation. Um, and so therefore I think what I would like to see is um, perhaps marked on a plan where exactly which measures are mitigation and which ones are enhancement.

01:42:48:08 - 01:43:12:29

And the reason that I think this is so important is because the applicant has said that the proposed landscape fabric, which is the hedges and woodlands that they're going to plant screen views, is also going to be a landscape benefit. But in my opinion, that is double counting and this still hasn't been satisfactorily sorted out as far as I'm concerned. But it could be done through writing or discussion.

01:43:14:03 - 01:43:16:23

Thank you. Um, would like to comment, please.

01:43:17:13 - 01:43:25:29

Richard Griffiths, on behalf of the applicant, I think we responded to this after the last set of hearings, but, um, it's

01:43:27:17 - 01:44:00:13

mitigation for one topic could well mean it's enhancement for another topic. So it's not straightforward. I think I said this at the last hearing. I think it was action point three from the compulsory acquisition hearing that a plan simply setting out. Enhancement and mitigation is incredibly difficult because what could be um. Mitigation for, say, biodiversity may well be enhancement for landscape. Um, the landscape chapter is in using that as mitigation.

01:44:00:15 - 01:44:11:19

It wasn't needed. So it's. There's no such thing as something being purely mitigation and purely being enhancement. So I think doing a plan is going to be difficult.

01:44:13:12 - 01:44:14:04

Miss Tinkler.

01:44:16:21 - 01:44:46:22

Political action group. So in my opinion it would be extremely simple. I completely agree that an ecological. Mitigation measure, if it's not required for landscape mitigation or enhancement, could be. Could be counted as landscape enhancement for sure. What I'm asking for is purely the landscape and visual measures that are being counted as mitigation, and the ones that that are being counted as enhancement.

01:44:46:24 - 01:44:59:16

I don't need to know which of them ecological measures, I just need to know which are required for screening and mitigation and which ones are to improve the baseline. So it should just be a question of maybe coloring color coding them.

01:45:06:25 - 01:45:08:05

I was the applicant.

01:45:22:25 - 01:45:24:11

For the applicant. Um.

01:45:26:12 - 01:45:59:20

I mean, I'd understood the question to be with regard to how I've assessed her, assessed levels of effects changing between, uh, year one and year ten and not counting in enhancements into my assessment, which I'm clear that I haven't done. Um, there's no, you know, and I don't think there's perhaps that's not being suggested now. Um, so I'm then not entirely clear how that helps us in the process that we're engaged in. Um, in that the mitigation measures are required as part of the mitigation hierarchy.

01:45:59:22 - 01:46:30:12

And in terms of the Elvia, they are mitigation measures. Um, so I've, I've then assessed them or then I've assessed at year ten in terms of residual effects on the basis of those mitigation measures, not on them being enhancement measures. So there's there's certainly, in my opinion, going to be no change to the Elvia. And maybe that's not being suggested. Um, I yes, I'm not really sure where to take it from that. Thank you. Mister Perplex. You could just clarify the purpose of what you're asking for, please.

01:46:30:14 - 01:47:04:07

Yes, certainly. Um, if I can take an example of this. So in rep 2087, which is the applicants responses to written representations at 7117 where I've queried this moderate beneficial effect. The applicant says any beneficial effects of the proposed mitigation are considered only in the assessment of changes to landscape fabric.

01:47:04:09 - 01:47:06:12

To me, that is double counting.

01:47:10:15 - 01:47:11:07

Mr. Levy.

01:47:13:19 - 01:47:45:19

So yes, that's the only instance within the Elvia where we've looked at, um, what is essentially, um, uh, it could be called an enhancement, but what we're actually assessing is, um, the overall effect upon the landscape. So we've obviously assessed at, uh, through the construction, uh, stage, there would be an adverse effect in terms of removal of hedgerow primarily and some trees. So we've assessed an adverse effect at that stage.

01:47:46:07 - 01:47:56:12

Um, and then taking it in in the round at uh, once the development is complete and established, we've assessed an overall beneficial effect. Um,

01:47:58:08 - 01:48:29:00

because we have planted, uh, I think it's in the order of four kilometers of linear, uh, hedgerow, eight and a half hectares of woodland. So we've vastly increased the amount of hedgerow and woodland, uh, within the order limits. Um, so I don't see that as, as sort of somehow double counting an enhancement. It is, um, in that it's a change to the landscape fabric itself, and it is an enhancement of escape fabric.

01:48:29:02 - 01:48:52:02

But the assessment of that is that there's a beneficial overall effect, and that's not included in any way in any of the assessments on the effects on people or the landscape character areas in the rest of the document. Mr. Tinker, was that the only example that you had, or are there others that you have, um, that you're aware of, that.

01:48:52:04 - 01:49:29:10

I'm sorry I have put those into my report, but I can highlight them for you if necessary. However, I, I will stand by my position. In my opinion, this is double counting, and that's what it's the only way. Unless we know which hedges at year ten are intended to screen and are therefore mitigation, and which ones at year ten are true enhancements, then we can't say which are beneficial and which technically would only be neutral if you take out the double counting error.

01:49:29:12 - 01:49:33:06

So I'm happy just to leave it here. And we disagree.

01:49:34:19 - 01:49:35:10

Yes, I.

01:49:35:12 - 01:49:50:09

Suspect there will be no agreement, but it could be a point, perhaps in the common ground that fleshes out why the two parties disagree and sets up their positions clearly. To summarize that position overall, that would be useful exercise, I think.

01:49:54:25 - 01:50:01:07

Thank you sir. We've got nothing further to add, and if there's something we can put in the sausage, we we will.

01:50:01:16 - 01:50:02:09

Thank you.

01:50:16:09 - 01:50:19:08

Okay. Just conscious of the time. Um.

01:50:21:13 - 01:50:27:03

I think we had suggested we try and get to item seven today.

01:50:28:27 - 01:50:38:29

I think given the time we are going to try and take action points that we've gathered today and cross-check those, I hand over to Doctor Morgan to consider action points.

01:50:45:27 - 01:50:53:03

Assuming that we're at the end of landscape, which I'm happy about because we've covered everything, but I just wondered where you're going to cover glint and glare.

01:50:55:29 - 01:50:58:28

We're not covering Glenn Sinclair and the hearings this week.

01:51:01:10 - 01:51:02:00

Thank you.

01:51:04:06 - 01:51:09:16

Okay. Thank you. Um, can the applicant now go through the list of today's actions, please?

01:51:10:14 - 01:51:22:02

So, um, before I do that, I was wondering whether, if there's any if people be willing even, uh, if you wanted to continue and do cultural heritage.

01:51:24:15 - 01:51:26:09

Or whether you're minded.

01:51:26:17 - 01:51:30:17

I think we probably did enough as a day, to be honest, since we've got a long day.

01:51:30:19 - 01:51:31:04

I.

01:51:31:10 - 01:51:31:25

Think.

01:51:32:02 - 01:51:36:23

Yes, I accept that. Okay. So trying to move things along. But I appreciate you. You had a long day.

01:51:40:08 - 01:51:43:15

So, yeah, if you can go through the, uh, the actions that we had today.

01:51:45:28 - 01:51:46:27

I agree them.

01:51:48:12 - 01:51:51:09

Thank you sir. Um.

01:51:53:14 - 01:52:14:11

So action points on need for deadline three. The applicant will review, um, recent solar DCO decisions, um, that have applied the same assumption and approach that the applicant has used in terms of efficiencies in land use to calculate the megawatts per acre.

01:52:16:23 - 01:52:41:27

Or deadline for second action point for deadline for the applicant to provide indicative calculations of the amount of likely over planting, based on the trend of linear increases in efficiency. Action three the deadline. Three the applicant confirmed there are no implications for the EIA, as we saw to the shared aid access between the applicants, between um.

01:52:47:08 - 01:52:49:11

The applicants in each case and best.

01:52:51:18 - 01:53:24:00

Action point four for deadline three. The applicant to explain how elements of the scheme have been prioritized by Niso. The connection queue and gate one and gate two faced offers and explain how the best will not be the subject of agreement to vary, which will reduce reflect the reduction to three three five megawatts. Action point five at deadline three. Again the applicant to identify relevant Secretary of State decisions that support how an absence of a great one.

01:53:24:02 - 01:53:26:03

Offer is not a bar to consent.

01:53:28:17 - 01:54:04:17

Action point six for deadline three. The applicant to signpost the application documents for scenarios of with or without best, and if a further scenario is required to provide that a deadline for action. Point seven a deadline. Three. The applicant to provide further evidence as to why fields, E10 and E11 are

an unsuitable location for the best, including by reference to noise impacts on the Syon Hill Farm, and by and particularly by reference to the proposed size of the best.

01:54:05:17 - 01:54:12:03

Further, to substantiate how there is not enough space in fields E10 and E11 based on the size of the bus.

01:54:14:13 - 01:54:27:11

Or water environment. Action point. Eight. The deadline. Three the applicants confirm the baseline information used for the water quality assessment, with particular consideration of aquatic invertebrates and fish.

01:54:31:19 - 01:54:41:15

On Ecology and Biodiversity Action point nine. The deadline for the applicant submits a comparative note. Identify sorry.

01:54:42:03 - 01:54:47:24

Go back to water environment and a few more actions there. Um.

01:54:50:19 - 01:54:58:21

So there is, uh, action eight update the flood risk assessment outline drainage strategy to address EA comments.

01:55:00:01 - 01:55:01:28

Okay. Sorry. So can you just repeat that for me?

01:55:02:00 - 01:55:10:15

So I'd, uh, update the flood risk assessment and outline and outline drainage strategy to address EA comments.

01:55:14:15 - 01:55:29:29

And then so I said that I make that action 0.92. So we're on the same action points. So I put so I put that after the my first water environment action point which was action 0.8. So the fray will be action 0.9 right.

01:55:30:24 - 01:55:49:27

Okay. Then I had update to clarify operation of the penstock system and EA to confirm this is acceptable. So if you repeat this this was the issue of um the penstock was automatic and manual. I think it was clarification. It would be on manual as well.

01:55:52:28 - 01:55:55:28

Then the to confirm if that was acceptable.

01:56:08:11 - 01:56:09:25

On behalf of the applicant.

01:56:09:27 - 01:56:11:24

We assumed that.

01:56:11:26 - 01:56:22:01

For documents that we're already updating for deadline three And when we confirmed that in our submissions that we weren't taking them as additional action points. That's why a couple of these are missing.

01:56:22:12 - 01:56:25:07

All right. So that's going to be updated at deadline three.

01:56:25:14 - 01:56:26:18

Correct. Yeah.

01:56:26:21 - 01:56:35:20

Okay. That's fair enough then. And then I had one on the FAS comment on the potential for PFAS from cables left in the ground.

01:56:37:09 - 01:56:38:19

This is all under the water environment.

01:56:38:21 - 01:56:43:20

Yeah, we all respond to that in our written summary of hearing.

01:56:43:26 - 01:56:48:00

Okay. Sorry. Then if you go on to ecology and biodiversity then.

01:56:48:06 - 01:57:21:18

Thank you sir. So I will I will put in the list of actions so that action point nine will be what we're going to submit anyway, the Fra action point ten as well. And the PFAS would be action .11. Um, so Ecology and Biodiversity Action .12, the deadline for the applicant to submit a comparative note identifying where the principle is in natural capital. Um, committees, how to do it workbook and the government's guidance on enabling a natural capital approach are addressed within the application documents to evidence compliance with Ian one.

01:57:23:21 - 01:57:34:00

.13. For deadline three Natural England. So an action point for Natural England to confirm appropriateness of the applicant's approach to protected species licensing.

01:57:36:19 - 01:57:52:18

Action .14 deadline for the applicant to submit an updated lamp to provide more detail in relation to Bat to its Bats monitoring strategy. The updates are to be informed by engagement with any and Buckinghamshire Council.

01:57:55:01 - 01:58:07:03

Action .15 deadline three the applicant submits its Excel Beng metric into the examination. I have no more ecology and biodiversity actions before I move on.

01:58:16:20 - 01:58:34:27

Yeah. So the this can be a written response. Um, basically the overall written record of the meeting on the action group's, um, issues on vaccine packs. So, yeah, I think that's covered. That was the other one. I heard you. Okay.

01:58:36:24 - 01:59:03:01

And then moving to Landscape and Visual Action .16 for deadline four to provide an updated statement of common ground with each of Buckinghamshire Council and the action group, uh, hopefully informed by engagement to clarify our respective positions. A position sorry. On the application of the, um, GBA three methodology and how significance has been assigned and categorised.

01:59:04:17 - 01:59:14:09

Action .17 for deadline for the applicant to update its statement of Common ground for the action Group to clarify position on double counting. Mitigation versus enhancements.

01:59:16:24 - 01:59:19:00

And no further action points.

01:59:20:08 - 01:59:24:06

Okay okay. Yes we agree those.

01:59:26:00 - 01:59:58:12

So we come to the close of this first day. So if you spoke in today it would assist us. If you could please provide a written version of your submissions by deadline three, which is Wednesday the 27th of May. We realize this is extremely tight, but it would help us greatly with our second set of written questions, which are due to be published on Friday the 5th of June. The next deadline after that is the deadline for which is on Monday the 22nd of June. This hearing will continue tomorrow at this location at 9:30 a.m.,

01:59:58:14 - 02:00:01:09

and the hearing is now adjourned. Thank you.