

Rosefield Solar Farm

Written Summary of Applicant's Oral Submissions at Issue Specific Hearing 1 (ISH1)



EN010158/APP/8.16
Deadline 3
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Rosefield Energyfarm Ltd

Infrastructure Planning (Examination
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1. Written Summary of Applicant's Oral Submissions at Issue Specific Hearing 1 (ISH1) on 20 May 2026 and 21 May 2026

1.1. Introduction

1.1.1. The following speakers were present at the hearing on behalf of Rosefield Energyfarm Limited (the Applicant):

- Amy Stirling, Partner at Pinsent Masons LLP;
- Richard Griffiths, Partner at Pinsent Masons LLP;
- Elisabeth Sandbach, Senior Associate at Pinsent Masons LLP;
- Simon Gillett, Director at Humbeat (in respect of the grid connection);
- Sarah Price, Director at DWD (in respect of scheme and alternatives / principle of development);
- Colin Whittingham, Director at RSK Land and Development Engineering (in respect of flood risk, water, and drainage);
- Jon Clayton, Associate Director at RSK (in respect of contamination and groundwater);
- Mark Lang, Technical Director at RSK Biocensus (in respect of ecology and biodiversity);
- Paola Reason, Director at RSK Biocensus (in respect of ecology and biodiversity, specifically bats);
- James Butler, Principal Arboricultural Consultant at RSK Biocensus (in respect of arboriculture);
- Daniel Leaver, Director at Stephenson Halliday (in respect of landscape and visual);
- Ruth Knight, Technical Director at Abseline Landscape Planning (in respect of design and master planning);
- Jen Richards, Principal Archaeology and Built Heritage Consultant at Headland Archaeology (in respect of cultural heritage);
- Gordon Buchan, Sector Director for Energy at Pell Frischmann (in respect of transport and access)

- Mike Humphrey, Director at Quod (in respect of population and health);
 - Mark Underhill, Associate Director at RSK Acoustics (in respect of noise and vibration);
 - William Franklin, Associate Director at RSK Air Quality (in respect of air quality);
 - Paul Gregory, Batter Safety and Testing Consultant at BST&T Consultancy Services (in respect of BESS safety);
 - Adam Dawson, Principal Air Quality Consultant at RSK (in respect of BESS plume assessment / modelling);
 - Jay Ryan, Senior Soil Scientist at ADAS (in respect of soils); and
 - David Hoare, Technical Director at RSK (in respect of cumulative effects).
- 1.1.2. This note summarises the oral submissions made on behalf of the Applicant at Issue Specific Hearing 1 (ISH1) held on Wednesday 20 May and Thursday 21 May 2026 in relation to the application by Rosefield Energyfarm Limited for an order granting development consent (Application) for the Rosefield Solar Farm project (the Proposed Development).
- 1.1.3. Notification of the date, time and venue for ISH1 was provided in the Planning Inspectorate's letter dated 28 April 2026 **[PD-013]**.
- 1.1.4. Where the Examining Authority (ExA) requested additional information from the Applicant on specified matters, or the Applicant undertook to provide additional information during the course of the hearing, that information is either set out in this note at Section 4 Response to Action Points from ISH1 ,or submitted as part of the Applicant's written submissions at Deadline 3 or (where identified and relevant) will be provided at Deadline 4 (22 June 2026).
- 1.1.5. This note does not purport to summarise the oral submissions of other parties. Summaries of submissions made by other parties are only included where necessary to provide context to the Applicant's submissions, or where the Applicant agreed with those submissions and made no further comments (as noted where relevant).
- 1.1.6. The structure of this note follows the order of the items listed in the detailed agenda published by the ExA **[EV6-001]** (the **Agenda**). The Applicant's substantive oral submissions commenced at Item 2 of the Agenda (as amended).

2. Written summary of the Applicant's oral submissions – ISH1 Day 1

#	Agenda item	Written summary of the Applicant's oral submissions
1.	Welcome, introductions, arrangements for the hearing	The Examining Authority (ExA) introduced the hearing and made some preliminary remarks. It was agreed that Item 4 (Water environment) would be swapped with Item 3 (Ecology and Biodiversity) to accommodate availability constraints of an attendee.
2	Need, site selection and alternatives	<p>a) Output of the proposed development and related land take</p> <p>The ExA referred to the Applicant's response to First Written Question (FWQ) 1.4.1 (REP2-087) and sought clarification in relation to the stated output of the Proposed Development and its associated land take. In particular, the ExA noted that the scheme comprises approximately 334.1 MW over 693 acres, equating to approximately 2.07 acres per MW, and queried why the capacity had been expressed in direct current (DC), rather than alternating current (AC), given that National Policy Statement (NPS) EN-3 indicates that capacity should be assessed using AC (paragraph 2.10.53).</p> <p>Mr Simon Gillett, on behalf of the Applicant, explained that, in calculating the ratio of 2.07 acres per MW, the Applicant had relied on the methodology adopted in the ExA's Recommendation Report for the Mallard Pass Solar Farm (EN010127), as set out in paragraph 3.2.102 and surrounding paragraphs of the Recommendation Report. He noted that this approach is consistent with that used in previous made Development Consent Orders (DCOs), whereby installed DC capacity is divided by land area, excluding mitigation and enhancement areas. He further confirmed that the same methodology had been adopted for the East Yorkshire Solar Farm DCO (EN010143) and the Springwell Solar Farm DCO, and that the Applicant had followed this established precedent.</p> <p>In relation to paragraph 2.10.53 of NPS EN-3, Mr Gillett stated that the Applicant's interpretation is that this provision relates to thresholds for determining whether a project falls within the DCO regime, rather than to the calculation of land-use efficiency. He noted that this was related to, but not identical to the guidance at paragraph 2.10.17 of NPS EN-3, which speaks to land take efficiency of a Scheme and indicates that solar farms typically require between 2 and 4 acres per MW.</p>

For Deadline 3, the Applicant confirmed in response to the ExA's request that it would review additional recent decisions and provide further examples of made DCOs which have adopted this approach. This became **Action Point 1**.

The ExA referred to FWQ 1.4.3 and noted that the Applicant had confirmed that the installed capacity, when measured in AC, would exceed 50 MW. The ExA sought clarification as to the anticipated AC capacity of the Proposed Development, observing that the Grid Connection Statement refers to approximately 335 MW AC, but that this had not been clearly reflected in the Applicant's previous response.

Mr Gillett explained that **Environmental Statement Volume 2 Chapter 8 Climate [APP-051]**, stated that the capacity of the solar site would be approximately 334 MW DC. He clarified that this figure is based on assumptions regarding power output of each panel, panel numbers and layout. Mr Gillett further stated that the Applicant would refine the layout assumption at detailed design, including all electrical workings, which will enable conversion from the installed DC capacity to an equivalent AC capacity. He confirmed that the **Grid Connection Statement [APP-137]** records that the Applicant has applied to National Grid to modify the connection from 500 MW to 335 MW – and that is measured in AC. He noted that, while the Applicant is not currently able to provide a definitive AC figure for the installed panels, it can confirm that the Proposed Development will exceed the relevant AC NSIP threshold.

The ExA sought confirmation that the final AC capacity would only be confirmed at the detailed design stage. Mr Gillett confirmed that this is the case.

Mr Gillett also confirmed the ExA's understanding that with no changes to the indicative design, there would be no overplanting with a ratio of 0.997 (334.1MWp vs. 335MWAC), and that overplanting may be incorporated at the detailed design stage again, once the technology is confirmed and there may be an increase in the efficiency of panels used in relation to current technology.

The ExA referred to FWQ 1.4.4 and noted that the Applicant's response indicated that there is no overplanting in the indicative design, with a ratio of 0.997. Mr Gillett, on behalf of the Applicant, confirmed that this is correct based on the current indicative design and that overplanting may be introduced at the detailed design stage as technology evolves and efficiency of panels is increased.

In response to questions relating to the speed of solar panel efficiency improvements, Mr Gillett referenced Figure 18 of the **Statement of Need [APP-036]** which shows that the evolution of panel efficiencies has been broadly linear since the 1970s through to 2024, and Section 7.5 of the Statement of Need which explains that the Applicant assumes that efficiencies would continue to increase broadly, linearly, over the development phase of the of the projects.

The Applicant confirmed that the Applicant would respond to the ExA's request to provide some indicative calculations on potential scheme capacity for Deadline 4. This became **Action Point 2**.

Post Hearing Note: See Section 4 of this Written Summary for responses to Action Points.

The ExA referred to the issue of overplanting and to the response submitted by Claydons Solar Action Group to 1.4.4 of **Responses to Examining Authority's First Written Questions [REP2-102]**. The ExA noted the Action Group's concern that, in the absence of clarity regarding the extent of overplanting, it is not possible to determine whether adverse impacts could be avoided by reducing the extent of land required for infrastructure, and invited the Applicant to respond.

Ms Stirling, on behalf of the Applicant, explained that it is the Applicant's responsibility to submit a design that is capable of delivery. She confirmed that the Proposed Development has been designed based on current market conditions, including the availability of solar panels and the prevailing supply chain, rather than on future projections. She stated that the Applicant considers this to represent a reasonable and proportionate approach.

Ms Helen Hamilton, on behalf of Claydons Solar Action Group, stated that there remains a lack of clarity regarding the size, scale and specification of the solar panels, as well as the extent of any potential overplanting. She explained that, without this information, it is difficult to assess whether adverse impacts could have been avoided, for example using alternative panel types, different configurations, or a reduction in the extent of development. Ms Hamilton also referred to the Applicant's earlier submission indicating that the battery energy storage system (BESS) element could potentially be removed and replaced with additional solar panels. She noted that this could have implications for both the generating capacity and the extent of development and may present a further opportunity to reduce adverse impacts.

Ms Stirling reiterated that, based on the current scheme design, there is no proposal for overplanting. She confirmed that the application has been prepared having regard to current solar market conditions and the existing supply chain. She explained that, if future efficiencies in land use were realised, for example through technological improvements, any increase in generation through overplanting would be directed towards maximising the efficient use of land and making full use of the grid connection, in support of wider decarbonisation objectives.

Ms Stirling rejected the suggestion that the Applicant had failed to mitigate impacts. She emphasised that the scheme includes a range of design commitments secured through the DCO, and that the detailed design would be subject to approval by Buckinghamshire Council in accordance with the relevant requirements and management plans. She reiterated that the Applicant has taken a reasonable and proportionate approach based on current available information.

The ExA queried whether improvements in panel efficiency could result in a reduction in land take.

Ms Stirling confirmed that, at this stage, any increase in panel efficiency would be expected to increase generation output rather than reduce the extent of land required. She explained that reducing the land area would result in a corresponding reduction in generating capacity, which would not align with national policy objectives or the identified critical national priority for renewable energy.

The ExA then referred to the Applicant's response regarding engagement with the developers of the East Claydon BESS, which identified potential opportunities to consolidate elements of the schemes and reduce land take. The ExA invited the Applicant to elaborate on the nature of those discussions and to clarify which elements may be capable of consolidation.

Ms Stirling, on behalf of the Applicant, explained that the relevant area of coordination relates to the abnormal indivisible load (AIL) access route, identified as Work No. 2B within the application. She confirmed that this is currently the only element where coordination between the two projects has been identified, with the potential for a shared access route which could reduce overall land take.

The ExA then queried whether such an arrangement would have any implications for the Environmental Statement (ES) as currently assessed.

Ms Stirling confirmed that the design as assessed within the DCO application would remain unchanged. She explained that the cumulative effects assessment has already taken account of the East Claydon BESS scheme, and that sharing the AIL access route would not materially alter the EIA as presented in the ES. Confirming this position became **Action Point 3**.

b) Grid connection

The ExA referred to the Applicant's response to FWQ 1.1.1 **[REP2-087]**, which states that the grid connection arrangements have been amended to align more closely with the anticipated storage capacity of the proposed elements, and that these changes would not affect the installed capacity. The ExA sought clarification as to whether the amendments referred to were those already identified in the Grid Connection Statement, namely the reduction in capacity from 500 MW to 335 MW, or whether any further amendment was being proposed.

Ms Stirling, on behalf of the Applicant, confirmed that this referred to the same amendment, namely the modification application submitted to reduce the AC connection capacity from 500 MW to 335 MW.

The ExA referred to FWQ 1.1.3 **[REP2-087]**, noting that the Applicant anticipates that the capacity of the revised grid connection offer will be reduced to 335 MW for solar, with import capacity reduced to 0 MW based on the Gate 1 offer for the BESS. The ExA sought clarification as to whether, in that scenario, the BESS would only store energy generated by the Proposed Development.

Mr Gillett, on behalf of the Applicant, provided an overview of the status of the Proposed Development with respect to NESO's Connections Reform process. He confirmed that the Proposed Development currently has a grid connection offer for 500MW of Transmission Entry and Exit Capacity effective October 2031. This is for a combined solar and BESS facility. The Applicant has been informed that the solar component of the Proposed Development has been re-prioritised as a Gate 2 Phase 2 development. However, the Agreement to Vary (AtV) the current connection agreement has not yet been passed to the Applicant as part of the ongoing industry processes. There are many other developers in a similar position. Similarly, the Applicant has been informed

that the BESS facility has been reprioritised as a Gate 1 development. Mr Gillett confirmed that the Applicant's understanding is that when the Gate 2 agreement arises, assuming consent is given, that connection agreement will only permit solar to be installed against that connection agreement. This means that if the Applicant proposed to put BESS on that connection (e.g. a "zero megawatt connection", export only), the Applicant would need to take that element of the Proposed Development through a further prioritisation exercise to connect both the solar and the BESS.

Mr Gillett also set out the chronology of how the Connection Agreement will evolve as currently informed by National Grid's processes. The Applicant's understanding is that when a Gate 2 AtV is issued to the Applicant, that would also reflect the Modification Application from 500MW down to 335MW. It would apply only to the solar elements of the Proposed Development and therefore would be only an export connection. A small anticipated ancillary import connection for 'house load' (to power the Proposed Development when it is not generating) is not material. Therefore, the import portion of the connection would be assigned to the Gate 1 element of the Grid Connection Agreement, which would then be related to that BESS element.

Ms Stirling, for the Applicant, confirmed that when the Applicant's Gate 2 offer (expected in the latter part of this year), is received, the BESS would not be able to import or export electricity because it would not be subject to that offer. Therefore, there would not be a situation where it could hold energy from the solar PV and then export to the grid that would be subject to the later Gate 1 agreement.

The Applicant agreed to set out the grid connection arrangements and the proposed modification in a chronology in writing at Deadline 3, which became **Action Point 4**.

The ExA referred to the response submitted by Claydons Solar Action Group to 1.1.6 of **Responses to Examining Authority's First Written Questions ExQ1) [REP2-102]**, which suggested that if the DCO were granted for the BESS, the National Energy System Operator (NESO) may be obliged to provide a grid connection, even if the Proposed Development does not meet its strategic requirements. The ExA invited the Applicant to respond.

Mr Gillett, on behalf of the Applicant, explained that NESO is currently undertaking a reprioritisation exercise across schemes within the connection queue, and that this process is ongoing. He noted that NESO has indicated

that there will be one or more further reprioritisation exercises, although specific dates have not yet been confirmed. He explained that it would be through participation in one of these future exercises that the BESS would have the opportunity to be reprioritised, namely, to move from its current Gate 1 position to a Gate 2 connection. However, Mr Gillett reiterated that the Applicant's Modification Application to National Grid seeks to reduce the export and import capacity of its current agreement to 335MW and that would be part of the AtV for the Gate 1 connection. Mr Gillett confirmed that if the BESS is consented, and a future submission to a future prioritisation round occurs for the BESS, then that would be at a 335MW connection as per the Modification Application. Therefore, the Applicant's position is that Claydons Solar Action Group's representation is not a realistic view of what may happen.

In response to a further question from the ExA Mr Gillett confirmed that securing consent for the BESS would support the BESS in any future reprioritisation process. But that the Proposed Development does not benefit from any NESO protection status in the grid connections queue, therefore securing planning consent for the BESS would not automatically update that Gate 1 agreement to a Gate 2 agreement.

Ms Hamilton, for the Action Group, expressed concerns that combining solar generation and BESS may be prioritised ahead of standalone BESS schemes and she emphasised broader concerns regarding the volume of BESS projects currently within the connection queue.

Ms Stirling, for the Applicant confirmed that there would be no 'jumping the queue' with solar and BESS combined. Ms Stirling, on behalf of the Applicant, clarified, in the first instance, that there would be no "jumping of the queue," because the solar and BESS would never be combined in the queue as the BESS would progress from Gate 1 to Gate 2 at a later stage. She explained that the solar and BESS components are treated separately within the connection queue, with the solar element being a Gate 2 Phase 2 development, and the BESS currently holding a Gate 1 position. She confirmed that, if the BESS were to seek reprioritisation, it would do so as a standalone BESS project and would be assessed on that basis.

In response to the Claydons Solar Action Group, Mr Gillett drew attention to the December 2025 National Policy Statements which are potentially relevant to this application. Mr Gillett explained that Paragraph 3.2.6 of NPS EN-1 is very clear about the targets and numbers presented in the government's Clean Power Action Plan, and indeed throughout the National Policy Statements, in that those numbers are not about stopping projects, they

are about prioritising projects for 2030 while maintaining a robust pipeline beyond 2030. Mr Gillett explained that Section 3.9 of the **Statement of Need [APP-036]** provides further context on that point. Mr Gillett also referenced 'Planning for New Energy Infrastructure,' the Government's consultation response to the new NPSs, which also confirms that the government's capacity ranges and NESO's prioritization should not be seen as a constraint to the planning process. This is because the Government has retained optionality within its strategic alignment criteria, i.e. the capacity ranges within Clean Power 2030, therefore those ranges are expected to be refined either up or down for different technologies, depending on progress made towards its aim to meet a clean power system by 2030 and maintain it thereafter.

Mr Gillett explained that just because projects have been prioritised by NESO in the connections queue does not mean that they will all be delivered and that all projects in the queue will become operational at the time stated, or at the capacity stated, or indeed at all. Indeed, NESO's consultation on next steps for connection reform in fact addresses the point of attrition from the queue and how it should assess that in terms of strategic alignment in future re prioritization rounds. Therefore the Applicant's position is that the Government's current policy position confirms that the need, which is established by the National Policy Statements, for renewable and flexible energy infrastructure, continues to apply to any scheme or component of a scheme which currently has a Gate 1 connection agreement.

Mr Kozelko, on behalf of Buckinghamshire Council, raised two queries arising following the discussion between the Applicant and Claydons Solar Action Group. First, he referred to paragraph 4.11.12 of NPS EN-1 (2023), which requires the Secretary of State to be satisfied that appropriate network connection arrangements are, or will be, in place. He noted the current uncertainty surrounding the BESS, which remains at Gate 1, in contrast to the solar element which is progressing under Gate 2 Phase 2. He queried whether, in those circumstances, it is possible at the present stage of the examination to conclude that the requirement in paragraph 4.11.12 is satisfied.

Secondly, Mr Kozelko referred to paragraph 3.2.6 of EN-1 (2023), which relates to the need for nationally significant infrastructure projects (NSIPs). He observed that, while solar development falls within the NSIP regime, BESS does not, save for certain exceptions such as pumped storage, and instead constitutes associated development in this case. He therefore queried whether it is appropriate for the Applicant to rely on paragraph 3.2.6 in respect of the BESS element of the Proposed Development.

Ms Stirling, on behalf of the Applicant, explained that in relation to paragraph 4.11.12 of EN-1 (2023), which requires the Secretary of State to be satisfied that appropriate network connection arrangements are, or will be, in place, that the Applicant considers this requirement to be met. She explained that the Applicant currently benefits from a grid connection agreement for both the solar and BESS elements, albeit subject to ongoing industry-wide reform.

Ms Stirling added that more recent policy framing recognises that the relevant test is whether there is a realistic prospect of a grid connection, rather than certainty. She confirmed that the Applicant considers that it has demonstrated such a realistic prospect in this case by noting that the solar element has been reprioritised as Gate 2 Phase 2, and that the BESS, while currently holding Gate 1 status, has a clear and realistic pathway to obtaining Gate 2 status through future reprioritisation exercises.

The ExA sought clarification as to the basis upon which that prospect is realistic.

Ms Stirling explained that this is based on the fact that the project already holds a form of connection agreement, albeit subject to change, and will retain a Gate 1 position, enabling it to participate in future reprioritisation processes. She stated that there is no evidence to suggest that progression to Gate 2 would not be achievable. She further noted that there is an inherent sequencing issue, in that the grant of development consent demonstrates project readiness and supports progression through the grid connection process.

In relation to the second point raised by Buckinghamshire Council concerning paragraph 3.2.6 of EN-1 (2023), Ms Stirling advised that it would be necessary to review the paragraph in its full context, including the surrounding text, in order to determine whether it applies solely to NSIPs or whether it may also extend to associated development such as the BESS.

The Applicant agreed to identify relevant Secretary of State decisions which support how an absence of a Gate 1 offer is not a barrier to consent, and to confirm that appropriate network connection arrangements are/will be in place in accordance with paragraph 4.11.12 of NPS EN-1 (2023). This became **Action Point 5**.

The ExA referred to the issue of BESS capacity, drawing on the response of Claydons Solar Action Group to FWQ 1.6.2. The ExA noted the concern raised that the capacity of the BESS may exceed the grid connection agreement, depending on the storage capacity, which has not been specified. The ExA also noted that the Applicant's response referred to indicative scenarios, with final requirements dependent on market conditions at the detailed design stage. The ExA therefore invited the Applicant to confirm whether the BESS capacity could exceed the connection agreement, with potential implications for its status as associated development.

Mr Gillett explained that BESS capacity can be measured as power capacity (which is the instantaneous power that could be imported or exported from the BESS at any point in time, measured in MW) and energy capacity (which is how much energy, measured in MW hours, can be stored within that facility). The **Statement of Need [APP-036]** explains that grid connection capacity would be an important input into the power capacity rating of the BESS. Mr Gillett explained by way of example that connecting a 400MW power capacity BESS to a 300MW connection would mean that 100MW of power capacity could not be used and that would not make rational sense. Therefore, Mr Gillett suggested that the power capacity of the BESS would be 335MW with an allowance for some small electrical losses.

Mr Gillett explained that in terms of the MW hours energy storage capacity of the BESS, designs are evolving and technologies are advancing, and as they do the energy density capacity of BESS storage containers is increasing. Mr Gillett provided an example that historically, a standard BESS storage container may contain one megawatt hour of energy storage, but now a similarly physically sized (length, breadth, height) container may be able to store more than one megawatt hour of energy. From a consenting perspective, the **Design Commitments [REP2-010]** sets out parameters around the footprint and envelope around the BESS compound, within which the energy storage facility would be located.

Mr Gillett also referenced the **Outline Battery Safety Management Plan [REP2-073]** which explains that the Applicant would comply with the appropriate BESS safety guidance which is in place at the time of detailed design. He noted that it had the potential to impact the number of containers and the spacing between containers, within the BESS compound. As such, Mr Gillett confirmed that the environmental assessment has therefore been undertaken based on the physical parameters of the compound, rather than a fixed MWh storage figure, and that this is why a precise storage capacity has not been specified in the Application.

The ExA invited the Applicant to address the issue of associated development and, the question of subordinacy.

Ms Stirling, on behalf of the Applicant, referred to Appendix 1 of the **Applicant's Response to the Examining Authority's First Written Questions [REP2-087]**, which sets out the Applicant's position on the relevant tests for associated development. She explained that this appendix addresses the key considerations, including the direct relationship between the elements of the scheme, subordinacy, and proportionality in scale.

Ms Stirling summarised the Applicant's position that the primary purpose of the Proposed Development is the generation of low carbon electricity through the solar arrays. She explained that the BESS supports that primary purpose by enabling the storage of energy generated by the solar development and by providing grid balancing services. She confirmed that the Applicant considers the BESS to be proportionate in scale to the solar development. Ms Stirling explained that the BESS operates in a functionally subordinate manner. She noted that the BESS does not itself generate electricity contributing to renewable energy targets, but instead operates in response to the output of the solar development and the demands of the grid. She emphasised that the BESS does not control the generation of electricity by the solar arrays. Rather, in certain scenarios, the output of the solar development may influence how the BESS is utilised.

The ExA sought clarification as to whether the primary role of the BESS is to store energy generated by the solar development.

Ms Stirling explained that, while the operation of the BESS is ultimately determined by grid demand, the solar development remains the primary energy-generating element of the Proposed Development. She provided an example in which, where solar generation is available and grid demand is high, electricity generated by the solar arrays would be exported directly, with the BESS remaining functionally subordinate. She reiterated that, in this way, the BESS does not control the solar development, but the solar development may influence how the BESS operates, demonstrating its subordinate role.

Ms Hamilton, on behalf of Claydons Solar Action Group, raised concerns regarding the Applicant's characterisation of the BESS as being held "in reserve". She explained that BESS schemes can derive a significant proportion of their income by importing electricity from the grid when demand and prices are low, and exporting it when demand and prices are higher. Ms Hamilton noted that this arbitrage function has been a key driver for the deployment of BESS and is not necessarily dependent on co-location with solar generation.

Ms Stirling, on behalf of the Applicant, clarified that she had at no point suggested that the BESS would be “held in reserve” in the manner described.

Mr Gillett explained that the operation of the electricity system has evolved significantly in recent years. Historically, electricity demand would be met by dispatchable generation sources such as coal, gas or pumped storage, which could be brought online as required. However, the system is now undergoing a transition away from carbon-intensive generation and towards renewable sources, such as solar and wind, which are inherently intermittent. He explained that, as a result, there is an increasing need for flexible assets, including energy storage, to balance supply and demand. He stated that energy storage enables excess low-carbon electricity generated during periods of high output, for example, when the sun is shining, to be stored and then released at times when demand is higher.

Mr Gillett explained that market pricing provides the mechanism by which such flexibility is incentivised, with electricity prices increasing when supply is scarce and decreasing, or becoming negative, when supply is abundant. However, he emphasised that the primary purpose of the BESS is not to make money out of arbitrage, but is to support the solar farm in increasing the utilisation of its grid connection, and in supporting the solar farm, ensuring that the energy that it generates can be best used to ensure that supplies are secure and reliable. Therefore, there is a real physical need for flexible assets as set out in government policy and in the Clean Power Action Plan for flexible assets to support renewable assets to a Clean Power system by and beyond 2030.

Ms Hamilton, on behalf of Claydons Solar Action Group, stated that the key issue was whether the BESS can properly be regarded as subordinate to the solar development. She referred again to the letter from the Energy Minister and Ofgem, which identified a significant oversupply of BESS projects within the connection queue. She submitted that, in those circumstances, the question is not whether BESS provides a useful function in principle, but whether additional BESS is required, given the volume already effectively “in reserve” within the system.

Ms Stirling, on behalf of the Applicant, responded that this conflated two separate issues. Ms Stirling confirmed that the Applicant does not agree with that proposition that because the BESS may have an import connection and may participate in wider system services such as arbitrage, it should not be considered subordinate. She reiterated that the BESS is subordinate to the NSIP, namely the solar development. She explained that the ability

of the BESS to import electricity at times of low demand and export it when demand is higher does not alter its status as associated and subordinate development. She confirmed that the BESS operates in support of the overall Proposed Development and within the framework of the solar-led development.

Dr Chris Jordan, on behalf of East Claydon Parish Council, queried the scale of the proposed BESS, noting the Applicant's position that detailed design cannot yet be fixed due to technological developments. However, he submitted that it would be helpful to understand the order of magnitude of the BESS, particularly in terms of storage capacity, referring to the consented Statera BESS scheme, with a capacity of 500 MW and approximately 3.5 GWh of storage, located adjacent to a National Grid substation.

Mr Gillett, on behalf of the Applicant, confirmed that the current indicative design for the BESS is approximately 1,000 MWh of storage capacity, equating to around 3 hours of storage at the 335 MW connection capacity. He explained that this represents the intended order of magnitude for the Proposed Development.

In relation to efficiency, Mr Gillett explained that no battery system is 100% efficient but that a typical round-trip efficiency for lithium-ion batteries is approximately 85% to 88%. He noted that this level of efficiency compares favourably with other forms of generation, such as combined cycle gas turbines, which convert approximately 48% to 49% of input energy into electricity, with 50% to 51% lost as heat. Mr Gillett further explained that standalone BESS schemes perform the same system function of balancing supply and demand, via market mechanisms, as the co-located BESS proposed as part of the project.

The ExA referred to paragraph 2.10.71 of NPS EN-3 and sought clarification as to whether the Applicant had adequately addressed scenarios "with and without" the BESS, observing that the documentation appeared to assume the presence of BESS rather than presenting a distinct alternative.

Ms Stirling, on behalf of the Applicant, referred to the **Design Approach Document [REP1-018]**, which sets out the design evolution of the Proposed Development and explains how the maximum design parameters have been developed. She stated that the assessment would reflect the worst-case scenario within the ES, whereby the inclusion of BESS is assumed for assessment purposes, particularly in relation to topics such as landscape and visual impact. Ms Stirling proposed that the Applicant would review the existing documentation and confirm

what is currently provided, including clear signposting, at Deadline 3 and where necessary, provide additional information addressing a “with BESS” and “without BESS” scenario at Deadline 4. This became **Action Point 6**.

The ExA then turned to matters relating to design evolution.

Mr James Burton, on behalf of Preston Farms and TCS Biosciences, raised concerns about the lack of clarity in the ES regarding the expansion of Parcel 3 since 2022 which he submitted had been confined to Fields E20 and E11 at that time.

Ms Sarah Price, on behalf of the Applicant, explained that the plan the Prestons were referring to related to the extent of the wintering bird survey area undertaken in 2022. She clarified that this plan represents an early survey area rather than a proposed scheme boundary. Ms Price referred to the **Design Approach Document [REP1-018]**, which sets out the design evolution of the Proposed Development, including the Stage 1 design (at Figure 5.2, electronic page 43). She explained that it is standard practice for solar developers, particularly for NSIP-scale projects, to undertake surveys at an early stage to identify potential options before refining the Proposed Development.

Ms Price confirmed that the wintering bird survey area informed the Applicant’s understanding of environmental constraints during early land assembly. It was not itself a proposed scheme boundary. The boundary presented at non-statutory consultation was more extensive and is the boundary that then evolved through scoping, PEIR and the DCO application. Ms Price further referred to the **Consultation Report [APP-020]** and the **Site Selection Report** (Appendix 1 to the **Planning Statement [REP1-016]**), which together explain how planning and environmental considerations informed the evolution of the scheme from its early stages to the current design. Ms Price emphasised that the key distinction is that the plan referred to by the Prestons reflects an initial survey area used to inform early design work, rather than a fixed or proposed Order limit boundary.

Mr Burton, disputed that the plan was produced solely for survey purposes, submitting that it represented a genuine alternative scheme configuration which should have been assessed and explained within the ES, and rejecting its characterisation as a survey plan.

Ms Stirling, on behalf of the Applicant, reiterated that the plan was never intended to represent a Proposed Development boundary, as explained by Ms Price. She referred to the non-statutory consultation plans, which clearly showed a more extensive boundary within Parcel 3, and confirmed that this boundary was carried forward through scoping, the PEIR and into the DCO Application documents. She noted that the relevant documents, including the Scoping Report and Scoping Opinion, the PEIR, and the Consultation Report, are before the ExA and demonstrate that the red line boundary was extensively consulted upon, and confirmed that, in the Applicant's view, reasonable alternatives have been properly considered and reported.

Ms Stirling, in response to Mr Burton and the Action Group, acknowledged that the labelling of the plan as a "site location plan" was unfortunate and confirmed that it would have been more accurate if the legend had referred to it as a "survey boundary". However, she stated that this did not alter the substance of the Applicant's position. She reiterated that the plan formed part of the early stages of land assembly and site identification and was one of several tools used to inform the site selection process. She further explained that it is not uncommon for surveys to be undertaken at a stage when the full red line boundary has not yet been finalised, and while land is still being assembled.

In response to Mr Burton, Ms Price, on behalf of the Applicant, explained that the obligation on the Applicant to consider reasonable alternatives under the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017, is to be applied in a proportionate manner. She referenced paragraph 4.3.22 of NPS EN-1 (2024), which provides that only alternatives capable of meeting the objectives of the Proposed Development need to be considered. She noted that these objectives include the intended generating capacity of the Proposed Development and making the most effective use of the grid connection. Ms Price explained that, at the early stages of the project, the Applicant was assessing the extent of land required to maximise grid capacity requirements, in parallel with considering planning and environmental constraints. She noted that survey work, including in relation to the wintering bird survey area, formed part of this early process to inform site selection and design development. She stated that it is standard practice in such projects for the extent of land to be refined over time, and that it may be necessary to identify and include additional land to maximise the generating capacity of the Proposed Development and meet its objectives.

Ms Price confirmed that the Applicant's position is that the plan in question does not represent a Proposed Development option. She further stated that, even if it were to be characterised as such, it would not constitute

a reasonable alternative for the purposes of the policy tests, as it would not meet the objectives of the Proposed Development.

Mr Woodfield, on behalf of Claydons Solar Action Group, stated that, while land assembly and iterative design are standard, it was difficult to accept that survey work would be undertaken on a basis that was effectively arbitrary. He suggested that this indicates that the area subject to survey would have reflected an early-stage design or option, rather than being a neutral or undefined area of search.

Ms Stirling, on behalf of the Applicant, clarified that the Applicant had not suggested that the area in question was randomly identified. She explained that it represented a point-in-time position during the process of land assembly, at which stage that area had been identified and was therefore subject to survey. Ms Stirling reiterated that the initial survey area did not constitute a standalone scheme option, but rather, it formed part of the iterative process of defining the red line boundary which was ultimately taken forward, consulted upon, and forms the basis of the DCO Application in Examination.

Post-Hearing Note: Paragraph 4.3.33 of NPS EN-1 (2024) further clarifies that in considering alternatives, the Secretary of State should be guided by whether there is a realistic prospect that any alternative would deliver the same generating capacity in the same timescale. This would clearly not be the case for an alternative which was confined to only those parcels described in the wintering bird survey. The Applicant also notes that it carried out several surveys covering various areas, sometimes one parcel at a time or targeted in an area where only certain species were relevant. Such surveys were not presented as a Proposed Development design.

c) Status and location of the proposed BESS

The ExA referred to the **Applicant's Response to Buckinghamshire Council's Local Impact Report [REP2-085]** submission at Deadline 2, which included at Appendix 1 a letter to Buckinghamshire Council summarising the process by which the BESS location was determined and the factors considered. The ExA invited the Applicant to provide further information on why it considered Fields E10 and E11 are unsuitable for the BESS. The ExA queried whether the Applicant could quantify its position that locating the BESS within those fields would give rise to significant adverse noise effects at Sion Hill Farm during the operational phase. The ExA suggested this information should be given with clear supporting evidence to documents in the Examination Library.

Ms Stirling confirmed it would provide this information. This became **Action Point 7**.

Ms Knight, on behalf of the Applicant, explained that additional detail on the BESS' location had been provided in the Applicant's response to **Applicant's Response to Buckinghamshire Council's Local Impact Report [EN010158/APP/8.11] [REP2-085]**. Ms Knight also referred to the **Design Approach Document [REP1-018]** and **Environmental Statement Volume 1, Chapter 4 (Reasonable Alternatives) [APP-047]**, which set out the design evolution of the Proposed Development. She confirmed that the Rosefield Substation is proposed within Parcel 3 and that its location was refined during design Stages 2 and 3. These refinements were informed by engagement with National Grid regarding the replacement of its East Claydon Substation, inputs from landscape and visual assessment, noise modelling, and the objective of minimising the length of the connection to the National Grid East Claydon Substation.

Ms Knight explained that the footprint of the Rosefield Substation, as shown on the **Illustrative Layout Plans [REP1-007]**, indicates that it would occupy a substantial part of Fields E11 and E20. This has the effect of reducing the area of Parcel 3 available for locating the BESS.

In relation to noise, Ms Knight explained that locating the BESS within Fields E10 and E11 had the potential to result in significant adverse effects at Sion Hill Farm. She stated that this arises from a combination of factors, including reduced separation distance between the BESS and Sion Hill Farm (including associated livestock areas), an increased concentration of noise-emitting infrastructure within that part of the site, and cumulative noise effects with nearby developments, including the National Grid East Claydon Substation extension and the East Claydon BESS.

Ms Knight explained that there are further significant constraints affecting Fields E10 and E11. In relation to overhead lines and pylons, Ms Knight explained that Fields E10 and E11 contain existing National Grid infrastructure. These are shown on Ordnance Survey mapping within **ES Volume 3, Figure 1.2 Order Limits [APP-061]**, and are also identified on the **Order Limits and Coordinates Plans [AS-004]**. Ms Knight noted that there is currently uncertainty regarding the final alignment of these overhead lines, pending the proposals associated with the replacement National Grid East Claydon Substation. However, information provided by National Grid Electricity Transmission (NGET) in its **Response to Procedural Decision letter dated 9 January**

2026 - Additional Submission accepted at the discretion of the Examining Authority [AS-037] confirmed that a 30m easement is required on either side of each tower and additional easements are required beneath the overhead lines.

Ms Knight explained that this results in an effective 60-metre-wide exclusion corridor associated with National Grid infrastructure. She confirmed that this would significantly constrain the developable area within Fields E10 and E11, whether the overhead lines remain in their current position or are relocated within those fields.

Ms Knight also referred to flood risk constraints within the same fields. She noted that flood risk areas are identified in Annex 1 of Appendix 5 (Sequential and Exception Test) to the **Planning Statement [REP1-016]**. She confirmed that portions of Fields E10 and E11 fall within areas of flood risk, further limiting the extent of land available for development. Ms Knight concluded that, when taken together, the constraints arising from overhead line easements and flood risk significantly reduce the developable area within Fields E10 and E11 and were key considerations in determining that these fields are not suitable for siting the BESS.

In response to matters raised by Mr Burton acting for Preston Farms/TCS, Ms Stirling cautioned against oversimplifying interpretation of the plans, noting that the presence of apparent space on mapping does not in itself demonstrate suitability. She explained that the assessment of suitability requires consideration of multiple interacting constraints and the feasibility of a detailed layout, rather than a high-level review of available land. She further noted that – as a matter of procedural fairness - if another party was to assert that Fields E10 and E11 *do* represent a suitable alternative location, then, in accordance with the guidance in NPS EN-1, the evidential burden lies with that party to substantiate the suitability of the proposed alternative as evidence in support of its case, including in relation to environmental impacts.

Ms Stirling responded to the reference made by Mr Burton to paragraph 4.7.3 of **ES Chapter 4 [APP-047]**, explaining that the list of consultees set out in that paragraph is expressly non-exhaustive. She stated that there is no suggestion that the Applicant failed to engage with Preston Farms during the pre-application process, and that such engagement is evidenced elsewhere within the consultation materials before the Examination.

The ExA requested that the points raised in relation to the constraints affecting Fields E10 and E11 be consolidated into a single document, clearly supported by evidence and with appropriate signposting to the Examination Library. This became **Action Point 7**.

4 Water environment

a) Geomorphology

The EA confirmed that following the updates made by the Applicant at Deadline 2 with regard to the commitment to provide a clear span bridge to accommodate the Abnormal Indivisible Loads (AILs), the geomorphology issues are now resolved. The EA stated that this will be reflected in the updated SoCG to be submitted at Deadline 3.

b) Biodiversity

(i) Impact of the proposed bridge on riparian ecological features

The EA confirmed that no further action is required. The EA stated that the updates provided by the Applicant at Deadline 2 had resolved this matter, along with all remaining biodiversity-related issues in the SoCG.

c) Water quality and waste management

The EA confirmed that they were satisfied that its previous concerns around the potential release of polyfluoroalkyl substances (PFAS), as reflected in the latest draft SoCG, were resolved and that no additional mitigation was required at this stage.

In subsequent discussion in the hearing, Ms Hamilton, on behalf of Claydons Solar Action Group, questioned how PFAS and other “forever chemicals” in cables would be addressed at decommissioning.

Ms Stirling, on behalf of the Applicant, responded that the majority of ground-mounted solar PV projects are based on glass panels and would not typically contain PFAS materials. However, she explained that, as the procurement process has not yet commenced, the Applicant was not in a position to definitively confirm that no PFAS-containing materials will be used, although it is the intention to avoid such materials where possible through procurement. She explained that any potential risks would be addressed through the detailed design process and secured through the detailed Construction Environmental Management Plan, which must be approved prior to the commencement of construction.

The EA confirmed that, in relation to PFAS in solar panels, the Applicant's position is acceptable at this stage and aligns with the approach taken on similar projects. The representative for the EA noted that, while some schemes are able to commit at the procurement stage to excluding PFAS-containing materials, this is not always possible. She confirmed that, from a water quality perspective, the EA is satisfied that the environmental management plans provide appropriate mechanisms to manage and mitigate any risks once the specification of materials is confirmed.

Ms Hamilton, on behalf of Claydons Solar Action Group, reiterated that her question related specifically to cables being left in situ following decommissioning.

The Applicant and EA are agreed that the process for how assets would be decommissioned and removed would be considered at the time of decommissioning in line with the then-current guidance and any updated understanding, including in relation to PFAS. The EA confirmed that, at present, leaving cables in situ is considered appropriate and that the associated risks are negligible, particularly where the cables remain intact and are properly secured.

The Applicant confirmed it would respond in writing on the cables query, and this became **Action Point 11**.

In response to the ExA's question as to whether the **Outline Battery Safety Management Plan [REP2-075]** satisfied the EA's concerns regarding testing of water following a fire, Mr Hodkin, on behalf of the EA, confirmed that, in relation to firewater testing, the latest version submitted at Deadline 2 resolved the EA's concerns. Similarly, Ms Houghton for the EA confirmed that in relation to water quality monitoring, the updates to the **Outline Construction Environmental Management Plan (OCEMP) [REP2-059]**, **Outline Operational Environmental Management Plan [REP2-061]** and **Outline Decommissioning Environmental Management Plan [REP2-063]** resolved the EA's previous concerns.

d) Flood risk

(i) Flood risk

The EA confirmed that the clarification provided by the Applicant to Sections 4.2.1 and 4.2.2 of **Environmental Statement Appendix 16.1 (Flood Risk Assessment) [REP2-053]**, namely the provision of a 600mm freeboard above the design flood level, addressed the EA's concerns and that this issue is now resolved.

(ii) Floodplain compensation

The ExA referred to updates to the **Outline CEMP [REP2-059]** and the **Flood Risk Assessment [REP2-053]**, noting the inclusion of additional information on compensatory flood storage and confirmation that any required measures would be implemented prior to construction within Flood Zone 3b, and asked whether these updates resolve the EA's concerns.

The EA welcomed the additional detail on compensatory flood storage but confirmed that its concerns are not yet resolved. The EA stated that further clarification is required, particularly in relation to compliance with paragraph 5.8.12 of EN-1 and demonstrating no net loss of floodplain storage. The EA noted that discussions with the Applicant are ongoing and progressing positively, and that the issue was capable of resolution.

Ms Stirling, on behalf of the Applicant, explained that the Applicant's interpretation of paragraph 5.8.12 was that it should be read in the context of the wider provision, particularly the objective of ensuring that there is no increased flood risk beyond the site boundary. She submitted that the requirement is not necessarily directed at achieving no net loss of floodplain storage within the site itself, but rather at avoiding adverse impacts on flood risk elsewhere. Ms Stirling also expressed confidence that the matter could be resolved.

Mr Colin Whittingham, on behalf of the Applicant, explained that the Applicant was updating its Flood Risk Assessment at Deadline 3 to include additional supporting text and further mitigation measures to demonstrate that there will be no increase in flood risk off-site. He confirmed that these measures are likely to be reflected in the **Outline Drainage Strategy [REP2-075]**, which includes perimeter swales and attenuation features sized to compensate for any loss of floodplain storage volume. Mr Whittingham noted that these features would be designed to ensure that any displacement of flood storage resulting from the development is appropriately mitigated. Updating the Flood Risk Assessment and Outline Drainage Strategy became **Action Point 9**.

The ExA then raised a further outstanding point regarding the use of the correct epochs in the Applicant's flood modelling, noting that the Applicant had explained its approach in the latest SoCG and invited comment from the EA.

The EA explained that epochs refer to the time periods used for applying climate change allowances in flood risk assessments. The EA is satisfied that the Applicant has adopted appropriate epochs and climate change allowances.

In response to the ExA's question on the use of proxy datasets for fluvial and pluvial flood risk, the EA explained that certain parts of the Site lie within Flood Zones 2 and 3, but that there are also areas where watercourses do not have associated Flood Zone mapping due to the small size of their catchments. The representative for the EA noted that, in those areas, the Applicant has used the "Risk of Flooding from Surface Water" dataset as a proxy for fluvial flood risk. The EA noted that it was expecting updated analysis from the Applicant at Deadline 3 to demonstrate that the dataset used is a representative and conservative proxy for fluvial risk.

Ms Stirling, on behalf of the Applicant, confirmed that the requested comparative analysis is currently being prepared and the analysis would be submitted at Deadline 3, with the intention of resolving the outstanding issue with the EA by Deadline 4.

The ExA turned to the issue of fencing permeability and referred to concerns previously raised by the EA regarding the potential for fencing to obstruct flood flows. The ExA noted that the Applicant had provided additional information at Deadline 2 within documents **Environmental Statement Volume 4, Appendix 16.1: Flood Risk Assessment [REP2-053], Outline Construction Environmental Management Plan [REP2-059], and Outline Operational Environmental Management Plan [REP2-061]**. The ExA asked whether the EA whether it resolved their concerns.

The EA confirmed that the Applicant had now provided sufficient detail regarding the design of the fencing, including mesh spacing, and had also included measures within the management plans to address any blockages that may occur following flood events. Therefore the EA's original concern about the potential for fencing to be located within flood risk areas which may obstruct overland flow paths was resolved.

In response to the ExA's query about outstanding drainage matters, the EA confirmed that all issues have now been resolved, with the exception of one outstanding point relating to the how the penstock valve is described and operated within the relevant management plans. Ms Stirling confirmed that references to the penstock valve

in its outline management plans would be updated for Deadline 3 to confirm that it is “automatic and manual operated”. This became **Action Point 10**.

Mr Woodfield, on behalf of the Claydons Solar Action Group, submitted that it was unclear as to what water quality baseline was currently being relied upon to conclude that impacts can be appropriately managed. He observed that it appeared the baseline would be later established through a requirement, but that there was not yet a clear understanding of the sensitivity of the watercourse. Mr Woodfield noted the absence of baseline data for aquatic invertebrates and fish, and argued that, without this, the assessment lacks a robust basis and appears to rely on future monitoring rather than an established baseline.

Ms Stirling for the Applicant, stated that the Applicant would confirm the baseline information used for the water quality assessment, with particular consideration of aquatic invertebrates and fish. This became **Action Point 8**.

Dr Jordan raised concerns regarding flood risk, reliance on modelling, and site access constraints, referring to the Applicant's Flood Risk Assessment and EA flood mapping. He highlighted local flooding in Parcel 3 from Claydon Brook, questioned the reliance on desktop modelling without reflecting on-ground conditions, and raised cumulative impact concerns from multiple developments draining to the same watercourse.

Mr Whittingham, on behalf of the Applicant, responded on the datasets and modelling. He explained that the hydraulic modelling for Claydon Brook is based on the Statera model, which has been reviewed by the EA and is accepted as fit for purpose, and has been updated to incorporate additional climate change allowances consistent with the epochs discussed earlier. He confirmed that there is no reason to consider the input datasets inaccurate or unsuitable. He added that the Proposed Development incorporates additional mitigation measures, including freeboard, and that development has been located outside the highest flood risk zones where appropriate.

Ms Price, on behalf of the Applicant, then summarised the Applicant's approach to the sequential test. She noted that, typically, the EA's role is focused on flood modelling and flood risk matters, rather than determining compliance with the sequential test, which is a planning policy matter. She referred to Appendix 5 to the **Planning Statement [REP1-016]**, and to the **Site Selection Report** (Appendix 1 to the **Planning Statement [REP1-016]**), which set out the Applicant's approach to the sequential and exceptions test by reference to relevant policy.

Ms Price explained that, at a macro site selection level, the Applicant considered a 10km study area from the point of grid connection. She stated that flood zones and watercourses are widespread within that study area and that, given the requirement to connect to the East Claydon substation, which is itself adjacent to Flood Zones 2 and 3, it is not possible at a strategic level to avoid flood zones entirely.

Ms Price explained that the Applicant has then applied a sequential approach at the site-specific design stage. She referred to the **Design Commitments [REP2-010]**, which secures that more vulnerable infrastructure, including the substation, the BESS, inverter stations and collector compounds, will be located within Flood Zone 1. She stated that less vulnerable elements, such as solar panels and fencing, may be located within Flood Zones 2 and 3. Ms Price concluded that Appendix 5 to the Planning Statement sets out the Applicant's overall conclusion that there are no reasonably available alternative sites at lower risk of flooding that could deliver the scale and objectives of the proposed development, and that the sequential test is therefore satisfied.

Dr Jordan also raised concerns regarding the selection and suitability of access points, noting unresolved water egress issues between Fields D44 and D45 off Claydon Road, flood risk at the SA46 Granborough Road access, and regular inundation at the SA55/SA56 AIL route, and queried how these issues would be managed. The ExA agreed with the Application that consideration of access locations would be addressed under Item 7 (Traffic and Transport) when the appropriate experts were present.

3 Ecology and Biodiversity

a) Compliance with National Policy Statements (NPSs)

The ExA referred to NPS EN-1 paragraph 4.6.16 and FWQ 1.7.4 [REP2-087], querying the Applicant's compliance with Natural Capital Committee's 'How to Do it: Natural Capital workbook' and the government's guidance on Enabling a Natural Capital Approach set out in that policy. Ms Stirling for the Applicant subsequently confirmed following an adjournment of the hearing for lunch that the Applicant considered it had met the principles of the Natural Capital Committee and government guidance in its **Design Approach Document [REP1-018]** and **Outline Landscape and Ecological Management Plan (Outline LEMP) [REP2-067]**. The Applicant acknowledged this was not expressed as clearly as it could be, so took as **Action Point 12** for Deadline 4, that the Applicant would provide a comparative note setting out what the relevant Natural Capital Guidance indicates

should be done and cross-referring that to where those matters are addressed in the documents submitted into the Examination.

The ExA referred to Q1.7.4 of the **Applicant's Response to the Examining Authority's First Written Questions [REP2-087]**, which describes the Applicant's approach to licencing in the context of paragraph 5.4.45 of NPS EN-1 and whether the statutory nature conservation body has granted or refused, or intends to grant or refuse any relevant licences, including protected species mitigation licences. Mr Jonathan Shavelar from Natural England noted that no person from Natural England's Wildlife Licencing service was present at the hearing, but noted that the Applicant's approach as described in Q1.7.4 of the **Applicant's Response to the Examining Authority's First Written Questions [REP2-087]** was likely standard practice and it was unlikely to raise an objection to the Applicant's approach. Natural England will respond in writing to its opinion on the Applicant's approach to licencing.

The ExA raised a query on tree surveys and licences from Natural England. Ms Paola Reason for the Applicant stated that, even if a survey was carried out now and there was no risk, a survey would still need to be carried out at a later date. She continued that the Applicant has assessed the likely suitability of the trees to support a roost such as their location, structure and any potential risk features and the Applicant considers the likelihood of finding evidence of bats to be very low.

b) Presentation of likely effects and mitigation

In response to the ExA's question, Mr Mark Lang, for the Applicant, confirmed that updates to **Environmental Statement Volume 2, Chapter 7: Biodiversity [REP2-035]** would be submitted at Deadline 3 to clearly identify where mitigation measures are secured by reference to the relevant controlling documents. Mr Lang confirmed that the updated Chapter ensures that each embedded and additional mitigation measure is expressly cross-referenced to the document in which it is secured, including identifying the specific page and paragraph number.

The ExA queried the Applicant's approach to presenting residual effects, noting that the ES reports effects as either significant or not significant, rather than using more granular categories such as negligible, minor adverse, or moderate adverse. Referring to FWQ 1.7.7.2, the ExA asked whether the Applicant could provide a translation

table aligning Chartered Institute of Ecology and Environmental Management (CIEEM) guidance with broader planning terminology to assist the planning balance.

Mr Lang explained that doing so would depart from the CIEEM guidance, which directs that ecological assessments should focus on whether effects are significant or not significant, rather than applying intermediate categories. He stated that the Applicant has followed that guidance and has clearly identified where impacts are considered significant, noting that one potentially significant impact has been identified in relation to Bechstein's bats. Mr Lang concluded that the Applicant does not propose to submit a 'translation table', as it does not consider that it would add value to the assessment.

c) Bechstein Bats

(i) Surveys and studies

The ExA referred to Bechstein's bats and the **Bat Technical Study [REP1-105]**, highlighting Natural England's concerns in 1.7.1 of its **Responses to Examining Authority's first written questions [REP2-098]** regarding the lack of construction noise/vibration data, potential roost trees near haul routes, and the limited scope of the **Outline Construction Environmental Management Plan** in addressing indirect effects. It was noted that Natural England had suggested that the **Outline Construction Environmental Management Plan** should be updated to address these matters and that further noise assessment should be undertaken during construction.

Ms Paola Reason, on behalf of the Applicant, confirmed that the Applicant had committed to identifying the specific plant that will be used during construction and to undertaking noise measurements for that plant. She explained that this will enable the preparation of a revised and proportionate noise risk assessment once the plant types are confirmed and there is greater clarity as to the final layout and the proximity of construction activities to trees with bat roost potential.

The ExA invited Natural England to comment on the Applicant's response in relation to construction noise and Bechstein's bats.

Natural England stated that it would welcome an updated noise assessment, particularly once the specific construction plant is confirmed and there is greater clarity on the proximity of works to trees with potential roosting

features. Natural England noted that the current assessment is based on [data provided within] Case study 38 from [the CIEEM-published] UK Bat Mitigation Guidelines and that more scheme-specific information would therefore be beneficial.

Ms Reason, on behalf of the Applicant, confirmed that this level of detailed information would be provided at a later stage, once the plant to be used during construction has been selected, which is expected to occur post-consent. Ms Reason added that based on her experience, including her involvement in the preparation of the referenced bat mitigation guidance and related research, she does not have significant concerns regarding the potential effects of construction noise on Bechstein's bats.

The ExA referred to Natural England's earlier comments on operational noise, including the Burwell Solar Farm study, noting that while ultrasonic noise may be generated during the day, bats are primarily active at night and evidence of avoidance is inconclusive. The ExA asked the Applicant to comment.

Ms Reason confirmed that the Applicant has considered operational noise and its potential effects on bat foraging within the existing noise risk assessment. She stated that the Applicant would ensure that this point is clearly set out and explained when the noise risk assessment is updated and resubmitted.

The ExA turned to the grazing study in the **Bat Technical Study [REP1-105]**, noting its findings on the importance of grazed fields for Bechstein's bats' foraging and the differing evidence for cattle and sheep presence. The ExA also referred to Natural England's comments on the complexity of insect attraction to livestock and the potential for bats to avoid solar infrastructure. The ExA asked how grazing would be secured and how confident the Applicant is that bat foraging resources would be maintained or enhanced.

Ms Reason, on behalf of the Applicant, responded that the Applicant's mitigation strategy does not rely on grazing, recognising that grazing can be constrained and may not always be possible for operational reasons. She stated that, notwithstanding this, the Proposed Development would deliver approximately twice as much grassland of improved quality compared with the existing baseline conditions.

Ms Reason then referred to the **Bat Technical Study [REP1-105]** (page 208) and drew attention to the mapped distribution of known Bechstein's bat maternity roosts. She explained that the mapped roosts are largely clustered

to the south-west and south-east of the Proposed Development, with relatively few maternity roosts shown to the north. She added that one previously identified roost, located at the corner of Sheephouse Wood, is no longer present because the tree supporting it has been lost through natural causes.

Ms Reason also referred to the **Outline LEMP [REP2-067]** (page 130), explaining that the proposed grassland mitigation is distributed across the Proposed Development but is particularly focused in areas closest to the known maternity colonies in the woodland blocks to the south. She indicated that this spatial focus is intended to maintain and improve foraging opportunities in the areas most relevant to the known roosting resource.

Ms Stirling, on behalf of the Applicant, reiterated that the Applicant recognised the limitations of relying on grazing alone as a mitigation measure. She explained that the mitigation strategy instead focuses on the creation and improvement of grassland habitat, rather than depending solely on grazing to deliver ecological benefits.

Mr Lang, on behalf of the Applicant, explained that the plans submitted identify areas of grassland creation across the site, which are not dependent on a single management method. He stated that these areas may be managed either through low-intensity grazing or through hay cutting later in the season, depending on what is most appropriate in practice. He explained that the primary objective of this approach is to improve grassland quality and management, thereby increasing insect biomass across the site. He stated that this increase in invertebrate abundance is intended to benefit both foraging bats and ground-nesting birds.

Mr Lang added that, where grazing beneath panels is feasible, it may further contribute to increased insect abundance. However, he emphasised that any grazing will be carefully controlled, including maintaining low stocking densities and moving livestock as necessary, to balance competing habitat objectives and ensure that target habitat conditions are achieved.

Mr Lang stated that, overall, the Applicant's approach is expected to result in increased insect biomass across the site. He explained that this increase is likely to benefit bats indirectly, as insects will tend to concentrate along field edges and hedgerows where bats typically forage.

Natural England submitted that while structurally diverse grassland can be beneficial for bat foraging it was noted that structurally diverse habitat is already provided to some extent by existing hedgerow margins, and the

representative for Natural England cautioned against assuming that grazed pasture is inherently high quality for bats, as it is typically closely grazed and not species-rich. Natural England acknowledged that cattle could attract insects, including species active at dusk such as biting midges, which can provide a foraging benefit for bats around emergence times.

Natural England's principal concern relates to the spatial distribution of the mitigation, and it noted that focusing mitigation in one part of the scheme could leave other areas, including areas to the west, comparatively less supported in terms of ecological resilience and connectivity. She noted that the Applicant's emphasis on the mapped "known" maternity roosts should be treated cautiously, because survey information is necessarily a snapshot in time and may not identify all roost locations.

Natural England also discussed baselines, noting that grazing forms part of the existing baseline conditions on site. If the Applicant's mitigation strategy is not intended to rely on grazing to the extent previously indicated, Natural England suggested that this represented a change from baseline assumptions and that impacts would need to be reassessed against the appropriate baseline, particularly given that hedgerow margins already provide rough grassland and taller unmanaged vegetation that can deliver bat-foraging habitat.

Ms Stirling, on behalf of the Applicant, responded that the Proposed Development design has been developed based on current knowledge and evidence available at this stage. She stated that Natural England would be formally consulted at detailed design stage through securing mechanisms in the **Draft Development Consent Order [REP2-004]**, and in particular through Requirement 7 which requires approval of the detailed Landscape and Ecological Management Plan. Ms Stirling explained that this would provide Natural England with the opportunity to input on the mitigation measures proposed having regard to the final Proposed Development design and any further survey data obtained prior to construction.

Mr Lang, on behalf of the Applicant, responded to Natural England's concerns by noting that the Applicant recognises the importance of hedgerow margins for bat foraging. He explained that the Proposed Development includes extended buffer zones, typically around 10 to 15 metres from hedgerows, and up to 30 metres around woodland blocks. He stated that the intention is that existing margins will largely be retained, with only minimal loss where access routes or other infrastructure are required. He said the overall emphasis of the mitigation strategy is to create linked corridors across the site, connecting woodland blocks through widened margins so

that bats can forage along continuous linear features. He added that the margins would be allowed to develop naturally, consistent with their existing function, and that this approach is intended to increase foraging connectivity for bats across the Proposed Development.

Mr Lang also addressed Natural England's point on the spatial distribution of mitigation. He stated that mitigation is not confined to a single area of the Site. He explained that, while some existing grazing areas would be lost in certain locations, the proposals include opportunities to create additional grassland and introduce grazing across central and eastern parts of the Site, resulting in grassland provision that is more widely distributed than at present. He indicated that the overall outcome would be an increase in the extent of grassland habitat and an improved distribution of mitigation across the Proposed Development.

Ms Reason, on behalf of the Applicant, responded on the evidence base for Bechstein's bat distribution. She explained that the roost data presented is derived from multiple years of radio-tracking work undertaken by HS2, including survey periods between 2011 and 2018 and further work undertaken in 2022. Therefore, this was not simply a single "snapshot in time". She stated that, in the Applicant's view, this provides a robust evidence base for understanding the distribution and use of the landscape by Bechstein's bats, and for informing where mitigation should be focused while still being provided across the wider site. She noted that radio-tracking is the most effective method for locating and understanding the use of the landscape by Bechstein's bats and that the data set therefore represents a substantial body of evidence collected over time.

Ms Reason then referred to the buffers plan within the **Outline LEMP [REP2-067]** (PDF page 128). She explained that this plan shows the extent of the buffer zones proposed along hedgerows and around woodland blocks. She stated that hedgerow buffers extend beyond 10 metres in many locations to around 15 metres, and woodland buffers extend to 30 metres. She also noted that there is an additional separation of approximately 5 metres between the outer edge of the buffer zones and the start of the solar panel areas. Ms Reason submitted that, taken together, these measures create strong ecological corridors linking the landscape across the Site and that the mitigation has been designed at a landscape scale, taking account of the known distribution of bat populations and connectivity requirements.

(ii) Effects

The ExA asked the Applicant to explain why it considered it appropriate to describe effects on bats as “potentially significant”, but not equating that to significant harm, and how that approach is consistent with CIEEM Guidance and standard ecological impact assessment practice.

Ms Reason, on behalf of the Applicant, explained that the use of the term “potentially significant” reflects a precautionary approach in light of emerging scientific literature. She noted that, in recent years, there has been an increase in studies suggesting potential impacts of solar farms on bats. However, she explained that many of those studies are limited in their robustness, being short-term, based on cross-site comparisons rather than longitudinal “before and after” analysis, and lacking a clear understanding of causal mechanisms. She stated that, while the Applicant did not wish to disregard these emerging concerns, there is currently no strong evidence base demonstrating a clear or consistent impact pathway. She added that there is also conflicting evidence, with some studies indicating reduced activity while others show increased bat activity at well-managed solar sites.

Ms Reason explained that, in accordance with CIEEM Guidance, significance is assessed at a geographic scale with consideration of whether effects are of local, district, regional or national significance. She stated that, although a district-level effect could theoretically arise, she did not consider there to be a credible pathway by which such an effect would translate into a significant impact on the conservation status of the population. She explained that, for this to occur, there would need to be a measurable long-term population-level effect, such as decline or local extinction, and in her professional opinion she considered that the scale of the Proposed Development, together with the mitigation in place, makes this unlikely.

Ms Reason also referred to comparable evidence from other large infrastructure projects, including HS2, noting that even with a substantially greater scale of disturbance, monitoring of comparable woodland bat species, such as Natterer’s bats, had not shown evidence of population decline and, in some cases, had indicated continued positive population performance. She concluded that the Applicant had retained the term “potentially significant” to acknowledge the emerging uncertainties identified in the literature, but that, based on the available evidence and the mitigation proposed, it does not consider that those potential effects would translate into significant harm. Ms Reason added that the Applicant’s approach includes monitoring, which would allow any unforeseen effects to be identified and addressed at an early stage, before any material impact on the population could arise.

Natural England stated that it does not support the use of the term “potentially significant” in this context, noting that it was not standard terminology within ecological impact assessment practice as set out under CIEEM Guidance, and that introducing such terminology risks undermining the clarity and consistency of the assessment framework. She further indicated that the Applicant’s critique of the scientific literature should not be used to justify a departure from established terminology or approach.

Ms Stirling, on behalf of the Applicant, emphasised that there were two different concepts of “significance” being discussed which should not be conflated: in EIA terms, the Applicant’s ES identifies a “*potentially* significant effect”, which is aligned with the EIA framework and is concerned with whether an effect is significant or not for the purposes of reporting likely significant effects. In policy terms, the relevant question is whether there is significant harm to the favourable conservation status of the species, as considered under the relevant NPS tests. She confirmed that the Applicant’s position is that it has *not* identified significant harm at the population level, and therefore the Applicant considers that the policy tests relating to significant harm to conservation status are not engaged.

For the avoidance of doubt, Ms Stirling reiterated the Applicant’s written submissions which confirmed that, even if the ExA were to reach a different conclusion, either as to significance within the EIA or as to policy compliance and the existence of significant harm, then any such harm would need to be weighed in the planning balance against the substantial benefits of the Proposed Development as nationally significant infrastructure.

(iii) Mitigation

The ExA invited the Applicant to respond to the mitigation position advanced by Natural England and Buckinghamshire Council, noting uncertainties in the evidence base and reliance on developing or contested studies. The ExA asked whether, taking a precautionary approach, impacts could be reduced by retaining baseline conditions, including removing panels from Fields B6, B7 and B8 and avoiding infrastructure in Fields D11, D28 and D29 while still delivering the Proposed Development.

Ms Reason, on behalf of the Applicant, responded that the suggestion of “keeping things the same” needs to be treated with caution, because a substantial proportion of the land proposed for panels is currently arable and, is of lower value for bats than the habitat that would be delivered through the Proposed Development’s mitigation

strategy. She said that retaining the baseline in those areas would, in effect, retain lower-quality habitat conditions, whereas the Applicant's proposals would deliver a material uplift by creating approximately twice as much grassland of improved quality, with the aim of improving the extent, distribution and functionality of foraging habitat.

Ms Reason emphasised that a key pressure on bat populations is the decline in insect prey, and she referred to widely reported reductions in insect abundance over recent decades. She said that the mitigation strategy is designed to address that underlying pressure by improving habitat quality and increasing insect biomass, and that this could benefit Bechstein's bats by improving foraging resources across the Proposed Development.

Ms Reason also noted that, alongside the Proposed Development's embedded mitigation and habitat creation proposals, wider landscape-scale initiatives, including mitigation associated with HS2, are also intended to support the resilience of the local Bechstein's bat population. She stated that, taken together, these measures mean the area could, in the longer term, be better for Bechstein's bats than the existing baseline, and she stressed that she was keen to ensure the population is protected and secured over the long term.

On that basis, Ms Reason concluded that the approach of maintaining the baseline as it currently exists was not, in the Applicant's view, the appropriate response. She stated that the Applicant's mitigation strategy is directed at habitat enhancement rather than preserving a baseline which, in key areas, is currently of comparatively low ecological value for bats.

The ExA invited Natural England to explain the rationale for its position that Fields B6, B7 and B8 should be retained without solar panels.

Natural England stated that the entire Site lies within the Bechstein's bats' Core Sustenance Zone and that, within that, there are focal areas where Natural England considers the mitigation does not go far enough, including the B fields within Parcel 1. In Natural England's view, Fields B6, B7 and B8 are important because of their spatial location: they sit between three fragmented woodland blocks, namely Sheephouse Wood, Decoypond Wood and Shrubs Wood, all of which woodlands fall within Natural England's proposed SSSI designation [though the B fields themselves do not]. In her view, retaining these particular fields without panels would help maintain functional connectivity between those woodlands and preserve the value of that linkage for the bat population.

Natural England contrasted this with the areas identified by the Applicant for mitigation in that part of the Proposed Development, including Fields B9 and B17. She said those fields differ materially in character, being more exposed and topographically different, and, importantly, they do not perform the same connective role between the woodland blocks. She suggested that the Applicant's chosen mitigation locations appear to have been influenced by landscape considerations whereas, if the mitigation were selected purely for ecological reasons, Natural England would expect the focus to be on retaining and enhancing the B6, B7 and B8 linkage area instead.

Ms Ann Ottoway, on behalf of Buckinghamshire Council, agreed with Natural England that solar panels should not be installed within Fields B6, B7 and B8. She further stated that, given the importance of the area between the three identified woodland blocks, the Council considered that panels should not be installed within fields in that locality (including those identified as B8, B9, B10 and B11), to maintain connectivity between those woodland habitats.

Ms Stirling responded generally to the mitigation points that had been raised. She stated that the Applicant has undertaken a precautionary assessment, has reached a precautionary conclusion, and has incorporated meaningful mitigation within the Proposed Development design which it considers sufficient and proportionate to the level of impact identified on that precautionary basis. The Applicant has set out why Fields B6, B7 and B8 are needed for the Proposed Development in response to **Action Point 17**.

Post hearing note: Action Point 17 incorrectly references Fields B7, B8 and B9 instead of the fields which Natural England referred to in its representations and at the hearing, being Fields B6, B7 and B8. The Applicant has also noted this in Section 4 "Response to Action Points from ISH1".

The ExA then moved on to the issue of buffers and asked the Applicant to explain why ecological buffers in Appendix 5 of the **Outline LEMP [REP2-067]** are measured from the centreline of linear features rather than their outer edge.

Mr Lang, on behalf of the Applicant, explained that buffers are measured from the centreline of hedgerows because hedgerows on the site are not uniform and a fixed reference point is needed to measure for consistently. He stated that the centreline provides that fixed reference, whereas measuring from the outer edge would be variable and could create uncertainty. Mr Lang also stated that this approach has been adopted on other

consented NSIP schemes, including Byers Gill and Springwell Solar Farm. He further noted that the long-term intention is for hedgerows and associated margins to develop, including outward growth and tall grassland characteristics intended to benefit invertebrates and bats. He suggested that if buffer measurements were tied to an outer edge that changes over time, the measured buffer could effectively move, creating an impractical and potentially “moving target” position. He said the Applicant’s approach is intended to be consistent, fixed and enforceable.

The ExA then asked how the Applicant proposes that the intended benefits associated with the buffer strategy will be secured and monitored.

Mr Lang responded that the buffers and associated habitat outcomes are secured through the **Outline LEMP [REP2-067]** and the relevant DCO commitments and requirements. He said that monitoring and maintenance would be delivered through the monitoring framework, including the outline monitoring strategy, and that the Biodiversity Net Gain (BNG) work also places obligations on the Applicant in relation to habitat condition. He explained that the assumed target condition for hedgerows and buffers is underpinned by criteria which will be used to demonstrate that those habitats are being managed and maintained to the condition anticipated.

Mr Lang noted that the BNG assessment is currently an interim position based on the application-level design, however, there is a commitment to update that assessment at the detailed design stage, once the full layout has been finalised. He emphasised that the ongoing monitoring of habitat condition, together with the commitments secured through the Outline Landscape and Ecological Management Plan, provides the mechanism through which the delivery, management and performance of the buffers will be tracked and enforced over time.

In response to Natural England and Buckinghamshire Council’s submissions stating that they did not agree with using the centreline-based approach, Ms Stirling, on behalf of the Applicant, confirmed that this was an issue requiring further discussion between the parties. She emphasised that the Applicant is not seeking to avoid responsibility for providing buffers, but that the key issue is how those buffers are secured in a way that is clear, precise and enforceable through the DCO framework. Ms Stirling explained that mitigation measures such as buffers must ultimately be secured through enforceable requirements, typically via the **Outline LEMP [REP2-067]** and subsequent discharge of requirements by the relevant authority. She noted that, for such controls to be effective, they must be based on parameters that are sufficiently certain and capable of consistent measurement

over time. She stated it was the Applicant's understanding that buffers might be measured from the outer edge of hedgerows at some future point, and that this outer edge could change over time as the hedgerows mature or expand. She explained that this was the reason the Applicant had adopted the centreline of the hedgerow as the reference point, as this provides a fixed, consistent and enforceable baseline.

Ms Stirling acknowledged, however, that if the position instead is that buffers should be measured from the baseline outer edge of the hedgerow as it currently exists, this is something the Applicant is prepared to consider. She noted that defining the outer edge is not always straightforward, given the variability of hedgerows, but accepted that there may be a workable approach based on the baseline condition. Ms Stirling suggested that there may be scope for a practical solution between the parties, including potentially site-specific adjustments or bespoke buffer arrangements in key locations where ecological sensitivity is greatest. She indicated that the Applicant is willing to engage on that basis.

Ms Stirling concluded that, in the Applicant's view, the key objective is to ensure both certainty for the Applicant as to what is required to comply with the consent, and clarity for the enforcing authority as to what must be delivered over time.

(iv) Monitoring

The ExA invited the Applicant to outline its proposed monitoring strategy for Bechstein's bats, noting that monitoring forms a key element of the overall mitigation approach.

Ms Reason explained that the monitoring strategy must be objective-led and purposeful, rather than simply gathering data. She emphasised that monitoring should be framed around corresponding survey methods designed to test whether those objectives are being met, and with pre-identified remedial measures to be implemented if they are not. Ms Reason explained that, in her experience, it is possible to collect large amounts of ecological data which cannot meaningfully be translated into management action. She stated that the Applicant's approach is to ensure that all monitoring outputs can be assessed against clear, decision-relevant parameters.

By way of example, Ms Reason referred to discussions about temporary flight line monitoring, as raised by Buckinghamshire Council. Drawing on experience from HS2, she explained that even with extensive monitoring effort it has been very difficult to determine in a statistically robust way whether such measures have had a measurable effect on bat behaviour or connectivity. She stated that, in practice, it has not been possible to demonstrate whether temporary flight lines have materially contributed to maintaining bat activity along particular routes.

Ms Reason explained that the Applicant does not intend to adopt broad or unfocused monitoring approaches, but instead to concentrate on monitoring that is directly linked to key ecological outcomes. She indicated that the monitoring strategy would focus on objectives such as ensuring that the proposed buffers are effective in preventing displacement of bats, maintaining connectivity across the Site at a landscape scale, and confirming that the proposed grassland habitats, whether managed through grazing or cutting, are generating sufficient invertebrate resource to support bat foraging. She stated that the intention is to ensure that monitoring is tightly linked to these objectives, such that outcomes can be clearly assessed and, if necessary, management interventions can be triggered in a timely and effective manner.

The ExA noted that further work is required with Natural England and Buckinghamshire Council on bat monitoring and asked the Applicant to clarify the process, including who would be consulted, how it would be secured, and whether it would form part of the Landscape and Ecological Management Plan (LEMP) or a standalone document.

Ms Reason, responded that the monitoring strategy would be secured through the LEMP and that there is an important distinction between those bodies who would be consulted in developing and implementing the monitoring strategy and those who would have formal approval responsibility. Ms Reason stated that stakeholders would be involved in reviewing and discussing monitoring outputs and results but would not be the approving authority. She said this approach reflects the process adopted on HS2, where monitoring outputs are considered through an ecological review group, but approval responsibility remains with the statutory nature conservation body. Ms Reason added that the Applicant considers it important to avoid overly complex approval structures and to ensure that governance arrangements remain clear and workable.

Ms Stirling, on behalf of the Applicant, clarified the approval and discharge process for the monitoring strategy whereby it would be Buckinghamshire Council who would retain responsibility for discharging the relevant DCO requirements, including the LEMP. She stated that this reflects the standard DCO approach, whereby the local planning authority approves the document following consultation with statutory bodies such as Natural England and the EA. She added that, in addition to that formal process, the Applicant would engage directly with Natural England in developing the detailed LEMP prior to submission.

The ExA asked when the Applicant would be in a position to submit an outline of the monitoring strategy in a more developed form.

Ms Stirling explained that there is already an outline monitoring strategy embedded within the existing LEMP. However, the Applicant acknowledged that further detail could be provided to expand that outline, particularly in relation to the monitoring objectives and the specific elements to be monitored. The ExA indicated that this would benefit from further discussions between the Applicant, Natural England and Buckinghamshire Council and this matter has informed **Action Point 14**.

Natural England confirmed it would welcome involvement in developing and reviewing the bat monitoring strategy, but emphasised the need for clarity on what monitoring will contain, what the objectives are, and how monitoring will be implemented. Natural England highlighted that baseline issues had arisen in the survey programme, noting that earlier data collected using static detectors in 2022/23 was analysed using one method, whereas later paired-sampling data was analysed differently. When Natural England raised questions about whether bat activity had increased over time, the Applicant's ecologists were unable to give a clear answer because the methodology had changed part-way through what Natural England considered the baselining period. She stated that this creates concern for the monitoring strategy and that it needs clarity on what baseline will be used going forward.

Ms Reason, on behalf of the Applicant, confirmed that the Applicant agrees there are issues with relying on the original baseline dataset and stated that the Applicant does not intend to rely on that earlier data for comparison purposes going forward. Ms Reason explained that the Applicant will instead establish a new baseline, aligned with the finalised solar layout and the agreed monitoring objectives.

Natural England also emphasised that formal collaboration with HS2 is a key requirement, stating that acoustic surveys alone are not sufficient to understand impacts on Bechstein's bats and that radio-tracking is critical for this species. Natural England said it would not expect separate radio-tracking exercises for HS2 and Rosefield given that they relate to the same population and geographic area, and therefore it requires assurance that radio-tracking will be coordinated, that costs and responsibilities are appropriately shared, and that collaboration is secured through formal arrangements. Natural England indicated that it is not currently satisfied that such collaboration is sufficiently secured.

Ms Stirling, on behalf of the Applicant, explained the scope of what can be secured through this DCO, stating that it is not within the Applicant's gift to make commitments on behalf of HS2, and that it would not be appropriate for the DCO for this project to impose requirements on a separate, already-consented scheme which is progressing independently. She explained that there is therefore an inherent limit to what the Applicant can formally secure through this application in relation to collaboration with HS2. However, Ms Stirling referred to the Applicant's updated commitments within the Outline Construction Environmental Management Plan, and in particular paragraph 2.2.2.5, which she said includes a commitment to engage with other developments in the local area, including HS2, in order to manage interactions and reduce potential cumulative effects. She indicated that this is the extent of the commitment the Applicant can reasonably give in formal terms within the scope of its own application. Ms Stirling added that an outright commitment to collaborate with HS2 would, in practice, assume reciprocal participation from HS2, which the Applicant cannot guarantee or secure through the confines of this DCO.

In relation to collaboration with HS2, Ms Reason acknowledged Natural England's concerns. She agreed that reliance on informal arrangements, including the involvement of a shared ecologist across projects, is not sufficient in itself (nor was that the intention). She confirmed that discussions regarding coordination between the projects are underway and indicated that this arrangement will need to be formalised.

Mr Woodfield, on behalf of Claydons Solar Action Group, raised numerous concerns regarding the Applicant's alleged failure to adopt a precautionary approach, the unresolved proposed SSSI designation, and the continued inclusion of sensitive fields (B6, B7 and B8), noting that notification maps had been shared with landowners and that the scheme should be assessed as if the designation were already in place. He referred to the **Works Plans**

[APP-009] and highlighted that these fields are also proposed as a construction compound, which he argued is inconsistent with a precautionary approach.

Mr Woodfield further challenged the robustness of the ecological assessment, including limited survey work (e.g. the feasibility of undertaking climbing inspections for the 16 trees), reliance on HS2 experience without supporting evidence, uncertainties in baseline/enhancement claims, and buffer methodology (including failure to account for woodland canopy extent), submitting that additional steps could have been taken to provide greater certainty to the ExA.

Mr Woodfield also questioned the deliverability of mitigation, particularly grazing, and the reliance on monitoring in place of avoidance, and emphasised that impacts should be assessed at a population level, submitting that loss of the Bechstein's bat population would be nationally significant. He argued that, taken together, these issues undermine the assessment and justify a more precautionary approach to scheme design and field inclusion.

Ms Stirling, on behalf of the Applicant, addressed the SSSI point, and explained that there is no blanket prohibition on development within an SSSI. She explained that, even if the land in question had been designated, any impacts would still fall to be considered within the planning balance and weighed against the need for the Proposed Development, including its status as nationally significant infrastructure. She noted that, in this case, the land is not designated and that a proposed or undesignated SSSI does not attract the same status as a formally designated site. She stated that the Applicant would need to confirm what information, if any, it had been provided regarding the proposed SSSI boundaries, and suggested that Natural England may be best placed to clarify the likely extent and whether it overlaps the fields in question.

Post-hearing note: *The Applicant confirms that none of the areas proposed as part of the SSSI expansion are within the Order Limits. Fields B6, B7 and B8 are not included within the SSSI expansion.*

In relation to the inclusion of Fields B6, B7 and B8 within the Proposed Development, Ms Stirling reiterated that the Applicant's position is that it has already proposed extensive mitigation which is proportionate to the level of impact identified on a precautionary basis. She stated that removing solar panels from those fields would be disproportionate, as it would reduce the generating capacity of the Proposed Development and its ability to deliver

critical national priority infrastructure, without delivering a commensurate ecological benefit in light of the mitigation already proposed.

Ms Stirling confirmed that the siting of a temporary construction compound within Field B6 and/or B7 t is correctly described. She stated that these areas are required to facilitate construction of the surrounding development and indicated that the Applicant could identify where these elements have been assessed within the ES.

Post-hearing note: *The Applicant notes that the footprints of the compounds are shown as grey rectangles on Figure 3.8.2: Indicative Location of Primary and Secondary Construction Compounds* **Environmental Statement Volume 3 - Proposed Development Description Figures 3.1 - 3.14 [REP1-049].**

Turning to grazing, Ms Stirling clarified that the Applicant's position remains that grazing is the preferred management approach. She referred to the **Outline LEMP [REP2-067]**, which provides that grassland management will be undertaken through a combination of sheep and cattle grazing and that only where grazing is not possible would a cutting regime be used. She explained that this creates a clear hierarchy of management approaches, and that, at the stage of discharging the LEMP, the Applicant would be required to demonstrate that it has taken reasonable steps to implement grazing before resorting to cutting.

On monitoring and adaptive management, Ms Stirling acknowledged that the Applicant's approach does not include removal of panels as a mitigation response. She confirmed that, if monitoring identified adverse effects, the Applicant would instead seek to adjust habitat management practices to mitigate those impacts. She stated that the Applicant considers panel removal to be disproportionate in this context.

Finally, Ms Stirling addressed the point concerning population-level effects. She clarified that the Applicant had not suggested that the loss of the Bechstein's bat population would be insignificant. Rather, the Applicant's position is that there is no credible pathway by which the Proposed Development would give rise to the loss of the local population. Ms Reason, echoed this sentiment, confirming that she had not suggested that the loss of the population would be a local-level impact. She stated that such an outcome would clearly be a serious and significant impact, but reiterated that, in her professional view, there is no pathway by which the Proposed Development would lead to local extinction.

Mr Burton, on behalf of Preston Farms and TCS Biosciences, raised concerns that the precautionary principle is not being properly applied, noting that describing impacts as “potentially significant” understates uncertainty. He challenged the Applicant’s approach to monitoring and mitigation, submitting that ruling out removal of panels in advance of monitoring outcomes is inconsistent with precautionary practice, effectively pre-determining mitigation measures.

Ms Stirling, on behalf of the Applicant, reiterated that the Applicant has consistently described the effect as “potentially significant” in EIA terms, but has also made clear that, even if that were considered a significant effect, and further, even if it were considered to amount to significant harm, which the Applicant does not accept, this would not ultimately change the outcome of the planning balance. Ms Stirling submitted that the distinction between “potentially significant” and “significant” is not material to the decision before the ExA. She confirmed that the Applicant accepts the importance of the precautionary principle and considers that it has been applied throughout both the EIA and the design of the mitigation strategy.

Turning to adaptive management, Ms Stirling addressed the criticism that the Applicant had effectively ruled out panel removal in advance. She stated that she was not aware of any major energy infrastructure scheme where, following substantial financial investment and implementation, the operator would be required to cease operation or remove core infrastructure as part of an adaptive management response. Ms Stirling explained that the Applicant’s approach is to strike a balance between delivering critical national priority infrastructure and ensuring appropriate mitigation and ecological benefits. In that context, she confirmed that the Applicant’s position is that adaptive management would be delivered through other measures, such as changes to habitat management, rather than through the removal of panels.

d) Arboriculture impacts

Ms Anna Patriarca, on behalf of Buckinghamshire Council, stated that a central concern for the Council was that there were inconsistencies and gaps within the Applicant’s baseline arboricultural information. She stated that some areas of the Site had not been surveyed due to constraints such as access limitations and vegetation growth.

She explained that this lack of clarity would inform the definition and adequacy of buffers and the associated mitigation measures. She reiterated that, as has been highlighted by Natural England and others, clearly defined buffers are fundamental to ensuring effective mitigation and long-term management. She stated that it would be helpful to have these areas clearly identified within the Application documents, for example through a plan or schedule, so that the extent of survey coverage and any gaps are transparent.

Mr James Butler, on behalf of the Applicant, explained that the **Outline CEMP [REP2-061]** and **Outline LEMP [REP2-067]** have been updated to include a programme of routine inspections during the operational and maintenance phases, to be carried out at recommended intervals, covering tree protection areas and any health, safety or condition issues.

Buckinghamshire Council acknowledged that these updates and the commitment to routine inspections during the operational phase is a positive step, particularly in relation to monitoring tree condition and management of tree protection areas. However, she emphasised that the Council's core concern remains with the underlying baseline and how that informs the definition and adequacy of the proposed buffers.

Ms Patriarca explained the Council is seeking more specificity in terms of the mitigation and would like to see the wording for the Arboricultural Method Statement.

Ms Stirling confirmed the Applicant would engage further with the Council on this matter.

e) Ground nesting birds

Mr Woodfield, on behalf of Claydons Solar Action Group, raised concerns that the Applicant's approach lack species-specific sensitivity, by treating all breeding and wintering birds as a single receptor therefore masking impacts on more sensitive species such as skylark, lapwing and golden plover.

Ms Stirling, on behalf of the Applicant, noted that these were technical concerns and that the Applicant had previously sought to engage with the Action Group on a more focused, technical basis and discuss these matters directly, but had not yet been able to secure such a meeting. Ms Tinkler, on behalf of Claydons Solar Action

Group, noted that while supportive of discussions, the group's limited resources constrain its ability to commission expert input, and therefore it is raising technical concerns through the Examination process.

Mr Lang, on behalf of the Applicant, responded to the concerns raised in relation to the assessment of ground nesting and wintering birds. The Applicant does not agree that its assessment is inadequate. He explained that the Applicant has undertaken separate assessments of the wintering assemblage, the breeding assemblage, and other relevant bird groups, including raptors, and that the assessment has considered these receptors in a structured and evidence-based way.

Turning to wintering birds, Mr Lang observed that golden plover and lapwing have been recorded on the Site but stated that the numbers observed were relatively low. He explained that these species are highly mobile and that their presence is closely linked to the agricultural regime at any given time. Mr Lang noted that their use of fields is influenced by whether land has been ploughed, and therefore their distribution varies from year to year and across the wider landscape.

Mr Lang then addressed skylark, which the Applicant has used as a proxy for ground nesting birds. He accepted that skylark is likely to be displaced from areas beneath solar panels, noting that there is currently no evidence that skylark nest under panels. However, he stated that the baseline abundance of skylark across the site is low, which he attributed to modern agricultural practices, including changes in cropping regimes that reduce nesting opportunities. He explained that survey work indicates a baseline density of approximately 0.14 territories per hectare, and that the ecological literature shows that higher densities can be supported where more suitable habitats, such as grassland or set-aside land, are available. On that basis, he submitted that it is feasible to increase the carrying capacity for skylark and similar species through appropriate habitat management.

Mr Lang emphasised that the mitigation strategy is not based solely on maintaining open land area. He stated that the Applicant is also proposing enhanced grassland management both beneath and around panels, which is expected to increase invertebrate abundance. He noted that this is particularly important during the breeding season, when birds require sufficient protein resources. He also referred to the proposal to include winter seed mixes in field margins, which he said would help to address the decline in seed source associated with modern agricultural practices.

In addition, Mr Lang highlighted that the majority of the hedgerow network would be retained and enhanced with buffer zones, providing valuable habitat for species that use field edges and margins. He also confirmed that all woodland areas would be retained, ensuring that woodland bird populations are protected.

Mr Lang accepted that some mitigation areas may be slightly limited by topography being gently sloping, but stated that the Applicant has deliberately identified larger, open fields for mitigation, rather than relying on smaller or more constrained areas, in order to maintain appropriate conditions for open-field species.

He concluded that, taken as a whole, the combination of woodland and hedgerow retention grassland creation, habitat enhancement, retained and improved field margins, and additional mitigation measures provides a comprehensive mitigation package. In the Applicant's view, these measures are sufficient to address potential impacts on ground nesting and wintering bird species, while acknowledging that concerns raised during the hearing are noted.

Mr Woodfield, on behalf of Claydons Solar Action Group, questioned the accuracy of the skylark baseline, submitting that locals have observed territory numbers in the region of twice what was in the Applicant's assessment, which could affect mitigation adequacy. He also raised concerns regarding reliance on displacement for species such as lapwing and golden plover without explicit mitigation, and the grouping of wintering birds into a single receptor. He further questioned the characterisation of numbers as "low", noting their decline in the last 10-20 years but emphasising the low numbers are locally significance, and concluded that the approach represents a flawed or incomplete EIA assessment.

Ms Stirling, on behalf of the Applicant, explained that the Applicant has set out in detail within the EIA the data sources used to inform the baseline characterisation, including the wintering bird surveys undertaken. She emphasised that a substantial body of survey data has been provided and is before the Examination. She submitted that observations made by individuals walking public rights of way, does not provide a sufficient evidential basis to challenge the Applicant's baseline conclusions when compared to the Applicant's comprehensive survey data.

The ExA invited the Applicant to respond briefly to Dr Jordan's, on behalf of East Claydon Parish Council, points regarding skylark populations, survey scope and cumulative effects.

Ms Stirling, on behalf of the Applicant, reiterated that the Applicant's baseline has been informed by structured survey work carried out in accordance with standard methodology and that the scope of those surveys reflects the requirements of the EIA.

Ms Stirling noted the point made regarding wider landscape use and cumulative effects but emphasised that the Applicant has assessed the development site and its immediate context in line with established practice. She stated that while observations from surrounding land and anecdotal evidence may be informative, the Applicant has relied on the survey data collected within the defined study area and assessed using consistent methods. She added that the Applicant has also considered cumulative effects within the ES, including other developments in the wider area, and that these matters can be addressed further in the Applicant's written submissions.

Dr Jordan raised concerns regarding the Applicant's skylark surveys, submitting they failed to consider interconnecting areas and wider cumulative effects. He submitted that local observations and nearby developments indicate higher skylark numbers and displacement pressures than assessed and questioned whether sufficient habitat has been identified to accommodate displaced populations.

Mr Lang, on behalf of the Applicant, confirmed that the Applicant's surveys have been confined to land within the Order limits and that interconnecting areas outside those limits have not been surveyed. He explained that this approach was intentional and reflects the nature of the impacts anticipated. Mr Lang stated that the interconnecting areas would be subject only to short-term construction effects, primarily associated with the installation of cabling. He explained that these works are expected to be undertaken outside of the bird breeding season and would not result in permanent land use change. Following construction, the land would return to its existing agricultural use. He submitted that any skylarks currently using those areas would continue to do so after construction, and that there would be no long-term displacement arising from those works.

Mr Lang explained that, for that reason, the Applicant's survey effort has been focused on those areas where permanent or longer-term change is proposed, and where displacement effects are expected to arise. He stated that the purpose of the surveys was to assess impacts where they are likely to occur, rather than undertaking wider landscape surveys in areas where no lasting impact is anticipated.

f) Biodiversity Net Gain

Ms Ottoway, on behalf of Buckinghamshire Council, explained that, based on a high-level review of the Applicant's BNG report, without sight of the underlying Excel metric calculation, the Council has identified potential discrepancies between the Applicant's approach and the statutory Biodiversity Metric User Guide. She stated that the principal concern relates to the application of the metric trading rules. In particular, she submitted that the approach taken by the Applicant appears to avoid the requirement for like-for-like habitat replacement. She explained that this arises because arable field margins have not been classified or recorded as "arable field margin habitat" within the baseline, with the consequence that the requirement to replace that habitat type is not triggered within the metric.

She also queried assumptions on habitat creation, including whether hedgerow creation would be established in advance and secured appropriately, whether proposed grassland creation on arable land could realistically achieve the condition scores assumed within the metric and, whether the soils and site conditions would support the development of species-rich grassland as claimed. She further indicated that it was unclear from the documentation which measures represent genuine additional habitat creation as opposed to reclassification or enhancement of existing habitats.

Mr Kozelko added that the Council would welcome sight of the full Excel metric in order to properly interrogate these concerns.

The Applicant confirmed it would submit the Excel BNG metric at Deadline 3, enabling all parties, including the Council and Natural England, to review the underlying calculations in detail. This is **Action Point 15**.

The ExA invited the Applicant to respond to Buckinghamshire Council's concerns regarding BNG, in particular the application of the metric and compliance with trading rules.

Mr Lang, on behalf of the Applicant, acknowledged that there have been departures from the strict application of the biodiversity metric trading rules but stated that these have been clearly identified and explained within the BNG assessment.

In relation to arable field margins, Mr Lang explained that these have not been entered into the metric as “arable field margins” but instead have been classified as other neutral grassland. He stated that this reflects their actual ecological character as grass-dominated margins and that, importantly, this does not undervalue them in the metric because the scoring is equivalent. He further explained that it is not possible to recreate “arable margins” in a strict sense, because the arable context is lost where solar infrastructure is introduced, even if the physical habitat remains similar in structure which triggers the trading rules error. Mr Lang also emphasised that, irrespective of metric classification, existing field margins will be retained in practice through the buffer strategy, save for limited areas where infrastructure crosses them.

Turning to individual trees, Mr Lang explained that the Applicant has adopted a worst-case approach to tree loss. He stated that the actual loss of mature trees is likely to be lower, but the assessment assumes higher loss to ensure sufficient compensation. He noted that, under the metric, a significant number of replacement trees, estimated at approximately 435, would be required to compensate for mature tree loss.

Mr Lang explained that the biodiversity metric categorises habitats into three broad types, namely area habitats, linear hedgerows, and watercourses, and requires individual trees to be treated as area-based habitats in their own right. He stated that this creates a practical difficulty, because trees lost from hedgerows would ideally be replaced within hedgerows, but the metric discourages this by treating such replacement as hedgerow enhancement. He submitted that this is an example of the metric not operating well for large-scale NSIP schemes, as strict adherence would require trees to be planted in open fields, which would conflict with the requirement to restore land to agriculture after decommissioning and other ecological objectives, including the need to maintain open habitats for ground nesting birds.

Mr Lang stated that, for this reason, the Applicant has departed from the trading rules in a limited and justified way, and has clearly explained those departures within the assessment. He urged the ExA to recognise that, while the metric is an important tool, it is not always fully suited to complex infrastructure schemes.

In relation to grassland creation, Mr Lang confirmed that detailed soil testing for nutrient status, including phosphate levels, has not yet been undertaken, although agricultural land classification work has been completed. He explained that, if high nutrient levels are identified, mechanisms secured within the OLEMP

[REP2-067] allow for nutrient reduction, for example through cropping regimes, to achieve the target grassland condition, noting that this requirement has already been anticipated.

He also clarified that references to “species-rich grassland” should be understood in context. He explained that the Applicant is not proposing to create high-diversity ecological meadow habitat of the highest conservation standard, but rather neutral grassland with a moderate level of species diversity, which is considered achievable on the Site. Mr Lang added that, if required, nutrient depletion measures (for example over a period of a few years) would be implemented to achieve the target grassland condition. He also clarified that topsoil stripping or inversion is not proposed, given the requirement to return the land to agricultural use at the end of the scheme.

Buckinghamshire Council stated in response that while the Applicant has explained its approach, the Council's position remains that the statutory biodiversity metric methodology is set by Government and should be followed. She indicated that the central question is whether the Applicant's BNG calculations are compliant with that methodology, rather than whether an alternative interpretation is more convenient for the Proposed Development.

Mr Lang acknowledged this but maintained that, in practice, strict adherence to the metric is not always workable. He reiterated that the Applicant has not undervalued the baseline and has instead sought to apply the metric in a pragmatic way, while clearly identifying and justifying any departures. He stated that where tree loss from hedgerows occurs, replacement planting would appropriately be located within hedgerows, given their importance as ecological corridors for species such as commuting bats.

The ExA encouraged the parties to engage further to explore whether a pragmatic resolution could be reached on the outstanding BNG issues.

Mr Woodfield, on behalf of Claydons Solar Action Group, raised concerns regarding the BNG calculation due to mapping and classification errors which suppress baseline value and inflate gains, including through double counting. He submitted an estimate of approximately 8.2 hectares being misclassified, which he noted is not insignificant in the context of the scheme. He also identified omitted or misclassified features and submitted that these issues are systemic rather than isolated. Mr Woodfield argued that, if corrected, the scheme may fall below the committed 40% BNG in the **Draft Development Consent Order [REP2-004]**, and that a full reassessment is required, as the current level of uncertainty prevents the ExA from placing reliance on the calculation.

Mr Lang, on behalf of the Applicant, responded to the further criticisms raised by Claydons Solar Action Group regarding the robustness of the BNG calculation. He addressed the issue of arable field margins, explaining that these have in fact been mapped, but that in some instances they are not shown as discrete features because they fall below the minimum mappable unit used in the GIS system, particularly where margins are less than five metres wide. He added that habitat associated with hedgerows, including margins up to 2m wide, is captured within the hedgerow condition assessment, rather than separately as an area-based habitat.

Mr Lang stated that arable margins have currently been classified as other neutral grassland, which he considered to be an accurate reflection of their ecological condition. He also noted that an arable weed survey had been undertaken and that no scarce arable weed species were identified, meaning there was no evidence that these margins constitute higher-value habitats than assessed.

In relation to specific parcels identified by the Action Group, Mr Lang explained that these were classified as arable at the time of survey because survey notes indicate that they had been sprayed with herbicide and were in transition from arable to grassland. Therefore arable rather than grassland was the correct classification.

Turning to the issue of missing trees, Mr Lang acknowledged that there may be isolated instances where trees in the middle of fields have not been mapped. He stated that this point would be taken away and reviewed but suggested that any such omissions are likely to be minor in scale. He also noted that some smaller habitat features may fall below the minimum mapping threshold under the UK Habitat methodology.

Mr Lang reiterated his earlier explanation regarding departures from trading rules, stating that these arise from practical limitations of applying the statutory metric to a scheme of this scale and nature. He maintained that the Applicant has been transparent about where departures have occurred and has provided justification for those decisions.

Ms Stirling, on behalf of the Applicant, added further clarification on the secured BNG commitments within the draft Development Consent Order. She explained that the **Draft Development Consent Order [REP2-004]** secures, via Requirement 7, a BNG that is significantly in excess of 10% and equates to a secured minimum net gain of 40% for habitats area units, a net gain of 17% for hedgerow units, and a net gain of 10% for watercourse

units. She noted that BNG is not yet mandatory for NSIP-scale projects and so BNG should be received positively and attract weight, particularly where the uplift is as great as it is in the Proposed Development's case. This is fully in line with local and national policy thresholds.

Ms Stirling confirmed that these commitments are to be assessed using the DEFRA Biodiversity Metric 4.0, or any updated methodology approved by the local planning authority in consultation with the relevant statutory nature conservation body.

Ms Stirling emphasised that it is in the Applicant's interest to ensure that the scheme can demonstrably meet and discharge these requirements, given that they would form enforceable obligations under the DCO. She stated that the Applicant remains confident that its assessment is capable of supporting the required level of BNG.

Mr Woodfield, on behalf of Claydons Solar Action Group, raised concerns regarding the reliability of the BNG calculation, noting a significant margin of error. He submitted that reliance on off-site credits is a material consideration and sought clarity on whether uplift is delivered on site, arguing that the metric should be corrected and scrutinised during the Examination to ensure a robust basis for decision-making.

Ms Stirling, on behalf of the Applicant, responded first on BNG. She stated that the Applicant had noted the concerns raised and would respond fully in writing with a note at Deadline 4. She emphasised that the Applicant's commitment to achieve BNG is voluntary and exceeds any statutory requirement applicable to the scheme. She explained that the Applicant has committed itself, through the **Draft Development Consent Order [REP2-004]**, to delivering a minimum of 40% net gain and would be legally bound to achieve that outcome. Ms Stirling submitted that it would not have been in the Applicant's interest to include such a commitment unless it had confidence that it could be delivered. Ms Stirling confirmed that the Applicant would review the points raised and consider whether any clarification or amendments to the assessment are required.

Post-hearing note: *With respect to providing a more detailed response on BNG, the Applicant refers to question 5.9.3 in the Applicant's Response to Deadline 2 Submissions [EN010158/APP/8.17] which is submitted at Deadline 3.*

5 Landscape and visual (including good design)

a) The applicant's assessment of landscape and visual effects

Mr Hutchins, on behalf of Buckinghamshire Council, stated that the Council has concerns regarding the Applicant's approach to the classification of sensitivity. He explained that the Applicant has applied a three-point scale, whereas a more common approach in LVIA is to apply a five-point scale, such as very high, high, medium, low and negligible. He stated that, in the Council's view, effects assessed as moderate or moderate adverse would typically be expected to cross the threshold into significance, particularly in respect of sensitive landscape or visual receptors. He indicated that this concern aligns with earlier points raised during the hearing regarding the treatment of moderate effects.

Mr Daniel Leaver, on behalf of the Applicant, explained that the use of a three-point scale is consistent with GLVIA3 methodology published by the Landscape Institute. Mr Leaver further explained that the three-point scale is used to define sensitivity in terms of value, community value, regional value or national value, and that the identification of an effect as moderate represents a position within the middle range of effects. Where the mid-range assessment level has been used, the Applicant deems this as requiring subsequent confirmation of whether the effect is significant or not, as has been explained within the LVIA, specifically within **ES Volume 2, Chapter 10 (Landscape and Visual) [REP2-029]**. Mr Leaver explained that only a limited number of receptors (two settlements and 12 residential receptors) were identified as moderate but not significant.

The ExA asked whether there had been any progress in resolving the issue or whether agreement could be reached.

Mr Leaver, on behalf of the Applicant, confirmed that there has not yet been an opportunity to discuss this issue in detail with Buckinghamshire Council's landscape advisor. It was acknowledged that there is a difference of professional judgement, rather than a disagreement over the underlying methodology itself. The Applicant noted that the Council has previously accepted that the methodology used is appropriate but is now querying how it has been applied in practice at the stage of assigning significance to specific receptors. The Applicant maintained that it has applied its methodology consistently and transparently and indicated that it does not anticipate that its conclusions on significance would change. However, it confirmed that it would be able to provide further written clarification for Deadline 4 to explain its reasoning in more detail. This formed the basis for **Action Point 18**.

Ms Tinkler, on behalf of Claydons Solar Action Group, raised concerns that the use of a reduced-point scale, including four-point scales, lacks sufficient nuance, particularly as “moderate” does not sit centrally and can create ambiguity in determining significance. She also questioned the classification of sensitivity, submitting that local designations, such as Areas of Attractive Landscape may be compressed into lower categories, thereby underrepresenting their value. She referred to LI TGN 2024-01, noting that greater differentiation may require five- or six-point scales, and highlighted issues with even-numbered scales lacking a true midpoint.

Mr Leaver, on behalf of the Applicant, stated that, as set out in GLVIA3, the highest level of sensitivity is typically reserved for nationally designated landscapes. He explained that, within the Applicant’s methodology, regionally designated landscapes can be classified as “high” or “high-medium”, thereby providing differentiation between nationally significant landscapes and those of regional importance. He further stated that the methodology adopted by the Applicant has been tested over many years in DCO examinations and public inquiries

The ExA referred to 1.15.2 of the **Applicant's Response to the Examining Authority's First Written Questions [REP2-087]**, noting that removal of Fields D28 and D29 would reduce landscape and visual effects from significant to not significant, but would result in an approximate 9% loss of generating capacity, which the Applicant considers unacceptable under EN-1 (paragraph 5.10.26). The ExA asked Buckinghamshire Council for its views on this policy balance and the specific balance between landscape harm and energy generation.

In response to Buckinghamshire Council’s views that the fields should be avoided given concerns about the impact on the Area of Attractive Landscape and the proximity to woodland which raises ecological concerns, Mr Richard Griffiths, on behalf of the Applicant, responded that the Scheme has already undergone an iterative design process, through which elements have been removed or adjusted to reduce environmental effects across a range of topics. He stated that, in the Applicant’s view, the Scheme now before the Examination represents a proportionate balance, with appropriate mitigation applied.

Mr Griffiths referred to the policy position in NPS EN-1 and emphasised that nationally significant energy infrastructure will, by its nature, give rise to adverse landscape and visual effects. He explained that the relevant test is not whether such effects can be eliminated, but whether they have been reduced as far as reasonably practicable and can be accepted in the overall planning balance. He further noted that the landscape designation

in this case is local rather than national and therefore attracts a different level of policy protection. He confirmed that, while the Applicant accepts that the removal of Fields D28 and D29 would reduce localised landscape effects, it would also lead to an approximate 9% reduction in generating capacity. Mr Griffiths stated that, in the Applicant's view, that reduction would be disproportionate in light of the Scheme's role as critical national priority infrastructure. He therefore confirmed that the Applicant does not consider it justified to remove those fields, having regard to the mitigation already proposed and the policy framework.

Mr Leaver, on behalf of the Applicant, explained that as part of the design process, the extent of development within the locally designated area has been significantly reduced, with development now confined to the plateau. It was explained that this results in highly localised visual effects, largely limited to the plateau itself and its immediate surroundings, with minimal wider visibility. He stated that the sensitivity of the landscape has been assessed as medium rather than high-medium, and the magnitude of effect reduced due to the limited extent of development within the designation. The Applicant considers this to represent an appropriate approach to both design and mitigation.

In response to Council's concerns about the impact on views experienced from public rights of way, Mr Griffiths submitted that the correct policy test under EN-1 is whether the adverse landscape impact is so damaging that it is not outweighed by the benefits of the project. He stated that, in the Applicant's view, the impacts do not meet that threshold. He maintained that there is no justification for their removal on landscape grounds alone.

In response to the Council's concerns that the Applicant had not taken a holistic assessment, but rather, had considered impacts in 'silos', Mr Griffiths, on behalf of the Applicant, emphasised that the design has been developed through an iterative, cumulative assessment of the site as a whole, as set out in the **Design Approach Document [REP1-018]**. He explained that this process has led to the avoidance of certain areas, alongside embedded and additional mitigation secured through the Environmental Statement. He reiterated, however, that when considered on landscape grounds alone, there is no justification for the removal of the plots.

Ms Hamilton, on behalf of Claydons Solar Action Group, concerns were raised regarding site selection, submitting that there is insufficient evidence that alternative sites were meaningfully considered, including options that could have avoided the Area of Attractive Landscape, and that it is unclear whether development outside this designation was assessed.

Mr Griffiths, on behalf of the Applicant, responded that the Area of Attractive Landscape is a locally designated landscape, rather than a nationally designated one, and that it would be very difficult to locate a project of this scale without interacting with such local designations. It was further stated that the **Design Approach Document [REP1-018]** and Site Selection documents set out clearly the principles applied, including efforts to avoid sensitive areas where possible.

Mr Leaver, on behalf of the Applicant, explained that at an earlier stage of the design process a larger extent of the Area of Attractive Landscape (AAL) had been included, including consideration of potential views from the Winchendon Hills located approximately 4–5km to the south. He stated that, following the removal of a number of fields, that area was no longer considered a visual receptor and was therefore scoped out. He confirmed that this approach was agreed through the scoping process, with long-distance views avoided in accordance with the mitigation hierarchy.

The ExA explained in response to Dr Jordan who was appearing on behalf of East Claydon Parish Council that it had not yet determined whether to visit private properties, depending in part on their inclusion in, and requested that the Applicant clarify the scope of the RVAA assessment, including why certain properties were included or excluded, to assist in understanding the basis for the requests made for additional site visits.

In response to the ExA's question about the scope of the **Residential Visual Amenity Assessment (RVAA) [APP-144]**, Mr Leaver confirmed that the RVAA establishes distance-based buffers for identifying properties to be assessed, with different buffers applied for solar PV, taller elements such as BESS and collector compounds, and a wider buffer for the Rosefield Substation. He stated that 31 properties were initially identified within these buffers and contacted to offer site visits by the project landscape architect. Following design refinement, this was reduced to 18 properties, of which 12 were visited, with the remaining six assessed through views from neighbouring properties or their immediate frontage. He confirmed that all properties requesting a visit were therefore accommodated.

b) Suitability of proposed mitigation

The ExA noted that the documents contain a number of references to potential mitigation measures, including screening, buffers and ecological enhancements, and asked the Applicant to clarify the status of those measures and the extent to which they will be delivered.

Mr Griffiths, on behalf of the Applicant, stated that the final design of the Scheme has not been determined and therefore the final mitigation to be applied is not known until the final design is established. He explained that the approach is for the final design to be worked up alongside the mitigation, such that some measures may be required and others may not. He added that the final mitigation proposals will be submitted to the local authority for approval, enabling it to compare the **Outline LEMP [REP2-067]** with the final version and determine its appropriateness. He emphasised that the local authority is the ultimate decision-maker on the suitability of the mitigation and would be able to question any mitigation previously identified but not taken forward in the final scheme.

Ms Knight, on behalf of the Applicant, added that the outline drawings within the **Outline LEMP [REP2-067]** are necessarily high-level and do not reflect the level of detail that would be included at the detailed design stage. She explained that the specific composition and layout of mitigation areas will be developed further once the scheme design is finalised, and that this is why such measures are currently described as “potential”.

The ExA queried whether this wording risks giving the impression that mitigation is optional, rather than committed but not yet fully specified.

Mr Griffiths clarified that mitigation is not optional. He stated that the Applicant is committed to mitigating the scheme and that the final LEMP must demonstrate to the Local Authority that the mitigation is substantially in accordance with the **Outline LEMP [REP2-067]**. He explained that at the current stage of the project, the detailed design is not available and therefore the detailed mitigation cannot yet be determined. He explained that the makeup of the mitigation will depend on where the detailed design ultimately lands, which is why flexibility is retained in the drafting. He emphasised, however, that the key point is that Buckinghamshire Council will approve the final LEMP, which must be substantially in accordance with the **Outline LEMP [REP2-067]**. The Applicant must also confirm that there are no materially different environmental effects under the **Draft DCO [REP2-004]** and, if there are such differences, explain why. He noted that the relevant mechanism for this is secured within the draft DCO.

The ExA moved on to the issue of establishment periods and ongoing maintenance of mitigation planting, referring to the Applicant's response to FWQ 1.15.9 and updates to the **Outline LEMP [REP2-067]**. The ExA noted that the Applicant has clarified management beyond Year 5 and indicated that a 10-year establishment period is standard practice, and asked Buckinghamshire Council whether it is satisfied with that approach.

In response to concerns raised by the Claydons Solar Action Group about taller panels requiring longer periods of time to achieve sufficient screening, and therefore the suggestion that longer assessment timeframes would be justified for parts of the scheme, Mr Leaver, on behalf of the Applicant, confirmed there were some higher panels in the flood zone of 4.5 metres. He addressed the screening question in regard to hedgerows, stating it depends on the location of the viewing point. He stated that where Public Rights of Way are adjacent to the solar farm, hedgerows of approximately 3.5m in height would act as effective screening. He referred to the **Design Approach Document [REP1-018]**, which includes a series of cross-sections through the Site, and explained that a 3.5m hedgerow adjacent to a footpath would screen more of the development than solar panels of 3.5m or even 4.5m in height, particularly given that panels would be set back at least 10 metres from the footpath behind the fence line. He therefore considered that panels would be effectively screened from nearby footpaths. Mr Leaver acknowledged, that in views from the wider landscape, particularly from higher elevations such as Quainton Hill, hedgerows would not materially reduce visibility, regardless of whether they were 3.5m or 4.5m in height, due to the panoramic nature of those views. He explained that, within the assessment, the 4.5m panels are effectively mitigated over the assumed 10-year hedgerow growth period in respect of local footpath views.

In response to concerns raised by Mr Burton on behalf of Preston Farms and TCS Biosciences regarding the lack of detailed on proposed buffering and its effectiveness in protecting livestock, Mr Griffiths noted that it did not have anything further to add beyond its written submissions at Deadline 2. He referred to the provisions set out in the **Outline LEMP [REP2-067]**, explaining that the Applicant has committed to the ability to undertake early planting in certain locations. He stated that, the detailed phasing of any early planting would be developed as part of the discharge of requirements with the local planning authority. He indicated that this would allow the Applicant to respond to site-specific circumstances and, where practical, bring forward planting to accelerate the delivery of mitigation.

Post-hearing note: *Early planting is defined at Section 4.3 of the **Outline LEMP [REP2-067]** as planting that can take place following DCO consent (if it is granted) and before construction is started as far as reasonably practicable. This is referred to as early planting because it will be implemented earlier than the 'worst case' scenario assessed within the Environmental Statement which assumes new planting will be implemented after construction. The Applicant notes that one of the locations for early planting, as shown at Appendix 1 of the **Outline LEMP [REP2-067]**, is along the western boundary of Fields E11, E20, E22, E23 and the southern boundary of Field E23.*

Mr Griffiths stated that he did not consider that further detail on this matter could be progressed further within the hearing. He explained that, until the detailed design of the scheme is developed, and until National Grid's substation proposals are clarified, the Applicant cannot provide the level of specific detail requested regarding the type and form of buffering or planting. He emphasised that the Applicant's commitments are to provide mitigation, including early planting where practicable, and to maintain ongoing engagement with affected parties. He stated that the most effective way of addressing site-specific concerns, such as those raised by Preston Farms and TCS, would be through continued dialogue, both now and during the design stage, should the development get consent, to assist with the detailed design and the timing of planting.

The ExA moved on to mitigation for the BESS in terms of landscape and visual effects. The ExA referred to the **Applicant's response to FWQ 1.15.10**, noting that detailed BESS mitigation is to be addressed at discharge of requirements stage given its dependence on final design. The ExA highlighted Claydons Solar Action Group's **Responses to Examining Authority's first written questions (ExQ1) [REP2-102]** regarding alternative planting and viewpoints, and invited the Applicant to confirm whether further information, including visualisations, would be provided to support mitigation proposals for approval by the local planning authority.

Mr Leaver, on behalf of the Applicant, responded that no specific additional viewpoints had been requested to date. He explained that, in the absence of such requests, it is difficult at this stage to determine where additional visualisations would be required or what form they should take. He indicated that the Applicant would be able to consider further visualisations if specific viewpoints were identified by the parties.

Ms Tinkler, on behalf of Claydons Solar Action Group, raised concerns that no visualisations have been provided for public rights of way crossing the site, where impacts on views and amenity would be greatest, and noted that the Applicant had not considered such visualisations appropriate.

Mr Leaver, on behalf of the Applicant, responded that the Applicant has provided a breakdown of the viewpoints used within the assessment across the various parcels. He explained that each of the 43 viewpoints shows the extent of development in two dimensions for solar PV and in three dimensions, on a maximum parameters basis, for larger infrastructure. He noted that there are a number of viewpoints located within the site, and that some photo montages have been provided, including from the Jubilee Way. He added that, without clearer indication of which additional viewpoints are being requested, it is difficult to comment further on what more could be provided.

The ExA acknowledged that planting may be proposed around the fencing but suggested that such planting may be driven primarily by noise mitigation requirements, rather than landscape integration, and asked the Applicant to comment.

Mr Leaver stated that the BESS design will progress at detailed design stage, and that acoustic screening may still be required, positioned at least 50m from human receptors such as nearby footpaths, and that at that stage additional buffer planting, such as trees or hedgerows, could be considered to provide further mitigation, which the Applicant would consider within the detailed design.

Ms Tinkler, on behalf of Claydons Solar Action Group, raised a concern regarding whether mitigation measures are being double counted as enhancements. She requested clearer identification of which measures are mitigation and which are enhancement, noting that screening planting such as hedgerows should not also be relied on as a landscape benefit.

Mr Griffiths, on behalf of the Applicant, explained that this point had been addressed following the action points arising from Compulsory Acquisition Hearing 1, and stated that mitigation for one topic could also amount to enhancement for another, such that the distinction is not straightforward. He reiterated that it is difficult to produce a plan separately identifying mitigation and enhancement, as a measure which is mitigation for biodiversity may

be enhancement for landscape, and that there is no such thing as something being purely mitigation or purely enhancement.

Ms Tinkler requested a distinction between landscape and visual mitigation and enhancement, and suggested this could be achieved through simple identification or colour-coding on a plan.

Mr Leaver, on behalf of the Applicant, stated that he had understood the concern to relate to how effects were assessed between Year 1 and Year 10, and confirmed that enhancements had not been factored into that assessment. He explained that mitigation measures are identified as part of the mitigation hierarchy and assessed as such within the LVIA, with Year 10 residual effects assessed on that basis, not as enhancement. He added that in his view this would not lead to any change in the LVIA and indicated some uncertainty as to how the point advanced takes matters further.

Ms Tinkler, on behalf of Claydons Solar Action Group, referred to the **Applicant's Response to the Examining Authority's First Written Questions [REP2-087]** and submitted that the Applicant's approach of attributing beneficial effects arising from mitigation to improvements in landscape fabric amounts, in her view, to double counting.

Mr Leaver, on behalf of the Applicant, explained that the only instance in the LVIA where the Applicant has looked what could be considered enhancements is when considering the overall effect upon the landscape. He stated the Applicant has assessed through the construction stage there would be an adverse on landscape fabric due to the removal of hedgerows and trees. However, once the development is established, the assessment considers the overall beneficial effect, including the introduction of new planting. He noted that the Scheme proposes substantial planting, including 4km of linear new hedgerows and 8.5Ha of woodland, so vastly increasing hedgerow and trees within the Order limits. He stated that the assessment concludes there is an overall beneficial effect on landscape fabric, which reflects a genuine change in the baseline condition rather than double counting. Mr Leaver further emphasised that the assessment of this is as a beneficial overall effect but not included in the effects on people or landscape character areas in the rest of the document.

This matter formed the substance of **Action Point 19** for Deadline 4.

3. Written summary of the Applicant's oral submissions – ISH1 Day 2

#	Agenda item	Written summary of the Applicant's oral submissions
6	Cultural Heritage	<p>6(a) The applicant's assessment of cultural heritage effects, including the contribution of setting to the significance of designated heritage assets</p> <p>The ExA framed this agenda item by noting Buckinghamshire Council's Local Impact Report [REP1-112], which said the heritage assessment was too "high level", lacked sufficient evidence, and gave limited consideration to historic and visual associative relationships and setting, including the agricultural landscape. The Council said assets had been assessed in a "siloe" way, risking under-assessment of effects and significance and non-compliance with NPS EN-1 and Local Plan Policy B1. The ExA also noted the Applicant's response [REP2-085], which disputed this by relying on the archaeological desk-based assessment, the Setting Assessment [REP2-046], and the planning statement on policy compliance.</p> <p>Mr Kenneth Sable, heritage specialist for Buckinghamshire Council, identified the main problem as Annex D of [REP2-046], the baseline assessment of significance and the contribution of setting. In a number of cases, it failed to identify accurately the elements of significance and the aspects of setting contributing to them. On policy non-compliance, he argued that the contribution of setting to significance had not been adequately explained in a number of cases, engaging NPS EN-1 and Local Plan Policy B1. Referring to Historic England's GPA3 on setting, he highlighted the checklist of factors that can contribute to significance, including layout, functional relationships, visual prominence, focal-point role, land use, intentional intervisibility and cultural associations, and maintained that some were missing.</p> <p>Mr Griffiths, for the Applicant, referred to the signed Statement of Common Ground with Historic England [REP2-018] submitted at Deadline 2, particularly Table 2, paragraph 1.4 on methodology and scope, in which Historic England agreed with the scope, methodology and conclusions of the cultural heritage assessment.</p> <p>Ms Jennifer Richards, for the Applicant, explained that Annex D followed the staged approach in Historic England's guidance "The Setting of Heritage Assets". For the shortlist of assets agreed with Buckinghamshire for detailed assessment, the assessment identified what is significant about the asset, how setting contributes to this significance, how the Proposed Development would change that setting, and the effect on significance.</p>

She acknowledged the GPA3 checklist is extensive and confirmed that the assessment focused on the most relevant elements, including functional relationships, historic associations and intervisibility where present. In most cases, the positive contribution of setting lay less in specific views and more in the general rural character of the surroundings. That character would change in a number of cases, the contribution would therefore be diminished, and the harm was assessed as "less than substantial".

The Council confirmed it would submit a worked example at Deadline 3, specifically in relation to Boltolph House. This became **Action Point 20**.

Claydon House and Knowl Hill

Ms Hamilton, for the Claydons Solar Action Group, disagreed with the Applicant's harm assessment by reference to the views from Claydon House and Knowl Hill. Although panels had been removed from the very top, panels around the lower slopes would still significantly alter the view. She suggested moving panels lower down Knowl Hill so they do not interrupt the designed landscape.

Ms Richards referred to the signed **Statement of Common Ground – Historic England [REP2-018]** and the signed Statement of Common Ground – **National Trust [REP2-020]**, both submitted at Deadline 2, in which both agree that harm to Claydon House is at the lower end of less than substantial harm. She added that views from Claydon House towards Knowl Hill had been given considerable weight and were central to the design.

Ms Hamilton maintained there had been no proper explanation for choosing Knowl Hill over the lower-lying fields, which she said could have accommodated panels with much less harm to the setting of both the Registered Park and Garden and the Grade I listed building.

Ms Richards confirmed that the **Design Approach Document [REP1-018]** explains the approach. Panels were excluded from Knowl Hill (Field B17) to preserve views from Claydon House, with panels only on the lower slopes and set back from the summit to keep the hill profile clear. She said the collector compound siting zone was placed in lower lying areas of the field to reduce prominence, and additional poplar planting along Three Points Lane would provide further screening once established. She confirmed this had all been agreed with Historic England and the National Trust in the Statements of Common Ground submitted at Deadline 2.

The ExA noted Buckinghamshire Council's position that harm to Claydon House and its park would be at the middle of the less than substantial scale, differing from the National Trust and Historic England. The ExA also noted that the Council's Local Impact Report said mitigation might be refined after reviewing the additional visualisations from the Chinese Room and custodian's flat at Claydon House in the **Environmental Statement Volume 4, Appendix 10.6: LVIA Visualisations Claydon House [REP2-052]**, and asked whether those visualisations altered the Council's view on harm.

In response to Buckinghamshire Council's explanation as to why it maintained that harm to Claydon House was the middle of substantial harm (i.e. failure to reduce the harm because wider elements of Claydon House's setting would still be affected: its relationship with its former estate and satellite farms; former parkland, some of which would be severed by additional planting; views from Knowle Hill; awareness of movement through the area and approach along the traditional southern entrance; and infrastructure across a wide area, compounded by HS2, East-West Rail and other solar farms), Mr Griffiths emphasised that the lower end of less than substantial harm had been agreed with both the National Trust and Historic England in signed Statements of Common Ground, and that both agreed with the Applicant's methodology, assessment and conclusions. He submitted that, as all parties agree the harm is less than substantial, NPS EN-1 paragraph 5.9.32 is engaged. He added that the agreed mitigation includes panel removal and extra planting along Three Points Lane, and that there are specific heritage benefits beyond climate benefits, including a new permissive path to Knowl Hill with interpretation panels and a new vista to Claydon House, alongside other interpretation measures and public engagement during post-consent archaeological work.

In response to the Council's point that it was willing to explore whether modest additional planting / screening on Knowl Hill may improve views from the hilltop, Ms Richards confirmed that the decision not to add planting on the hill was deliberate to preserve its openness and smooth profile in views from Claydon House, following discussions with Historic England and the National Trust. On Pond Farmhouse, she said the planting blocking the farmhouse from Calvert Road was specifically requested by the National Trust to protect approaches to Claydon House and avoid panel visibility on approach, and acknowledged that this planting contributes to the impact on Pond Farmhouse. She confirmed the Applicant had assessed a moderate level of harm to Pond Farmhouse from the changes within its setting: being less than substantial harm at the middle of the scale, moderate and significant in EIA terms.

The ExA confirmed its understanding that Historic England and the National Trust had concerns about further planting on Knowl Hill because of the impact of the planting itself. Mr Griffiths added that those bodies had agreed the proposed mitigation for Claydon House is suitable and appropriate.

Reliance on vegetation and non-visual effects

Ms Tinkler, for the Claydons Solar Action Group, said both the heritage and landscape assessments rely heavily on existing and proposed vegetation for screening. As in her landscape report, she argued it is unsound to rely on vegetation in the long term and noted the Applicant had assumed baseline vegetation would remain throughout operation. Referring to Historic England's *The Setting of Heritage Assets – Part 1 (Settings and Views)*, she said visual effects are only part of the issue and that non-visual effects such as disturbance, noise and how an asset is experienced must also be considered.

Ms Richards responded that the assessment of Claydon House considered much more than views to and from Knowl Hill. She said it also addressed other important parts of its setting, including views towards Steeple Claydon, the surviving designed view to the south and east marked by an avenue of trees, and historic associations with the Verney family and other figures. She added that the **ES Cultural Heritage Chapter 9 [REP2-027]** also considered matters such as construction and decommissioning noise, and had not focused solely on Knowl Hill.

The ExA asked whether hedgerows and screening would be retained and maintained. Ms Richards said it was reasonable to assume hedgerows within the Site would be maintained, as they are within the Applicant's control and could be kept at the heights needed for mitigation. Mr Leaver said the **Outline LEMP [REP2-067]** provides reassurance on hedgerow management. He explained that this had been discussed early and agreed with the National Trust, which, because the hedgerows are mainly elm, wanted any increase in height to be gradual and capped so as to protect their health

6(b) Suitability of proposed mitigation – Pond Farmhouse (Grade II listed)

The ExA moved to mitigation by reference to Appendix 2B to the **Outline LEMP [REP2-067]**. It noted Buckinghamshire Council's response to Q1.1.1, which welcomed setting the solar PV arrays further back from Pond Farmhouse, and its site inspection observation that the setback at the north-eastern corner of field B4 is reduced. It also noted the Council's concern that excessive screening east of the Pond farmhouse could sever its relationship with Claydon House, and asked the Applicant to explain the setbacks and whether any further setback could reduce the moderate significant effect.

Ms Richards replied that avoiding harm to Pond Farmhouse would effectively require removal of all panels west of Shrubs Wood, a substantial part of the Scheme, with a corresponding effect on generating capacity, already reduced from 500MW to 335MW. Even a slight further offset in Field B4 would still leave the harm as less than substantial, so the Applicant had balanced that impact against the benefit of additional generating capacity.

In response to a further question about what informed the setback distances, Ms Richards said they were driven partly by residential amenity as well as heritage, as Pond Farmhouse is also a dwelling. She said trees on its western boundary filter views from that direction, while the more open views are north, south and east, which is why those fields were removed from solar PV.

Mr Sable, for Buckinghamshire Council, said that where a Grade II listed building remains in an essentially original setting and is then enclosed by planting and development on most sides, with approaches to associated assets also featuring development, the harm would conservatively be at the high end of less than substantial and might even be seen by some as substantial. He considered the damage to significance considerable and maintained that, in principle, more setback would mean less harm.

Mr Griffiths said all parties agree the harm is less than substantial, the dispute being whether it sits at the middle of the scale or higher. He repeated that the **Statement of Common Ground – Historic England [REP2-018]** agrees the methodology and approach; although focused on Grade I Claydon House, he said the methodology is the same for Grade II assets. He submitted that, under NPS EN-1 paragraph 5.9.32, the ExA must weigh that middle level of less than substantial harm against the Scheme's benefits, including heritage benefits.

Mr Kozelko made two points. First, although the parties agree the harm is less than substantial, the mitigation hierarchy still applies, especially where the Applicant accepts a significant effect in EIA terms, so further mitigation should be introduced where possible. Second, he cautioned against treating Historic England's agreement on Claydon House methodology as automatically validating its application to other assets that Historic England had not examined in the same detail.

Mr Griffiths clarified that he had not suggested Historic England had commented specifically on Pond Farmhouse. His point was that the Applicant used the same methodology for Grade I and Grade II assets, so Historic England's acceptance of the approach to Claydon House carries some weight even though the Statement of Common Ground does not cover Grade II assets. He added that the Scheme had already been reduced to 335MW and mitigated through removals and setbacks, and that the Applicant considered it had gone as far as it could without undermining the Scheme's objectives.

On winter screening, Ms Richards said the planting west of Pond Farmhouse would provide less screening without leaf cover but would still filter views. She said the assessment took a worst-case approach and that the effect on Pond Farmhouse arises mainly from the wider change in the character of its surroundings from agricultural land to solar PV, rather than from particular views of panels.

Mr Sable, for the Council, added that Pond Farmhouse and the other farmhouses have a strong relationship with Claydon House. He said Annex D of the **Environmental Statement Volume 4, Appendix 9.1: Archaeological Desk-Based Assessment and Setting Assessment [REP2-046]** did not mention that the three farmhouses were deliberately designed in stone to reflect Claydon House, unlike the brick buildings typical of the area. In his view, this shared architectural language, visible from Knowle Hill, Claydon House and elsewhere, creates a strong setting relationship and legibility of links that would be harmed.

Ms Richards said the relationship of Blackmoor Hill Farmhouse and Rose Hill Farmhouse with Claydon House is expressly recognised in the assessment. She said Pond Farmhouse was treated differently because its listing does not describe it as an estate farm. She acknowledged it is a stone building and there may be a link with Claydon House, but said there is no intervisibility. She emphasised there would be no physical impact on the building: it would remain a stone farmhouse with an altered setting, and that aspect of its significance would

still be appreciable. She said any link with Claydon House is conceptual rather than visual and confirmed the Applicant's conclusion of a moderate effect.

Ms Richards responded to a point raised by Mr Sable, for Buckinghamshire Council, noting that the CfA guidance, Principles of Cultural Heritage Impact Assessment, require significance to be considered in the round. She said it therefore remains relevant that there is no physical impact on these designated assets: their fabric and inherent significance are unchanged, with only effects resulting from change within their setting in issue.

Further points from the Claydons Solar Action Group

Ms Hamilton made three points for the Claydons Solar Action Group. First, echoing Ms Tinkler, she questioned reliance on planting for mitigation, citing cherry trees at Muxwell Farm badly affected by ermine moth and saying such losses are becoming more common with climate change. Second, she said Pond Farmhouse would lose both amenity and its relationship with the surrounding agricultural landscape through the loss of views. Third, she argued that increased setbacks would not undermine the scheme's purpose because the **Planning Statement [REP1-016]** identified a target range of 250-500MW and the scheme would still deliver about 335MW.

In response, Mr Griffiths said tackling climate change is precisely why the Scheme is proposed. On vegetation, he said it is standard and reasonable in EIA to assume planting outside the red line remains and that a scheme cannot be assessed on the basis that all such planting disappears. On output, he said the Applicant had a 500MW grid connection offer but reduced the scheme to 335MW through an iterative process to maximise that connection. He invited Ms Price to address capacity and Ms Richards to deal with any further landscape mitigation points.

Ms Price confirmed the Applicant sought an NSIP-scale project in the range of about 250-500MW and had then identified suitable land to deliver a Scheme of that scale. She said Appendix 1 to the **Planning Statement [REP1-016]** shows a robust site-selection process resulting in the current Scheme, which is below 500MW but within the intended range and maximises renewable generation while remaining suitable to its context. The ExA said there was no need to revisit site selection, that material already being before the examination.

Mr Burton, for Preston Farms and TCS Biosciences, said alternatives should be assessed against the project's objectives rather than the final worked-up scheme. He referred to **[APP-047]** and the **Planning Statement [REP1-016]**, which describe a scheme of up to 500MW, later narrowed to 250-500MW, and said this matters for alternatives, compulsory acquisition and related tests. The ExA noted the point, and the Applicant said it would respond in writing at Deadline 3 as part of its oral summary.

Post-hearing note: *In considering alternative schemes which meet the objectives of the Proposed Development, the Applicant necessarily has to balance a range of factors. It is not the case therefore that any scheme which is between 250-500MW would necessarily be a reasonable alternative, as potentially suitable sites need to meet all of the objectives, in the same way that other potential sites which only met some of the other objectives, for instance accessibility from the strategic road network, would not be reasonable alternatives. The **Site Selection Report (Appendix 1 of Planning Statement [REP1-016])** states at paragraph 4.1.3 that the objectives were used to determine a suitable location for the Proposed Development. Following this, a filtering exercise was carried out to identify potentially suitable sites within a 10km search area of the Point of Connection using the criteria in NPS EN-3 (see Section 4.3 of the Planning Statement). On this basis, even if a site had been identified which met all of the objectives, it might still not be an alternative, as the objectives are just the starting point, and the Applicant also balanced a range of important planning and environmental considerations in coming to the scheme which it consulted on in its Phase 1 consultation. The Applicant also has a policy obligation to maximise the available grid capacity, given the critical national priority need for renewable energy infrastructure (see **Statement of Need [APP-036]**) and therefore the onus is on the Applicant to propose a scheme which makes the best use of this available capacity, whilst being acceptable in planning terms.*

*Further information on the chronology of early conversations with landowners and how these informed the proposed Order Limits consulted on as part of the Applicant's Phase 1 consultation is set out in response to **Action Point 21**.*

Below-ground archaeology / "hidden" cultural assets

Dr Jordan raised below-ground archaeology to put the Applicant's findings in context. He said aerial photography and LiDAR show a former medieval platform village north-east of East Claydon, and that nearer the existing National Grid substation lies the line of a former Roman road, now Rose Lane. He said investigations had found substantial Iron Age and Roman remains, some evidence of the Roman road, and a Roman ladder settlement to the north-east of the site. The missing link, he said, is the land National Grid proposes for its new substation, where archaeological investigations have been carried out but not, he believed, published. As the Applicant also has an interest in that land, he asked whether it had seen National Grid's results to help understand the importance of the wider Parcel 3 area.

Ms Richards said the Applicant is aware of National Grid's evaluation but has not yet seen the results. She said the Applicant is monitoring for them and will consider how they contextualise the remains in its own site upon receipt. She added that the **Draft Archaeological Management Strategy [REP1-094]**, agreed with Buckinghamshire Council, allows results from neighbouring schemes and emerging findings to be incorporated into post-consent archaeological work.

7 Transport and Access

7(a) The applicant's assessment of transport and access matters

Mode share / staff travel plan

The ExA noted the Deadline 2 update to the **Outline CTMP [REP2-065]**, which says mode share targets for the staff travel plan will be agreed with Buckinghamshire Council before commencement and will align with those in the ES, and asked whether this suggested the mode share might differ from that assessed.

Mr Gordon Buchan, for the Applicant, confirmed the mode share would remain as assessed. He said the Council would approve the CTMP as a whole and that the wording was only clarificatory, while still allowing the Scheme to do better, for example through staff buses or car-sharing.

Mr Griffiths explained that the **Outline CTMP [REP2-065]**, secures the requirement for a Staff Travel Plan, including mode share targets. The detailed CTMP would need to be substantially in accordance with the Outline CTMP, which is the normal DCO mechanism for securing those commitments. The assessed mode share would therefore be maintained or improved. The Council confirmed it was broadly satisfied with the updated wording, but would check it again.

In speaking to operational traffic, Mr Buchan noted that as set out in the **Outline CTMP [REP2-065]**, there would be 24 cars or LGVs travelling to the Site, with the average number of trips per day would be less than twelve trips.

Post-hearing note: For completeness, the Applicant notes that the **Outline CTMP [REP2-065]** secures at paragraph 15.6.21 that there would also be HGV during the operational period, where the level of HGV traffic associated with this will be significantly lower than the peak of construction traffic and is expected to be approximately 12 HGV movements per day.

Temporary traffic control signals

The ExA noted **Buckinghamshire Council's Local Impact Report [REP1-112]**, which raised possible impacts from temporary traffic control signals, including unquantified delays and uncertainty about whether two-way traffic could be accommodated at either end where queues might form. It also noted the Applicant's response **[REP2-085]** that the actual road length affected would be much shorter than stated in the **Draft DCO [REP2-004]**, and asked whether the Council was now satisfied or sought further highways assessment.

Mr Duncan, for Buckinghamshire Council, said he was satisfied with the Applicant's response and intended approach, and noted the Council had received suggested amended wording to the **Draft DCO [REP2-004]** which it was considering.

Mr Buchan explained that the Applicant had proposed text clarifying that traffic signals would be used only for forming access junctions and other roadworks needed for safe and efficient site access, and only for that period, after which no further traffic control would be needed. Discussions with the Council were continuing, including a meeting with transport officers, consultants and legal teams, and updated comments were hoped for by Deadline 3. Mr Griffiths confirmed the provision concerned is Article 17 of the **Draft DCO [REP2-004]** and that amended drafting would be discussed with the authority. This was recorded as **Action Point 22**.

Post-hearing note: Engagement with the Council on agreeing the necessary text has been delayed by officers annual leave. The Applicant will provide an update by Deadline 4.

Abnormal Indivisible Loads (AILs)

The ExA noted the Applicant's response to Q1.1.18 that full AIL traffic management details will be prepared once the selected AIL configuration is confirmed post-determination and then included in the detailed CTMP. It observed that **Buckinghamshire Council's response [REP2-085]** seemed to suggest the AIL route survey in the **Transport Assessment [APP-131]** should supplement the Outline CTMP, and asked whether the Council wanted further updates now or was content for further information to come at detailed design stage.

Mr Duncan said the Council accepts the current position, with AIL movements governed by separate orders and processes through which further information will be provided when needed.

Junction drawings

The ExA noted the Deadline 2 update to the **Outline CTMP [REP2-065]**, which made minor changes to the access junction drawings in Annex 2, and asked what had changed and why, noting that some annotations were unclear even though the swept path analysis for Claydon Road North and South appeared to give greater clarity.

Mr Buchan said the drawings had simply been tidied up to align with the latest master plans and to give the Council more swept path detail, and that the changes were minor rather than substantial. The Council confirmed it was satisfied.

Construction access route

Mr Buchan on behalf of the Applicant, rejected Mr James Burton, Counsel for Preston Farms/TCS Biosciences, submission that the construction access route from Winslow was being used by other developers as it was a more suitable route. The other developments passing through Winslow have no other option but to use this access route in order to achieve access to their individual development areas.

Mr James Burton, Counsel for Preston Farms/TCS Biosciences, noted concerns relating to biosecurity, relating to the location of the Granborough Road junction and for staff moving through the fields. Mr Griffiths noted that all staff would be subject to training to ensure biosecurity for Preston Farms/TCS Biosciences and noted that there had been no issues noted to date for site investigation works. Mr James Burton queried this.

Mr Griffiths also noted that the land used by Preston Farms/TCS Biosciences contains a Public Right of Way (PRoW) which meant that any rambler could pass through their land.

Mr Griffiths and Mr Buchan, on behalf of the Applicant, also confirmed that the access track leading from Granborough Road, could be moved subject to discussions with Preston Farms/TCS Biosciences and that this flexibility was already contained within the **Draft DCO [REP2-004]**. Mr Griffiths noted that further information relating to biosecurity will be considered by the Applicant.

Post-hearing note: *The land used by the Preston Farms/TCS Biosciences contains two Public Rights of Way (PRoW), including the promoted North Buckinghamshire Way.*

7(c) Public Rights of Way (PRoW)

The ExA noted the Deadline 2 update to the **Outline Rights of Way and Access Strategy [REP2-071]**, which adds a minimum 2-metre width for new footpaths, subject to detailed design survey, and a commitment to survey stiles and gates to identify potential mobility gates within the Order limits. Mr Kozelko confirmed these updates addressed the Council's concerns.

The ExA displayed the **Streets, Rights of Way and Access Plans, Sheet 1 [REP1-006]**, and turned to the Council's concern about the diversion north-west of Pond Farmhouse and Parcel 1, where two right-angled bends in the public footpath at SW40 were said to be an unnecessary inconvenience. Buckinghamshire Council confirmed that this matter was resolved, subject to assurance that the footpaths would not be fenced off for the 40-year life of the Scheme and that this would be recorded in the documents. Mr Griffiths confirmed the point was agreed and that the Applicant would amend the **Design Commitments [REP2-010]** at Deadline 3 to include it. This was recorded as **Action Point 23**.

The Applicant also agreed to **Action Point 24** in response to the Council's concerns that the minimum widths should be included on the face of the **Draft DCO [REP2-004]** and that the **Outline Rights of Way and Access Strategy [REP2-071]** would be updated to refer to BS 5709:2018

Flood risk at access points (carried over from Day 1)

The ExA revisited a point raised by Dr Jordan on Day 1 under Agenda Item 4, regarding flood risk at the proposed access points.

Mr Buchan said the design of the site access junctions would address not just geometry, kerbs and formation, but also drainage needed for the junction, surrounding road network and access track. He confirmed that the Applicant would go through technical consultation and approval with the Council and that, because works could be undertaken on the road, verge and in the field, the design process could also remedy the source of flooding, benefiting both site access and other road users.

Mr Jordan said the issue was not only flooding at the access point but also flooding in the fields beyond, especially those accessed from Granborough Road and the AIL access from East Claydon Road, where a field is frequently under water. He asked how that would be managed given the weight of the AIL and what damage might be caused to fields accessed from Granby Road. Mr Buchan said he could not address in-site flooding, which falls to another expert, but confirmed the access tracks would be designed for the required axle loads and gross weights. The Applicant agreed to provide a written response on the wider flood-risk point, aiming for Deadline 3 or Deadline 4 if needed, and to confirm the position at Deadline 3 and this became **Action Point 25**.

Non-motorised users

Dr Jordan said the Applicant had not properly considered non-motorised users and had been dismissive of cyclists, pedestrians and equestrians, setting too high a threshold for significant fear and intimidation effects.

Mr Buchan referred to section 4.11 of the **Outline CTMP [REP2-065]**, which sets out measures for pedestrians, cyclists and equestrians which would be expanded in the final detailed plan. He said vehicle management would include GPS tracking, spot checks and tachograph records, with non-compliant drivers excluded from Site. He added that the Applicant had listened to residents, understood the failings of nearby projects, committed to guaranteed complaint response times and a wear-and-tear agreement, and aimed to deliver a best-in-class approach informed by other wind, solar and rail schemes.

Mr Griffiths, for the Applicant, added that it is in the Applicant's own interest to ensure compliance with the CTMP, given the enforcement mechanisms of a DCO, and to undertake the monitoring outlined and take appropriate action through its contracts with the workforce.

Mr Duncan, for Buckinghamshire Council, agreed. He said the CTMP contains measures exceeding those secured on other infrastructure projects and that, although there is significant local concern, construction traffic must be facilitated and balanced. He confirmed he was satisfied that the **Outline CTMP [REP2-065]** adequately addressed the safety of walkers, cyclists, horse riders and others during construction.

Glint and glare

Ms Tinkler, for the Claydons Solar Action Group, raised concerns that the assessment method treats all users of minor roads and Public Rights of Way crossing the Site as low-sensitivity receptors on the basis that usage levels are low, so that any accident caused by glint or glare would be assumed to lead to low, and therefore non-significant, casualties or fatalities. Given the absence of the Applicant's glint and glare expert because this issue was not on the Agenda, the Applicant has taken this as **Action Point 26**.

After the break, Mr Kozelko raised a small outstanding CTMP point, saying a minor wording change might be needed to incorporate traffic assessment figures, with further discussion required between the Applicant and the Council's traffic officer and possibly on the DCO. It was agreed that an updated Outline CTMP would be prepared for Deadline 4 to address this, as captured by **Action Point 27**.

Post hearing note: Details on the reasoning behind the access strategy via Granborough Road were provided by Mr Buchan on behalf of the Applicant during the hearing. for further clarity, access via Granborough Road

*allows for safe and efficient access to the eastern portion of the site. It removes cumulative impacts from arising in Bicester, Buckingham, Padbury and Winslow and avoids significant vegetation clearance and loss being required on East Claydon Road (required to ensure both a two-way access junction and associated visibility splays of up to 160m in either direction). The Applicant notes that the Council has raised no objection to the use of Granborough Road, subject to the proposed mitigation measures as set out in the **Outline CTMP [REP2-065]**.*

8 Population

Mr James Burton, Counsel for Preston Farms/TCS Biosciences, provided an overview of his clients' business with input from Ms Helen Dent, CEO of British In Vitro Diagnostics Association (BIVDA). This included noting that the Preston Farms/TCS Biosciences business was unique and that a disruption in supply or even a risk in disruption to supply would be fatal because they supplied the NHS with donor blood as one of only two providers in the UK.

Post-hearing note: *The Applicant notes that while the Prestons/TCS is one of two suppliers in the UK, the NHS Supply Chain has a range of suppliers across Europe to assure its security of supply of agar. The Applicant refers the ExA to the Parliamentary Under-Secretary for Health and Social Care, Mr Zubir Ahmed's, comments in Parliament (publicly available here: [Blood Agar: 28 Apr 2026: Hansard Written Answers - TheyWorkForYou](#)) which confirm that "we [the Health Department] recognise the importance of a sustainable and secure supply of such materials [blood agar]. There are a number of suppliers on [NHS Supply Chain](#)'s current framework which offer donor animal blood supply for diagnostic use which support a level of resilience across England. To date there has been no issues with supply. Where challenges in the supply of key products arise, these would be escalated to the Department's National Supply Disruption Response, which works collaboratively with suppliers, manufacturers, and system partners to understand the nature of the disruption and to support appropriate mitigations." The Applicant submits that this material gives context to the NHS' supply resilience.*

Biosecurity (Preston Farms and TCS Biosciences)

The ExA moved to biosecurity, noting the Applicant's response to Preston Farms' written representation highlighted the **Outline Construction Environmental Management Plan (oCEMP) [REP2-059]**, **Outline OEMP [REP2-061]** and **Outline DEMP [REP2-063]**, updated at Deadline 1 to commit to liaise with Preston

Farms and TCS during preparation of the detailed plans (liaison, advance notification and toolbox talks). It asked how the Secretary of State could be satisfied mitigation would be effective given the outline nature of the proposals.

Mr Griffiths, for the Applicant, said the management plans would secure appropriate biosecurity measures reflecting Preston Farms' own practices, the final documents setting out measures the Applicant must comply with, considered by the planning authority on discharge of requirements; and that this was how the Secretary of State could be satisfied the Applicant would follow Preston Farms' procedures. As the plans referred to liaison during preparation of the detailed CEMP, the Applicant would demonstrate to the local authority on submission how it had satisfied that liaison, and the authority could consult Preston Farms before determining the plan; failing submission, the authority could request the information under Schedule 16 to the **Draft DCO [REP2-004]**.

Mr Kozelko, Counsel for Buckinghamshire Council, said the approach was acceptable in principle but the Council had concerns about the precise timelines in Schedule 16, and noted that the TCS issue was one in which the Council lacked internal expertise. Mr Griffiths noted that the Applicant and Council could discuss this further.

Mr James Burton, Counsel for Preston Farms and TCS Biosciences, said the Applicant should have produced detail giving genuine certainty on biosecurity long before now, but could not, and could not reduce the risk to anything approaching de minimis, because construction vehicles and workers churn up the ground and air, releasing pathogens and introducing new risk.

Mr James Preston read guidance from Defra and the Animal and Plant Health Agency (APHA) one of the two most important biosecurity considerations was to design working practices to minimise how often people, equipment and vehicles enter places where farm animals are kept; this related to normal farms, whereas the order of magnitude for a Home Office licensed establishment was far higher. The most obvious addition to the outline plans would be not to take access across his clients' land via the access suggested, which would largely isolate parcel three in the north-east corner, where the prevailing wind would blow particulates away from them. He found it very hard to believe toolbox talks and liaison would be effective on a cumulative probability basis.

Mr Preston queried how the management plans which would be approved by the Council would then sit with the Prestons' Home Office licence requirements.

Mr Griffiths accepted the biosecurity bar for TCS was higher than for other agricultural businesses, but said biosecurity measures on other EDF projects had been appropriately applied. He noted that access had been taken of Field E23 for trial trenching and the Applicant had complied with biosecurity measures, with no complaints to his understanding.

By applying measures reflective of Preston Farms' own practices (paragraph 2.22.4 of the **outline CEMP [REP2-059]**), the Applicant was not creating a different set of standards, and the Secretary of State could have confidence the measures would be appropriate. Asked how many people were involved in the trenching compared with the construction workers who might be present and required to comply with a toolbox talk, Mr Griffiths said he did not have that information; he had given it as an example, not a directly comparable exercise. Mr Preston said the trenching scale had been far lower, and that he believed there had been issues with disinfectant mats, conveyed to the Applicant's survey team. Mr Griffiths said his understanding had been otherwise but he would speak to the survey team, who were not present. This formed the basis of **Action Point 30**.

On soil and air disturbance, Mr Preston explained three groups of concern. First, high-consequence notifiable diseases (foot and mouth, bluetongue, a current concern for sheep and horses, equine infectious anaemia etc.), capable of closing the whole operation and harming the business' reputation as a supplier of life-science products. Second, more common but severe and disruptive diseases including equine influenza (the farm manager having noted current cases, for which vaccinations had been requested and monitoring was ongoing), strangles, equine herpes and other respiratory bacterial infections. Third, the environmental category (soil and dust), monitored by about five staff; if relevant bacteria entered the blood product they could lead to misdiagnosis further down the supply chain. Mr Burton stressed it was the disturbance of soil and dust that increased the risk of those diseases entering the supply chain. Mr Griffiths welcomed the additional detail and confirmed the Applicant would respond following sight of the written material the Prestons were to submit at Deadline 3.

Knowlhill Farm (the Claridge family)

No one from the Claridge family was present; questions could be put in writing later. The **Outline CEMP [REP2-059]** and **Outline DEMP [REP2-063]** referred to liaison with the family to minimise disruption at Knowlhill Farm. On the spring on which the farm relies for water, Mr Griffiths confirmed that the Applicant was committing to provide the Claridges continued access to it, to be secured through the **Design Commitments [REP2-010]**, updated for Deadline 3. This formed **Action Point 34**.

The ExA raised the solar PV arrays split across fields B8 and B9, which appeared to separate field parcels and might disrupt farming, asking the rationale for using two parts of separate fields rather than one combined field. Ms Ruth Knight, for the Applicant, said the original thinking was the amenity of the farm complex, setting panels back from the buildings for visual separation and an undeveloped space between farm and development. The ExA confirmed this was to minimise visual rather than operational effects, which Ms Knight confirmed.

Ms Hamilton, for the Claydons Solar Action Group, challenged this because it was the bottom half of the fields (closer to the farm) that was to be occupied by panels, not the top half.

The Applicant responded that the panels were in the areas furthest from the farm. Ms Hamilton replied that the Applicant was confusing the fields: the divided fields had their bottom half taken with panels, whereas the fields to the east were not to be planted (which might address amenity), but those were not the fields being divided.

Ms Knight explained, by reference to the **Works Plans [REP1-005]** (Sheet 1 of 8)), that the split occurred so that B18 (the higher part, closer to Knowl Hill) was separated and developed, with SA2 the lower part where development occurred. On the site visit the parties had been shown Fields B18 and B19, which the family had pointed out from Knowl Hill, and Ms Knight clarified those were the fields she meant, split to create an offset from the residential property. Ms Knight said offsetting the development a consistent distance from the residential properties was preferable for visual amenity. Clarification on this point informed **Action Point 31**.

(b) Field E23 and the grazing animal corridor

The ExA noted that the Applicant had updated its **Design Commitments [REP2-010]** (deadline 2) to a minimum corridor width of 20m for grazing animals, said to exceed the British Horse Society minimum. The

ExA referred to Preston Farms' response to FWQ 1.7.4 and support letters from a current and a former veterinary surgeon suggesting a corridor would not work, including on safety grounds, and that multiple corridors would be needed to connect eight separate gates across Field E23. It asked precisely where those gates were.

Mr Burton, Counsel for Preston Farms/TCS, confirmed that his clients' herds could not be put in a corridor that narrow; although the Applicant said it would not be between the panels, it was far too narrow.

Mr Preston made two points. First, there would be only seven gates going forward, as the Applicant was taking some land; one led to Field E23, so eight overstated it. Second, on the two veterinary letters, one was from his clients' current named veterinary surgeon under the Home Office licence, the other from a person who previously held that role, now wholly independent, who voluntarily sat on the farm's Animal Welfare and Ethics Review Board (a compulsory part of the licence). He gave two examples for deadline 3: an area fenced off for National Grid re-cabling, deemed unsuitable for horses, roughly 65m wide; and the link to the replacement land, over 80m wide on a desktop exercise. The farm had deliberately not used the 65m National Grid land because it was too narrow, irrespective of the solar farm.

When asked about the minimum workable width, Mr Preston said the width proposed for the access land was the minimum, scaled at about 89m ("about 80-plus metres"); it looked acceptable, but they would need to see it on the ground once full access was made. When asked whether a single corridor could connect the seven gates, he said no: one diagonal route would not enable access to the fragmented land, and it would not be suitable to bunch a herd of largely native-type horses into a corner unless sufficiently wide.

Mr Griffiths welcomed the movement plan (**Action Point 38**), and noted that his clients had not heard the 80m reference before. The Applicant was not proposing the design of the "corridor" but designing the access through the field with Preston Farms, and would consider following review of the movement plan what more could go into the Design Commitments.

The ExA asked how applicable the British Horse Society guidance was for horses that might become erratic or stressed. Mr Griffiths, not an equine specialist, said the Applicant had taken the best available evidence and

gone above it, and was continuing to talk to Preston Farms to design solutions allowing both organisations to coexist.

Mr Burton responded that the best available information on these potentially unique (in England and Wales) horses came from his clients; the Applicant had not assessed impacts on horses and sheep, but its work (in the technical note at Appendix 1 to its Written Representation response) found no data on horses like these, only on equestrian horses.

Mr Griffiths confirmed that the corridor would be in place for both construction and operation. Mr Preston said he did not understand moving the animals through the middle of a construction site, which left his clients in a very difficult position. Mr Griffiths said the replacement land would be in place at that point, the Applicant had offered other land that could be made available, and it was trying to reach agreement on mitigation; the construction programme would be ready at least 12 months in advance, and that the Applicant would be able to provide the Prestons/TCS with at least six months' notice (potentially longer) of works in particular fields (**Action Point 29**).

Mr Burton said the question arose for both temporary and actual replacement land: if available now, why was the Applicant not putting panels on them rather than in Field E23, particularly the permanent replacement land. The ExA said this would be revisited under replacement land, and asked the Applicant to confirm the energy generation proposed from Field E23 (**Action Point 32**). Preston Farms submitted that they would be content if the panels in Field E23 were removed.

Replacement land

The ExA moved to the replacement land for tenants on the Claydon Estate, noting the Applicant's response to FWQ 1.7.8 (**Applicant's Response to the Examining Authority's First Written Questions [REP2-090]**) stated the heads of terms replacement land far exceeded the compensation provisions under the Agricultural Holdings Act 1986, and asked the Applicant to elaborate.

Mr James Dewey, on behalf of the Applicant, confirmed that the compensation provisions under the Agricultural Holdings Act 1986 were fairly limited, and offering replacement land went well above and beyond them.

Mr Burton said the whole point of the Act was that it was incredibly difficult to force a farming tenant off, and welcomed clarity as he was unsure the description captured the reality. Mr Dewey accepted the point but noted the land was held under a farm business tenancy (FBT) rather than an Agricultural Holdings Act tenancy. Mr Dewey confirmed **Action Point 33**, being to provide for Deadline 4 a comparative note on the compensation provisions under the Agricultural Holdings Act, a Farm Business Tenancy and the commitments made to the Preston Farms in the context of the offer of replacement land.

The ExA asked the applicant to share Map B (page 31 of Preston Farms' and TCS's written representation), showing the current holding and proposed replacement land, and asked Preston Farms to outline its use and concerns about suitability, particularly the need to move individual flocks that needed segregating around the holding.

Mr Preston said the replacement land was mostly currently arable, noting the Applicant tended to confuse "arable" with their terms: his clients did not grow crops to sell but used everything for food production. For their use with horses and sheep, the land had no fencing and no physical access (the approximately 80m link being inaccessible), and even when access was granted it was not a substitute for Field E23's role as the linchpin at the centre of the farm holding. There was no housing on the replacement land, raising concerns about noise and visual glare at Sion Hill Farm, as animals would be moved to an area with no winter housing, a concern particularly if their audio, visual, noise and glare concerns proved founded.

The ExA noted a key message from the site inspection was a precise, highly controlled operation of moving and segregating the groupings of horses and sheep, and asked whether the replacement land presented difficulties, given it was effectively out on a limb. Mr Preston confirmed it did: his clients were grateful given what was being lost, but had no real answer on functional and operational elements, as the land still could not be accessed and needed significant groundworks to lower it, plus fencing and water, before reaching operational movement and rotation back to a donation centre further out on a limb. Without it the business would see a significant hit, originally estimated at around a third of the horses.

Mr Griffiths stated that it came down to the Estate - as the freehold landowner - having made a decision, as it was entirely entitled to do, about how to use its freehold land, whether that be for income and/or for the climate-

change benefits associated with solar. As a result the Estate had served Preston Farms a notice to quit and, following signed Heads of Terms, intended to relocate the business to another part of the Estate. This was entirely within a landowner's prerogative. The Applicant took as **Action Point 28** for Deadline 4 that it would provide submissions on Preston Farms Ltd's tenancy position and its relevance to the Secretary of State's decision making.

When the ExA asked about the practical issues the replacement land might bring and what was needed to make it suitable (housing, fencing, infrastructure), Mr Griffiths said there were ongoing, active discussions between the estate and Preston Farms on provision, access and suitability, and the legal documents were being finalised. The Applicant confirmed that similar discussions were being held with regard to the replacement land at Knowl Hill Farm and that the Applicant believed it had agreed the final two points, and the documentation was with the Claridges' lawyers.

The ExA asked whether the Applicant had given thought to the planning consents needed in respect of built infrastructure at the Preston's replacement land, Mr Griffiths repeated that there were ongoing discussions and welcomed as much information as Preston Farms felt able to disclose at Deadline 3.

Inviting final points (with noise and air quality to be returned to separately), Mr Burton said what the landowner had done would not be happening if the Applicant were not telling the estate it needed Field E23; if E23 were removed, realistically the Estate would not have served a notice to quit. Mr Preston added that, with E23 included, nine fields interfaced with the project, whereas without it only four did, which (with the prevailing wind and biosecurity considerations) would significantly reduce the impact, though this anticipated the later soil-disturbance discussion.

Post hearing note: For completeness, in response to the concerns raised by the Claridges regarding the acquisition of rights in Plot 2/6, the Applicant confirms that it has updated at Deadline 3 the **Book of Reference [EN010158/APP/4.3.3]**, **Land Plans [EN010158/APP/2.2.4]**, **Works Plans [EN010158/APP/2.3.4]** and **Draft DCO [EN010158/APP/3.1.5]** to reflect that it is no longer seeking rights over this plot, thereby removing Plot 2/6 from the Order land (but keeping it within the red line boundary).

Level of detail in the Environmental Statement

Mr Kozelko, Counsel for Buckinghamshire Council, noted its concerns with the level of detail in the EIA in respect of reporting of groups, multiple businesses and combined receptors. The Applicant confirmed it would respond to any written submissions at Deadline 3 that the Council made to this point.

9 Soils

Given time constraints, the ExA confirmed that it would address this in its second set of written questions, to be issued on 5 June, with responses from the directed parties due at Deadline 4 (22 June).

10 Noise and Vibration

General mitigation and the assessment approach

The ExA addressed the level of detail in noise mitigation, referring to the Council's comments on the Applicant's **Deadline 1 submission [REP2-089]**, which welcomed updates to the Outline Operational Environmental Management Plan but stated compliance with thresholds did not preclude significant residual effects, particularly in a very low background noise environment, and that rights of way and tranquillity were not fully addressed. The Council said further assurance was required through the detailed plan. As the detailed plan would not be available until discharge of requirements (if consent were granted), the ExA asked whether the Council was satisfied with the outline detail and, if not, what it sought.

Mr Kozelko introduced Mr Charlie Robinson as the Council's expert, who distinguished the approach to background sound levels and thresholds from how one assesses against a very low background: the BS 4142 issue of whether to take account of the absolute noise level or relative changes, a problem in highly tranquil areas. Mr Robinson said the Council still had residual concerns from the low background sound level as the Council had noted a number of residential receptors were predicted to experience increases of around 9, 10, and 11 dB between the rated noise levels above background sound levels.

Mr Mark Underhill, the Applicant's noise consultant, said that, in line with BS 4142 (Methods for rating and assessing industrial and commercial sound), where both background and rating levels are low, the absolute level is as or more important than the relative change, so absolute levels are more appropriate. The Association of Noise Consultants suggests a rated level of 35 dB absolute would be applicable; at that level the lowest observed adverse effect level (LOAEL) would not be exceeded, and as a result, noise might be heard but would not cause a change in behaviour, attitude or physiological response, with a possible slight effect on the acoustic character of the local environment but not such that there is a change in the quality of life.

Mr Kozelko reiterated that BS 4142 treats relative versus absolute increases as "as or more important", particularly where background sound level is so low: an uplift of ten decibels in some areas would, if the baseline were not set at 30 or 35, be assessed as significant. The Council accepted the "so low" point but aimed to bring things down as far as possible where people would genuinely experience a change in their tranquil setting. Mr Robinson added that BS 4142 emphasises context, the tranquil soundscape and the character of the introduced noise being significant context alongside the increase.

When asked about the role of context in the relative tranquillity of the surroundings, the Applicant said the residential settings were affected by man-made sources, so it might be less about tranquillity and more that it was a quiet area, reflected in the absolute levels adopted, consistent with other DCO schemes. Mr Kozelko added that this applied not only to residential settings but to outdoor amenity areas including footpaths; while the Applicant's position was that footpath use is transient, there was still an amenity effect, and there were significant footpaths in the area including the Bernwood Jubilee Way.

Ms Stirling sought to draw the discussion together, observing a technical misalignment over the appropriate threshold (increased level or absolute level). She could understand the concern if the only mitigation relied upon were Requirement 14 (a 35 dB(A) night-time operational noise threshold), but this was one of many: Requirement 12 as the outline OEMP contained a host of commitments to manage operational noise, including defining noise-emitting equipment at detailed design and seeking alternative equipment specifications, and the Council would have entire control over discharging that requirement. The Applicant was not relying solely on the 35 dB(A) threshold.

Dr Jordan, for East Claydon Parish Council, contested that residential receptors were subject to much man-made noise, saying visitors to their homes were struck by the absolute silence of the area. Human receptors were not the only receptors; animal receptors were critically important. He cautioned against looking only at averages rather than the magnitude and unexpectedness of noises, particularly during construction. Ms Stirling responded that the Applicant had carried out baseline noise surveys and provided evidence of the baseline, considered representative of the assessed receptors; this was not mere assertion but the outcome of a thorough, detailed EIA.

Vibration from piling

Ms Hamilton raised a concern that the assessments were based on non-specific plant noise data, so there was no certainty the worst-case scenario was being considered, and that everything was being left to detailed design, beyond the point of decision. On vibration, she noted there was still no assessment of vibration from piling.

Mr Underhill said the written responses had justified the piling and identified no significant effects; the rigs were very small, generating low energy, and for percussive works no significant effects near receptors were predicted. For livestock, considered separately, a key mitigation was reversion to a rotary bored technique where livestock were closer to the works, reducing startling effects.

Ms Stirling said, for the record, that the Applicant did not agree everything had been left to detailed design: it had submitted a detailed EIA, and it would not be too late at detailed design, as the Council would have significant control and the Applicant would need its approval before constructing the authorised development. Ms Hamilton responded that, if the Applicant could say there would be no significant impact from piling vibration, it was unclear why it had not produced an assessment. Mr Underhill said the works were highly transient, each pile taking less than a minute and not akin to the substantial sheet piles used on schemes such as HS2, so vibration effects would occur only briefly; the written responses gave predicted levels below the threshold adopted.

Mr Hampson asked how many piles there would be if each took a minute. Mr Underhill said he did not know the individual answer, but even at the closest point there would be no significant adverse effect, as the works would not exceed the one millimetre per second peak particle velocity vibration threshold; if not exceeded at the closest point, it would not be at greater distances. Ms Stirling for the Applicant reiterated that the EIA assesses likely significant effects, requiring proportionality, hence the matter was not in the EIA, however, the Applicant agreed to provide a technical note on its position on noise and vibration with respect to piling as **Action Point 39** for Deadline 4.

Public rights of way users

The ExA asked the Applicant to share Figure 13.4 of the **Environmental Statement Volume 3, Chapter 13: Noise and Vibration Figures 13.1 – 13.4 [REP2-040]**, showing the noise contours in relation to the Order limits and rights of way (there were difficulties displaying the figures). It noted the updated Figures 13.4 and 13.3 showed the permissive paths in parcel one running between sources of elevated noise, and asked what those sources were, as they did not appear to be the string inverters marked on the plan. Mr Underhill said they were central inverters in parcel one at the permissive path locations and the Applicant agreed to clarify this on the figures as **Action Point 40**.

The ExA queried whether the routing of the permissive path was an appropriate alignment, and whether the path or the noise sources might need relocating. Ms Stirling advised that the permissive path locations had been driven by connectivity rather than noise. Ms Stirling committed to **Action Point 41** which was to provide an update on what had been considered on noise in routing the permissive path for Deadline 3, and if additional management measures were required, these would be provided for Deadline 4.

The ExA referred to the Council's Local Impact Report, which stated the Applicant had not acknowledged potential significant noise effects on rights of way users based on its own noise contours, for example rights of way closest to the BESS. The Applicant's response had disagreed, pointing to its qualitative assessment and mitigation such as noise barriers, and to rights of way users being transitory. The ExA asked the Applicant to comment on the effects on users encountering multiple noise sources along a walk, over a potentially prolonged period.

Mr Underhill said there was no quantitative threshold for establishing adverse effects on public rights of way for either phase, reflecting transient use; for context, in all instances levels were predicted below 50 dB LAeq at the public rights of way, a threshold criterion applied for external amenity areas of houses where people are static for long periods, so there were no significant adverse effects; there was scope to move noise-emitting plant locally to minimise levels.

Mr Kozelko, bringing in Mr Robinson, said the question itself made one of the Council's points: it was hard for an effect to be transient when passing multiple noise-emitting events, or where the area around the BESS was an area of heightened noise for a significant period rather than a point effect. Mr Robinson said there was no quantitative assessment that could really be in place for public rights of way and it was quality-based; as users

were transient, it was more an amenity question than impact on human health. The 50 dB(A) threshold was normally used as a maximum for amenity spaces in new developments, so its use with an existing quiet area and a public right of way might not be the best translation, though he accepted it was a figure that was used. The Applicant noted the 50 dB figure derived from World Health Organisation (WHO) guidance, and it was observed that the WHO guidance for outdoor living areas, and the guideline for outdoor, parkland and conservation areas (existing quiet outdoor areas should be preserved and the ratio of intruding noise to natural background kept low), were relevant, the latter aligning with Mr Robinson's point.

Ms Hamilton asked at what stage noise-emitting equipment could be moved away from public rights of way, and whether this would be deferred to detailed design. Mr Underhill confirmed it would be done at detailed design, as part of the scheme submitted to the Council for review and sign-off. Ms Hamilton repeated that much of the assessment was guesswork, and the action group was not convinced it represented a reasonable worst-case scenario. Ms Stirling responded that the approach was entirely standard: the precise selection and location of noise mitigation is best considered at detailed design, so the Applicant does not inadvertently commit to mitigation serving no useful purpose once the final design and location of infrastructure within the assessed maximum design scenario is known; this was not novel, certainly not for a solar project of this scale. Ms Hamilton, referring to NPS EN-3 and its flexibility provisions, said the guidance required, where details were unsettled, an indication of the type, number and dimensions of the panels, layout and spacing, type of inverter or transformer, and where storage would be installed, with a range of options based on different panel numbers, types and layouts, with and without storage; the action group was not seeing that detail. Ms Stirling directed the Action Group to the Applicant's **Design Commitments [REP2-010]**, which contained many pages of commitments, including the maximum design scenarios, secured by Requirement 4.

Noise and vibration effects on livestock

The ExA turned to noise effects on livestock, noting Preston Farms' response to 1.6.4 of its **Responses to Examining Authority's first written questions (ExQ1) [REP2-107]** requested further assessment and measures, including defined noise levels and evidence of a species-appropriate threshold, sufficient to give comfort that the works and operation were compatible with the welfare of donor animals.

Mr Underhill said there was no fixed criteria for establishing adverse effects on livestock (and for donor animals it would potentially differ again), and that, as the Preston Farms' own acoustician acknowledged, there was no threshold criteria to apply; the Applicant would therefore implement a range of mitigation measures. Ms Stirling added that the Applicant had provided the **livestock noise and vibration technical study at Deadline 2 [REP2-086]**, compiling the thresholds and guidance it was aware of on horses and sheep; if the parties were aware of alternative evidence or thresholds, the Applicant would welcome and consider it.

Mr Burton said livestock, let alone the donor animals, had not been assessed at all in the ES, as acknowledged in the Applicant's technical note, **Applicant's Response to Written Representations [REP2-086]**, at paragraph 1.1.2. Therefore the position remained that there was no noise impact assessment of the effect on livestock or donor animals. The Sharps Acoustics note from Mr Bentley and submitted by the Prestons/TCS had highlighted this absence, and the position now rested on the Applicant's technical note. He highlighted that the note recorded that sheep (a donor animal) perceive high-frequency sounds better than humans (with hertz/kilohertz figures), and similarly horses, with ultrasound inaudible to humans audible to horses, so A-weighting (the human ear) should be treated as irrelevant. The note acknowledged studies on sheep, including sudden noises causing increased heart rate and affecting milk production, but nothing on horses, and clearly acknowledged (cited in paragraph 4.2.15) that Preston Farms and TCS were at risk of adverse impacts from sudden noise and vibration generated by works in close proximity. The appropriate approach was precautionary: the note's examples of plant noise were, even to non-experts, exactly the kind of thing that would scare horses, and the ExA should conclude there would be a significant effect.

The ExA asked for comments on the scope of a possible further assessment given the absence of an established methodology, Ms Stirling said the Applicant had assessed the impact on Preston Farms in the **Environmental Statement Volume 2, Chapter 14: Population [REP2-033]**, subject to confidentiality arrangements (hence the lack of some information in the EIA) seemingly being gradually waived. The Applicant had put forward what it considered the best available evidence. Ms Stirling submitted that it was for the party alleging unique circumstances to put forward evidence as to why their horses and sheep were particularly sensitive, and the impact of that sensitivity on their business, the business being the receptor for EIA purposes rather than the animals. The Applicant was yet to see any such evidence, only assertion, and she directed the ExA to paragraph 5.13.10 of NPS EN-1 (2023 version), that the Secretary of State may give limited weight to

assertions of socio-economic impacts not supported by evidence, particularly given the need for energy infrastructure. The Applicant could not respond in a vacuum of evidence.

The ExA asked whether Preston Farms had any means of testing the effects on the composition of donor blood, Mr Gareth Williams, of TCS Biosciences, said the main quality parameter monitored daily was sterility (around biosecurity), but other indicators gave information on blood quality, including increased waste (with an increased presence of clotting factors), packed cell volume (a measured quality indicator) and early signs of lysis of the product, picked up by the business and by customers.

Ms Stirling said she remained unclear whether there was any evidence that noise and vibration would affect the blood in a way that would impact the business, and presumed the answer was no, welcoming clarification at Deadline 3. She observed that Mr Burton now appeared to rely on the Applicant's livestock technical note, and asked whether it could be taken that he agreed with the evidence as a basis for mitigation. The Applicant did not dispute that noise and vibration would have an impact on horses and livestock, demonstrated in its evidence, but had understood his earlier position to be that the note was insufficient and the animals of unique circumstances.

Mr Burton clarified that the note was not a noise impact assessment of the impact on his clients' livestock, so the ES still lacked that element and an assessment of the impact on the business. What he relied on were certain concessions: that studies showed cattle and sheep (nothing on horses) react physiologically to loud noises, and that the note conceded the risk to the business from sudden noises.

This discussion informed **Action Points 43 and 44.**

Ms Stirling welcomed any evidence on why construction, operational or decommissioning noise and vibration would impact the horses and sheep so as to impact the business, and reiterated she had never suggested the livestock technical note was an EIA of the impacts on the animals; it had been prepared in direct response to the parties' acoustic report and followed its recommendations.

Responding to Dr Jordan for East Claydon Parish Council who asserted there were studies about the noise impacts on horses readily available, she said it was not the Applicant saying there was no evidence, but no

reliable evidence, quoting the Sharps/Preston Farms acoustic report that there were currently no reliable studies enabling an adverse effect to be linked to a measured level, and cautioning against reliance on fireworks studies, which were very different; the mitigation proposed in Preston Farms' own acoustic report was mitigation the Applicant's technical note agreed with and committed to.

Mitigation for livestock noise

The ExA asked the Applicant to explain how its suggested mitigation, referred to in an appendix to its response to Preston Farms' written representation (control of working hours, temporary noise barriers and use of British Horse Society guidance), might be effective for horses and sheep. Mr Underhill, for the Applicant, said the British Horse Society recommendations primarily related to ceasing works if a horse appeared distressed, to halt the situation and minimise disturbance, while the working-hours measure conveyed that this was not a continuous 24-hour operation but took place between defined hours.

The ExA queried whether guidance about stopping works where animals were distressed addressed the point only after it had occurred, the blood potentially already affected. Mr Underhill accepted that there was potential, but said the Applicant wished to include the full range of mitigation and other measures recommended by Sharps Acoustics: best practicable means to reduce noise and vibration at source (alternative low-noise and low-vibration plant, equipment or techniques, for example rotary bored piling in lieu of percussive piling to manage startling effects); routing of construction traffic to minimise noise at surrounding fields; and (the larger commitment) working with Preston Farms to locate livestock away from construction activities where practicable, including temporary use of other land within the Order limits, undertaking works when livestock might be stabled, and potential use of arable land in lieu of grazing land, all subject to consultation with Preston Farms on the detailed CEMP.

Mr Burton said the Sharps Acoustics report (from Mr Bentley) was rather being taken in vain: it had been suggested the Applicant's mitigation matched the report, whereas the report stated at paragraph 3.8 that a range of mitigation options was available, the first bullet being to move activities away from receptors where possible. This brought matters back to the mitigation hierarchy: the first step should be not to come into the heart of the holding at all, which the applicant was not suggesting. He highlighted the report's conclusions (being overlooked) that the submitted assessment failed to identify or address equine receptors despite the

recognised sensitivity of horses, and contained no acknowledgement of horses, no engagement with the owners and no receptor-specific analysis, a substantive omission. It was challenging to see how hours of operation appropriate for humans would meet the need for sensitive animals; he queried whether the applicant would erect genuine, effective acoustic barriers, and said the proposals were light on detail and seemed to "kick the can down the road", reiterating that waiting for the animal to be disturbed meant the damage was done, "the horse has bolted by that point". Mr Williams added that fear and anxiety in horses is "catching", so if one shows distress others follow.

Ms Stirling suggested that, if the parties were not satisfied with the mitigation the Applicant was continually putting forward, it would be reasonable, even on a without prejudice basis and notwithstanding their primary position that the business should be avoided entirely, for them to put forward the mitigations they would like to see within the relevant management plans. Mr Burton said what his clients wanted, as a headline, was a guarantee the animals would not be stressed and frightened, and that, while they would continue to discuss matters with the Applicant as they had for years, they did not feel they were making progress.

Ms Hamilton asked how the proposed mitigations would be assessed for landscape, visual and other impacts. Ms Stirling confirmed the noise mitigation had been considered within **the Environmental Statement Volume 2, Chapter 10: Landscape and Visual [REP-029]**, and the specific mitigations were set out in the **Outline CEMP [REP2-059]** (prior notice of works, following British Horse Society guidance), passing to Mr Underhill on barriers. Mr Underhill said it was common construction practice to use temporary barriers comprising Heras fencing with acoustic sheets or blankets over the top, readily installed around the working environment (for example around a small piling rig), as used throughout the industry where there are noise-sensitive receptors. Ms Hamilton said she understood that to be the mitigation for human receptors and asked about animal receptors, which she understood had not yet been designed or agreed. Mr Underhill said they were essentially one and the same, as a barrier locally installed to the noise-emitting plant would reduce noise regardless of receptor type, and, being very localised and of an equivalent height to the screened plant, there would be no perceived impacts beyond the screened object.

Ms Stirling clarified that this was at-source noise mitigation applying to multiple receptors, factored into the assessment, and offered to take away an exercise to signpost how it had been considered. This informed **Action Point 42**. She distinguished the mitigations set specifically in response to Preston Farms and TCS, set

out in the **Outline CEMP [REP2-059]** (advance notification of the location of works, toolbox talks, biosecurity measures matching those on site, and following British Horse Society recommendations), as not specifically related to the EIA. The ExA welcomed the signposting exercise and confirmed the temporary noise barriers for livestock would be the same in effect as those used for other purposes, which Mr Underhill confirmed. Mr Underhill also confirmed mitigation for operational noise from inverters, transformers and the BESS was embedded and secured by the **Outline OEMP [REP2-061]**, which set out screening and barrier measures assessed as part of the EIA.

Conclusion

Mr Burton said the temporary acoustic barriers were the classic sheeting-over-Hera-fence seen around construction sites and were not designed specifically for livestock; in a very tranquil environment, the predicted maximum (dB Max) plant noise was far above the current background, and even the "rather heroic" estimates of the reduction from such barriers would not bring those maximum events anywhere close to the background, so there would still be loud noises disturbing livestock. On operational noise, his clients were still waiting to hear what enhanced mitigation would buffer the substation.

Ms Stirling responded that the Applicant welcomed the evidence discussed and an indication of the mitigation the parties considered appropriate (even on a without prejudice basis).

11 Air Quality

BESS plume assessment (Preston Farms and TCS Biosciences)

The ExA took the Preston Farms and TCS question first. **In their response to the Written Questions at deadline 2 [REP2-107]**, they had appended a critical review (commissioned from a battery safety expert) of the BESS plume assessment, which highlighted that the current assessment relied exclusively on human-health thresholds while ignoring equine- and ovine-specific toxicological vulnerabilities; failed to model the most proximate animal grazing areas (10 to 50m away) amid the hazards of smoke particulates and adjoining solar-panel fires that could significantly impact the NHS diagnostic supply chain. The review recommended a supplementary plume assessment with veterinary thresholds, a corrected and independently reviewed LOPA, and a revised Emergency Response Plan (ERP) tailored to the protection and triage of donor livestock.

Mr Griffiths introduced Mr Paul Gregory, the Applicant's battery safety and testing expert, and Mr Adam Dawson (of RSK, on modelling). Mr Gregory said the Applicant had engaged with the statutory consultees, the Fire and Rescue Service and the UK Health Security Agency (UKHSA), who had stated that the Applicant's BESS emission risk analysis and consequence modelling provided a logical approach and assessed a worst-case scenario of chemical emission concentrations during a BESS fire event at relevant receptor locations. With the previously submitted plume assessment, the findings of the addendum report suggested the risk to public health and nearby receptors from such an event was very low (**Comments on any further information received by deadline 1 [REP2-099]**). The scope was based on UKHSA recommendations taken from previous BESS and solar farm DCOs, with sensor-to-receptor guidelines within a one-kilometre radius from National Fire Chiefs Council guidance specific to BESS projects, undertaken deliberately conservatively.

When asked how the assessment took the unique business into account, Mr Gregory said there was no precedent for that study and it was human-health based; however, as a peer reviewer, once aware of the Preston Farms issue the consequence modelling was re-run to identify impacts on the areas identified in those responses. The Applicant would be updating the **Design Commitments [REP2-010]** at Deadline 3 to ensure the installed BESS units were sited at least 50m from the southern field boundaries in fields D8 and D9 and the eastern boundary in field E9, so the ten-minute hydrogen fluoride (HF) concentration levels would be below the AEGL-1 threshold within the surrounding livestock fields in a thermal runaway (this informed **Action Point 46**). Based on five years of data (2020 to 2024) from RAF Benson, the probability of the wind blowing in the single ten-degree sector between the relevant bearings was no greater than 5% over the five-year period, a very low probability.

Mr Dawson said the methodology was detailed in the **BESS Plume Assessment Summary [REP1-098]**. It considered pollutant emissions from a thermal runaway event of a single BESS unit using ADMS 6 (an advanced Gaussian plume model used by UK regulatory agencies), in line with Defra's Modelling guidance, considering releases of carbon monoxide, hydrogen chloride, hydrogen fluoride, hydrogen cyanide, nitrogen dioxide, butadiene, benzene and particulate matter in line with real-world test data. Realistic worst-case assumptions were made throughout: conservative emission rates (assuming an entire five-megawatt BESS container goes into thermal runaway at once), worst-case release locations within the BESS area, worst-case plume parameters (release height and temperature), five years of hourly meteorological data with maximum predicted concentrations at each receptor, and any event coinciding with the poorest dispersion conditions. As

the releases were unplanned, it was normal practice (as requested by UKHSA) to assess predicted ground-level concentrations against the US EPA Acute Exposure Guideline Levels (AEGLs), suited to emergency planning and short-term releases and derived to protect the elderly, children and other susceptible individuals. It was best practice to model gridded emissions concentrations, so a 5km by 5km area at 20m resolution was used to ensure all surrounding areas were considered regardless of land use; the **BESS Plume Assessment Summary [REP1-098]** Figure 5.1 showed the dispersion profile and worst-case BESS impact locations, which, with a 50m buffer, were below all AEGLs and air-quality standards.

The ExA confirmed this was for human receptors, and asked whether, having received the review, the Applicant had done additional work on animal receptors. Mr Dawson said they had drilled down into the detail of Preston Farms' landholding, but the modelling had always considered that landholding (via the grid); the additional information comprised establishing the impacts on the landholding and introducing an additional buffer zone, ensuring all air-quality standards and AEGLs were not exceeded at the Preston landholding. The Applicant agreed to provide a noted explaining this, as **Action Point 45**.

Mr Burton said that the Applicant continued to assess against the AEGLs, set with reference to humans, at levels reflecting effects ranging from notable discomfort and irritation (the lowest level), through irreversible or other serious effects, to life-threatening effects (level three). He stated that human AEGLs were not really relevant to the quality of the blood product. Ms Stirling responded by calling for evidence: given Preston Farms/TCS assert that the human threshold is not relevant to the blood of the horses, why this was so, and if not relevant, what was.

Mr Burton noted that, on the plume assessment, the prevailing wind across the country was always south-westerly, and that the Applicant had put the BESS upwind of them, so it would blow over them in an incident. Ms Stirling confirmed that the setback commitment was being secured in the **Design Commitments [REP2-010]** for Deadline 3.

Mr Burton noted that if an incident occurred and blew over them it could be "game over" for the business, and he invited the Applicant to consider, as a mitigation item, business interruption insurance against a BESS incident. Ms Stirling noted that such insurance was not a planning matter, and that she did not have instructions on it at this stage.

Post-hearing note: To give further information on the Applicant's insurance policy and as set out at Ref 3.3.3 of the **Applicant's Response to Deadline 2 Submissions [EN010158/APP/8.17]**, the Applicant's Third Party Liability policy (TPL) ensures that a robust indemnity is available for any damage caused to third party property or injury to persons arising out of the BESS component of the Proposed Development. Escape of environmental pollutants from the BESS (and the cleanup required) would also be covered by the TPL policy. The Applicant would also insure the Works/assets against damage arising during the construction and operation phases. This means that remedial works to correct any damaged portion of any property are suitably funded and can be carried out with all dispatch, minimising any periods when visible damage to property exists.

Mr Gregory, for the Applicant, further submitted: animals had in many cases been used in the experimentation to ascribe HF threshold levels for global standards; AEGL-1 for HF was one part per million (very low), nowhere near the levels in the fields referenced, and the fields in the Applicant's commitment (D8, D9 and the eastern boundary of E9) were not downwind of the prevailing wind. The levels (to be provided in writing, already submitted) were typically down to 0.2 parts per million at the closest point; the US Environmental Protection Agency trigger point for relevant equipment was 0.2 parts per million; and most parts of the Preston fields were below 0.1 part per million. The Environment Agency and Defra had published Environmental Assessment Levels (EALs), the EAL for HF being 0.2 ppm, a concentration at which no significant risk to public health is expected even for an industrial facility emitting at that level 365 days a year. On veterinary toxicity levels in Preston Farms' commissioned report, research found nothing specific to equine studies; the applicant had investigated other animals (for example, a one-hour HF exposure of 63 ppm produced no impact in dogs), and experiments with animals had been used to derive safe human levels in many studies, so it was not the case that horses were more sensitive; the trace elements alluded to were of concern to people with respiratory illnesses, infants and the most vulnerable members of human society.

Ms Hamilton said the Action Group had also raised concerns about the BESS, not only impacts on human health but the contaminants and pollutants carried in the air in a runaway event and the consequences for crops and the future use of grazing land, affecting local farms as well as potentially TCS and Preston Farms. Mr Gregory said the latest submissions covered this in substantial detail: real-world incidents showed life-safety and pollution impacts were exceedingly localised to the site, and the **Outline Battery Safety Management Plan's [REP2-073]** commitment to large-scale fire testing was now mandated to define the pollution impacts.

As well as the present plume study (based on the generic existing system), the Outline Battery Safety Management Plan (secured through the DCO), at section 5.2.1, committed to a battery-system-specific plume study at detailed design, to demonstrate the risk and impacts of thermal runaway would be no worse than considered in the submitted assessment, to inform the design before construction and ensure specific battery chemistries were considered with appropriate safety mitigation.

Mr Gregory said the BESS fire emissions modelling of the selected system, commissioned at detailed design, would be conducted at approved third-party or government-approved test laboratories using large-scale smoke hoods able to capture every type of battery gas and particle at module, rack or full-enclosure level, measuring total gas production via gas chromatography and Fourier-transform infrared spectroscopy (testing for organic compounds and toxic gases including carbon monoxide, carbon dioxide, hydrogen, sulphur dioxide, nitrogen oxides, hydrogen fluoride, hydrogen cyanide, hydrogen chloride and hydrocarbon gases) and capturing particles via X-ray fluorescence (for particulates such as phosphorus, aluminium, nickel, silicon and calcium), so heavy-metal particulate emissions and particulate matter could be quantified and included in emission modelling. The final plume analysis at detailed design would be based on system-specific fire-test data. The TCS occupational receptors would not be operating within the BESS fields, and the plume assessment showed contaminant levels low enough not to have a significant effect on workers in the surrounding fields (below AEGL-1). At detailed design the Applicant would work with Preston Farms and TCS to establish where their workers were likely to be situated so those receptors could be analysed; the ERP produced at detailed design would incorporate all necessary emergency response procedures and actions based on thermal runaway test data from the BESS provider and additional internal EDF testing, and the applicant would engage with the parties once the final analysis was complete to ensure emergency procedures for all credible hazards at their receptor locations were included (with the BESS weather station identifying the prevailing wind direction and air-emission monitoring at site boundaries establishing required ERP protocols based on actual emission levels).

Air quality (general)

On Item 11(a) (compliance with NPSs and Institute of Air Quality Management (IAQM) guidance), the Inspector raised one question. In the Applicant's response to **Written Question 1.5.2 [REP2-087]**, it had confirmed the IAQM 2020 guidance on assessing air-quality impacts on designated nature conservation sites was considered

in the methodology for the **Environmental Statement Volume 2 Chapter 6: Air Quality [APP-049]**, screening out all designated ecological sites except Ham Home-cum-Langley Marish SSSI, said to be more than 200m from the affected road network, and explaining that sites within 200m were also screened out because cumulative traffic generation was below the thresholds (1,000 annual average daily traffic for light-duty and 200 for heavy-duty vehicles). The Inspector asked why this was not explained fully in the ES.

Ms Stirling suggested that the sites might have been grouped under "ecological receptors" rather than left out, but accepted the assessment was "not as clear as it could be" and the point was not explicitly named. The ExA asked, as **Action Point 47**, for the Applicant to update **Environmental Statement Volume 2 Chapter 6: Air Quality [APP-049]** to provide clear references to the SSSIs.

The ExA further queried why the assessment did not clearly conclude on the impacts on critical levels and national air-quality objectives for the protection of vegetation and ecosystems. Mr William Franklin said the conclusion would be that, as predicted traffic generation was below the criteria indicating a potentially significant impact, the effect was not significant and the with-development concentrations would approximate the baseline, but accepted there was no clear statement on critical levels and agreed to update its assessment as a part of **Action Point 47** for Deadline 4.

12 Health	Given time constraints, the ExA confirmed that it would address this in its second set of written questions, to be issued on 5 June, with responses from the directed parties due at Deadline 4 (22 June).
13 Cumulative Effects	Given time constraints, the ExA confirmed that it would address this in its second set of written questions, to be issued on 5 June, with responses from the directed parties due at Deadline 4 (22 June).
14 Review of Actions	The list of Action Points for ISH1 were agreed. See Section 4 of this Written Summary document.
15 Closing	Given time constraints, the ExA confirmed that agenda items not covered as a part of ISH1 would be addressed in its second set of written questions, to be issued on 5 June, with responses from the directed parties due at Deadline 4 (22 June).

The ExA asked all those who had spoken to provide a written version of their submissions by Deadline 3 (Wednesday 27 May).

4. Response to Action Points from ISH1

4.1.1. This table sets out the list of action points that arose during ISH1 (as subsequently provided in writing as [\[EV7-018\]](#)) and the Applicant's response to them.

#	Action Point	Directed to	DL	Applicant's Response
Agenda Item 2 – Need, site selection and alternatives				
1.	To review recent solar Development Consent Order (DCO) decisions which have applied the same assumptions and approach that the applicant has used in terms of efficiencies in land use to calculate the megawatt (MW) per acre.	Applicant	3	<p>The Applicant has commenced its review of recent DCO decisions for solar farms (in addition to Mallard Pass Solar Farm (EN010127), East Yorkshire Solar Farm (EN010143) and Springwell Solar Farm (EN010149)) to identify made DCOs which adopted the same or similar approach to the Applicant's method of assessing land-use efficiency (i.e. by dividing installed DC capacity by land area excluding mitigation and enhancement areas).</p> <p>The Applicant will provide its full analysis at Deadline 4.</p>
2.	To provide indicative calculations of the amount of likely overplanting, based on the trend of linear increases in efficiency.	Applicant	4	<p>NPS EN-3 (2023) describes overplanting as <i>"The situation in which the installed generating capacity or nameplate capacity of the facility is larger than the generator's grid connection"</i> (footnote 92, paragraph 2.10.55). For context, the Application documents set out:</p> <ul style="list-style-type: none"> • ES Volume 2 Chapter 8 Climate [APP-051] sets out at paragraph 8.8.14 that the Proposed Development is anticipated to have an installed capacity of approximately 334.1 MW. • The Grid Connection Statement [APP-137] explains at paragraph 1.4.1 that the Proposed Development has a grid connection capacity of 500MW but that the Applicant has requested to be reduced to 335MW through a 'ModApp' industry process with the National Energy System Operator (NESO).

#	Action Point	Directed to	DL Applicant's Response
			<ul style="list-style-type: none"> The Statement of Need [APP-036] explains at paragraph 7.6.3 that the Proposed Development does not propose overplanting versus the current contracted grid connection capacity of 500MW (the ModApp not having been approved at the time of DCO submission). Section 7.8 of the Statement of Need [APP-036] discusses solar panel efficiency and solar panel output explaining that in September 2024 the Applicant reviewed market data and found that solar panels were advertised as being between 21% and 23% efficient while converting incident solar irradiation at a rate of 210 to 220W/m² (paragraph 7.8.6). <p>The Applicant confirms that a previous review in June 2023 found panels that were advertised as being between 20.7% and 21.6% efficient, converting incident solar irradiance at a rate of 207 to 223W/m². A subsequent review in October 2025 found panels that were advertised as being between 22.7% and 23.9% efficient, converting incident solar irradiance at a rate of 227 to 239W/m².</p> <p>It is difficult to predict what the future generating capacity of a single PV panel will be, but manufacturers are constantly improving the technology. The Applicant considers it reasonable to anticipate that panel efficiency will continue to increase at best linearly over the 2020s (Statement of Need [APP-036] paragraphs 7.8.13 and 7.8.14). The Applicant extends this consideration to panel output (expressed as W/m²). The increase in panel output between June 2023, September 2024 and October 2025 shows an increase of approximately 4.2% per year.</p> <p>If panel output was to continue to increase linearly at the same rate as previously calculated, in 2029 (four years from examination to the start of construction), panel output may be 13% higher than current ratings on a W/m² basis. Such an increase in panel output would increase the current anticipated installed capacity of 334.1 MW to 377.8MW without any increase in number, size or location of panels installed.</p>

#	Action Point	Directed to	DL	Applicant's Response
				<p>This number is presented as an indication of the potential for overplanting of the Proposed Development but should not be interpreted as a commitment by the Applicant to deliver such a capacity, or indeed an overplanted scheme at all. At the detailed design stage, the Applicant may identify reasons why the number, size or location of panels installed may need to change (while respecting the control parameters established in the DCO) and these may have a bearing on the total achievable installed capacity.</p> <p>However, the potential for there to be an increase in total installed capacity due to technological innovation alone provides support to Government's position at paragraph 2.10.56 of NPS EN-1 (2023) (also paragraph 2.10.48 of NPS EN-1 (2025)) that <i>"AC installed export capacity should not be seen as an appropriate tool to constrain the impacts of a solar farm."</i></p> <p>Further, increases in the efficiency of solar panels available to the Applicant at the time of procurement commitment may increase the anticipated output (MWh) of the Proposed Development, even in the case that number of panels and size of each panel do not increase from current assumptions.</p> <p>These considerations are all relevant to the Applicant seeking flexibility for its design until the detailed design stage, such that it may be able to incorporate into its design, the most efficient and effective technology available on the market at the time.</p> <p>The Applicant highlights however that the Government's policy position is that the urgent need for such schemes is established, that substantial weight should be given to this need, and that the specific contribution of any individual project to satisfying the need established within the NPS is not required to be considered by the SoS. (NPS EN-1 (2023) Paragraphs 3.2.6 - 3.2.8 also NPS EN-1 (2025) Paragraphs 3.2.8 - 3.2.10). Therefore whether the Applicant considers that overplanting is or is not achievable at the Proposed Development does not affect the substantial weight the ExA must give to the</p>

#	Action Point	Directed to	DL	Applicant's Response
				energy security, affordability and decarbonisation benefits arising from the deliver of the Proposed Development, should development consent be granted.
3.	To confirm there are no implications for the Environment Impact Assessment as a result of the shared abnormal invisible load (AIL) access between the applicant and the East Claydon battery energy storage system (BESS).	Applicant	3	<p>The Applicant has considered the shared AIL access between the Proposed Development and East Claydon BESS and this has no implications for the EIA. The cumulative effects assessment detailed in ES Volume 2, Chapter 17: Cumulative Effects [EN010158/APP/6.2.3] [REP2-037] considers the inter-project cumulative effects of the Proposed Development with the East Claydon BESS.</p> <p>The Applicant also updated the Outline Construction Environmental Management Plan [EN010158/APP/7.2.4] at Deadline 2 to include a commitment (Paragraph 2.22.5) to consult with the East Claydon BESS developer prior to construction, on programmes and at the discharge of requirements phase to manage interactions and reduce any associated potential cumulative effects, where practicable.</p>
4.	To explain how elements of the scheme have been reprioritised by National Energy System Operator (NESO), the connection queue, and Gate 1 and Gate 2 phased offers. Explain how the BESS would not be the subject of the Agreement to Vary which will reflect the reduction to 335MW	Applicant	3	<p>The timings of some elements of the Connections Reform process are not in the Applicant's control and are fluid. Therefore, the Applicant has presented its best understanding of the most current industry timescales to inform this response.</p> <p>The Grid Connection Statement [APP-137] states that the Applicant currently has a grid connection agreement with NESO to import 500MW (AC) and export 500MW (AC) of clean power to the National Electricity Transmission System (NETS).</p> <p>The TEC Register (available online) includes a 'MW effective from' date of 31st October 2031.</p> <p>The Grid Connection Statement [APP-137] states that the Applicant has recently requested a reduction to its import and export capacities and is seeking to decrease the import to 335MW (AC) and the export to 335MW (AC). This is called a Modification Application (ModApp).</p> <p>Further, in December 2025, the Applicant received notification of the outcomes of NESO's Connections Reform process. The Applicant has been informed that:</p> <ul style="list-style-type: none"> The solar component of the Proposed Development will receive an Agreement to Vary (AtV) to its existing connection agreement to move it to a Gate 2 Phase 2 connection offer.

#	Action Point	Directed to	DL	Applicant's Response
	and only apply to the solar element of the scheme.			<p>The confirmed connection date for such offers is expected to be between 2031 and 2035 and will be communicated to the Applicant between early September 2026 and mid-January 2027 by NESO (timelines subject to change).</p> <ul style="list-style-type: none"> The BESS component of the Proposed Development will receive an AtV to its existing connection agreement to move it to a Gate 1 connection offer. The indicative connection date for such offers has not yet been confirmed and has not yet been specified, except that the window for communication of offers opened at the end of February 2026. The Applicant has not yet received a Gate 1 communication from NESO for its BESS component. <p>The Applicant understands the timelines associated with its ModApp and the Connections Reform process will interact as follows. When the Applicant receives its Gate 2 offer for the solar component of the Proposed Development, the Applicant understands that the offer will be for:</p> <ul style="list-style-type: none"> Solar technology; 335MW of export connection to the National Electricity Transmission System; 0MW of import connection from the National Electricity Transmission System (the Proposed Development will be permitted to import small quantities of electricity to run its systems. This is called 'house load' and is normal for the vast majority of electricity generation facilities); Connection to National Grid East Claydon 400kV Substation; A confirmed queue position resulting in effective date which is anticipated to be between 1 January 2031 and 31 December 2035. <p>Industry timelines do not explicitly confirm that hybrid schemes such as the Proposed Development will receive connection offers for all components (solar and BESS, in the case of the Proposed Development) at the same time. However, when the Applicant receives its Gate 1 offer for the BESS component of the Scheme, which may be at the same time as the Applicant receives its Gate 2 offer for the solar component of the Proposed Development, the Applicant understands that the offer will be for:</p> <ul style="list-style-type: none"> BESS technology; 335MW of export connection to the National Electricity Transmission System; 335MW of import connection from the National Electricity Transmission System; An indicative connection location; and

#	Action Point	Directed to	DL	Applicant's Response
				<ul style="list-style-type: none"> An indicative queue position or status. <p>Upon receiving consent for the Proposed Development (if granted) the Applicant would re-submit the BESS component of the Proposed Development to a future re-prioritisation round to seek a Gate 2 connection offer (firm connection date).</p> <p>The Applicant confirms that this would enhance the context of NESO's assessment of the readiness and strategic alignment of the BESS component in its assessment, however the Applicant confirms that no 'protections' apply such that the BESS component of the Proposed Development would not, if consented, automatically advance to a Gate 2 connection.</p>
5.	To identify relevant Secretary of State decisions which support how an absence of a Gate 1 offer is not a barrier to consent, and to confirm that appropriate network connection arrangements are/ will be in place in accordance with paragraph 4.11.12 of NPS EN-1 (2023).	Applicant	3	<p><u>SoS decisions confirming not a barrier to consent</u></p> <p>The Applicant will provide its full analysis on this point at Deadline 4.</p> <p><u>Guidance/policy confirming this is not a barrier to consent</u></p> <p>Section 3.9 of the Statement of Need [APP-036] provides a summary and analysis of the Government's 2024 'Clean Power 2030 Action Plan' (the 'Action Plan'), which seeks to prioritise the grid connection of low-carbon generation projects needed for 2030, while maintaining a robust pipeline beyond 2030. To do so, the Government have established Clean Power 2030 capacity ranges to provide a framework for the prioritisation of grid connections. However, the Action Plan explains that the Government has retained optionality to revise its Clean Power 2030 capacity ranges in the future, because the scenarios it has developed cannot be exhaustive or definitive (Action Plan, p31). Further, the Government is expecting an increase in planning applications with the Clean Power 2030 target (Action Plan, p55).</p> <p>Planning for New Energy Infrastructure: 2025 revisions to National Policy Statements (Department for Energy Security and Net Zero, 13 November 2025), the Government's response to its consultation on the 2025 revisions to the energy NPSs explains at page 8, in relation to the interpretation of the Clean Power 2030 capacity ranges, that: "<i>Clean</i></p>

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				<p><i>Power 2030 is a milestone that reflects the scale of ambition required to meet our Net Zero 2050 target; it is not a fixed ceiling on technology deployment or project approvals."</i></p> <p>Because the Clean Power 2030 capacity ranges apply across <i>all</i> projects which require a Transmission Impact Assessment (TIA) to be carried out (this includes all projects greater than 5MW in England and Wales) the Clean Power 2030 capacity ranges cannot constrain either NSIP schemes, or schemes which fall outside of the NSIP framework. Paragraph 3.2.6 of NPS EN-1 (2025) states that: <i>"It is not the government's intention in presenting any of the figures or targets in this NPS to propose limits on any new infrastructure that can be consented in accordance with the energy NPSs"</i>.</p> <p>The NPSs are important documents which set out national policy for energy infrastructure in England and Wales. They were established against obligations made as part of the Climate Change Act 2008 (CCA 2008).</p> <p>The National Planning Policy Framework (NPPF) does not contain specific policies for nationally significant infrastructure projects. However, NPPF paragraph 5 confirms that NPSs form part of the overall framework of national planning policy, and may be a material consideration in preparing plans and making decisions on planning applications. They are therefore clearly also relevant to energy generation schemes which are not NSIPs, and it is the Applicant's view that paragraph 3.2.6 of NPS EN-1 (2025) supports the need for the BESS included as associated development to the main solar scheme and would so regardless of the NESO Gate status secured by the BESS as part of NESO's Connections Reform process.</p> <p>For this reason, the Applicant considers that the current policy position is that the need established by NPS EN-1 applies to all schemes or components of a scheme which currently has a Gate 1 connection agreement, whether or not they are within the scope of NPS EN-1.</p>

#	Action Point	Directed to	DL	Applicant's Response
				<p><u>Paragraph 4.11.12 of NPS EN-1 (2025)</u></p> <p>Paragraph 4.11.12 of NPS EN-1 (2025) states that:</p> <p><i>'The Secretary of State should be satisfied that appropriate network connection arrangements are/will be in place for a given project regardless of whether one or multiple (linked) applications are submitted.'</i></p> <p>The Applicant considers that this requirement is met in respect of the solar and BESS elements of the Proposed Development because the Applicant currently benefits from a grid connection agreement for both the solar and BESS elements, albeit subject to ongoing industry-wide reform.</p> <p>The Applicant considers that the relevant test is whether there is a realistic prospect of a grid connection, rather than certainty. The Applicant considers that this test has been met because the solar element has been reprioritised as Gate 2 Phase 2, and that the BESS, while currently holding Gate 1 status, has a clear and realistic pathway to obtaining Gate 2 status through future reprioritisation exercises. There is no evidence to suggest that a progression to Gate 2 would not be achievable for the BESS component.</p> <p><u>Paragraph 3.2.6 of NPS EN-1 (2023)</u></p> <p>In ISH1, Mr Kozelko, on behalf of Buckinghamshire Council, stated that the BESS component of the Proposed Development is 'associated development' and does not fall within the NSIP regime. Mr Kozelko then questioned whether it was appropriate for the Applicant to rely on paragraph 3.2.6 of NPS EN-1 (2023) in respect of the BESS component.</p> <p>Paragraph 3.2.6 (in combination with paragraph 3.2.5) of NPS EN-1 (2023) states that the Secretary of State should assess all applications for development consent for the types of</p>

#	Action Point	Directed to	DL	Applicant's Response
				<p>infrastructure covered by this NPS on the basis that government has demonstrated an urgent need for those types of infrastructure and that substantial weight should be given to this need when considered applications for development consent.</p> <p>The Applicant refers to section 4.6 of the Statement of Need [APP-036]. Paragraphs 3.2.5 and 3.2.6 of NPS EN-1 (2023) must be read in the broader context of NPS EN-1 (2023) including paragraphs 3.2.2 and 3.3.5 which demonstrate that the urgent need for solar technology anticipated by paragraphs 3.6.2 is supplemented by a recognised need for flexibility provided by new storage and interconnectors. Paragraph 3.3.25 of NPS EN-1 (2023) recognises that storage has a key role to play in achieving net zero and providing flexibility to the energy system. Paragraph 3.3.26 continues to state that "<i>storage is needed to reduce the costs of the electricity system and increase reliability by storing surplus electricity in times of low demand to provide electricity when demand is higher</i>".</p> <p>The Applicant maintains that NPS EN-1 supports the need for integration technologies, and the BESS component of the Proposed Development is a suitable and beneficial integration technology.</p>
6.	To signpost the application documents for scenarios of with or without BESS. If further on the 'without BESS' scenario is required, applicant to provide this information at deadline 4	Applicant	3	<p>The Applicant has maintained the flexibility for BESS and/or Solar PV development within Fields D8 and D9 as illustrated on the Works Plans [EN010158/APP/2.3.3] [REP1-005]. The ES has assessed the reasonable worst-case scenario for each environmental factor to ensure a robust assessment of likely significant effects. Details of the flexibility retained in the DCO Application and worst case assessed in the ES are set out within Table 5.3 of ES Volume 1, Chapter 5: Approach to the EIA [EN010158/APP/6.1] [APP-048]. Further detail on the reasonable worst case approach for each environmental factor assessment is presented in ES Volume 2, Chapters 6-16 [EN010158/APP/6.2] which for the majority of environmental factors is based on the scenario with the BESS in this area (rather than Solar PV), as this is considered to be the reasonable worst case for the purposes of the assessment. For some assessments contained in the ES, the worst case differs, for example, the ES Volume 4, Appendix 5.4: Glint and Glare Assessment</p>

#	Action Point	Directed to	DL	Applicant's Response
				<p>[EN010158/APP/6.4] [APP-082] considers the maximum extent of Solar PV development as this is considered the reasonable worst case for the purposes this specific assessment.</p> <p>The Applicant does not consider further assessment of alternative scenarios without the BESS to be necessary, given that a reasonable worst case scenario has already been assessed in order to ensure robustness.</p>
7.	To provide further evidence as to why Fields E10 and E11 are an unsuitable location for the BESS, including by reference to noise impacts on Sion Hill Farm and particularly by reference to the proposed size of the BESS. Further substantiate how there is not enough space in Fields E10 and E11 based on the size of the BESS proposed.	Applicant	3	<p>The Applicant has submitted for Deadline 3 a standalone technical note in response to this Action Point entitled the Applicant's Response to Action Point 7 from ISH1 [EN010158/APP/8.19].</p>
				Agenda Item 4 – Water environment
8.	To confirm the baseline information used for the water quality assessment, with particular	Applicant	3	<p>The Applicant has reviewed the aquatic information collected to inform the Environmental Statement presented within ES Volume 4, Appendix 7.9: Preliminary Aquatic Survey Report (2023) [EN010158/APP/6.4] [APP-095] and this clearly indicates the likelihood of a diverse aquatic invertebrate or fish community being present is extremely low and that undertaking detailed aquatic surveys would have been disproportionate to the level of</p>

#	Action Point	Directed to	DL	Applicant's Response
	consideration of aquatic invertebrates and fish.			<p>predicted impact and would not materially change the assessment that has been carried out or the conclusions reached with regards potential impact. As an accurate pre-construction baseline will be established against which the efficacy of mitigation measures will be measured the Applicant has confidence that if mitigation measures are not working any potential impact will be immediately apparent and a feedback loop would ensure mitigation is refined to alleviate any effects. Further information is given below.</p> <p>The purpose of the ES Volume 4, Appendix 7.9: Preliminary Aquatic Survey Report (2023) [EN010158/APP/6.4] [APP-095] undertaken was to determine if water bodies could support important aquatic habitats and/or species and whether more detailed surveys are required.</p> <p>The Preliminary Aquatic Survey Report (2023) [EN010158/APP/6.4] [APP-095] used industry standard methodologies (Hendry & Cragg – Hind (1996)) to identify habitat types for all groups of fish. Habitat features were recorded in the field for each water body. This included flow type, substrate, presence of macrophytes, instream features and evidence of protected species and invasive non native species (INNS). The habitats identified were less than optimal for any aquatic species to thrive. Typical features that indicated this are stagnant water with little or no flow, over shading from vegetation, no instream aquatic macrophytes, significant amounts of silty substrate, some ditches were dry and all were surrounded by intensive arable fields. The ponds may provide habitat for some invertebrate species but due to the agricultural nature of the surrounding area it is assumed the poor water quality will lead to limited suitability for fish, invertebrates and other aquatic species. None of the ponds within the area provide habitats of significant ecological value.</p> <p>For watercourses to be suitable for aquatic invertebrates and fish in a lowland area in the UK, the watercourse needs a diversity in flow with meandering channels, increase in water storage within the channel capacity and exposed gravels creating riffles, runs and pools which provide valuable microhabitats at different life stages for both fish and</p>

#	Action Point	Directed to	DL	Applicant's Response
				<p>invertebrates. These features are largely absent in the water bodies identified in the preliminary aquatic survey area. It was therefore concluded that no further invertebrate or fish surveys were required.</p> <p>This lack of suitable features to support diverse and functioning aquatic ecosystem is also recognised by the Baseline Water Framework Directive status of these waterbodies (see ES Volume 4, Appendix 16.2: WFD Waterbodies Stage 1 Screening Assessment [EN010158/APP/6.4.3] [REP2-055]). The waterbodies scoped in for assessment and their baseline WFD status in 2022 was as follows:</p> <ul style="list-style-type: none"> • Claydon Brook Tributary, heavily modified, moderate ecological status • Claydon Brook, heavily modified, moderate ecological status • Claydon Brook (DS Granborough) heavily modified, moderate ecological status • River Ray is not designated as an artificial or heavily modified watercourse and was classified as 'moderate' ecological status <p>'Moderate' ecological status of a water body refers to the waterbody having noticeable negative ecological alteration in comparison to the condition of a water body in a natural or near natural reference condition.</p> <p>The Outline CEMP [EN010158/APP/7.2.4] has been updated and submitted at Deadline 3. This document clearly outlines measures to be put in place to protect any water bodies and the potential to cause deterioration in status of WFD surface water bodies.</p>
9.	To update its flood risk assessment and outline drainage strategy to address points of agreement	Applicant	3	<p>ES Volume 4, Appendix 16.1: Flood Risk Assessment [EN010158/APP/6.4.4] has been updated at Deadline 3 to account for minor changes discussed and agreed with the Environment Agency related to floodplain compensation and to include additional mapping to justify using the Risk of Flooding from Surface Water as a proxy.</p>

#	Action Point	Directed to	DL	Applicant's Response
	with the Environment Agency.			The Outline Drainage Strategy [EN010158/APP/7.11.4] has been updated at Deadline 3 to include minor amendments related to the penstock valve (isolated automatic system with manual backup) as discussed and agreed with the Environment Agency.
10.	To update the reference to penstock valve in its outline management plans to confirm it is "automatic and manually operated".	Applicant	3	The Outline Operational Environmental Management Plan [EN010158/APP/7.3.4] and Outline Drainage Strategy [EN010158/APP/7.11.4] have both been updated at Deadline 3 to confirm that the penstock system would be an automated isolation system with a manual backup, as discussed and agreed with the Environment Agency. This is consistent with the approach set out within the Outline Battery Safety Management Plan [EN010158/APP/7.9.4] .
11.	To confirm position with respect to per- and polyfluoroalkyl in cables and how this will be managed at decommissioning.	Applicant	3	<p>As explained at paragraph 2.3.4 of the Outline Decommissioning Environmental Management Plan [EN010158/APP/7.4.4], during the decommissioning phase, all below-ground cables below 1m will be left in situ, however, this will be dependent upon the legislation and industry standards at the time of decommissioning.</p> <p>It is understood that cabling includes a level of PFAS. The approach to leave below ground cabling below 1m following decommissioning is current standard industry practice and has been accepted on several other Solar NSIP projects.</p> <p>The Applicant has amended the Outline OEMP [EN010158/APP/7.3.4] in Table 3.5 to include the below text to commit to minimising the level of PFAS in the equipment and to routinely monitor the equipment for degradation:</p> <p><i>'Development has not yet begun so the specific panel makeup, cabling and firefighting products, is not known. However, the Applicant has stringent procurement processes in place to ensure high quality and tested equipment is used for the Proposed Development and would seek to minimise the level of PFAS in the final equipment selection.'</i></p> <p><i>'Cables will be routinely tested to monitor insulation defects and degradation. Any failing cable would be replaced before it could cause an unplanned outage.'</i></p>

#	Action Point	Directed to	DL	Applicant's Response
				<i>All equipment or firefighting products will have routine periodic testing and/or visual inspection to monitor defects and degradation. Equipment will be replaced if damage or degradation is identified.'</i>
Agenda Item 3 – Ecology and Biodiversity				
12.	To submit a comparative note identifying where the principles in Natural Capital Committee's 'How to Do it: Natural Capital workbook' and the government's guidance on Enabling a Natural Capital Approach' are addressed within the application documents to evidence compliance with NPS EN-1 paragraph 4.6.16.	Applicant	4	The Applicant will submit a note identifying where the principles in Natural Capital Committee's 'How to Do it: Natural Capital workbook' and the government's guidance on Enabling a Natural Capital Approach' are addressed within the DCO Application documents to evidence compliance with NPS EN-1 paragraph 4.6.16 at Deadline 4.
13.	To confirm appropriateness of the applicant's approach to protected species licensing.	Natural England	3	N/A
14.	To submit an updated outline landscape and ecological	Applicant	4	The Applicant will submit additional detail in relation to the bat monitoring strategy at Deadline 4 and seek to engage further with Natural England and Buckinghamshire Council.

#	Action Point	Directed to	DL	Applicant's Response
	management plan to provide more detail in relation to its bat monitoring strategy. Updates are to be informed by engagement with Natural England and Buckinghamshire Council.			
15.	To submit excel biodiversity net gain (BNG) metric into examination.	Applicant	3	The Applicant has submitted the current version of the BNG Excel Metric to the Examination at Deadline 3 on the understanding the Planning Inspectorate are able to accommodate the submission of an Excel spreadsheet. This is the reason why it has not to date been submitted to the Examination. It should also be noted that the Applicant will be updating the BNG assessment and submitting a revised version at Deadline 4 to include minor amendments in response to comments from the Claydons Solar Action Group.
16.	To submit High Speed Rail 2 (HS2) bat monitoring which it referred to in its submissions into examination.	Applicant	3	The Applicant will consult with HS2 to ascertain if this information can be placed in the public domain and made available to the Examination. If so, it proposes to submit it at a subsequent Deadline. Given the short length of time between ISH1 and Deadline 3, the Applicant has not been able to do this in advance of Deadline 3. Notwithstanding this, the ExA should be aware that, outside of this Examination, HS2 Monitoring Reports are shared with the Bernwood Ecology Review Group, of which Natural England and Buckinghamshire Council are both members, so it is the Applicant's understanding that these organisations already have visibility of the data.
17.	To explain why are Fields B7, B8 and B9 important to the	Applicant	3	The Applicant notes that this action point incorrectly references Fields B7, B8 and B9 instead of the fields which Natural England referred to in its representations and at ISH1, being fields B6, B7 and B8. The Applicant has therefore responded to this action point with reference to fields B6, B7 and B8.

#	Action Point	Directed to	DL	Applicant's Response
	proposed development.			<p>The size and location of the Proposed Development have been carefully considered, balancing the need to maximise the grid capacity whilst also making most efficient use of land and avoiding unacceptable impacts. The Planning Statement [EN010158/APP/5.7.3] [REP1-016] sets out the reasoning for the Proposed Development, including its size and location. As set out in the Site Selection Report (Appendix 1 to the Planning Statement [EN010158/APP/5.7.3] [REP1-016]), ecology and biodiversity considerations formed part of the wider environmental and planning constraints which influenced the selection of the Site, alongside a number of other site selection criteria within NPS EN-3 (2023).</p> <p>The Applicant is bringing forward the Proposed Development to support the government's aim to deliver a clean power system by 2030 and keep it clean beyond 2030 on the way to achieving its legally binding net zero target by 2050. The Statement of Need [EN010158/APP/5.6] [APP-036] provides further information on the urgent need for an unprecedented capacity of new solar schemes, including large-scale schemes for which there is a critical national priority (CNP) because of the decarbonisation, energy security, and affordability benefits that they deliver. Taking the above urgent need into account, the Applicant has sought to maximise the export potential (and, by extension, the extent of installed Solar PV modules within the Order Limits) of the Proposed Development against its grid connection offer whilst utilising a design which takes account of all site-level environmental and spatial considerations.</p> <p>The capacity of Fields B6, B7 and B8 combined is estimated to be 15.5MW.</p> <p>Considering the above, Fields B6, B7 and B8 are considered important to the Proposed Development, in supporting the need to retain installed capacity so as not to result in a significant operational constraint or reduction in function and to maximise the Proposed Development's contribution to the urgent need for new renewable energy.</p>

#	Action Point	Directed to	DL	Applicant's Response
				Notwithstanding the above, the Applicant will continue to engage with Natural England and Buckinghamshire Council to consider any further appropriate mitigation measures in respect of these fields.
Agenda Item 5 – Landscape and Visual (including Good Design)				
18.	To provide updated statement of common grounds with each of Buckinghamshire Council and Claydon Solar Action Group (CSAG) (as informed by engagement), to clarify each party's position on the application of Guidelines for Landscape and Visual Impact Assessment 3rd edition (GLVIA3) methodology and how significance has been categorised/ assigned.	Applicant	4	The Applicant will seek to undertake further engagement with Buckinghamshire Council and CSAG to clarify the position on the methodology and how significance has been assigned ahead of Deadline 4. The Applicant will provide updated Statements of Common Ground at Deadline 4.
19.	To update statement of common ground with CSAG to clarify position on 'double counting' mitigation vs. enhancements.	Applicant	4	The Applicant will seek to undertake further engagement with CSAG to clarify the position on mitigation and enhancements ahead of Deadline 4. The Applicant will provide an updated Statement of Common Ground with CSAG at Deadline 4.

#	Action Point	Directed to	DL	Applicant's Response
Agenda Item 6 – Cultural Heritage				
20.	To provide further detail in respect of the applicant's approach to setting, specifically in relation to Botolph House (deadline 3). Subject to the outcome of further engagement with the applicant, for deadline 4, Buckinghamshire Council to provide an updated position on the Applicant's assessment and its position on any remaining heritage assets in disagreement.	Buckinghamshire Council	3 & 4	N/A
21.	To respond to submissions made with respect to evolution of the scheme's MW generation capacity in the context of its site selection process.	Applicant	3	As set out in the Site Selection Report (Appendix 1 to the Planning Statement [EN010158/APP/5.7.3] [REP1-016]), the starting point for site selection was the grid connection offer of 500MW at National Grid East Claydon Substation, and from this point the Applicant carried out a wide search across the 10km Search Area which considered factors influencing site selection and design, as outlined in section 2.10 of NPS EN-3 (2024). From this, landowners whose holdings met the criteria were approached and the Claydon Estate was identified as being open to conversations about hosting large scale solar on their land. As part of these early conversations there were discussions with tenants, and early surveys of some of the land was carried out – the area surveyed at this early exploratory stage did not represent a fixed site boundary, or an alternative scheme.

#	Action Point	Directed to	DL	Applicant's Response
				<p>Following land initially being identified by the Claydon Estate as potentially suitable and available, technical consultants were instructed to carry out an analysis of potential land parcels which informed the design that was presented at Phase 1 (non-statutory) Consultation in November 2023. This is illustrated in ES Volume 3, Figure 4.1: Stage 1 Zonal Masterplan [EN010158/APP/6.3] [APP-064].</p> <p>As part of the development of the scheme which was ultimately presented at the Phase 1 consultation, the Applicant took into account survey data and the professional advice from its consultants regarding the balance to be applied to various factors including relating to ecology, landscape and visual, agricultural land, heritage and impact on communities. This early engagement (prior to the Phase One consultation) led to additional land being identified as potentially suitable for solar and related infrastructure. This is part of the normal process of site selection and is not considered to be 'alternative schemes' in the context of the site selection process.</p> <p>The Applicant notes that the design and layout of the Proposed Development continued to develop throughout the pre-application stage, as described in ES Volume 1 Chapter 4: Reasonable Alternatives Considered [EN010158/APP/6.1] [APP-047]. This document sets out that the area proposed to accommodate Solar PV development at Stage 2 (statutory) Consultation was reduced by approximately 40% compared to the Stage 1 Design.</p>
Agenda Item 7 – Transport and Access				
22.	To provide an update on its engagement with Buckinghamshire Council with respect to the use of temporary traffic signals, including any	Applicant	3	The relevant officers at Buckinghamshire Council are on leave the week commencing 25 May 2026. The Applicant has provided suggested updated text for the Council to consider, but has not yet received a response. The Applicant will provide a further update at a subsequent Deadline.

#	Action Point	Directed to	DL	Applicant's Response
	amendments to the draft DCO.			
23.	To update its Design Commitments for the commitment not to fence the public right of way north of Pond Farm.	Applicant	3	The Design Commitments [EN010158/APP/5.9.5] have been updated at Deadline 3 to address this (F6).
24.	To update its outline rights of way and access strategy for the minimum widths and with reference to BS5709 (2018).	Applicant	3	The Applicant has updated the Outline Rights of Way and Access Strategy [EN010158/APP/7.8.4] at Deadline 3 to address this and will make consequential amendments to the Draft DCO [EN010158/APP/3.1.5] to reflect this at Deadline 4.
25.	To provide a response on flood risk at access junctions.	Applicant	3	<p>Although some areas of the local road network are shown on mapping as being susceptible to temporary surface water ponding during very heavy rainfall, this does not mean that the proposed AIL access points at the Proposed Development would be cut off or unsafe to use. The Environment Agency mapping shows where water could flow or collect in an extreme storm, but it does not take account of the existing road drainage systems or the short-term nature of this type of flooding.</p> <p>The abnormal load movements would be carefully planned and managed, and would not take place during severe weather conditions as set out and secured in the Outline Construction Environmental Management Plan [EN010158/APP/7.2.4]. Overall, the limited areas of mapped surface water risk are not considered to present a significant constraint to safe access to the site and adequate drainage measures will be in place as set out and secured in the Outline Drainage Strategy [EN010158/APP/7.11.4].</p>
26.	To respond to CSAG's Glint and Glare submissions	Applicant	3	The assessment of minor roads and PRow users as low sensitivity receptors in terms of glint and glare is determined partly on the basis of the low density of people using them. The probability of a glint and glare episode is higher on motorways with dense traffic and

#	Action Point	Directed to	DL	Applicant's Response
	with respect to categorisation of people using local roads and public rights of way as low sensitivity receptors.			lower on small residential roads, especially in a rural environment. However, probability is not the only parameter. There is little safety hazard associated with reflections towards an observer on a footpath or a bridleway, and any resultant effect is much less serious than on the road network. Glint and glare effects towards receptors on a PRoW are transient, and time and location sensitive, where a pedestrian could move beyond the solar reflection zone with ease and little impact upon safety or amenity. Most solar reflections are likely to be screened by existing and proposed vegetation, and the effectiveness will increase in time as vegetation grows. The effects would typically coincide with direct sunlight. The sun is a far more significant source of glare as it is more intense than reflected sunlight. Observers also have a higher tolerance to glare when their eyes are adapted to direct sunlight. The Solar PV modules would also have an anti-reflective coating to reduce glint and glare, as set out and secured in the Design Commitments [EN010158/APP/5.9.5] .
27.	Following further engagement with Buckinghamshire Council, applicant to submit an updated outline CTMP.	Applicant	4	The Applicant will seek to engage further with Buckinghamshire Council on his matter and will submit an update to the Outline Construction Traffic Management Plan [EN010158/APP/7.5.3] [REP2-065] at Deadline 4.
Agenda Item 8 – Population				
28.	To provide submissions on the Preston Farms Ltd's tenancy position and its relevance to the Secretary of State's decision making.	Applicant	4	The Applicant will provide these submissions at Deadline 4.
29.	To update its outline construction environmental	Applicant	3	This has been updated at Deadline 3.

#	Action Point	Directed to	DL	Applicant's Response
	management plan with the commitment to share relevant construction programme information at least 6 months prior to the relevant works with Preston Farms/ TCS Biosciences.			
30.	To provide information on how many people were involved in the trial trenching survey works on the Preston's fields and whether any biosecurity concerns were raised. Applicant to also provide an estimated number of operatives involved during construction who would be on those fields at one time.	Applicant	3	<p>The maximum number of people working in Parcel 3 during the Trial Trenching Works at any one time was 15, which included archaeologists, ecologists and plant operatives.</p> <p>The Applicant had stringent biosecurity measures in place at the site entrance and exit during these works. This included drive over mats soaked in FAM, wheel sprays for all vehicles entering and exiting the fields and the mandatory use of boot dips, mats and sprays for all operations boots and equipment.</p> <p>All plant and equipment delivered, once delivered to the Site, remained on-site until the completion of the works and no introduction of equipment used elsewhere was permitted until it had been subject to thorough cleaning and decontamination measures. The Applicant did not receive any formal complaints regarding biosecurity concerns during or directly after the trial trenching survey works. The Applicant estimates that there would be a maximum of 200 workers at any one time, working within Parcel 3, which would likely occur for a maximum of 16 weeks during the construction phase.</p> <p>The Applicant is committed to adhering to biosecurity measures, which will be agreed with Preston Farms and TCS Biosciences Ltd prior to construction, as set out and secured in the Outline Construction Environmental Management Plan [EN010158/APP/7.2.4].</p>

#	Action Point	Directed to	DL	Applicant's Response
31.	To clarify the design reasons with respect to the proposed layout in Fields B18 and B19, as distinct from Fields B8 and B9.	Applicant	3	<p>During the Accompanied Site Inspection (ASI) on 19 May 2026 the Claridge Family highlighted their concern, previously raised in their written response to Q1.9.3 [REP2-123], which stated under section 3:</p> <p><i>“The lay out of the proposed Solar development also results in the sub division of existing fields close to the farmstead of Knowlhill Farm - B18 & B19, SA1 and SA2. The current proposal currently splits these fields into separate parts which is impractical from a farming perspective.”</i></p> <p>During ISH1, the Examining Authority queried the rationale for splitting the fields. Initially the Examining Authority made reference to Fields B8 and B9, but for clarity, as per the quote above, the Fields referenced by Mr Claridge were B18 and B19, which are shown as Work No. 1 Ground-mounted Solar PV Generating Station (Up to 3.5m) on Sheet 1 of the Works Plans [EN010158/APP/2.3.4] [REP1-005], and Fields SA1 and SA2 which are shown as Work No. 10B Internal access to mitigation areas only on Sheets 1 to 3 of the Works Plans [EN010158/APP/2.3.4] [REP1-005].</p> <p>Initial consideration of potential for effects on Knowlhill Farm indicated that given its location within the Proposed Development, residents would be sensitive to the proximity of Solar PV development. Consequently, the Stage 1 Design, as shown in Figure 5.2 of the Design Approach Document [EN010158/APP/5.8.2] [REP1-018] and ES Volume 3, Figure 4.1: Stage 1 Zonal Masterplan [EN010158/APP/6.3] [APP-064], excluded Fields SA1 and SA2 from the Potential area for Solar PV development.</p> <p>As described in ES Volume 4, Appendix 10.5: Residential Visual Amenity Assessment [EN010158/APP/6.4] [APP-114], Knowlhill Farm was visited as part of the Residential Visual Amenity Assessment. ES Volume 3, Figure 10.20: RVAA Property Plan – Knowlhill Cottage [EN010158/APP/6.3] [APP-069] and ES Volume 4, Appendix 10.6: LVIA Visualisations [EN010158/APP/6.4] [APP-118] demonstrate the arrangement of buildings at Knowlhill Farm and views towards the Proposed</p>

#	Action Point	Directed to	DL	Applicant's Response
				Development from the front of the farmhouse. As reported in Appendix 10.5, the design of the Proposed Development has ensured that <i>“Views from ground floor windows and the rear gardens would be largely unaffected by the Proposed Development ... Views from first floor north facing windows would be primarily limited to oblique views of Solar PV modules set back in Fields B18 and B9 to the north west, although limited views of the Satellite Collector Compound may be visible in Field B20 to the north”</i> .
32.	To confirm the energy generation from Field E23.	Applicant	3	The indicative generating capacity within Field E23 is 12.25 MWp. This is subject to change, depending on the specific Solar PV modules to be used and detailed layout.
33.	To provide a comparative note on the compensation provisions under the Agricultural Holdings Act, a Farm Business Tenancy and the commitments made to the Preston Farms in the context of the offer of replacement land.	Applicant	4	This note will be submitted at Deadline 4.
34.	To provide updated Design Commitments confirming continued access of the Claridge family to the agricultural well.	Applicant	3	The Design Commitments [EN010158/APP/5.9.5] have been updated at Deadline 3 to address this (G3).
35.	To evidence and quantify the impact on	Preston Farms/ TCS Biosciences	4	N/A

#	Action Point	Directed to	DL	Applicant's Response
	the National Health Service (NHS) and any risk of supply, including identification of any pathways that the applicant would threaten that supply.			
36.	To provide a marked-up map of its proposed alternative construction access route.	Preston Farms/ TCS Biosciences	3	N/A
37.	To submit detail around its biosecurity measures and further concerns.	Preston Farms/ TCS Biosciences	3	N/A
38.	To provide the movement plan across the fields referred to.	Preston Farms/ TCS Biosciences	3	N/A
Agenda Item 10 – Noise and Vibration				
39.	To provide a technical note on its position on noise and vibration with respect to piling and substantiate why it would not exceed the relevant threshold criteria.	Applicant	4	This technical note will be provided at Deadline 4.

#	Action Point	Directed to	DL	Applicant's Response
40.	To update its noise contour figures to identify the central inverter.	Applicant	3	The Applicant has updated ES Volume 3, Figure 13.3: Operational Phase Noise Contours (without additional mitigation) [EN010158/APP/6.3.4] and ES Volume 3, Figure 13.4: Operational Phase Noise Contours (with additional mitigation) [EN010158/APP/6.3.4] at Deadline 3 to address this.
41.	To clarify how it considered noise in relation to Permissive Paths. For deadline 4, applicant to provide any additional management measures and updated plans in response to its review, as and if needed.	Applicant	3	<p>As set out under Design Principle 9.4 within the Design Approach Document [EN010158/APP/5.8.2] [REP1-018] and ES Volume 1, Chapter 3: Proposed Development Description [EN010158/APP/6.1.2] [REP1-034], there are three new permissive paths proposed as part of the Proposed Development:</p> <ul style="list-style-type: none"> • A new permissive footpath across Parcel 1 by connecting the to-be-rationalised PRoW SCL/13/2 to Three Points Lane, via the southern edge of Shrubs Wood and the top of Knowl Hill (Field B17) (approximate length 1.9km); • A new permissive footpath, to connect the permissive footpath proposed at Stage 2 as described in the bullet point above, to the PRoW network north of Calvert Road, beginning from the intersection of Fields B17, B20 and B21, then running north to the west of B21 and B22 to Calvert Road and onwards to PRoW MCL/13/1 (approximate length 0.7km); and • A new permissive footpath across Parcel 2 which connects the existing PRoW ECL/8/1 to PRoW ECL/9/2 and ECL/10/2, along the north of D3 (South) (approximate length 0.5km). <p>ES Volume 3, Figure 13.4: Operational Phase Noise Contours (with additional mitigation) [EN010158/APP/6.3.4] shows the proposed routes of the three new permissive paths in relation to the operational phase noise contours (with additional mitigation), based on the illustrative layout of the Proposed Development. Figure 13.4 shows localised noise sources (predominantly from Inverter Transformer Stations) along the first two of these permissive routes, but none along the new permissive footpath across Parcel 2.</p>

#	Action Point	Directed to	DL	Applicant's Response
				<p>Whilst the primary driver for the location of the routes was creating an enhanced and better-connected footpath network, operational phase noise has also been a consideration in the design of the Proposed Development. Inverter Transformer Stations have been offset from the permissive routes and noise barriers have been incorporated around Inverter Transformer Stations to reduce noise effects for users of the permissive routes.</p> <p>This is shown by the difference between the noise contours shown on ES Volume 3, Figure 13.3: Operational Phase Noise Contours (without additional mitigation) [EN010158/APP/6.3.4] and ES Volume 3, Figure 13.4: Operational Phase Noise Contours (with additional mitigation) [EN010158/APP/6.3.4]. The resultant increases in noise levels after additional mitigation would be very low and localised for the transient users of the permissive routes.</p>
42.	To signpost its application for at-source noise mitigation during construction and how this has formed part of its assessment.	Applicant	3	<p>ES Volume 2, Chapter 13: Noise and Vibration [EN010158/APP/6.2.2] [REP1-040] presents the construction phase noise assessment.</p> <p>Construction activities would involve the use of a variety of working methods, with the resultant noise and vibration levels experienced by a receptor varying over time as the distances to plant items change and the type of construction activity changes.</p> <p>For the purposes of establishing potential impacts, the anticipated noise levels generated by the following primary construction activities have been considered:</p> <ul style="list-style-type: none"> • Vegetation clearance; • Boundary fencing; • Topsoil strip/site preparation; • Preparation of Construction Compounds; • Access track construction; • Solar PV module installation works;

#	Action Point	Directed to	DL	Applicant's Response
				<ul style="list-style-type: none"> • Bulk earthworks to BESS, Rosefield Substation and Collector Compound sites; • Construction of BESS, Rosefield Substation and Satellite and Main Collector Compound(s); • Cable trenching; • HDD; • Use of Construction Compound(s); and • Highway improvement works – road widening. <p>The assessment concludes that in instances where construction works are being undertaken close to the Order Limits, with sensitive receptors in the vicinity, there is potential that the resultant noise levels (without additional mitigation) will result in an exceedance of the British Standard 5228-1:2009+A1:2014¹ 65dB LAeq,T daytime criterion. The works giving rise to exceedances are noted to be transitory in nature and would therefore only occur for a limited and temporary period of time.</p> <p>Section 13.9 of ES Volume 2, Chapter 13: Noise and Vibration [EN010158/APP/6.2.2] [REP1-040] sets out a range of mitigation measures that may be implemented as part of the Principal Contractor's working methodology to control construction induced noise levels, sufficient to achieve the BS 5228-1 threshold criterion. These include:</p> <ul style="list-style-type: none"> • Daytime working hours; • Implementation of Best Practicable Means (BPM); • Use of temporary noise barriers; • Piling mitigation – shrouds, resilient pads or adoption of rotary bored piles in lieu of percussive techniques; • Community liaison, including relevant land interests with livestock; and • Targeted construction phase noise monitoring.

#	Action Point	Directed to	DL	Applicant's Response
				<p>The listed measures represent industry best practice and would be refined as part of the detailed Construction Environmental Management Plan when a Principal Contractor is involved.</p> <p>At this stage, it is appropriate to identify potential mitigation measures that can be used to control noise levels so that significant adverse effects do not occur, however, the mitigation measures should not be fixed, so that the most effective solution can be adopted on a case-by-case basis. In all instances, an appropriate means of achieving the BS 5228-1 threshold criterion would be achievable, post-mitigation.</p> <p>The construction phase noise mitigation strategy set out in ES Volume 2, Chapter 13: Noise and Vibration [EN010158/APP/6.2.2] [REP1-040] is secured by Table 3.8 of the Outline Construction Environmental Management Plan [EN010158/APP/7.2.4].</p> <p>The implementation of appropriate noise mitigation measures will extend to noise affecting sensitive livestock, as secured by Section 2.10.2 of the Outline Construction Environmental Management Plan [EN010158/APP/7.2.4], which provides that:</p> <p><i>“Potential disturbance to livestock would be managed through appropriate consultation with the relevant parties. Where specific concerns are raised, temporary measures would be introduced to reduce the construction induced noise levels experienced by livestock, where appropriate.”</i></p>
43.	To provide evidence of how noise and vibration effects impact the quality of donor livestock blood and consequentially, the product of its business.	Preston Farms/ TCS Biosciences	4	N/A

#	Action Point	Directed to	DL	Applicant's Response
44.	To provide (if preferable on a without prejudice basis) a response to the applicant's proposed mitigations, and identification of any further mitigations Preston Farms/ TCS Biosciences consider appropriate.	Preston Farms/ TCS Biosciences	3	N/A
Agenda Item 11 – Air Quality				
45.	To provide a technical note explaining the further analysis it has done in respect of its plume assessment and model to respond to Preston Farms/ TCS Biosciences.	Applicant	3	The Applicant maintains and refers to the Applicant's Response to Deadline 2 Submissions [EN010158/APP/8.17] submitted at Deadline 3 and will prepare a technical note on this matter for Deadline 4.
46.	To update its Design Commitments to include the 50m set back of the BESS from the relevant fields Preston Farms are known to graze.	Applicant	3	The Design Commitments [EN010158/APP/5.9.5] have been updated at Deadline 3 to address this (D25).
47.	To update ES Chapter 6 to provide clear references to	Applicant	4	ES Volume 2, Chapter 6: Air Quality [EN010158/APP/6.2] [APP-049] will be updated at Deadline 4 to address this.

#	Action Point	Directed to	DL	Applicant's Response
	the site of special scientific interests (SSSIs) and to include a clear statement on critical levels.			



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