



Planning Inspectorate
Arolygiaeth Gynllunio

Hearing Transcript

Project:	Rosefield Solar Farm
Hearing:	Recording of issue specific hearing 3 (ISH 3) - Part 2
Date:	07 July 2026

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The video recording published on the Planning Inspectorate project page is the primary record of the hearing.

FULL TRANSCRIPT (with timecode)

00:00:07:23 - 00:00:14:29

Okay. It's 1120 now, so we're going to resume the hearing. Can I just check? The recording is started.

00:00:17:04 - 00:00:44:12

Yeah. Okay. Thank you. Okay. So we're now on item 383. And that's the bat monitoring strategy. So a deadline for the applicant updated the outline landscape ecological management plan which is RET 4-072 to provide a bat monetary strategy. So to Buckinghamshire Council. Do you have any comments on what's proposed.

00:00:45:26 - 00:00:56:23

Thank you, Sir Daniel Gazelka for Buckinghamshire Council. Um, I'll go over to Annie Ottaway, who hopefully is a lady back from brick as well. Are you there, Annie?

00:00:57:02 - 00:01:29:04

Yeah. Hello. So, Annie Ottaway in Buckinghamshire Council. Um, so yeah, I think we've welcomed the update. Um, updated monitoring strategy that's outlined in the lamp. Um, we did have discussions with the applicant on this and our understanding as it is to be further updated once they've had a chance to further discuss it with Natural England. Um, I think our key remaining concern is in regards to what remedial measures may be available. Um, so I think we're pleased that there's going to be a strong baseline.

00:01:29:06 - 00:01:51:07

Um, and then there's going to be monitoring, I suppose, to identify in particular where the bats are used in the area. Um, as they were at the baseline. Um, one example was around the buffers. And um, if the monitoring identifies that the buffers are not sufficient and bats are not using them, it's what remedial measures are available. And I don't I don't believe we've got an answer to that yet.

00:01:52:16 - 00:01:54:21

Okay. Thank you. Miss Sterling.

00:01:56:10 - 00:02:29:27

Amy Sterling, on behalf of the applicant. Yes. I think it's fair to say the limb outline lamp is not at this stage prescriptive as to what the remedial action will be. However, it sets out through that um, table 6.1 developing that monitoring strategy, objectives of the monitoring and what the remedial action should seek to achieve. Of course, Buckinghamshire Council would be the discharging authority for the detailed lamp and would at that point have a role in approving what the specific remedial actions would be in accordance with that monitoring strategy.

00:02:29:29 - 00:02:48:22

So, yes, I think it's fair to say they're not defined specifically at the moment, but there is a framework in place to ensure that through further discussion and collaboration with Buckinghamshire Council, in

consultation with Natural England, pursuant to the requirement that by the time the plan is being discharged, that these could be more formally set out in the detailed plan.

00:02:49:03 - 00:02:53:03

Okay. Thank you for that. Would the action group like to comment on the strategy?

00:02:55:01 - 00:03:33:01

Thank you sir Dominic Woodfield for Claydon Stellar Action group. Um, I don't want to steal any of its thunder here, but, um, I think what she was driving at is that there is a tension that remains and was discussed in the meeting a couple of weeks ago between the applicant's, um, committed statement that it is not going to remove panels, um, in response to any monitoring outcome. Um, and the the suggestion that monitoring will be used as a tool to ensure the efficacy of the of the of the mitigation and monitoring measures, mitigation and management measures.

00:03:33:05 - 00:04:07:25

So my understanding is that the only thing is that the applicant is prepared to consider if monitoring shows that the buffers and the retain corridors aren't working in the way that they were intended. Is to make some tweaks to management. Um, and that it is not considering or contemplating the possibility that that might in itself require that panels be removed in order to improve the efficacy of those buffers and the monitoring. So and the and the mitigation. So, um, I don't know if I stepped on his toes by making that point, but that's that's our concern.

00:04:08:26 - 00:04:22:01

Okay. Thank you for that. How do you respond to that particular point about, uh, no change to infrastructure, even if, um, the evidence suggests that, you know, tweaks to that infrastructure should be made.

00:04:22:11 - 00:04:53:04

In we're standing on behalf of the applicant. I think it's fair to say, sir, it's not the applicant's case, that that should be explicit within the management plans. And the applicant is certainly not proposing to commit to removing panels based on the outcome of the monitoring. But neither does the remedial action framework, which the applicant has provided an attempt to prevent that. If it were the requirement of Buckinghamshire Council and in approving the detailed plan, just to be clear, what it says under remedial action is that the buffer should be reviewed to ensure they are delivering the habitat.

00:04:53:06 - 00:05:28:03

Habitat objectives and action taken. If not, it does not specify what specific action that may or may not be. It goes on to say what the need for such a remedial action should take into account, including bat activity across the whole local landscape and other sort of more technical matters. As I said in my previous submissions for Buckinghamshire Council, at the detailed design stage and through its rules discharging and enforcement authority of the lamp to ensure working with the applicant that appropriate action for remedial appropriate measures for remedial action are put in place.

00:05:28:05 - 00:05:41:29

But the applicant is not proposing at this stage to commit to removing panels and, depending on the outcome of the monitoring, and considers the that should be left to the detailed design and further discussion with Buckinghamshire Council pursuant to the detailed plan.

00:05:42:12 - 00:05:47:23

Okay. Thank you. That's that's clear. Any further comments? Yes. Buckinghamshire.

00:05:48:09 - 00:05:49:11

Thank you, Danny Gazelka.

00:05:49:13 - 00:06:13:15

For the cancel. It may be that Miss Ottaway wants to come back in. I don't know, just from a perspective of this is maybe more an open question and me specifically making a point. But from the answer that we've just been given, I think what is being said is it could be included in detail, but not the applicant isn't positively saying it will. What I'm trying what I think we need to clarify is

00:06:15:00 - 00:06:51:29

if it is the case that that can be done, then you can assess this scheme on that basis at the outline stage, but then it will be open to the council to require that. And so I don't see a reason in principle not to include, but it extends to such removal. If the applicant is accepting it would um it could extend to removal and the scheme should be assessed on that basis. If the applicant is saying that it won't. Then I mean, obviously there's the arguments of principle that we're having, but we may need clarity for you to assess what the actual monitoring is, if it can happen, is a very different scheme to if it can't happen.

00:06:52:01 - 00:06:52:28

I would suggest.

00:06:53:00 - 00:06:55:02

Yes, I take that point. Would you like to.

00:06:55:08 - 00:06:57:06

Hear me saying on behalf of the applicant?

00:06:58:27 - 00:07:38:11

Again, it's sort of repeating the point that there is no remedial action specified. So there is not an open list, there's not a closed list. There is a commitment to take action. Buckinghamshire Council, in approving the plan, has a role in dictating what that action is. The applicant's position is that it would not be necessary or proportionate to remove panels based on the outcome of that monitoring, and there are other ways that remedial action could be taken if, at this stage of discharging the plan or enforcing the plan. Buckinghamshire Council disagreed. They could, for example, if the applicant at that stage decided that it wasn't willing to put forward a remedial action of removing panels, refused to approve the plan if that.

00:07:38:13 - 00:08:07:20

The detailed limp. If that were the case, the applicant could consider whether or not it would appeal, whether or not it would review the detail of the lamp to expand or change the remedial action proposed. I don't think it's in any way necessary at this stage to identify what is potentially a very long list of different remedial actions that may be required. The applicant's position is that it would not be based on its current understanding of the scheme necessary or proportionate, to remove panels based on monitoring.

00:08:08:27 - 00:08:10:01

Okay. Thank you.

00:08:10:13 - 00:08:41:21

Mr. Danny. Apologies, sir. So I just think I think my submission is it does matter because you need to know what the outer edge of this. You need to know what the envelope is within which you are consenting. This scheme. I think what is being said is that jurisdictional jurisdiction may not be the right word, but with the outset, the outline length could include this. And then there'll be an argument about whether the test is met at detailed stage. Um, and I just invite Mr. Stirling to say, identify if that is the case. I'm not saying it needs to be listed.

00:08:41:23 - 00:09:16:28

I'm just saying we need to have clarity. One way or another, so that, for example, the examining authority's report could say we take account of the fact that this could extend to this. And you'll obviously be aware, says that, you know, the examining authority's report is part of the way that you interpret the overall. Yes. And the the DCO, etc.. I just want to be clear what you can take into account. Um, I agree, I agree and accept there could be separately an argument about whether the test for conditions is met and you know what is required for mitigation, but could we in principle within the outline plans provide for this? Mm.

00:09:17:09 - 00:09:22:20

Would you be prepared to provide some drafting that you think would that.

00:09:23:04 - 00:09:47:02

Because of counsel we could. Sir. I mean I accept what Miss Sterling is saying, which is we don't want to list every single possible thing because that would be a very long list that, um, that, you know, we could then omit things which should be included. And, you know, 1st May ask the question, what is the point of an inter alia, list? But this actually seems a sticking point that we. We do need an answer one way or another to. But I think this fellow is Sterling.

00:09:47:17 - 00:09:48:03

Okay.

00:09:48:06 - 00:10:03:13

Amy Sterling, on behalf of the applicant, I don't think there would need to be any change to the drafting. I would it's in scope because it's not out of scope. You know, there's literally nothing it says habitat action taken. If not, that's all I think all I can say.

00:10:03:15 - 00:10:15:14

Okay. I think we'll review the wording. Okay. Thank you for that. Okay. Moving on to item three B buffers. So sorry. The last point on that last item.

00:10:15:16 - 00:10:50:03

I had two more substantive points. Separate separate matters on on on the monitoring questions really for the applicant three user. So it's Dominic Woodfield for Clayton Soho Action Group. Um there were two points that came up in the meeting. The joint meeting that was had a couple of weeks ago, a few weeks ago. Um, which I welcome an update on. One was that, uh, there was discussion about Reliance on his tools. Radio tracking, um, ongoing radio tracking program to feed into the monitoring of of Rose field.

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But there was a question over sequencing there. Um, and I believe there was an action taken away by the applicant. Um, it was related to discussions that were being had with the Natural English Burn Wood team, which were expected to happen in early July. Um, have those discussions happened and is tos cooperation? Uh, in the radio tracking element of the monitoring now confirmed. That's my first question. Um, and the second question was about the in monitoring of the efficacy of mowing versus grazing, which was going to be subject to an invertebrate study.

00:11:27:23 - 00:11:48:23

Um, and I raised the question in the meeting, which was to do with will the baseline be established when livestock are present so that the baseline includes, uh, grazed livestock cattle, grazed livestock fields, and that wasn't absolutely answered at the meeting, but was an action that was taken away. So an update on both of those points from the applicant would be welcome.

00:11:48:25 - 00:11:50:17

Please address those those two points.

00:11:52:00 - 00:12:04:06

Selling on behalf of the applicant and pastor mysteries. And to answer firstly the two radio tracking and then just anything further to say on the mowing versus grazing monitoring. Okay.

00:12:04:09 - 00:12:34:19

Um, firstly on the two point, um, I'm actually presenting the revisions to the monitoring strategy that I've put together tomorrow. So I'm pleased that the session today is today. Tomorrow. Um, and then we'll have further discussions around the timing. Secondly, the current quarantine strategy for HST requires radio tracking this year in 2026 and in 2030. That is the year when the contractor may change. So it is very unlikely that radio tracking will happen in 2030.

00:12:34:21 - 00:13:09:23

For that reason and because the construction program has been delayed. But it's very sensible for HS2 to undertake the tracking in 2029, which will be not long before Roseville goes to construction if it's consented. I also had an email from this morning which confirmed that they're happy to collaborate and provide the radio tracking data to the Rose field, um, development, and that will go into the statement of Common Ground at deadline five. So that's all very positive in relation to monitoring grass and which is or isn't being grazed.

00:13:09:25 - 00:13:41:09

I think we would have to look at what the how the landowner is using those fields. At the time that we do the baseline monitoring, we may not have much control over that. So for example, if to use sterling's example, there was a TB outbreak and there hadn't been any cows on those fields for two years, then we would have to do the baseline monitoring in that in that scenario. So I don't think we can be too prescriptive at this stage. But it's an interesting point and we'll take it into account. I would say I've got a little experiment going on around my house from other people's field. The field opposite my house is being grazed by long horned cows.

00:13:41:11 - 00:14:15:05

The field behind my house is being managed by Cut and Collect. They are both absolutely stupendous from overgrazed, um horse grazing field from the cut and collect field. It is currently developed really beautifully. Hugely botanically diverse. It was stuffed full of orchids last year, and when I went out to do a little slug hunt last week, I'd been battered to death by moths. So I've got this little experiment going on right next to me, and I can see that both the cut and collect and the grazing fields are both developing beautifully in terms of their botanical diversity.

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And I know that's anecdotal, but it is illustrative.

00:14:18:28 - 00:14:43:03

Okay. Thank you. Okay. We'll move on now then to, uh, buffers, 3D buffers. Um, noted in the latest statement of common ground between you and the applicant. Okay, now to Buckinghamshire Council. You still maintain that the buffers should be in accordance with local policy, particularly, buffers to ancient woodland should be at least 50m in accordance with the Vale of Aylesbury Local Plan policy. Any eight.

00:14:44:20 - 00:14:52:02

Um. Have you any more discussions since that statement of Common Ground was submitted? Is that still your position?

00:14:52:10 - 00:15:00:07

Um, I'll. I'll bring in my, um, my expert Annie Council. I'll bring in Annie Ottaway. Um, I think it is, but I will just check.

00:15:02:04 - 00:15:12:14

Annie Ottaway for Buckinghamshire Council. Yes. That is still our position. And, um, buffers. I think we've had to agree to disagree, um, with the applicant on buffers.

00:15:14:02 - 00:15:28:27

Okay. So just just the applicant then. Um, so it doesn't look like there's going to be any movement on this at all. Um, can you see any way forward on this, or is your position reset?

00:15:29:01 - 00:16:01:01

Give me Amy Amy Stirling, on behalf of the applicant. We're talking about buffers from hedgerows and measuring from the outer edge versus the centerline. Then, yes, the parties have agreed to disagree. Essentially, the applicant's position is that it aligns with the DCO precedent and that it is appropriate to measure from the centre line, and that it would be unnecessary and impractical on the ground to measure from the from the outer edge, leading to sort of a lot of squiggly lines, which are difficult to to fence.

00:16:01:03 - 00:16:25:26

It would have an implication for the generating capacity of the scheme unnecessarily. However, what the applicant is proposing is that if there are additional areas where specific buffers should be increased, um, in the submission of Buckinghamshire Council and Natural England, then the applicant will consider those on a case by case basis, but the applicant is not intending to change its position that the buffers for hedgerows are to be measured from the centre line.

00:16:26:11 - 00:16:30:21

What about the ancient woodland buffer policy of 50m.

00:16:31:06 - 00:16:37:08

Sterling on behalf of the African. Mr. Lang am due to my left. Can can discuss that with you.

00:16:38:05 - 00:16:41:11

Hello Mark Lang on behalf of the applicant. So in relation.

00:16:41:13 - 00:16:41:29

To.

00:16:42:06 - 00:16:53:19

Um, the value of a policy for 50m from ancient woodland, um Buckinghamshire Council are correct in that we're agreeing to disagree. I think, um, what we would say is.

00:16:53:21 - 00:16:54:06

That.

00:16:54:08 - 00:17:01:19

The, the policy for the Vale of Aylesbury does indicate kind of fairly um.

00:17:04:03 - 00:17:34:28

Sort of high level development, whereas we would argue that the type of development that it's a little bit less impactful than normal kind of housing development, and also the protections that we have in place in relation to root protection zones. Um, so a 30 metre buffer is sufficient to deliver of that and the design commitment. seven the state that proposed development will avoid route protection zones and hedgerows, so it ensures that trees and hedgerows will be protected at the detailed design stage as well.

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So the applicant is maintaining its position that we feel that in this instance 30 metre is adequate as opposed to 50. Come on Dominic, make your point.

00:17:47:05 - 00:17:50:19

Yeah. The action group. Would you want to comment on that? Yeah. The apologies.

00:17:50:21 - 00:17:53:28

I should thank you, sir. I think let's stick to protocol. Um,

00:17:55:19 - 00:18:31:27

okay. Two, two points. Um, if I may, Dominic Woodfield for Clayton Taylor Action Group. Um, on the measuring hedgerows from the centre line. We just heard from Sterling that there are DCO precedents that that's how it was done. Well, in the meeting a couple of weeks ago, Natural England raised a precedent where that's not been done and that's the Botley West scheme. And that's obviously it's not been done there. In particular regard to annex two species of bats, which is the same situation here. So I think it's important to recognize that it isn't a DCO president across the board.

00:18:31:29 - 00:19:22:14

It's a case by case situation. And whilst there are examples where hedgerows measured from the centre line have been accepted, they tend to be in situations that are less sensitive than we're dealing with here. So that's the hedgerow centre line point. Um, I do find it inexplicable that the applicant will refuse to move from this position, given the absolute ecological logic of measuring your buffer from the feature that you're intending to buffer, rather than some arbitrary line somewhere within that feature. But be that as it may on a related matter relation to the ancient woodland um, the 50 metre stand off in the available available sort of Aylesbury Local plan is consistent with the advice from the Woodland Trust at that point is worth making, and there's a direction of travel which suggests that that may also ultimately find its way into standing advice in due course.

00:19:22:16 - 00:20:04:18

I know you can't put any weight on that, but there are sound ecological reasons why 50m is being strongly considered as a new buffer buffer zone. And in this situation we have the same problem, which is that the applicant has measured from the edge of the land parcel rather than the edge of the ancient woodland. So if the if the buffer is 30m that the applicant is committed to 15m of that could be taken up by woodland canopy. Whereas actually if you were to look on an aerial photograph, you would measure the the edge of the ancient woodland from the edge of the woodland canopy for obvious ecological reasons, not from the some kind of arbitrary land parcel line, um, because that relates to land ownership rather than ecological function.

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So, um, you if you, if you're only going to buffer by 30m in some instances, you could actually technically only be buffering the actual feature by something like 10 to 15m. Um, so that needs to be taken into account in considering the adequacy of the applicants buffers.

00:20:22:01 - 00:20:25:09

Okay. Thank you. Would you like to come back on any of that?

00:20:25:20 - 00:21:00:16

Amy Stirling, on behalf of the applicant, just firstly on the hedges. Uh, yes. We don't dispute the. But the worst example that's provided. As far as we're aware, that's the only example of where I saw the DCO application, noting it's not yet consented. Project has measured from the outer edge of the hedgerow. So as far as we are aware, the majority of projects do measure from the centreline as the applicant is proposing it. Nonetheless, I would repeat the applicant's offer that if there are specific concerns in specific areas with the size of the buffer in relation to hedgerows, the applicant is willing to consider those so far.

00:21:00:18 - 00:21:44:08

As far as I'm aware, none have. None of those specific concerns have been put forward, so it becomes a bit of an academic debate as to whether it's outer edge or centre line. The applicant has considered what the implications would be for measuring from the outer edge. And as I mentioned, because it results in sort of more squiggly lines. That presents an issue for fencing the solar. The solar panels, which would ultimately result in a loss of approximately five megawatts of capacity. So this wouldn't. This does not come without a cost. There is a trade off, and the applicant considers that there would be insufficient ecological benefit from a no requirement to measure from the outer edge of the hedge, which would justify that loss of generating capacity for the scheme.

00:21:45:12 - 00:21:57:28

At that time, repeat the offer. If people have specific concerns in specific locations and would like to increase the buffer, the applicant is more than willing to consider those. Okay. And in relation to the woodland. I think Mr. Lange would come in here.

00:21:58:00 - 00:22:19:06

Thanks. Mark Lange for the applicant. I just wanted to make one point in relation to the protection zones for trees. So the route protection zone that they've measured in relation to the update of trees is measured from the outer edge of the canopy. So the buffer is sufficient for 30m to protect the route protection zones. And that's outlined within the the ARB assessment.

00:22:20:23 - 00:22:21:13

Okay. Thank you.

00:22:21:15 - 00:22:23:26

We'd like to come back on anything.

00:22:24:13 - 00:22:31:05

Uh, thank you sir, because, um, hopefully if, um, Annie Ottaway is there again.

00:22:33:18 - 00:23:13:27

Hello. Annie Ottaway for Buckinghamshire Council. Um, so just to expand, um, I suppose it's. Yeah, it it baffles us why the measurement would be taken from the centre line when the buffer is to protect an ecological feature of value, um, and to protect the feature, you have to take the buffer from the edge of the feature. Um, otherwise, it simply isn't going to work. Um, in terms of the point about the protection zones, um, we have raised that there are several points showing on the cultural impact

assessment where because it's been taken from the centre line, the fence is actually proposed within the route protection zone of some of the trees within those hedgerows.

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Um, we're very happy to, to go away, I think, and show some examples of where these conflicts are happening. Um, but it's kind of a, it's a on principle. I don't see why how identifying like, specific pinch points, um, is really going to solve the issue of the fact that these buffers are not doing what they are supposed to, which is protecting the existing features, um, on the site. So I think that's all I have to say on that at the minute.

00:23:46:05 - 00:23:54:07

Okay. Thank you. So I think I understand the position on both sides now. So. Um, any more comments on buffers?

00:23:56:18 - 00:24:29:16

Mark Lang for the applicant. So just in relation to the council's point where security fencing looks like it's within the route protection zone, we have updated the outline camp which was submitted at deadline for, which makes a commitment that there will be no incursion in route protection zones with regard to the security fencing in the PV panels. The other point that I wanted to make in relation to buffers is it's important to understand that you have the hedgerow, then you have the buffer, then you have your security fence, but you also have beyond your security fence.

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You have a five metre gap before the edu panel starts. So although this five metre gap of grassland will be managed differently to the buffer between the security fence and the hedgerow, we also need to think that we do have that additional five metres in there, and that's important when we're thinking about one of the other purposes of the buffer, which is in relation to potential displacement from solar by foraging and commuting bat species. So we also in the back of everybody's mind, you need to consider that additional five metre gap as well.

00:25:02:11 - 00:25:05:24

Okay. Thank you for that action group.

00:25:06:01 - 00:25:36:17

Thank you Sir Dominic Richard for Clayton Solar Action Group. It's just in response to that point from Mr. Lange. It's probably worth reiterating the point that Fred said that you can hear it that Miss Ottaway made in the recent meeting, which was that in some situations, because they're measuring from the centre line, the hedgerow will take up pretty much the entirety of that buffer area, which means that you will have a hedgerow hard up against the security fence, and then you end up effectively, if you take into account Mr. Lang's additional five metres, you end up effectively with a five metre buffer.

00:25:37:04 - 00:25:45:00

So that is not a 15 metre buffer. So again, it just comes back to this point of the kind of irrationality of measuring from the centre line.

00:25:45:11 - 00:26:19:29

Okay okay. Moving on then to item three C this is hedgerow removal. Um again directed at Buckinghamshire in the last statement of common ground. Um rep 4019 you were still maintaining that there would be a fragmentation of ecological networks in the Burntwood Opportunity area due to the loss of approximately 2016m of hedgerow hedgerow. Um, is that still your position? Does it change since deadline for or are you still maintaining that?

00:26:20:20 - 00:26:32:26

Thank you sir. Daniel Gazelka for the council. Um. I'll ask. I think it's Anna Ottaway again to come in, and I'll just ask just to sort of. So you have it as well. So just give the explanation of why that is the position as well. Um, Annie.

00:26:34:18 - 00:27:08:04

Annie Ottaway, Buckinghamshire Council. Um, yeah. This is in relation to, I suppose, overall ecological connectivity in an area that has been long identified as of particular ecological importance. Um, for bats and for other um species. And whilst so I think the point we are trying to make is that when you look at the mitigation hierarchy, um, it's about avoidance. And whilst we've got all these little gaps going through these hedgerows that are linking up all these ancient woodlands.

00:27:08:09 - 00:27:19:13

Um, it is going to have an impact on the overall ecological connectivity in this landscape scale area. Um, and that is the point we are making there.

00:27:20:16 - 00:27:23:14

Okay. Thank you. Would you like to come back on that?

00:27:25:15 - 00:27:58:26

Outline for the applicant. So yes, it's correct that 2016m of hedgerow would be removed. And that's the reasonable worst case scenario. It's likely to be less than that. However, 750m of that 2000 will be reinstated on completion of the construction works. And also the applicant is proposing 3420m of newly planted hedgerow. Um, in relation to implications with for impacts of where sections of more than ten metres are proposed to be removed.

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We are proposing mitigation during the active season to maintain that linear Connectivity, which will be some kind of structure in place during the construction period, to make sure that that still have a linear feature. Whilst reinstated, hedgerows take time to grow, so the applicant is still of the opinion that there would not be a fragmentation of the ecological network due to the reinstatement of hedgerows, but also the new hedgerow planting that we're proposing.

00:28:26:18 - 00:28:30:13

Okay. Thank you. I couldn't sure. Would you like to come back on any of that?

00:28:30:22 - 00:28:34:21

Thank you sir. I mean, because for the council, it's not me. Um. It's also.

00:28:38:02 - 00:29:05:29

Any other way for Buckinghamshire Council? Um, no. I suppose to be clear, we're not disputing the mitigation and the and the compensation being provided for this loss of ecological connectivity. Um, we were just highlighting the principle that the mitigation hierarchy would first seek to avoid it. And by placing this, um, scheme in this particularly ecologically sensitive area, we're not avoiding this impact. We are mitigating and compensating for the impact.

00:29:07:11 - 00:29:14:27

Okay. Thank you. Okay, I understand that. Anyone else got any comments on the removal of hedgerow? Yes. Councillor Gibbon.

00:29:16:18 - 00:29:48:00

Hello. Councillor Gibbons for Buckinghamshire Council. Um, I just would like somebody to explain about this mitigation with the hedgerows, because some a whole load of them, thousands of meters are being removed. Um, and then I know roughly the same amount. A bit more will be replaced. But what I don't really understand is what then happens to the creatures that were in those hedgerows in the interim between their home has just vanished and then some, you know, some months later or whatever, there's a new home.

00:29:48:02 - 00:29:51:13

What happens to all those species in the interim period?

00:29:51:15 - 00:29:54:15

Okay. Thank you. Could you respond to that from the council, please?

00:29:57:12 - 00:30:29:03

Mark Lang for the applicant. I guess the point to consider is that we're not removing the entire hetero estate. I mean, there will be areas of hetero removal. That's that's true. But we also need to consider that hedgerows are fairly regularly flailed. Um, all of the woodland element of habitat is being maintained. There's buffers being maintained to habitat. It is true to say that hedgerow takes time to reinstate, but we are reinstating and replanting after we've removed.

00:30:30:00 - 00:30:41:25

So I think the the majority of wildlife that's still there will still be there and still supportive. There will be temporary disturbance whilst habitat is removed, but then habitat will be reinstated.

00:30:45:15 - 00:30:46:00

Okay.

00:30:49:00 - 00:31:00:28

Yes. I still think that some creatures will die because I'm not sure how easy they can relocate, but it may not be quite as bad as I was envisaging, but I think there will still be some loss of life.

00:31:01:11 - 00:31:09:25

Okay. Thank you for that. Um, okay. I'll move on then. From Petros to. Sorry. Yes, counselor. Sorry. Sorry.

00:31:09:27 - 00:31:43:29

Yeah. Thank you very much. Um, I'd just like to enhance that slightly. Actually, um, take it away. The hedgerows. Would you not consider leaving them? Because if you might let me defer slightly on this one. Is that within agriculture? Farmers and landowners have been told to increase their hedgerows and keep their hedgerows, whatever their work. Um. And you just went on about flailing when I was just trimming a hedge, but, you know, for wildlife and you talked about bats, but there's, there's also other there's, you know, there's your wild birds, there's barn owls, there's foxes that need that corridor to continue go down in a solid use.

00:31:44:01 - 00:31:58:00

So would you not consider somehow trying to leave those, please, while this work is going on? There's a rule for one, and it seems a rule for yourself. So would you consider as the applicant to leave those as you work through.

00:31:58:12 - 00:32:03:17

Can you explain why those hedgerows have to come out? Project.

00:32:04:26 - 00:32:37:20

The reason for hedgerow removal is to accommodate the infrastructure that the solar farm needs. So particularly things like cabling and access roads and other bits. I mean, it's fair to say that the we've assessed the worst case scenario so that 2000m is is the worst case. It's likely a detailed design that we could reduce that down. But there will inevitably if a development this size, should it get consent just to be able to accommodate, to get the infrastructure and access routes and everything else in.

00:32:37:22 - 00:32:58:23

So it is inevitable that that would happen. But at detailed design we will look to minimise it. So we've assessed what we feel is the reasonable worst case scenario. And obviously when you're on site with micro siting, you would use existing hydro gaps where possible and minimise the extent of hedgerow loss. But there will be some some hedgerow loss, which is why we've assessed it as the worst case.

00:33:00:27 - 00:33:23:14

So we are obliged to allow it to go. So when you talk about, you know, I do understand, you need to, you know, get your cabling in and get bits and pieces to where they need to go. But what I'm trying to say is would you do that minimalistic and maybe, you know, work on one plot at a time to work around rather than hit the whole area to adjust those routes for wildlife, etc.? That's what I'm I'm sort of asking.

00:33:32:03 - 00:34:04:19

Mark Lang for the applicant. Um, yes. When they're when they're on site, they will do their best to microsite and work around. It's also worth stating that some of the hedgerow planting will be in advance. So where we're proposing hedgerow from a landscape and other point of view, we would look to plant as much as possible as we can early on in the design, so that it does have some time to establish before the main construction works start. So the applicant would do its best to minimize the impact of that, particularly things with hedgerow trees as well.

00:34:04:21 - 00:34:20:00

So we're proposing additional hedgerow trees. They would go in early. So there will be an early planting schedule as part of that mitigation. And we would look to reinstate as soon after construction as possible. Um, so yes, to, to do the best we could on site.

00:34:20:03 - 00:34:35:09

Thank you very much. So. Well again, just quickly. So you got about doing the that that work that way. So noise mitigation why are you doing that work with all the heavy machinery would disturb the wildlife out there. How do you aim to counteract that.

00:34:37:20 - 00:35:14:24

The wildlife is is able to move and wildlife is absolutely. Yeah I know but the a construction of this kind is not particularly noisy. There's there's a short term impact. Why the the panels themselves go in and after that it's relatively quiet development. It's not subject to massive lorries for a continual period of time except during the initial construction period. It's also worth noting the biodiversity net gain assessment that will overall be a net gain in terms of hedgerow habitat, albeit that hedgerow habitat will take some time to establish, which has been factored into the assessment that we've done.

00:35:14:26 - 00:35:20:18

Okay. Yeah, we'll move on now then, to ground nesting birds. And this is a clean sort of action

00:35:22:15 - 00:35:41:04

group. The applicant provided a comprehensive response to concerns you raised on ground nesting birds and issue specific hearing, one which they subsequently summarised in paragraphs 5.1 to 5.5 of rep 3065. Um, do you have any further comments to make?

00:35:43:04 - 00:36:16:20

Thank you, Sir Dominic Woodfield for Claydon Solar Action Group. Um, the applicant has responded to our concerns, but I'm afraid the responses are still somewhat evasive if I can characterize them in that way. Um, and there's this determination to lose, um, a bad news story in relation to a subset of the breeding and wintering birds component relevant to the site in a wider story, which the applicant believes is a good news story for for some species.

00:36:16:22 - 00:36:47:15

So you'll recall at the last issue specific hearing, I mentioned winners and losers within the bird assemblage. Um, and the applicant is very focused on the winners, um, but at the detriment of really, uh, and really providing clarity on the implications for, for the losers. So, for example, I can do very little other than repeat the points that I've made previously, which have still not had a satisfactory answer. The Skylark territory density cited in the environmental statement sits at the very bottom of the known range.

00:36:47:17 - 00:37:28:05

I don't think that's a representative characterization of the Skylark density across this site. By extension, that means that the mitigation assumptions are based on a smaller population than I believe is still there. The applicant's position is that it thinks it can mitigate. It can effectively poorer quarter into a pint pot. It can mitigate a large population spread across a large area into a few small grass and

fields of improved habitat. Um, I don't think that stands up to scrutiny when you look at skylark densities, and also you look at the particular characteristics of the fields where it's intended to deliver that mitigation and also the other things it now intends to do with that mitigation.

00:37:28:07 - 00:37:58:09

So for example, field D 27, uh, is a field that um, was previously going to be allocated for um grassland mitigation and grazing or what have you. Now it's now it's going to be a hay meadow. It's not it's not entirely clear because to make its trading rules and its biodiversity and again calculate calculation work. It's changed the prescription for field 2027 to prescriptions that may not suit the skylarks and other species as well, and entirely left out of account.

00:37:58:11 - 00:38:38:04

Here are another set of species, such as the wintering lapwing and golden plover, and potentially in some years, maybe some breeding lapwing, and species such as grey partridge, which will be effectively entirely displaced by the by the solar farm. And no, no particular provision is made for any of those species unless the applicant is suggesting that field 2027 will achieve all of the habitat objectives that are intended for it, and support extremely high densities of skylark over and above whatever use it already receives, and will support potentially breeding and wintering lapwing, and will support potentially breeding and potentially wintering golden plover.

00:38:38:12 - 00:39:08:21

Um. It really comes back to this hole brought into a pint point about about the adequacy of the mitigation, and I think it would be a more honest assessment to accept. And dishonesty wouldn't be fatal to the scheme in policy terms, but I think it would be a more honest assessment to accept that this scheme is going to have a net negative impact on the local population and a net negative impact on the wintering lapwing and golden plover population, probably a net negative impact on the grey partridge population.

00:39:08:23 - 00:39:44:24

And yes, that has to be balanced against some hedgerow species potentially doing better out of this. Um, but I think it's just it's just a flaw in the environmental statement to suggest that let's deal with birds as a kind of generic or breeding birds as ground nesting birds as a generic receptor. Um, and lose the bad news stories into a, into a larger story that suits our narrative a bit better. So I still feel, unfortunately, that we've not really had proper engagement with this issue from the applicant, other than pointing us towards Mitigation, which is intended to be all things to all men, all but to be specific.

00:39:45:03 - 00:39:47:28

Thank you. So would you like to respond to that, please?

00:39:48:12 - 00:40:24:27

Yes, Mark, thank for the applicant. All right. I'll take each of those in turn. So first thing with regard the numbers of breeding bird observed, we have complete clarity. The number of birds observed that set out in the breeding bird report. It's there for you to see. Um, the second issue I'll take great part to read first. So Greg Partridge will use fields, but they're also dependent on field margins. And I would

just point you to the mitigation in relation to the buffers and the provision of margins across the scheme.

00:40:25:03 - 00:40:59:27

I would also ask people to consider that we're proposing a range of mitigation measures for birds. It's not just the provision of habitat for ground listing birds. So we are proposing winter birdseed for the gram menorah species. That's one of the issues that's been cited in the long term decline of birds. And we also need to consider the enhancement that we're proposing underneath panels as well, because that is likely to increase the invertebrate diversity. And the lack of invertebrate diversity is one of the reasons cited for declining farmland birds during the breeding season.

00:40:59:29 - 00:41:41:07

So it's a three pronged approach in relation to changing some of the grassland proscriptions. What we have identified is where we were originally proposing in two fields to create other neutral grassland. We are now proposing to create lowland meadow, which means a greater botanical diversity. It doesn't change the management prescriptions for the grassland. It will still be grazed or if grazing is not possible, it will still be managed with a late summer haircut, so it will still be suitable for ground nesting birds to use, and ground nesting birds will generally nest in higher density within grassland than they will within managed arable.

00:41:41:19 - 00:42:15:07

Um. The second point I would make is lapwing and golden plover, lapwing and golden plover, a wintering species. We had small numbers of lapwing and golden plover on two occasions during the winter bird surveys. We didn't have them on all four occasions. This would suggest that they're not there during the entire winter, and they have abundant farmland to choose elsewhere should they choose to. There's no fidelity necessarily to specific fields within spring. Well, so I don't think that a loss of habitat within spring work will cause an issue in relation to the numbers of black winged golden plover.

00:42:15:09 - 00:42:51:13

Also, we are providing open habitat. We're providing 95 hectares of open habitat, which should lapwing and golden plover choose to use it, they can do so. So there is some mitigation provision within the scheme for that. The other thing I would also add is the approach that we're setting out in relation to ground nesting birds here has been subject to scrutiny on a number of schemes, including spring, wind and pear tree, and it has been accepted as being appropriate. So, um, and particularly for spring, well, where we had a much higher fund bird population than we did here.

00:42:51:18 - 00:43:03:01

And the mitigation and approach is broadly similar. So I would point that out as well. Um, I think that's covered okay. I think that's covered all of them.

00:43:03:12 - 00:43:06:29

Would you like to just come back briefly on that? I know you're not going to be very brief.

00:43:07:06 - 00:43:07:21

Yeah.

00:43:07:26 - 00:43:08:23

But, uh.

00:43:08:29 - 00:43:57:03

I don't think we're going to agree on the position on this one. Um, I think I started to hear some acceptance that there will be a net displacement effect for things like wintering golden plover and lapwing. Um, my fundamental concern has always been that that has never been clear or front and center in the environmental statement. And it should have been. Um, and we heard about field margin measures, hedgerow measures and what have you. Unfortunately, that's the same narrative that I discussed at the start of my my submission, where that only benefits a certain set of species the, the the sum total of this, this, this scheme is going to be a net displacement effect for a number of bird species amongst the whole assemblage.

00:43:57:05 - 00:44:32:07

And I think we're starting to hear some acceptance from the applicant that that's probably going to be the case. And that's really where we needed to get to on this. It's for you to weigh up how significant that is. Mr. Lang says the numbers of gone plover and lapwing were small. I think there was an action point right from the earliest hearings where the applicant was going to go away and look at the contextual picture around those numbers, because I disputed that they were small in a Buckinghamshire context. We've we've never had any more information on that one, which is a bit disappointing, but I believe that those numbers are actually quite significant, at least at district level and potentially at county level for these species, which are in significant decline.

00:44:32:09 - 00:44:36:18

So I just think the right context needs to be set around this issue.

00:44:37:22 - 00:44:47:13

Okay. Thank you for that. Um, would you like to respond to that and particularly that contextual piece of work? Um, would that be possible to submit?

00:44:47:29 - 00:44:59:10

It is possible. I'll take that away and respond in writing with regard contextual. I would also just like to make the point. I would appreciate if you didn't speak for the applicant. Um,

00:45:01:07 - 00:45:31:18

not making the I. I haven't suggested that lapwing and golden plover will be displaced from the site. Um, it's. And we are providing mitigation for them. However, what I would say is that we have assessed within the environmental statement, um, lapwing and golden plover as part of the wintering bird assemblage. And because we haven't recorded them in huge numbers and we haven't recorded them on a regular basis.

00:45:31:20 - 00:46:07:08

And we need to remember that. Wintering lapwing and golden plover are distributed quite widely over the winter. They pick on fields depending on the condition of the field, depending on whether it's plow or um, fairground depending. So they're highly mobile. During the winter they can use any

farmland that they choose over, over a wide area. So even if they were displaced, um, from the scheme, it wouldn't be a significant impact overall. And I would still maintain that position. But I will take the point away, um, and respond in writing with regard kind of local context and with regard to that.

00:46:08:20 - 00:46:11:29

Okay. Thank you. Okay. Very quick.

00:46:12:09 - 00:46:20:21

Mr. Lang says it won't be a significant impact if you haven't actually understood the context of what these numbers mean. How can you come to an impact assessment that's actually robust?

00:46:21:26 - 00:46:36:22

Okay. Thank you. I'm just going to bring Buckinghamshire in at this stage because I think you still have outstanding concerns about the topography of the the land for mitigation and also about conflict management requirements for bats and birds.

00:46:37:09 - 00:46:50:13

Uh, thank you, sir. Daniel Kazakov of the council. Um, yes we do. Um, and we have, um, another ecologist on the line as well. Um, Paul Holton, who can speak to, um, these issues related to birds. Paul, can you hear us?

00:46:51:13 - 00:47:38:07

Yes, I can. Paul Holton, ecologist for Buckinghamshire Council. Um, so I guess the key element here that that, um, the the the sites that are proposed to compensate for, for the loss of, um, ground nesting birds have a sort of a dual or a multifunctional purpose. So we've already talked about the, the, the, the, uh, requirements from a um, Bechstein bats perspective. Um, so it's really a case of, of, of sort of really drilling down with what management prescriptions are going to be implemented on that site to ensure that there is no conflict between those two um, um, livestock grazing cattle.

00:47:38:09 - 00:48:23:09

Um, and the potential impact on, on ground nesting birds so that, that that just needs some, some, some careful consideration. And the other element was the, um, the monitoring aspect, as we sort of discussed with the, uh, the backside of, um, things that there will need to be a sort of a really robust monitoring proposal, um, set out in, in sort of detail to sort of look at trends, particularly for the ground nesting birds and those sort of remedial measures put in place to, uh, to, to, to, to, to compensate or address those and ensuring that those then don't conflict with the requirements from, uh, From.

00:48:23:11 - 00:48:35:12

From, from the back side of things. So sort of more detail and context on on on on that aspect is really what we were um, um, trying to find, well, trying to secure.

00:48:36:02 - 00:48:46:09

There was also sorry for a council, but was also, um, Mr. Holder from the, the point about topography of some of the mitigation land. I think that's the other thing possibly to pick up as well.

00:48:47:13 - 00:49:34:27

Yeah. So there was uh, we sort of had a discussion yesterday. So, so it was really a case of sort of providing the detail, um, on the, uh, the, the, the, the population of um, of, of ground nesting birds within existing sites that have been sort of identified as having sort of slight topography. Um, so it sort of had a discussion with, with Mark on, on that particular point yesterday and um, uh, detail on the, the current level of, of, of species on that, that particular area to demonstrate that that that site can actually have a sort of a carrying capacity for, for what the the applicant is stating that it can hold, um, once uh, uh, remedial measures have been put into place.

00:49:36:02 - 00:49:39:14

Okay. Thank you. Would you like to respond on those two issues?

00:49:39:16 - 00:50:19:27

Yes, Mark. The applicant. I'll take the I'll take the point about topography. Topography first in that the target species are already using the fields, albeit at relatively low numbers. So I feel sure that the topography is fine and confident that we can increase the carrying capacity as we need. To the point about, um, management prescriptions and grazing. It's correct that there is a balance to be struck because we couldn't graze heavily with large numbers of cattle continually, because that would compromise the, um, the breeding bird population.

00:50:20:05 - 00:50:50:16

But what we can accommodate is light level extensive grazing at an appropriate time of year, which has benefits from a back perspective but also benefits from a breeding bird perspective. It's fair to say that we've been clear all through that we're developing a mitigation strategy that isn't wholly reliant upon grazing to deliver the increase in botanical diversity, and hence the increasing invertebrate diversity that we're looking for.

00:50:50:21 - 00:51:21:27

That's not to say that we don't understand that there is an advantage to grazing, and that's why there is an intent from the applicant's point of view, to secure grazing. Um, but it would be low level and it would be small numbers with stock likely moved relatively often because we have too many stock that just trample the eggs, um, doesn't deliver what we need them to do. But grazing but low level grazing and skylark ground nesting birds are perfectly Compatible. Um, they do it regularly on where I live in Stroud on the Commons.

00:51:21:29 - 00:51:35:09

The Commons are regularly grazed. Small number of stops extensively over the summer period. And we have quite a decent Skylark population, so I think it's more than compatible. Um, just trying to think what else? Um.

00:51:39:12 - 00:52:17:09

Yeah, I think that's probably and I suppose the, the other thing from a back perspective is what we also need to understand is I know we haven't provided the details yet for the examination, but that's coming in relation to the B fields. The B fields were not proposing it's mitigation in relation to farm nesting birds. So the B fields, if we needed heavier grazing and grazing at different times of year from

a back perspective, then that's an area where we can accommodate something slightly different there. But from the for the grassland areas where we're proposing for ground listing, bird mitigation and bats combined, then it would be low level grazing and there is a balance to be struck.

00:52:17:11 - 00:52:29:27

So just to be clear, but I don't think I don't see that there would be an issue in compatibility between the two. I don't see that as being a problem providing we get the grazing levels right, but there is a balance to be struck. Yes.

00:52:30:05 - 00:52:33:00

Okay. Would you like to come back at all?

00:52:33:15 - 00:52:35:16

Thank you sir. Mr. Halton.

00:52:41:02 - 00:53:05:28

Colleges for Buckinghamshire Council. Um, yeah. I guess all I'm saying is we look forward to seeing that that that detail, um, as and when it's, uh, it comes through and that that will form part of the sort of, um, um, decision making from, from the council's perspective on, uh, what's proposed on the monitoring and the appropriate sort of remedial measures. Thank you.

00:53:06:02 - 00:53:10:11

Okay. Thank you. Anything else now on nesting birds.

00:53:10:20 - 00:53:41:26

I just sorry, Mark, for the applicant. If I could just respond briefly. Just coming back in relation to the point about monitoring and management prescriptions. So we have set out within the outline length that there will be monitoring proposals in relation to ground nesting birds. And we've also set out the indicative management proposals for grassland, but wasn't proposing to provide any more detail at this stage because the final would come within the the detailed link. Unless, unless it's useful.

00:53:41:28 - 00:53:44:22

But I don't see a requirement to provide anything additional now.

00:53:44:24 - 00:53:47:15

Okay. Perhaps you could address that point.

00:53:47:21 - 00:53:54:21

Thank you, Sir Daniel Gazelka. Um, if we have further comments on that, we can we can come back and suggest any detailed wording if we think it's necessary.

00:53:54:23 - 00:53:55:25

Okay. That's great. Thank you.

00:53:55:27 - 00:54:17:21

Amy. Amy Stirling, on behalf of the applicant, can I just confirm then so can we record an action point then? I think there's an action point on the applicant to provide a position paper on ground nesting birds in impact assessment for those birds in particular the context of of the population. And we can draw together some of the key themes, I think, that we discussed here. And then it's all in sort of one consolidated place.

00:54:17:23 - 00:54:44:22

Yeah, that makes sense. Deadline five. Yeah. Okay. Thank you. Okay. Moving on to item three. That's biodiversity net gain. This is to ensure in the first instance, the applicant provided an updated biodiversity net gain assessment at deadline four which was Rec 4058. Have you had a chance to look at that assessment and do you have any comments? I appreciate it. It hasn't been that long.

00:54:44:24 - 00:54:50:12

Yes. Thank you sir. Um, I'll ask Annie Ottaway to come in here. Who's on the on the BNG side?

00:54:51:13 - 00:55:22:07

Annie Ottaway for Buckinghamshire Council. Um, yeah. So this is one area where we have had some productive meetings with the applicant on, um, and the submission at deadline four has addressed some of the issues we had previously identified, but not all. So, um, our understanding is that there is going to be a further update to that biodiversity net gain assessment. Um, I think the outstanding issues that we understand of disagreement.

00:55:22:09 - 00:55:54:29

Um, and this is where the applicant might need to just confirm which ones they're going to address. Um, is the overlap with the HS2 mitigation? Um, in some areas within the publicly available HS2 documentation which overlap with the Rose field solar scheme. Um, there was a point about how the area habitats have been mapped, um, in relation to the hedgerows in that the area habitat should be completely separate because in the metric hedgerows are kind of entered as a length rather than an area.

00:55:55:03 - 00:56:25:17

Um, so that needs clarification. And then um, it was also welcomed the, um, proposal to create Lola meadow, which is a priority habitat. Um, we've discussed that that might come with a slight delay because you have to get the soil, um, to meet certain conditions first before you can create such a high distinctiveness habitat. So that needs adding into the metric. Um, I believe they were the main points that we're still waiting for, um, kind of clarification on.

00:56:25:27 - 00:56:32:24

Okay. Thank you for that. Can you confirm those those areas that you're addressing or make any other comments.

00:56:33:09 - 00:57:15:21

So Mark Lang for the applicant. So I'll take each of those points in turn. In relation to potential overlap with HST planting will provide. We are providing a paper trail and evidence that deadline five. That just outlines that there is no overlap with the HST planting. And we have a clear evidence base for that. And the assessment has not considered any HST planting. So just to be clear, there is no

overlap, but that evidence will be provided at deadline two. We just had to collect some information from the Claydon Estate and HST to show that um, in relation to the point about lowland meadow requiring, um, low nutrient status.

00:57:15:23 - 00:57:18:18

Um, the outline already includes.

00:57:21:06 - 00:57:58:23

A requirement for soil testing. So we'll understand the nutrient status before we start. And it also includes provision for soil nutrient stripping should it be required. But what we have done taking account of the council's point is and this will be provided a deadline for is we've included a delay multiply within the metric. So this takes and I think we've added three years in. So it's like a three year delay before you start the creation of your habitat. Then this takes account of because we're likely to have I don't want to um, predict the results of the soil monitoring, but it's likely that we'll have a high nutrient status.

00:57:58:25 - 00:58:31:17

So we have taken account of the fact that we are likely to have to have a period of nutrient stripping within our habitat creation proposal. So we have taken that point on board. The second point, and this is complicated, is in relation to arable field margins and hedgerows. So the first thing to state is that we have mapped all arable field margins that are greater than two metres in width. And the second point is that where arable field margins are less than two metres wide.

00:58:31:21 - 00:59:11:05

The UK have definition, and the priority Hab definition for arable margins indicates that it asks you to consider herbaceous vegetation within a two metre width. Either side of the hedgerow is taken account of within the hedgerow mapping, and also with regard to the condition assessment and the bag assessment. Those margins are smaller than two metres wide, are taken account of within the overall hedgerow themselves, so they're not mapped Separately because, as the local authority had pointed out, we map hedgerows as a polyline and the polyline has a length associated with it.

00:59:11:07 - 00:59:40:15

It doesn't have a width associated with it. So the polyline in a sense for the hedgerow covers the arable field margin that's adjacent to it being less than two metres wide. That's why we haven't mapped arable field margins less than two meters wide, because the habitat definition doesn't require us to. So that's our position in relation to arable field margins. And I think that's covered all of the points from the local authority.

00:59:40:17 - 00:59:45:08

Yes okay. I can I'm sure. Would you like to come back on any, any of that.

00:59:45:10 - 01:00:01:24

Thank you sir. Yes. Daniel Gazelka I mean I'm two of us and I think we're just waiting to see what comes in on the paper trail and the, um, being, um, the correction for the delay. Um, I think possibly if Miss Ottaway has anything else to say on the Haps definitions and margins.

01:00:05:06 - 01:00:49:18

And the Ottawa Buckinghamshire Council. We're not disputing the definitions of the habitats. It's just I suppose where the biodiversity metric is, is a fairly simplified tool. Um, when you go to page 26 of the user guide, it's quite clear that because you show a hedgerow is a line, you should then expect the rest of your site to all be mapped as some habitat. Um, and I think what the applicant appears to have done is taken a polygon. So an like an area for the hedge, um, and subtracted that from the area habitats, which is just inconsistent with the way that the Biodiversity Metric user guide, um, stipulates you should you should do it.

01:00:53:15 - 01:00:54:04

Like, you come off.

01:00:54:12 - 01:01:02:27

Mark land for the applicant. So just just to be clear, Pedrosa mapped as a poly as a, as a line, a polyline then not mapped as a polygon. And

01:01:04:20 - 01:01:45:20

the definition UK has asked you to ask you to consider herbaceous vegetation within two metres either side as part of the hedgerow line. So we haven't added an additional polygon where there might be a narrow margin in less than two metres wide adjacent to a hedgerow. For all the margins that are wider than two metres, we've included a separate polygon adjacent to the hedgerow polyline, just to be clear, and we've done a review of a number of solar schemes, and the majority either don't, um, indicate the approach they've taken or they've taken the same approach that we have taken.

01:01:45:22 - 01:01:53:20

Certainly, West Burton has measured hedgerows and arable margins less than two metres in the same way and with the same approach that we have taken.

01:01:54:02 - 01:01:57:00

Okay. If you'd like to come back on at that point.

01:01:57:27 - 01:02:08:18

Um, I will invite Miss Ottaway to to come in, but if not, we can just make the point. Referring to the guidance in post hearing submissions. But I'll just see if this outweighs anything else to add. At this stage.

01:02:09:08 - 01:02:15:02

I don't think I have anything else I can say on that other than refer to the user guide. Um, and perhaps we.

01:02:15:04 - 01:02:18:05

Can use an interpretation of the user guide issue.

01:02:18:07 - 01:02:24:17

Thank you. Yes, I suspect you'll end up looking at two sets of guidance and exclude which, whichever guidance you prefer on that.

01:02:24:19 - 01:02:32:01

Yeah. Okay. And if I can go to solar. Sorry. Claydon Solar Action Group because you had quite a lot of comments on the original.

01:02:32:03 - 01:02:32:24

Thank you sir.

01:02:32:26 - 01:02:34:02

Yeah. Metric.

01:02:34:07 - 01:03:09:24

Um, I'm quite an experienced being practitioner, but I've never seen that game practitioner. And if it assists you says, I can simply say that Mr. Lang is just fundamentally wrong. Um, the bag user guide is absolutely crystal clear on this point. And if you do go to page 26, in the user guide, you will find that you are required to map the hedgerow. The habitat underneath the hedgerow up to the centre line. Because otherwise what you'd end up doing if you took Mr. Lang's approach. You'd end up saying whatever the width of the hedgerow is, whatever the two metres either side of it is, gets cut out of the area.

01:03:09:26 - 01:03:44:01

Calculation effectively becomes just blank space. And if being is a system which it is based on, kind of accounting on the basis of area, that means that for every single field margin, you will have something like six metres times the length of that field boundary taken out of the equation and given no score at all. Or as is the case in this, in this example, what's happened is that the applicant has simply mapped the habitat of the adjacent fields, which is generally cropland, and has just mapped it all the way underneath the hedgerow.

01:03:44:03 - 01:04:22:29

Now you've walked the site. You know what the hedgerows are like. They don't have arable crops growing underneath them. Um, they have a different set of habitats underneath them. And that is why I mean Mr. Lange refers to the UK have methodology and the UK have methodology is a habitat mapping and classification methodology that was appropriated for the Benji scheme. The UK habitat methodology doesn't involve numerical scores attached to individual habitats. That's the Benji system. So if you are doing a Benji calculation, your default guidance and the metric rules are the ones set out in the user guide.

01:04:23:01 - 01:04:55:15

And page 26 of the User guide says when accounting for the area adjacent to hedgerows, you should map the area of habitat to the centerline of the hedgerow. It could not be more crystal clear. Now, Mr. Lange and the applicant consistently say our metric is robust. They've had to change it several times already. This is going to require a further iteration for you to have any confidence in their biodiversity net gain figures, because when you add let's say it's six metres. In many instances, it's significantly more than that along each field boundary.

01:04:55:17 - 01:05:31:16

When you add the area of habitat that that's left out of account in their calculation, that tops up quite quickly over a size at a site of this size to actually something that will have a meaningful impact on the applicant's PNG figure. And it remains an open question. I'm not disputing that this scheme will probably achieve a net gain, because the simple the way the metric works is that if you convert arable to grassland, you get big scores. So for that reason alone, this scheme will probably achieve greater than 0%, will probably achieve a net gain, but the applicant is committed to a 40% net gain.

01:05:31:18 - 01:06:02:15

And that is whether it's possible for this scheme to achieve that. It remains an absolutely an open question for you. And so I think it's extremely frustrating that, I mean, I first wrote in the pre-application correspondence about this scheme saying you've got your being wrong. They made some adjustments in parcel one in response to that. That was in 2024. Why are we still breathing down the neck of deadline five this late in the examination, talking about something that's just a simple methodological error.

01:06:02:17 - 01:06:16:19

And Mr. Lange can refer to the UK, have methodology, all he likes. He can refer to phase one methodology. You can refer to all sorts of other methodologies. None of those are the appropriate methodology. The PNG user guide is absolutely crystal clear on this point.

01:06:17:08 - 01:06:26:06

Okay. Thank you for that. Just before I go back to the applicant, were there any other points that you wanted to pick up on the the latest version of the metric?

01:06:36:26 - 01:06:51:02

Wait to see the the mapping of whatever the land swap arrangements were with the Clayton state. Um, so thank you. Um, what else was there? From my point of view?

01:06:55:21 - 01:07:28:01

Just an ancillary point, really, about what? The impact of missing these areas of the field boundaries out. The double whammy here is that if you suppress the baseline value by effectively leaving our account or mapping all as cropland, you then get an additional reward at the post construction stage, because the applicant is saying it will create buffers in these areas. So it's now being rewarded for creating grassland from cropland when in most situations. And I've said at this point before, you've heard this point before, in most situations much of that grassland already exists.

01:07:28:03 - 01:07:54:14

So there is there is a kind of double whammy effect on the on the bag calculation, which massively skews it. Um, so I think, I think really you need to be asking the applicant for an absolutely robust and accurate bag, uh, Calculation to the extent it can be at this stage. Given, given, given the design criteria and matters to be sorted out. But let's at least get the basic rules right.

01:07:54:23 - 01:07:58:23

Okay. Thank you for that. Could you respond to that?

01:08:01:15 - 01:08:31:17

Yes. Mark Lang for the applicant. I suspect we're going to go back and forth in relation to the UK cab user manual. And um, you can have definitions. Um, what I will say is that the um the UK have user guide also states that linear features less than five metres wide, which should be mapped as lines can cross habitat without requiring a habitat area boundary. So I think it's just um, down to interpretation really as to whether we've included them or not.

01:08:31:19 - 01:08:32:04

Okay.

01:08:32:06 - 01:08:35:02

Um, would it be possible to give us a note? I would, I would.

01:08:35:18 - 01:08:37:07

I would take that as an explain away.

01:08:38:02 - 01:08:51:13

And explain to the approach that Buckinghamshire and the action group saying should be taken, and also the impact on on the actual calculation as well that both.

01:08:54:05 - 01:09:31:24

Thank you sir. Can I just make one final point? Dominic Whitfield for Clayton and Solar Action Group. This area was pointed out in the meeting a few weeks ago. So I do think it's extremely disappointing that the applicant has chosen to sort of contrive an approach to defend this position based on using a different methodology, rather than go to the source. I gave the page reference to Mr. Lang in the meeting. Page 26 of the Biodiversity Net Gain User Guide, the rules by which you should do your calculation. So I do think it's extraordinary and perhaps even telling that the applicant has chosen to, to to to defer to an explanation that simply just does not stand up.

01:09:33:02 - 01:09:45:15

Okay. Thank you. Um, I think we'll move on then. Um, so I'm now going to hand over to my colleague, Mr. James for agenda item four, which is landscape and visual, including good design.

01:09:49:00 - 01:09:50:13

Thank you, Doctor Morgan.

01:09:52:24 - 01:09:58:27

So agenda item for landscape. Visual. Um, dealing with the design commitments.

01:10:00:21 - 01:10:33:01

Um Buckinghamshire Council's response to our further written questions. This is question 2.1.1 and this is lib reference rep four. Dash 094 appears to be broadly supportive of the level of detail in the applicant's design commitments, and that's lib reference rep for dash 010 in relation to colour and materials. However, we just highlight that design commitment D 19 does not specify the colour or material options for the acoustic barriers.

01:10:34:06 - 01:10:48:20

A question to the council to begin with is the counsel seeking further details at this stage to inform future decision making, or is it content with commitments 19 as it currently is?

01:10:49:05 - 01:11:24:17

Thank you, Sir Daniel Gazelka, for the counsel. I'll bring in Mr. Hutchens in a moment. But we've also spoke on this and, um, discussed the approach taken elsewhere as well. And we do think it it, it would assist. And this is sort of teed up by your question as well, sir, in relation to um, uh, confirming color choices and studies, um, studies of local buildings and color studies of whether it would assist you have some form of, um, baseline color, um, study done.

01:11:24:19 - 01:11:56:19

Now, I'm not suggesting that it needs to be a formal color study, but just some information from the applicant beforehand about what? Um, the, um, the color position is so But then that kind of work can be done in detailed design. And I know this has been done elsewhere, and I know in fact it was suggested on another DCL last week, but I was also attending. Um, and that would I'm not suggesting something formal, just something that actually gives the council and the applicant something to go on in actually picking the colours, for example, for the acoustic fence.

01:11:56:21 - 01:12:09:03

Um, as I say, uh, Mr. Hutchins and I have discussed this, but I'll just bring Mr. Hutchins in and kiss as anything else he wanted to raise on that. I should say we are broadly supportive. It's sort of helpful to have.

01:12:09:11 - 01:12:10:00

Thank you.

01:12:11:26 - 01:12:13:26

Yeah. No questions. Um, on.

01:12:13:28 - 01:12:46:15

Behalf of Buckinghamshire Council. Um, yeah. It's welcome that this is a point that's, um, sort of been considered and it's going to move forward. It's important that, you know, sort of local colour palette and sort of local vernacular is taken into account when, you know, designing the mitigation, acoustic fencing, mitigation fencing, or any other structures that you know can be part of the scheme just so that it just fits in with the local vernacular. Um, you know, every area is unique.

01:12:46:17 - 01:13:14:20

Um, and that will be unique properties within this area as well. So yeah, that's welcome. And yeah, it is. Daniel said. You know, this will be, uh, a point of discussion sort of going forward in detailed design and, you know, providing the local authority are kept in the loop in terms of that study and the findings from the study and involved in, you know, some of the design choices and design elements, um, particularly for the mitigation elements, then. Yeah. That's welcome.

01:13:16:24 - 01:13:25:27

Thank you. Just to clarify on, the city Council is seeking some additional information around color of materials during the course, the examination to inform and update. No no.

01:13:26:02 - 01:13:57:08

No no. What we what we'd be suggesting, sir, is that just some wording isn't clear and I appreciate it. To be fair to be applicant It's not had foresight of me saying this now, but some wording either in the design commitments or in one of the outline plans just to for them to provide some baseline information about color and vernacular so that we can we can take that forwards. When a setting at the detailed stage, we accept that now is not the time for setting out that level of detail as a matter of the outline itself.

01:13:58:04 - 01:14:03:25

But in my remembrance of the design commitments, that commits to further consideration of that in more detail at a later date.

01:14:04:02 - 01:14:14:18

Um, yes. Possibly that way, or in some other document it may be that wasn't okay. And we can if the applicant I mean, it may be this is what comes back. We can provide some wording if that would be helpful.

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

Thank you. I'll just go to the applicant then please to respond to that. Thank you, Sir Richard Griffiths, on behalf of the applicant.

01:14:22:01 - 01:14:23:18

I think I'm understanding that the council.

01:14:23:20 - 01:14:24:16

Correctly.

01:14:24:21 - 01:14:25:22

Is that they're just in.

01:14:25:24 - 01:14:26:09

Terms of.

01:14:26:11 - 01:14:39:00

D 19, because obviously in a, in um, other commitments such as D13, G14 for example, there was a colour already specified, so I assume it's purely D 90. So it got the camera ready.

01:14:40:02 - 01:14:43:01

Yes, yes this is where it's where it's not already. Thank you.

01:14:43:03 - 01:15:02:19

Um, that I from what I've heard that it's wording such as the acoustic barriers would be coloured to blend in with the local vernacular. It's what they're seeking. If I'm correcting that, then I see no problem subject to my instructions that we can provide that wording if I'm interpreting the council's request correctly.

01:15:03:03 - 01:15:05:07

Is that a fair representation, Mr. Gazelka?

01:15:05:23 - 01:15:33:19

Thank you sir. Danny, for the council. Um, yes. I mean, whatever the wording is to achieve it, we'd just like some idea of, yes, what it is blending into essentially. But and actually, I mean, it may be possibly go to Mr. Hutchins as well. And obviously when you say green or a specific color, there's obviously variations in that color. But it was to be. To be clear, it was primarily related to where a color was not already specified.

01:15:35:04 - 01:15:35:22

Um.

01:15:36:09 - 01:16:07:09

May I say rich? It may be helpful if the, uh, if the council provide us with their suggested wording. It sounds like a point that we can easily agree on. Um, so I suggest the council proposed wording the that, um, uh, that they would like. Then we can look at that. Uh, I mean, in the spring. Well, solar farm order in the similar design requirements that it referred to for acoustic barriers, it either be natural timber fencing or, um, gray or green in color. Maybe that's acceptable. As the council we can replicate that wording.

01:16:07:11 - 01:16:21:06

Appreciate it. Appreciate that every landscape is different of course, but I think we can reach agreement on this. Uh, I do think I've got Ruth Knight or Daniel Lever. Uh, experts on LVI and design have only to say I think we could probably get this. Agreed.

01:16:21:23 - 01:16:28:09

Thank you. Sir, if you can quote an action point for the council to suggest some wording for deadline five £5.

01:16:28:18 - 01:16:29:03

Fine, sir.

01:16:29:05 - 01:16:31:17

Yes, thank you, Mr. Griffiths.

01:16:31:19 - 01:16:45:27

Thank you, Mr. Griffiths. On that I would suggest before, rather than provide a deadline. Five it's only going to be a sentence that can be sent over to us. Then we can hopefully agree it, then put it into a revised design commitments for deadline five.

01:16:46:05 - 01:16:46:20

That would be.

01:16:46:22 - 01:16:48:03

Ideal. Yes. Thank you.

01:16:52:06 - 01:16:53:09

Miss Tinkler.

01:16:53:24 - 01:17:01:04

Good afternoon sir. Thank you. Carly Tinkler on behalf of Clayton Solar Action Group. And may I make a comment on the colour?

01:17:02:05 - 01:17:02:25

Go ahead. Yes.

01:17:02:27 - 01:17:34:29

Thank you. Um, I my concern is that the colour decisions will be made too late in the day. And what has to be understood about colour is that what we have in the design commitment document, we've got the colours specified and it was suggested that we would stick with green, grey, white, metallic. Those are the hues. So as somebody nodded when we mentioned green.

01:17:35:23 - 01:18:05:23

If you have a pure green, if you add black to that green, it will go dark. And if you add white to that green, it will go very, very pale. And it's the same with gray. So if you say gray, gray can be 99% black or 99% white. And the main problem with color in the landscape is to do with contrast. So if you have a very pale color against a dark background, it will draw the eye. It will stand out.

01:18:05:25 - 01:18:38:02

So you may be specifying gray, but that gray may be very, very pale. So the reason I suggest in a color assessment is that one goes out and establishes what the colors are, that the structures would be seen against very broadly, very very broadly. And normally we have to accept that. First of all, dark colors integrate far better into the landscape. If in doubt, go dark grey. Now, that's not always easy because not all of the equipment is available in that color.

01:18:38:04 - 01:19:21:10

But previously, when large quantities of, say, units or other equipment is being ordered or specified, the manufacturers are more than happy to spray to any color specified. So if we can. What I would like to see is a commitment to a study or something with more words that ensures that the color contrast can't happen. And that may be a question of agreeing a range of greys, or a range of tones within which the units or other equipment should be specified, apart from substations and equipment, which we're really that's metallic and the color can't be changed.

01:19:21:24 - 01:19:53:14

My concern relates to the best units, mainly because often those are white and you can get alternatives, but the white is the most problematic. And even if they've got acoustic bonds around them, and even if there is some planting, if they're seen from above a slightly elevated location, then they would be contrasting. And so I think my question would be, how can it be ensured that those adverse visual landscape effects that would arise from contrast could be avoided? Thanks.

01:19:53:27 - 01:20:00:27

Thank you. Um, would the applicant like to respond, please, in terms of how it may consider contrast?

01:20:03:08 - 01:20:35:29

Richard Griffiths, on behalf of the applicant. Um, well, I think it's been very helpful that Buckinghamshire Council are welcome. The design commitments and the approach we've taken. And my response would be that when we submit the detailed design, when the applicant submits the detailed design under requirement four of the Development Consent Order, which also includes the external appearance that no doubt we would need to justify to the local authority as determining authority. A choice of specific colour.

01:20:36:01 - 01:21:00:08

So if it is green, what shade of green? And no doubt there will be colour samples requested. That's what we'll be putting in our application. And the justification for that choice, and the effect of that to be part of that package of submission. The local authority is then the determining authority for that. So I would say the answer to the question is down to discharging of the detailed design requirements at the time.

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

Thank you. Mr. Zelikow is the council. Um. Next approach.

01:21:06:23 - 01:21:38:13

Thank you, Sir Danny Gazelka for the council. Um, I think this probably folds into the point that we just discussed as well about the, um, the example in the, the design commitments where there isn't a question of blending in. And so I think we are in principle, and with that wording, we can cover off anything that we think we're concerned with and raised with the applicant in, in wording. I think Miss Tinker's point was a different one, which is the discharge point may be too late. I think may have been the concern.

01:21:38:15 - 01:21:39:19

I'm not quite sure.

01:21:41:09 - 01:21:58:20

What you think Clifford claims. So the action group it was. Yes. It was that if a long way down the line, the words green and grey are embedded in a document, then I doubt that anybody's going to worry about whether they're dark green or dark grey. So I would prefer to see the words, um,

01:22:00:20 - 01:22:12:26

if we, if we can, perhaps we could discuss it and submit some wording. But I think that if it can be or colours that will avoid contrast in a dark background, um, would, would satisfy that.

01:22:12:28 - 01:22:18:18

So you're looking for some principles that could be included in the desired commitment, I think is what you're suggesting at this stage is that. Is that correct?

01:22:18:20 - 01:22:27:28

Yes. So it's more to give the local authority some guidance and clues as to what they should be looking for and to look out for. Is there contrast and how how would that be avoided?

01:22:30:13 - 01:22:37:21

Mr. Griffiths, is that something that could be incorporated or replaced?

01:22:37:23 - 01:22:56:03

On behalf of the applicant, I would need to see the wording rather than vague generalities here. I need we need to see the wording and we would need to speak to. I must design specialist, so I need to speak to the design team as to what is achievable. But I think we need to see the wording that's being proposed the first time today, as soon as possible.

01:22:56:25 - 01:23:11:12

As with the council, perhaps if there was an exchange before deadline five um, whether the reposition or not at deadline five that submitted to the examination, that would be helpful if if the action group and the applicant are agreeable to that approach. Yep.

01:23:11:25 - 01:23:12:23

And the council.

01:23:12:25 - 01:23:13:13

Yep.

01:23:13:24 - 01:23:29:07

Thank you. Said the council. Yes. Maybe if, um, if we have a preliminary discussion, see where we get to, and we submit something either jointly or two separate things to the applicant, but all in the knowledge that this needs to be before deadline five so they can consider it for deadline five.

01:23:29:09 - 01:23:30:10

Yes. Thank you.

01:23:35:00 - 01:23:41:17

Any further comments on the design commitments in relation to clearing materials before we move on?

01:23:43:24 - 01:23:55:06

I can see no hands on move on them with the agenda to the landscape and visual impact assessments or our BIA methodology and conclusions.

01:23:57:05 - 01:24:34:04

Um, in response to our further written questions. Question 2.1.3 the applicant identified the bias Gael Solar, Spring solar and other consented development consent orders that use the same methodology as their proposed developments, with a three point scale to determine sensitivity and a four point scale to identify magnitude in the assessment of landscape and visual effects. I note from the latest common ground between the applicants and the action group, and that's rep 4021 that this matter is not agreed.

01:24:34:11 - 01:25:03:04

Following further discussions that were had on on landscape issues. Um, question first of all, to the action group, um, does the applicant's identification of other made dsos where their approach has been accepted by the Secretary of State, have any bearing on their position? I don't think it was recognized or accepted in the common ground as being a particular point that had been discussed. So just some clarity as to whether or not has any implications for your position on that, please.

01:25:04:14 - 01:25:10:23

Um, Carly Tinkler of Solar Action Group. Could you just run past me The first part of the question again.

01:25:10:25 - 01:25:23:23

Yeah. So the applicant has identified other made solid echoes where the methodology has been applied and accepted by the Secretary of State. Um, does that fact have any bearing on your own position as to whether or not that's an acceptable approach?

01:25:24:05 - 01:25:30:00

Thank you, sir, if that's relating to the Elvia method as a whole, um, then.

01:25:32:18 - 01:25:47:04

We have at each of of these hearings examinations, inquiries via three methods is is always a subject of discussion. Um, my position is that the applicant has

01:25:48:21 - 01:26:19:18

or in each in each case, the applicants have departed from the guidance or interpreted the guidance in their own way. And the point is that it is only guidance. And that's accepted because I'm familiar with both of those nips that were mentioned. In fact, um, I was representing groups there. And so it has never really been, um, that the disagreements have never really been resolved or agreed.

01:26:19:20 - 01:26:58:27

They've always remained outstanding because it's a matter of opinion. So my position is that, um, in each case, one has to look at the implications of the depart or the alleged, if you like, departure or interpretation, how important it is. Some things don't really matter. It's more a question of, well, we don't agree. For example, here we've got the Elva using the word fabric. And that was the same in Byers Gil as well. And Green Hill Solar. And it's not used in GL v3, but it's being used and occasionally it's being used to justify moderate beneficial effects, which is the case here.

01:26:58:29 - 01:27:12:21

So that I think we will be discussing that later. But in answer to the question then that, um, I don't believe that. In other cases, the method problems that we're encountering here have been adequately resolved.

01:27:14:18 - 01:27:18:01

Thank you. Does the applicant have any response, please?

01:27:18:03 - 01:27:49:17

Thank you sir. Richard Griffiths, on behalf of the applicant, I'll bring in Daniel Lever as the author of the Assessment of Methodology. But I would just make the point that, um, at as was said by the action group, um, the approach has always been created at uh, at um DCO examinations and whilst, uh, disagreements still remain. It has been accepted approach by those made orders and therefore is something that thinks handling authority should take into account in that approach. But I'll take I'll, I'll bring in Mr.

01:27:49:19 - 01:27:54:25

Lever as the author of the assessment to to expand on on this point further.

01:27:54:29 - 01:27:55:21

Thank you.

01:27:57:15 - 01:27:58:00

Yes.

01:27:58:02 - 01:27:58:17

Dan Lever.

01:27:58:19 - 01:28:35:13

On behalf of the applicant, um, I think as, uh, has been alluded to. The guidance in the guidelines for Landscape and Visual Impact assessment does state quite clearly what is the guidance and that with regard to I think we're looking at the the number of, uh, factors that relate to, uh, say the assessment of uh, scale or extent or any number of the factors that eventually feed into the overall level of effect, and Olivia is clear, does provide clear guidance on that.

01:28:35:15 - 01:29:06:13

And that is essentially what our methodology follows. So I don't really quite understand how we've deviated from that. I do appreciate the guidance is guidance and not a strict set of rules. Uh, but it does recommend 3 to 4 sort of gradations and a maximum of five gradations in terms of how levels of effect or the factors that affect the overall level of effect are accounted for. Um, and that's what we have within our assessment methodology.

01:29:06:15 - 01:29:20:06

So I don't really have anything much further to say on the matter. Uh, we are very clear, I think, that we follow guidance and that, uh, our methodology stands and has been tested at various levels.

01:29:21:21 - 01:29:22:06

Thank you.

01:29:22:08 - 01:29:38:23

It does appear as though this is a matter that will not be agreed upon. Um, have your respective motions, uh, position. Sorry. So I think, um, to leave that particular point there between the two parties. Um, turning to the Buckinghamshire Council, though, um,

01:29:40:11 - 01:29:49:00

I think we're also part of the discussion on landscape matters. Um, was any progress made? It appears not from the state, but common ground, is that correct?

01:29:49:06 - 01:30:19:29

Thank you, Sir Daniel, because the council. Um, I'll bring in. We've got both Mr. Hutchinson and also, um, the councillor to my right. I'll bring him in a second. I mean, that's where we are essentially, I think. And I think both sides have agreed to disagree. And you can take a view on what the appropriate approach is. You'll be aware. I mean, the approach that is being espoused on our side is adopted and other DCS and local planning decisions as well. I mean, this is application of guidance, after all. But we submit that is led to an under under assessment of harm. I'll bring in Mr.

01:30:20:01 - 01:30:27:17

Hutchins in case he's got anything else, um, to raise first. And then I'll briefly bring in Council Collingwood as well.

01:30:27:19 - 01:30:28:11

Thank you.

01:30:28:27 - 01:30:55:13

And the elections on behalf of Buckinghamshire Council. Um, yeah. And I completely agree. I mean, we've had, um, we've had a couple of discussions, um, with ourselves, um, Carly Tinkler and, um, the applicant to discuss the, the approach of the methodology based on the Landscape Institute guidance. And, yes, despite our best efforts. Um, it appears that this is a point where we'll agree to disagree. Okay.

01:30:56:24 - 01:30:57:12

Thank you.

01:30:58:04 - 01:30:59:00

Thank you. Chairman.

01:30:59:16 - 01:31:00:18

For me, the key issue.

01:31:00:20 - 01:31:02:20

Is simply not about the amount of infrastructure, but.

01:31:02:22 - 01:31:03:18

About how.

01:31:03:20 - 01:31:35:29

Much of the countryside becomes affected by it. Um, having recently done our site visits for the Sakharov piece, we actually did literally go around for a good hour or two hours around the whole of the locality, looking at it from every single viewpoint, including even including the Black Boy pub. We had to go through the other far side and in Coombe Hill as well. Um, and to me this is the biggest,

not just associated with the substation livestock landscape, but it also becomes a separate industrial feature in its own right.

01:31:36:11 - 01:32:07:26

Um, the location means that the um, infrastructure becomes a different landscape and changes the character of the area. Uh, it becomes an energy infrastructure area rather than a rural landscape area. Um, to me, in terms of cumulative visibility and landscape spread, the council is clearly evidenced in a significant adverse landscape and visual effects. Um, to me, it's not just a single view or a single structure. It's also about the gradual transformation in the wider countryside.

01:32:07:28 - 01:32:41:14

And that's why we actually went for stack reference around the whole wider country countryside, to understand the dynamic of what the Sakharov would do in terms of substation and the rest, but actually then looking at seeing, okay, what does it look at? We went into, um, East Leeds and went to having my councillor colleague will tell you a bit more detail because he's a local member. Exactly. All the various different areas we had to look at. We went pretty much everywhere. One of the things that did strike me, though, was about the Bernward Jubilee Way, because that obviously allows the people to experience the landscape over the distance rather than just a static viewpoint.

01:32:41:24 - 01:33:15:24

Um, and to me, uh, when you know the cumulative effect of the solar arrays, the substations, the B, the best infrastructure, HS2, East-West rail, the increasing effects are just going to be massive impacts. Um, in terms of the, um, the growth of bees, particularly that which is a substantial engineered component. So it's not just literally like a substation or there's a little box, this thing is it 2100 acres or I can't remember, but it was it was massive, if that makes sense.

01:33:15:26 - 01:33:38:14

So to me, it's changing the wider recreational landscape in terms of the rights of way. They'll have a much more cumulative effect, but I'll let the local member explain a bit more detail because he lives in. But we weren't there as a neutral observers and went, wow, this is going to have a massive impact. And we collectively as a committee all went. The answer would be no, thank you.

01:33:45:16 - 01:33:51:27

If we could just go back to the the applicant in the first instance, please to respond to the points raised by the councillor.

01:33:53:08 - 01:34:36:18

Thank you. Sir Richard Griffiths, on behalf the applicant. Of course, we have to consider the impacts of this scheme at the viewpoints that have been agreed on this scheme and not on another scheme. Um, I would just like to. Unfortunately, we can't, um, access to the council's website. It's been down all week, but, um, reference there has made cumulative impact assessments. And of course the statecraft application would have had to occur at a cumulative impact assessment which included this scheme. And they've got a resolution to grant. So um, I'll just leave that thought uh, with, with you um, on that point that cumulatively that has been looked at, of course, with statute and the Council still resolved a resolution to grant, I'll bring in Mr.

01:34:36:20 - 01:34:45:00

Lever in terms of the phrase, uh, um, industrialisation and landscape and, uh, and pass over to him.
Thank you.

01:34:45:09 - 01:34:46:00

Thank you.

01:34:47:20 - 01:34:53:27

Thank you, Dan Lever, on behalf of the applicant. Um, yes. Well, we've obviously taken into account the full

01:34:55:23 - 01:35:27:26

extent of of how this project potentially affects the wider landscape. I think we have stated that, uh, this isn't a industrializing, uh, scheme in and of itself and that it's a relatively although it's relatively large. It it doesn't affect the, the base landscape in terms of, uh, changing topography or field structure or woodland structure in any substantive way.

01:35:28:02 - 01:36:05:25

If there's no woodland removal at all, and as you've heard already, there's a fairly minimal or certainly minimised, uh, removal of hedgerow in at least small sections as can be possibly achieved. So the effect on on landscape fabric has been to minimise that. And. the infrastructure that's being proposed is obviously the solar panels and, uh, ancillary base substation. Um, but these have been carefully located as part of the design process to areas where, for instance, the base is located in the lowest topography of the site.

01:36:06:07 - 01:36:41:24

Um, and likewise with the best. It's located very close to the, uh, the substation is located very close to the existing each Claydon substation. So we've looked to through the design process to to certainly minimise how those larger and more intrusive features would be located. But they are set within a landscape structure that is largely retained and enhanced. So as the solar panels be underlain by a layer of and rich grassland will be enhancing the hedgerows and woodlands, uh, quite substantively, over what's already there.

01:36:41:26 - 01:37:14:24

So this isn't a large scale, uh, sort of building structure, um, or data centers type facility, which would cover acres of land with new buildings of substantial, substantial height. There are relatively low structures that sit within the existing landscape and follow the existing topography of the landscape. So that premise is really that taken as a whole, these features don't result in an overall industrializing of the existing landscape.

01:37:16:10 - 01:37:32:08

Thank you. We have received some issues before. On the disagreement around this particular point, but we're not. Landscape is industrialized or not. So I do have material on that to to review and considering our, our recommendation. Um, Miss Tinkler, did you have any further points?

01:37:32:16 - 01:37:59:11

Thanks, sir. Carly Tinkler for Clayton Solar Action Group. I just wanted to, um, the counselor just now mentioned the, um, adverse effects on recreational immunity and especially cumulative effects. But in fact, in the landscape statement landscape section of the statement of Common Ground, we do have agreement that the development would result in significant adverse effects on recreational amenity.

01:37:59:27 - 01:38:01:11

Yes. Noted. Thank you.

01:38:02:29 - 01:38:03:20

Yes.

01:38:04:06 - 01:38:35:26

Very kind sir. Councillor Philip Gomm for percussion. This is my ward, area and board. Is it, um, going through some of the paperwork? I might have missed something, but when I took colleagues and others, and I wish I might have been able to take some of you. This. It seems to have been missed. Uh, the view from over in picture. Uh, looking over the whole area. Um, when it comes to that, um, you know, you might correct me if I'm wrong, but, um, sir, Irving is is a population of about, uh, 400 houses.

01:38:35:28 - 01:39:28:09

Half of it overlooks the valley that overlooks the rose field site. And then further down the road you got pitch cut. I have a new, um, uh, farm there, which is a health and wellbeing centre that is being set up that also overlooks the beautiful, uh, area that we have down there. So it's a shame that, um, I haven't had an opportunity to take you there. So I again, maybe you could correct me if you you've taken them there, but it does have this application, as the gentleman was saying, this particular application does have an effect, sir, because when you look from those views, uh, you look to the whole view and as a cumulative effect, it would be a sea of solar panels, respectfully, to the application that the gentleman refers to this application.

01:39:28:13 - 01:39:39:15

Two thirds of that sea of solar can be seen from up there. And if you would oblige me, I'd like to take you there to show you. But, uh, that that's what you would see. Thank you.

01:39:41:03 - 01:39:42:16

Thank you. Mr. Griffiths.

01:39:44:04 - 01:39:50:22

Richard Griffiths, on behalf of the applicant, I will bring in Mr. Lever. Any comments? I have a general point to make.

01:39:50:24 - 01:39:51:19

Mr. Lever

01:39:53:12 - 01:40:14:01

and Lever on behalf of the applicant. Yes. Is one of the settlements where that we've taken a viewpoint from its viewpoint 33 within the last Elvia. Um, so it's certainly, uh, something that we've looked at and assessed in terms of the it is a distant receptor, and we've found it to be a non-significant effect upon that receptor.

01:40:17:04 - 01:40:17:20

Thank you. Mr..

01:40:20:03 - 01:40:56:19

Chairman. They they talked generically. The relevant council, whoever is over the other side. But what they haven't talked about is the fact that they're actually developing in areas with an area of attractive landscape, and they just seem to have totally ignored that part in their assessment. So I'm just a bit unsure of how they've come to that. Yeah. Either you're developing in the area of attractive landscape or not. But my understanding of the application, it is at least partially being developed in the area. That's right. Attractive landscape, which is a fundamentally a higher bar that's required, whether it's children's area, national landscape, ASB, air and landscape.

01:40:56:21 - 01:41:17:07

It's a higher bar than just general generic land. They don't seem to have addressed that to me at all. In their generic answers, they've given back to me. So I'm the chairman. Uh, are they looking at two different pieces of land to us? I'm just really quite, I'm sure, where they're coming from or if they're just not actually visited it. And just on this desktop exercise. Because that's how it feels to me, chairman.

01:41:18:06 - 01:41:26:13

Well, my understanding is that there has been some consideration given to the area of attractive landscape in the assessments, but perhaps the applicant would like to respond to that point. Please, Mister Lever.

01:41:28:05 - 01:41:58:18

And Lever, on behalf of the applicant. Yes. So the area of attractive land to landscape the quaint and willing hills Ale has specifically specifically been assessed and addressed within the assessment. Um, uh, in some detail, I would say so. Uh, and the assessment has been I mean, I think just to summarize as best I can. Um, we are affecting essentially two fields of the overall al, which is, which is quite a large area.

01:41:59:09 - 01:42:19:18

And our assessment has been that there would be a moderate minor adverse effect or a non-significant effect upon the Al as a whole. As a whole. It is a local designation, so it certainly does carry some some weight in terms of its landscape value, but it's not a designated value in terms of, uh, how it be valued in terms of the NPF.

01:42:20:22 - 01:42:50:19

Chairman just says where yesterday. In fact, this morning, our draft local plans, regulation 19 has been issued with those parts of them coming forward and they're going to go through the inspector. So come by the end of December. This will be in play. So it will be not just a wish or a hope. It will be

part of the local plan. So I think fundamentally post where we start the examination from and where we've got to now, the landscape has changed, both figuratively but also in terms of statutorily. Chairman. Thank you.

01:42:51:15 - 01:43:03:04

On that point, please, can I raise an action point for the council just to provide a statement that the line of fire is to the position on the local plan, particularly in relation to the designation on the policy position on that. Thanks for taking the time frames for adoption of the plan as well.

01:43:03:06 - 01:43:15:01

Yes. Thank you sir. We will provide the relevant information and also our development and development management strategy on account of current wording. Yeah. So we'll bring that. We'll provide that to you.

01:43:15:03 - 01:43:17:28

Thank you. So Mr. Griffiths.

01:43:18:00 - 01:43:48:03

Thank you. I mentioned I had an overarching point, Richard Griffiths on part of the applicant. First, I just want to make clear again that the few points for this scheme were agreed with the local authority. Everyone had a chance to submit um, Points for the examining authority to look at on the ASI. So that was made. A request was made by the examining authority for people to put forward viewpoints from which you would look at the scheme. And that was um, um, that was done quite early on in the examination.

01:43:48:09 - 01:44:19:10

Thirdly, um, the majority of the landscape and visual effects are temporary. Uh, that is how the Secretary of State has identified that the effects, uh, are labelled. Labelled? Um, there are no nationally designated landscapes impacted here. Uh, Mr. Lever has already highlighted how he's assessed the, um, areas of attractive landscape. And indeed, the scheme, uh, removed panel solar PV form uh, areas in parcel two to reduce the visibility.

01:44:19:12 - 01:44:49:04

So mitigation was applied and mitigation hierarchy was applied. And of course, as you'll be aware your your your test is 5.10 .35 of NPS in one, which is to assess whether the adverse impact on landscape and we're talking local designated landscape here would be so damaging. That's the phrase used. It's so damaging that it offsets the benefits of the project, that is, the judgments that you have to come to in your report. Thank you.

01:44:50:05 - 01:45:25:11

Noted. Thank you. Um, unless there are any final points on this, I'll move on to our next question that I have. Um, so moving on to consideration of non-visual effects. Um, and noting the the action group's response to our further written questions. Question 2.1.6. Uh, from the submission library reference rep 4103 um, that identified concern regarding the approach to the applicant's consideration of screening. Um, and whether that can mitigate non-visual effects on character.

01:45:26:08 - 01:45:43:00

The action reports identify a concern that the applicants had focused on noise, odour and vehicle movements and not considered wider factors. Um, does the applicant have any initial response to the action group's points raised in response to that question, please?

01:45:44:00 - 01:45:47:16

Uh, Richard Griffiths, on behalf of the applicant, I'll ask, uh, if Mr. Lever has.

01:45:47:18 - 01:45:48:03

Any.

01:45:48:05 - 01:45:50:14

Points to raise in response to that. Thank you.

01:45:53:04 - 01:46:15:12

Uh, Dan Lever, on behalf of the applicant, um, I don't think anything further to that, which we've said already in terms of, uh, we our understanding is that we have included the non-visual aspects, uh, of the development that could affect, uh, landscape and visual impact. So, uh, probably probably nothing further to add at this stage.

01:46:16:18 - 01:46:25:21

Thank you, Mr. Tinker. I think you said the applicant focused on noise, odor and vehicle movements. What else should the applicant have considered in their assessment on non-visual effects?

01:46:26:29 - 01:46:45:27

Thank you, Mr. Tinkler. For Clayton's solar Action group. In some respects, this question becomes academic because it wasn't entirely clear to me at the beginning. But it is very clear now that or the applicant has clarified and confirmed that

01:46:47:18 - 01:47:21:08

levels of effects on landscape character experienced between years one and ten will not reduce after year ten as a result of mitigation, and therefore, it doesn't really matter whether we've got visual or non-visual effects, because the effects will not reduce. But just to answer the question specifically what we would be looking for in the non-visual effects assessment, tranquillity was mentioned in the applicant's response to your question. But tranquillity is not just about lack of noise or disturbance.

01:47:21:10 - 01:47:54:19

It's about a sense of feeling safe. It's about security. And certainly that would be compromised. And it's also about. I think I did put this in my response. It's about an awareness. And the aesthetic and perceptual aspects of landscape are the intangibles. The the applicant's response is looking at the tangibles, whereas it's how people experience the landscape that can be subjective. You have an experience of wildness, of remoteness, of solace. All of those things are much.

01:47:55:08 - 01:48:02:18

They have to be considered in character assessment then. But non-visual effects are not limited to just noise and disturbance and odor.

01:48:04:09 - 01:48:09:24

Thank you. Mr. Levy. Do you have any final comments on this, please?

01:48:10:07 - 01:48:47:12

I think within the assessment, it's, um, we certainly would struggle to take into account every subjective view with regard to landscape and visual effects, but we do take into account, um, Whether or not there's a particularly wild landscape that we're dealing with. And in this case, we don't have that. And we certainly take into account those factors, uh, that have been mentioned already in terms of noise, odor. The glint and glare factor, the various factors that affect landscape and visual. And I think these are essentially a lot of the factors that make up how a person will perceive the landscape or the view.

01:48:47:14 - 01:49:20:27

So whilst there are intangibles that we can't really comment on at length, uh, we try to take what is tangible and bring that into the assessment. And I do think they do inform, uh, what could be considered as the perhaps less tangible features of the scheme. But as I say, that, that that's subjective and we, we can't really that would be so multifaceted, I don't think, and personal that we couldn't really introduce that specifically into our Elvia. And I think we do cover the important factors that do feed into that?

01:49:22:11 - 01:49:27:03

Thank you, Mr. Lieber. Do you have any other comments from anybody on on visual effects?

01:49:35:01 - 01:49:52:12

Just conscious of the time. Um, it's just approaching 1:10. It's probably time for a lunch break around 45 minutes. So if we adjourn now and return at, say, 5 to 2, and we'll pick up the rest of the landscape and visual agenda item. Thank you.