

## **BIOSCAN UK LIMITED FOR CLAYDONS SOLAR ACTION GROUP (CSAG)**

**Written summary of oral submissions made by Dominic Woodfield for CSAG at ISH2 including post hearing submissions.**

### **1. Introduction**

1.1 Mr Dominic Woodfield of Bioscan UK Limited attended ISH1 on the 20<sup>th</sup> May 2026 and made representations on ecology-related matters pursuant to agenda items 2, 3 and 4, following the agenda set out at [EV7-001](#).

1.2 A written summary of the oral submissions made by Mr Woodfield on each of these matters is presented below, with relevant document references, evidence and/or follow-up comment added where appropriate.

### **2 Agenda Item 2: Need, site selection and alternatives**

2.1 Responding to the applicant's oral answers to submissions made by Mr Burton for Preston Farms Limited and TCS Biosciences Limited (about whether the wintering birds survey coverage and mapping in [APP-089](#) signposted that a smaller area of Parcel 3 was initially considered by the applicant but later expanded, and why this had not been explained in the consideration of reasonable alternatives), Mr Woodfield offered the following in the hope it would assist the Examining Inspectors' consideration of the matter:

2.2 Mr Woodfield stated that he has extensive empirical experience of the early phases of solar farm EIA processes and agreed with Mr. Burton that it stretched credulity to suggest that the wintering birds' surveyors would have been sent out to survey a random piece of land. Rather, the survey area would have been set, pre-survey, on the basis of decisions already made by the project proponents about generational capacity, land assembly, the amount of area that was needed in order to achieve the viability objectives and other objectives. Thus, the wintering birds survey areas and their differential from the eventual proposed Order Limits and distribution of panels, BESS and so on, do suggest that the smaller area of Parcel 3 originally surveyed truly reflects an early phase alternative. Whether it was a "reasonable" alternative or not Mr Woodfield stated he left to others, but he took issue with the Applicant's suggestion that the area shown on the wintering birds survey plans was just a random or broad-brush area of search.

3 **Agenda Item 4: Water environment (moved up in the order due to availability of relevant experts)**

3.1 Mr Woodfield raised questions for both the Environment Agency and the Applicant on agenda item 4c (water quality), in the context that the Agency stated that it was satisfied on the issue.

3.2 To the EA, Mr Woodfield asked *"If I may, I'd like to put a question to the Environment Agency, perhaps through you, sirs. As to how and on what basis they've concluded that there is no water quality risk? Is this on the basis that that that they've concluded that there's no impact on the basis of the information available? Or is it on the basis that they've concluded that there's no significant impact on water quality? ... I would want to understand what baseline they've used, in order to come to that position."*

3.3 The EA (Lucy Hudson) reiterated in response that *"...our water quality monitoring issues are resolved. ... There will be water quality monitoring happening on site to establish a baseline"*.

3.4 Mr Woodfield responded that he was *"still at a loss to understand what baseline has been taken. Because we don't seem to have a concrete view on the sensitivity of the watercourse and the existing baseline water quality. I hear that that's going to be baselined as effectively a conditioned requirement. But it would just be useful for me to be able to understand whether the Environment Agency are working on the premise that this isn't a particularly sensitive watercourse and that it can accommodate some change, or whether it's a very sensitive watercourse and, and can accommodate very little change. At the minute I'm hearing that the decision has been made in something of an information vacuum."*

3.5 Lucy Harrison from the Environment Agency responded thus: *"I think at this time I'll be unable to provide any more information. Um, but if you're able to put your concerns and questions in writing. Then we can get back to you in due course."*

3.6 The Applicant then responded to say *"the applicant has carried out a detailed and thorough environmental impact assessment and impacts on water quality from the proposed development are set out in chapter 16, water of the Environmental Statement, which is APP- 059, and the conclusions of that assessment through all project phases or through construction, operation and decommissioning is that the impact assessment is slight adverse. So not no impact, but slight adverse impact and therefore not a significant effect, which I hope addresses the original question."*

- 3.7 Dr Morgan (Examining Inspector) then asked the Applicant *“How would you address the point about the baseline though? Because obviously to do accurate monitoring going forward. You need an accurate baseline. At this position in time.”*
- 3.8 Mr Whittingham on behalf of the Applicant confirmed that there will be six months pre-construction baseline monitoring of the watercourse and this will provide the baseline. Essentially confirming that there is no WQ baseline informing the EIA and its conclusions.
- 3.9 Dr Morgan asked whether *“everything is aimed at maintaining water quality at the current baseline”* and Mr Whittingham responded to say *“Maintaining or improving. Yes.”*
- 3.10 Mr Woodfield remarked that that statement was inconsistent with the EIA conclusions which, as had just been said by Ms Stirling for the Applicant, allow for slight adverse impact which is not the same as maintaining existing baseline water quality. He went on *“the reason I raised this issue is that we've heard that the baseline has been established and that there's been a thorough EIA done. However, no baseline information on aquatic invertebrates was collected. And no baseline information on fish was collected to my knowledge. So it was an issue that we raised as, as a potential omission and obviously, it goes to the heart of how robust an assessment you can arrive at if you haven't baselined the water quality and are saying that you'll do that later and you haven't established the sensitivity of that water quality in biodiversity terms because you haven't done aquatic invertebrates and fish. I'm slightly at a loss to see how we've got to a robust conclusion, and how the Agency can have got to a robust conclusion in something of an information vacuum”.*
- 3.11 The Applicant was invited to address those points but responded to say that they'd have to confer amongst themselves and respond in writing. It was confirmed that this would be at Deadline 3.

#### **4 Agenda Item 3a-3c – Compliance with NPS, presentation of likely effects and mitigation and Bechstein's bats**

- 4.1 The structure of the discussion around agenda items 3a, 3b and 3c dictated that Mr Woodfield was unable to make his points until the end of the discussion between the Applicant, Natural England and Bucks Council. Mr Woodfield's comments in full are at 00:43:28 to 01:01:15 of the ISH1 Part 3 recording and transcript ([EV7-007](#)), and are summarised here under the relevant sub-topic titles covered:

Whether a precautionary approach has been taken to the consideration and assessment of impacts

- 4.2 Mr Woodfield offered that while the Applicant claims to have taken a consistently precautionary approach (to assessment and design decisions), little has been said about the putative Bernwood SSSI designation which he noted *“hangs in the air as an uncertain prospect”*. He suggested that it would likely be useful to the ExA to understand what the delimitation of that SSSI was intended to be. One can second guess from the Natural England report summarising the results of local radio-tracking surveys<sup>1</sup> that it includes the various woodland blocks overlapping with the proposed DCO limits (including Runts Wood, Shrubs Wood and Home Wood within the solar farm area) but it is Bioscan and CSAG’s understanding that draft SSSI notification maps were sent to the Claydon Estate and various other landowners and as a consequence the landowner (and by extension one must assume the applicant) has probably been sighted on where the putative SSSI boundaries lie or lay.
- 4.3 One of many reasons this is relevant is that while the Applicant has said a lot about precautionary approaches to assessment, an obvious question is surely that the precautionary approach here would be to stay clear of the area covered by the SSSI even if it is not (yet) formally designated. We know that Natural England reached the end of the process of data collection and satisfied itself that the land it was looking to designate, before that decision got paused was of special scientific (i.e. national) interest, and therefore their duty to notify kicked in.
- 4.4 Mr Woodfield offered that if NE have satisfied themselves that this is land of national importance and should be part of the SSSI series, and the Applicant was aware of this, that doesn't sit very well with the scheme design as it currently stands and the precautionary approach that the Applicant claims has been taken. He said *“If I was advising as an EIA consultant or via ecological input into an EIA process, I would want to test whether we could resolve an awful lot of the issues that we've spent so much time talking about by simply doing what Natural England ask and getting out of some of these key fields. We haven't yet heard a rational answer from the applicant as to why, for example, Fields B6, B7, and B8 are so crucial to the scheme that they need to stay in and generate all of these risks and uncertainties about potentially significant adverse impacts on a very rare [bat] species and a nationally important population.”*
- 4.5 As an extension to this point, Mr Woodfield noted that the hearing had heard from Natural England about the uncertainties and the concerns around the general impact of solar installations on bat foraging and displacement and avoidance and that there is

an uncertain, at best, position about it. And that substantive research into exactly what's going on is in its infancy. Mr Woodfield noted that *“these are all things that should push us towards taking the precautionary approach. And again, it begs the question as to why is the applicant so hell bent on putting solar panels into fields, grassland fields, grazed grassland fields, which it acknowledges are important for Bechstein’s and which are close to known roost sites which are within core sustenance zones for the species”*.

- 4.6 The Applicant undertook to clarify what information about the proposed SSSI was known to it and respond in writing. It was confirmed that this would be at Deadline 3.

#### Survey effort, information gaps and robustness of EIA

- 4.7 Mr Woodfield offered that he was *“quite alarmed”* by certain of the applicant’s information gathering decisions made during the EIA process. For example, only 16 trees are identified for felling and he noted *“it really wouldn’t have been very hard to have done climbing surveys of those trees to provide better certainty to decision makers about whether there are or are not bat roosts in them and whether there is or is not a bat licensing issue engaged (and by extension the likelihood or otherwise of NE issuing such a licence – a test which the ExA are required to engage with). The scheme is within a landscape where we know that Bechstein’s bats roost in non-woodland trees in hedgerows. It’s not a case that Bechstein’s roosts are restricted to the woodlands in this area, and where we we’ve only got 16 that are due to be felled, it really wouldn’t have been very hard to have given the ExA additional certainty on this point. There’s an in incongruity between this suggestion that everything’s been done on a precautionary and highly, highly careful basis, but actually some decisions I’d almost put them as cavalier and such decisions undermine the robustness of the assessment”*<sup>2</sup>. The Applicant’s response to this (that the trees would simply need to be surveyed again prior to construction) is no more than stating what happens in any comparable assessment, or in any situation where time-limited surveys need to be done to inform the consenting stage, and re-done to determine the position at the point of commencement of construction. It is no answer to the point and does not help the ExA/SoS in providing certainty on a relevant and material consideration for their decision-making.

#### Unevidenced contentions around risks to Bechstein’s bats

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<sup>2</sup> The applicant’s response that the trees would need to be surveyed again anyway is no answer to this question. The need to repeat surveys conducted at permission stage is not an unusual situation, particularly as bats can move tree roosts frequently. It is no answer to suggest that a likely need for future repeat surveys obviates the need for a consenting authority or decision-maker to be deprived of relevant survey information at permission stage. Such an approach would undermine the whole premise of EIA.

- 4.8 Mr Woodfield raised concerns about the applicant’s bat specialist, Ms Reason, seeking to rely in her oral statements upon ‘literature reviews’ and other studies and monitoring evidence from the HS2 project as grounds to mollify concerns about risk, when none of that information is before the Examination or otherwise published or accessible for independent review. Unavailable monitoring studies were being cited in support of assertions about low risk to Bechstein’s bats from noise and other construction-related impacts, and not being put up for independent scrutiny as to whether they reliably support such assertions<sup>3</sup>. Evidence from the local section of HS2 would be especially useful to the Examination in the context that it relates to the same metapopulation of Bechstein’s bats. Mr Woodfield expressed alarm to hear that Natterer’s bats were used as “a proxy” in at least one of the examples that Ms Reason sought to rely upon as evidence, which raises the question of how much of the evidence being cited is actually species-specific. Mr Woodfield stated *“the findings from those kinds of monitoring studies would be extremely germane to your (the ExA’s) decision making and to assessing the risks to this species. So again, I ask the question, as an open question, where is all of this information and why is it not being made available to assist you in your decision making? Concerns around the robustness and/or applicability of this evidence would be cleared up if we only had these studies in front of us, and we could look at them and see to what extent they’re relevant, to what extent they provide reassurance, and to what extent they raise new concerns”*.
- 4.9 Mr Woodfield also responded to Ms Reason’s comments about the predicted level of impact on Bechstein’s bats and the Applicant’s use of ‘potential’ to qualify the ES conclusions around significance and harm. Ms Reason had earlier opined (transcript 00:04:52:08 - 00:05:25:21) that *“Almost nothing is going to be significant at a national level”* which Mr Woodfield took issue with given that, as he stated *“The loss of this local population to extinction would be a nationally significant impact. There is no getting around that”*. Mr Woodfield cited (and urged the Examining Inspectors to read, if they hadn’t already, the Natural England report on the Bernwood population of Bechstein’s<sup>4</sup> which confirms that it is unarguably of national importance. If the CIEEM Guidance is followed correctly, that is the correct geographic frame of reference to use when describing its value as a receptor and in measuring effects and impacts upon it.

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<sup>3</sup> Ms Reason also sought to dismiss studies showing negative impacts on bats from solar farms on the grounds that some of the solar farms in such studies were not “well-designed, well-run or well-managed” – whether that is a fair assessment of these other installations or not, and to what extent the ExA can be assured Rosefield will be different/better, requires independent scrutiny of the relevant information if any weight is to be placed on such unevidenced assertions.

<sup>4</sup> <https://publications.naturalengland.org.uk/file/6128248514412544>

- 4.10 Ms Reason had further stated that *“I can't see how that District level significance that we are potentially talking about [in terms of potential effects] could feed into a long-term influence impact on the conservation status [of Bechstein's bat]”*. Her listed reasons for that (transcript 00:05:26:06 - 00:06:25:01) began with *“it would be very difficult to detect”* which is nonsensical and an exercise in an impermissible ‘absence of evidence equals evidence of absence’ approach to impact assessment. Ms Reason then went on to state that *“the major impact could be if that local and thought to be isolated population would go extinct. I can't see that would how that would happen with all the mitigation that we have in place”*. This statement is notable as it suggests that the Scheme is reliant upon mitigation to avoid significant negative effects on Bechstein's (which begs the question about whether those impacts and the need for mitigation could be avoided) and further that, by Ms Reason's own assessment, impacts up to and including local extinction should have been cited as a potential impact in the ES. This brings renewed focus on whether the mitigation the Applicant cites and relies upon is adequate, whether it is likely to be effective and whether avoidance of impacts in advance of recourse to mitigation has been properly and adequately explored.
- 4.11 Mr Woodfield later (transcript 00:59:47:02 to 01:01:15:20) contrasted the applicant's reliance on mitigation and its suggestion that the threat to Bechstein's was no more than an impact of District level significance, with a scenario where the SSSI had been notified and/or confirmed: *“if the SSSI was here and if the SSSI was in force, there wouldn't even be any argument about that [whether the impacts should be measured at national level]. And that's where I am, again, concerned that the SSSI has been put to one side as an irrelevant consideration here. Or the applicant rather says, well, we've kind of covered the matters anyway. Whereas the reality is, and I guess this is the ultimate question to leave you with, really, is if the SSSI was here and if it included those fields that Natural England and Bucks are particularly concerned about, and it included that intervening land between these fragmented woodland blocks, would that change the dial? Of course it would. It would bring into play a whole raft of additional policy protections. It would bring in a whole raft of additional practical considerations. And it is very difficult to conceive that the applicant would be proposing to put panels within that area, but that if we're really applying the precautionary principle, that is the approach that should be taken. Natural England have concluded that this site meets the criteria. And they were two minutes to midnight from designation when there was a political policy change, which stopped that from happening. If you're taking an honest view of environmental impact assessment, you go, ‘all right, well, they were two minutes to midnight. Effectively, we should assess this on the basis that it's there’. In which case you'd have ended up with a very different assessment.”*

- 4.12 Mr Woodfield stated that *“The three fields that are of particular concern to Natural England and of concern to Bucks and of course my client; B6, B7 and B8 - no one has mentioned today that they are scheduled to be a construction compound for something like 2.5 years (e.g. see [APP-009](#) pdf page 4). That doesn't sit very well with this idea of everything being precautionary. Why would you put a construction compound on fields that are of acute concern to Natural England, and are the ones that they want to see taken out of the scheme in order to try and reduce the risks to the Bechstein's bats population?”*<sup>5</sup>.

Proposed hedge and woodland edge buffers; how they're measured and the issue of double-counting

- 4.13 Mr Woodfield offered that CSAG shared NE's and Bucks Council's confusion and dissatisfaction over the Applicant's approach to measuring proposed buffers from hedgerows and woodland from the centreline of hedges. He stated that the applicant's approach *“has significant implications for the veracity of the applicant's claims on a number of these matters, because the applicant claims that it's turning vast swathes of arable land into permanent grassland. Well, actually, significant chunks of what it is now registering as arable land is already grassland and we've already got significant buffers. You'd have seen it yourselves on your site visits and as and when you go back, I'm sure you'll find further examples. ... You'll have noticed that the BNG mapping [returned to later, see Section 6 below], the baseline mapping and crucially, the baseline scoring disregard so much of this field margin vegetation. So, it's effectively left out of account in the applicant's measurements of landscape scale change. And the benefits that it's suggesting will arise from the scheme, they are much, much more modest than it is claiming simply by virtue of these fundamental base areas in mapping and classification”*.
- 4.14 As an extension of this point, Mr Woodfield stated *“it's not just from the centre line of the hedgerows that we've got an issue. We've also got an issue with woodlands also seeming to be measured from the edge of the Land Registry unit, if I can put it that way, or the land parcel unit, whereas woodland canopies often extend 15-20m beyond that into the adjoining fields. So, if the Land Registry unit is being taken as the start*

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<sup>5</sup> The corollary to this point of course is that if these fields are used for construction compounds, they will be subject to impacts such as compaction and changes to soil chemistry that will substantially limit their ability to recover, and even more so if they then have PV arrays then installed on them. It is also likely that these areas will be subject to lighting and a focus of noise, air pollution and surface/groundwater pollution risks whilst used as construction compounds – for a duration of c.2.5 years. It is further unclear whether these factors have been considered in contemplating the future habitat recovery potential of these areas – for example whether the delayed delivery/recovery multipliers in the Applicant's BNG metric have been correctly applied.

*point for that 30-metre measurement ... that may be actually discounting half of what's already there in terms of terms of that woodland edge."*

#### Grazing and its deliverability

- 4.15 Mr Woodfield stated that he was *"startled to hear today that we've gone from grazing sort of presented as a panacea and as a mitigation and enhancement catch-all, to hearing today [from Ms Reason] that the scheme is not actually particularly reliant on grazing<sup>6</sup>".* He noted that in stark contrast to this assertion, the application documentation is littered with references to grazing as important for the local bat population and as a preferential future land use for grasslands so *"to now hear that it's not a fundamental part of the applicant's mitigation and compensation strategy is quite startling, and again doesn't sit with how the ES has been presented and the conclusions that you [the ExA] are being asked to accept"*
- 4.16 Mr Woodfield noted that there's a real question mark over the deliverability of any grazing in any event. Which is why CSAG are particularly concerned about it. It's very easy to say (as the applicant has) that we will graze "if we can". But actually, what was heard in ISH1 is that in reality the default and the more likely outcome is that grazing won't happen and there will be a default to mowing. This obviously has significant implications for the EIA which is not predicated on a 'no future grazing' scenario but on one where at least some grazing will happen. Mr Woodfield suggested absolute clarity was needed on this point – what exactly is the commitment to grazing within the proposed Order Limits, how much weight can be put on it as a mitigation or compensation measure and how would the ES conclusions change if it were not deliverable?

#### Conflation of monitoring with mitigation

- 4.17 Mr Woodfield expressed concern that *"monitoring is being almost used as a mitigation or compensation tool. It should certainly not be being used in that context. We've touched already today on the mitigation hierarchy, and we have significant concerns that that's been disregarded or leapfrogged in certain decision making (to do with B6, B7, and B8 for example). Again, I'm yet to hear why those areas haven't been avoided, but to suggest that monitoring and some kind of reactive measure acts as a mitigation measure, which seems to have been the kind of unsaid implication in some the discussion around monitoring that we've just heard, That is to go completely out of*

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<sup>6</sup> See transcript/recording 01:08:42:00 - 01:09:15:00 Ms Reason: "I don't think that the mitigation relies hugely on grazing, because we understand that there are limitations as to what can be achieved, and there may be periods of time where grazing simply isn't possible"

*step with the approach that's advocated in policy and in good practice ecological impact assessment”.*

4.18 Mr Woodfield also noted that in any event the monitoring is not backed up by any firm commitments towards reactive mitigation should it reveal impacts outside the scope of the EIA<sup>7</sup>. *“So, for example, if this scheme were to be granted consent on the terms that it's been proposed, and if there were panels in B6, B7, B8, and if the monitoring showed that that was causing displacement of bats from those fields and was having a potentially significant effect on them by that reason, we don't yet have the last piece of that jigsaw, which is the applicant saying, ‘okay, in that case, we'll take the panels out of those fields and revert them back’. The applicant has actually categorically said it is not prepared to do that. It will come up with other measures by which to try and compensate for those impacts. Well, that is to prejudice and to get ahead of the EIA process and the correct decision-making process. So, I'm concerned about the way monitoring is being used in this scheme as well”.*

4.19 The Applicant undertook to respond to all these points in writing at Deadline 3.

## **5 Agenda Item 3e – Ground nesting birds**

5.1 Mr Woodfield commented that he was concerned about the Applicant’s approach of ‘lumping together’ multiple species of ground nesting and wintering birds as single receptors and how this disguised or masked significant impacts on individual species. He stated *“I've yet to hear a sensible justification for taking that approach, or a sensible ecological justification for taking that approach. The analogy that I would draw would be that if that was a correct approach to take to nesting birds or wintering birds, or non-breeding birds as a receptor, then it would follow that it would be the correct approach to lump Bechstein’s bats in with all other bat species and say, well, because pipistrelle bat is a pretty adaptable and they and they may not be too bothered about the lighting impacts, noise impacts and fragmentation impacts associated with the scheme, then it follows that it must also apply to Bechstein’s”.* Mr Woodfield cited lapwing, golden plover and wintering raptors as *“some of the most important species in this landscape”* and also that all are *“species that solar arrays habitually displace because these are species that are like wide open sightlines and uncluttered fields. And those are exactly the things that the characteristics that a solar array takes away”.*

5.2 Mr Woodfield stated *“I'll be the first to accept that certain hedgerow nesting species may well benefit from a change in management regime, which means that*

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<sup>7</sup> Paola Reason commented that “if displacement is a real issue (potentially significant) we will test that and will have the time to respond” – but Applicant is not prepared to respond by removing panels from areas where displacement is occurring.

*these hedges are flailed less frequently and their buffer is, at least to some degree extended” but that “it’s a fallacy to suggest that that applies across the board. And it just so happens that the species that actually would be displaced; skylark, meadow pipit, lapwing, golden plover, snipe, large flocks of starling and what have you, are the species that generally are of higher conservation concern. So, I think there is a fundamental problem with the adequacy of the applicant’s impact assessment on these species”*

- 5.3 Mr Woodfield also commented upon the new grassland areas proposed by the Applicant to offset these losses *“the applicant has suggested that the compensation that it’s proposing (and it is compensation, it’s not mitigation, let’s get that clear), in terms of turning other fields into permanent grassland. Well, there doesn’t seem to have been any sensible assessment of the extent to which those other fields already harbour populations of these species. Nor whether the particular characteristics of these fields actually lend themselves to high densities of those species. So, for example, the field east of Runts Wood [D27] has topographical characteristics that probably limits its potential for things like skylark and certainly would limit its potential for things like wintering golden plover and lapwing.”*
- 5.4 Concluding on this issue, Mr Woodfield said that *“Even if you set aside the fact that we’re moving from hundreds of hectares of available habitat to perhaps less than 100 hectares of available habitat for these species, it doesn’t then follow that you can make an instant calculation that says, oh well, we’re going to create 95 hectares of new grassland, and all of these species are going to flock to there in exactly the same numbers as have been displaced from several hundred hectares”*. He concluded *“I’ll add that these are material considerations. These, include Priority species which is a statutory duty to consider in decision making. These include parts of an assemblage of county importance. So, these are county level impacts. These are all things that can add something to one or other side of the planning balance. These are relevant considerations and I just don’t think they’ve been adequately assessed”*.
- 5.5 Responding to the applicant’s assertions in reply about territory numbers and the adequacy of the compensation provision, Mr Woodfield stated *“I don’t agree with the applicant’s assessment of territory numbers. I haven’t had full access to the site, but I’ve walked the public footpaths and the territory numbers that I was picking up were in the region of about two territories per field of skylarks, which, if you extrapolate across the area, comes out with an estimate of something in the region of twice what the applicant’s assessment is. So, there’s a question there of the adequacy of the mitigation from that perspective. I was also very interested to hear that the rationale [offered by Mr Lang for the Applicant] behind the assessment of displacement effects on lapwing and golden plover, which was that effectively that there will be other winter*

*stubbles and other ploughed fields in the area. Well, that is a displacement effect that hasn't been mitigated or compensated. There is a reliance inherent in that statement on other farmland in the locality being available. Now, I'm not sure that that's fully reflected in the EIA<sup>8</sup>, in large part because it's swallowed up in this [approach of] 'let's just consider wintering birds as a generic receptor'. Because there'll be some winners and some losers [amongst the bird assemblage] we end up with a conclusion that actually it's overall it's not going to be so bad. Well, that's not great news for the lapwings and the golden plovers. And I do take issue also with the suggestion that the numbers [of those species] on the site were low. I don't know how well the applicant knows the Buckinghamshire situation with regards to those species, but in the Buckinghamshire context those were significant numbers. Ten years ago you would have got significant numbers of lapwing and golden plover, or 20 years ago, but those species are both in very steep decline in Buckinghamshire so the numbers [the Applicant recorded] are significant. That said, I don't disagree with the applicant's overall assessment of the wintering bird assemblage as of county importance. But those two species are key to that assessment and to suggest that displacement of them to some other farmland somewhere else in the vicinity is acceptable, well, not so much is acceptable, but something that's not worthy of mention in the EIA, I think is a signature of a flawed approach or an incomplete approach."*

## **6 Agenda Item 3e – Biodiversity Net Gain**

- 6.1 Mr Woodfield noted that unlike the ExA and Bucks Council<sup>9</sup>, CSAG had seen the full Biodiversity Metric calculation after having chased up the ExAs request for the Applicant to make it available. He noted that, having received it, *"I'm afraid it does vindicate Buckinghamshire Council's concerns and our concerns that the biodiversity net gain calculation that the applicant has put forward is unreliable"*.
- 6.2 He went on: *"the margin of error is difficult to quantify at this stage without going through the whole process. But as you'll have hopefully picked up from our Deadline 2 submissions, we've pointed you towards a couple of clear examples of where there have been base mapping and habitat classification errors. Potentially they may seem trivial in their own terms, where field boundaries have simply not been mapped. One of the key ones is that arable habitat, the lowest scoring habitat in the BNG regime, has been shown as continuous across field boundaries with a hedgerow line over the top. Now, what that means, as 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, gets discounted and classed as arable. And*

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<sup>8</sup> And especially in the cumulative impact assessment.

<sup>9</sup> It was a surprise to CSAG to learn that only they had been provided with a full copy of the Metric calculation.

*then obviously, when you come to do the future situation, 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 - where you get suppression of baseline value and then double counting of future value."*

- 6.3 The effect of this, as Mr Woodfield noted, is not insignificant: *"when you tot up the various field margins where this mistake has happened<sup>10</sup>, it tots up to a significant chunk of land about 8.2 hectares on a on a pretty conservative estimate. And as I said in my [Deadline 2] submission, that's equivalent to a 300-unit housing scheme. So, it's not an insignificant chunk of land that's been misclassified in the BNG calculation". And "there are other areas [of omission] 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".*
- 6.4 In terms of remedy of these errors, Mr Woodfield remarked *"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 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... actually what needs to happen, there needs to be a ground up reworking of the biodiversity net gain calculation."*
- 6.5 In terms of the importance of this issue to the process, Mr Woodfield noted *"let's not forget that requirement seven of the draft DCO is that the applicant has committed itself to a 40% net gain from this scheme. Now, even if you just correct a few of the errors that we've identified, they [the Applicant] 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".* Addressing the Examining Inspectors he offered *"It may well be that when all 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. But at the minute, we have just this huge measure of uncertainty. And with BNG being a relevant consideration here, in accordance with the National Policy statement, even if it's not yet mandatory for NSIPs, I think it's important that this is right... I think you guys need to have some confidence that what you're being*

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<sup>10</sup> Mr Lang for the Applicant responded to say "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 mapping unit". This is a reference to UKHab methodology but in all instances picked up by Bioscan, the omitted habitats are well above the minimum mapping unit in size, so this is not a tenable excuse. Similarly, Mr Lang presented an ill-conceived argument about field margins being included in hedgerow condition assessments and thus somehow covered. Again, that is not consistent with UKHab or BNG methodology.

*presented with in terms of figures is at least correct to within a fairly narrow margin of error, whereas at the minute I think the margin of error is enormous."*

6.6 Responding to the Applicant's responses on the above points, Mr Woodfield stated: *"you will see the examples that I've provided. And they are merely examples of some of the areas. To suggest that that's the totality of the areas that, that wrong are within the metric, I think is wrong"*. He then stated in conclusion on this matter:

6.7 *"...it may be the Applicant's case that if it ultimately corrects its Metric and falls below 40%, it 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, these are all matters that are relevant considerations for you. And I think to ask you to do it on the basis of a clearly flawed calculation is unfair. 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 biodiversity net gain change on this site. And I would certainly be calling for that to happen because otherwise we are talking about another calculation that gets pushed down the line and in which potentially significant impacts get lost in that process: impacts which are relevant to the determination process and to the attribution of weight to the various elements which you guys need to consider"*.

**Ends**