



Planning Inspectorate
Arolygiaeth Gynllunio

Hearing Transcript

Project:	Rosefield Solar Farm
Hearing:	Recording of issue specific hearing 3 (ISH 3) - Part 6
Date:	08 July 2026

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FULL TRANSCRIPT (with timecode)

00:00:12:22 - 00:00:13:10

Okay.

00:00:13:24 - 00:00:18:24

1115 in time for the hearing to resume. Is the live stream running?

00:00:20:11 - 00:01:02:15

Yep. Thank you. Okay, now move on to item 12 health. Item three overall approach. So we note from the latest statement of common ground between you and Buckinghamshire Council rep 4019 that there's still disagreement between the parties on the presentation of health effects. Health does not have its own chapter in the environmental statement. And notwithstanding the fact that the Health and Wellbeing Statement and Health Effects Report are certified documents in their own right, because the appendix to the Environmental Statement and an annex to that appendix, respectively, This doesn't give the topic the prominence it requires.

00:01:03:02 - 00:01:17:27

In addition, the non-technical summary AP 077 has not been updated since the application was accepted and health effects and their significance are not reported in it. So how do you respond to that?

00:01:19:09 - 00:01:51:01

Amy Stirling, on behalf of the applicant, I can pass to Mr. Humphrey and see if he's got anything further to add in just a moment. I mean, sorry. The health and well-being summary statement, I think probably could remove the summary from it now is 274 pages long, I think. Um, whether or not it has its own chapter or is it an appendix to the yes is frankly irrelevant. And it is, you know, an academic exercise about presentation. The substance is quite clearly before the examination and is able to be viewed and considered by all.

00:01:51:03 - 00:02:15:27

And as you've pointed out, so would be a certified document forming part of the environmental statement and therefore referred to within the development Consent order and therefore able to be referred to in discharging management plans, etc.. The point around the non-technical summary is taken, and we can certainly look to update that for deadline five. I do not think we have much further to add on the presentation of the health assessment. We consider it to be more than adequate.

00:02:16:16 - 00:02:21:09

Okay. Could you take an action then for deadline five to update the non-technical summary?

00:02:21:14 - 00:02:22:17

Yes, sir. That's no problem.

00:02:22:24 - 00:02:26:12

Perhaps I can go to Mr. Gazelka if you've got any comments on that, please.

00:02:28:00 - 00:02:36:18

Um, thank you sir. I may have a comment afterwards, but I'll let Danny because I'll let Anna Morris come in. First on this, I mean, I may have a further comment now.

00:02:40:12 - 00:03:00:21

Thank you. Anna Morris, on behalf of Buckinghamshire Council, um, we're very grateful that the applicant is, um, taking on board the request to update the NTS. That will be extremely helpful. I have some other points that I wanted to make more generally, but I don't know whether you have subsequent questions that would better match to those, or whether I shall go straight ahead with them now. What would be your preference?

00:03:00:23 - 00:03:14:03

Um, I'm going to be raising issues. Other issues that you've raised in the statement of Common Ground. So if what you were intending to talk about were those issues, then I'm going to cover those. Okay. But if you've got something new, please, please go ahead.

00:03:15:01 - 00:03:48:00

Uh, I think perhaps the the other ask may, may cross over with something that you will bring up. But, um, when we talked about the presentation of the material, the other aspect that we are looking for is similar to the request for the technical appendix for the population. So that summary that very clearly connects component parts of receptors to their specific impacts, to any professional judgment that has, has been applied specifically to those receptors, so that we have a much greater clarity of the underlying thought that has gone into each of the blended judgments.

00:03:48:02 - 00:03:48:27

Thank you.

00:03:49:14 - 00:04:26:00

Okay. Thank you for that. I think there may be some crossover, but, uh, we can talk about that later. Um, so so moving on to three B one, two and three. That's assessment methodology. Institute of Sustainability and Environmental Professionals guidance and significance of effects. Uh, again, we note from the latest statement of common ground, uh, between Buckinghamshire and the applicant, which was rep for dash 019 that with regard to the assessment of the effects of the proposed development on health, uh, there are certain issues who still haven't reached agreement on.

00:04:26:04 - 00:04:38:07

So if we could just go through those, each of those in turn. The first is compliance with the latest guidance issued by the Institute of Sustainability Environmental Professionals in October last year on social impact.

00:04:41:11 - 00:04:50:15

Thank you Danny. For the council, I might suggest, sir, but just as you go through each of these, um, Mr. Morris just responds directly. And then if I've got anything else to add, I can help.

00:04:50:19 - 00:04:52:16

Okay. Yes, that'll be very useful. Thank you.

00:04:57:09 - 00:05:45:00

Thank you. Anna Morris for Buckinghamshire Council. We accepted the point at the previous hearing that the, um, documentation was prepared by the applicant in advance of that particular piece of guidance coming into force. Um, and that is understood. I think the ask from us is that the tenet of what that social impact guidance has brought more clearly forwards was already available in the human health guidance that Amy had prepared that the applicant has been working towards. So it was certain aspects of the scope in that that we have been looking to to understand the applicant's perspective on more clearly, to do with community in combination implications and how that might feed into specifically geographically different health and wellbeing, um, quality of life, social coherence, type effects.

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So that's the the direction from which that particular comment has come.

00:05:50:02 - 00:06:04:17

So So to be clear, were you looking for an update to the Health and Wellbeing statement? Um, that maps back to the latest guidance. So it was clear how that had been applied or how the latest guidance had been applied.

00:06:04:24 - 00:06:32:01

I would ideally like to see some supplementary work within the Health and Wellbeing Summary statement. Yes, that connects to the matters that are more clearly set out in the Social Impact Assessment guidance, but I don't think it is fair or appropriate for us to suggest that the applicant must comply specifically with that guidance because of the timeline. It's more that the the threads that are in that guidance were already within the, um, the November 22nd guidance. So some emphasis on on how those social matters are captured would be very welcome.

00:06:33:00 - 00:06:35:25

Okay. So go to the applicant for comment on that.

00:06:35:27 - 00:06:49:01

Amy Stirling, on behalf of the applicant. Yes. I'll pass you to Mr. Humphrey, who's the director at court. Um, who will be able to address it, which guidance has been applied and how and if any further changes are required. Thank you.

00:06:50:18 - 00:07:21:03

Thanks, Mike. Sorry. Mike Humphrey for the applicant. Um, just for the avoidance of doubt, the guidance that's being referred to, which is the isotope impact Assessment network, social impact assessment and environmental impact assessment guidance from October 2025. It doesn't set or identify any determinants of health to be considered in a health effects report, or a health impact assessment or an assessment of population and health and well-being is applied within the EIA.

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What it does do on page eight of that guidance is that it sets out that the ICP ha guidance should be used when a separate health assessment is included within an EIA. So that refers specifically back to the effective scoping of human health in EIA guidance and the determining significance for human health in EIA guidance. And that is the set of guidance that has been applied throughout the Health and Wellbeing Summary Statement and the Health Effects report. In terms of the both the identification of wider determinants of health, the approach to identifying the sensitivity of subpopulations and wider populations, and the approach to applying the magnitude of change and sensitivity of receptor.

00:08:04:21 - 00:08:49:21

Um, a methodology throughout um. There are several references throughout to how we've applied that guidance in line with, uh, with what's required. Um, and it comes down to the end of each kind of determinant of health section, referring back to the significance criteria and clearly setting out how populations and subpopulations have been assessed against those, um, what the Social Impact Assessment guidance from October 2025 does see is refer to national wellbeing frameworks, which are effectively developed for the implementation, not specifically to application documents or impact assessment, but to the wider approach to both assessment but also plan making.

00:08:49:23 - 00:09:16:02

So they're kind of embedded in everything. And what that that guidance says on page 27 is that these are useful to identify the determining of social well-being, not necessarily health, not necessarily in the formal context of a health effects report, and that they need to be adapted to the specific project and types of impacts that are being assessed. And that's what we believe we've inherently done through the application of the original guidance in the approach to the

00:09:17:20 - 00:09:43:19

determinants of health, for example. I'm confident that that has been done throughout. And any references to the determinants of health that are also cross-cutting with those National Wellbeing Framework works have been included. Um, I'm not sure exactly where. Um, Buckinghamshire Council think that that needs to be brought out more explicitly, because I think we've been quite explicit Throw it out.

00:09:43:24 - 00:09:53:29

I think it'd be helpful to say, if you produce a bit of a note, that sort of sets out what you've just said and explains that if that can be done by deadline five.

00:09:56:05 - 00:09:59:07

Yep. Mike, I prefer the applicant that that can be done. Okay.

00:09:59:19 - 00:10:13:18

We'll be standing on behalf of the applicant if you're just just for the purposes of the action. Can we see then we'll take an action to produce a note on the methodology that's been applied and how that relates to the guidance. Yeah. Thank you.

00:10:14:16 - 00:10:17:19

Would you like to just comment on. You just heard.

00:10:22:04 - 00:10:32:28

Yes, certainly. Thank you. I appreciate that. Anna Morris, Buckinghamshire Council. I appreciate that the applicant is going to take that method note away, and we shall look forward to receiving it and then comment in due course.

00:10:33:12 - 00:10:38:23

Okay. Thank you. And then moving on to some of the other points in the. Sorry.

00:10:40:09 - 00:11:18:15

Um, Helen Hamilton, on behalf of the Canadian Solar Action Group and the. The action Group, has raised concerns about the approach taken to the Health and Wellbeing assessment. Um, and we don't consider that it complies with the guidance. We've, um, the broader EMA guidance. Um, as we pointed out that the approach taken by the applicant is to silo impacts and not to consider either intra project effects or properly consider cumulative effects with other development.

00:11:18:20 - 00:11:51:05

Um, I can take you to just small parts of the guidance, which we think has not been complied with. So, um, if we look at the EMA guidance on scoping, um, they this refers to the combined effects of multiple changes, um, in determinants of health And what we haven't got here is a cumulative effect of the various different impacts on human physical and mental health.

00:11:51:07 - 00:12:38:24

So we you know, for example, we've got noise and vibration covered, but that doesn't combine the effect of the impact of public rights of way, the loss of views, the loss of amenity. The same will apply to residential receptors who have got a combined series of impacts arising from loss of views. The change to the industrial character of the countryside, the noise, the vibration, the odour, the dust and the smells that might arise during the construction periods, and so that in terms of intra project effects, that simply is not there in the in the assessment, in terms of cumulative effects with other development.

00:12:38:26 - 00:13:09:16

The the applicant simply assumes that because. Other the development effects will be mitigated, that that is sufficient to rule out any potential for cumulative effects. And I think I can refer you to the relevant, um, section of the guidance, which is to the effect that because, you know, one effect might be individually determined not to be individually not significant.

00:13:09:18 - 00:14:02:11

This is 6.29 of the guidance on determining significance, um, for human health in EIA. Um, it's um that while individual um effects are not significant, collectively they can give rise to significant public health effects. And I think the point is that what we're looking at in terms of cumulative impacts of the development, that what is presented here is a very large change to an area of landscape, which is essentially an oasis between many other very large scale changes which are going on with HS2, with the express rail, with the not very, very long established energy from waste facility and then all of the development, the best and solar development that's going on around the East Claydon solar farm.

00:14:02:13 - 00:14:15:01

And cumulatively, these have a very, very large effect on the local population, which simply is not captured in the application. The applicant's assessments. Thank you very much, sir.

00:14:15:06 - 00:14:17:23

Okay. Thank you for that. You'd like to respond.

00:14:17:25 - 00:14:23:27

Sir, I just wonder if it might be helpful for me to bring Anna Morrison again, because it will allow the applicant to deal with this in an omnibus.

00:14:24:03 - 00:14:25:06

Yes, they can deal with both.

00:14:25:08 - 00:14:25:23

Thank you.

00:14:26:03 - 00:14:26:27

Smart comments.

00:14:26:29 - 00:15:05:18

Yes. Thank you. Anna Morris for the Buckinghamshire Council. Um, I would fully endorse what the speaker has just articulated. That is a concern that Buckinghamshire Council has as well. Um, we consider the the absence of the in combination assessment and the reliance upon single topic findings to to be a key flaw in the way in which the materials have been presented within the chapter. And as you asked earlier whether we would be looking for updates to the chapter, this is certainly an area that we feel needs to be addressed as an addition into the chapter. Um, so from to add what the speaker has just said, you know, really it's that lived experience of the proposed development that seems to be not covered.

00:15:05:21 - 00:15:36:13

Um, I have seen in other comparable assessments and exercise to explore the hotspots of the communities and the different impacts that are being experienced at different specific locations in order for them to that be mapped across to the specific mitigations that would be relevant and applicable and experienced by those communities. And I think that will add a much greater level of robustness to what is presented for us to consider as a as a host authority, and also for the speaker who just presented her case there to consider in relation to the communities that she's concerned with.

00:15:36:15 - 00:15:52:14

So we're talking here about multiple impacts from noise, climate change, from dust raising, from traffic disturbance, from pro changes from the key characteristics, not just amenity in the sense of landscape and visual amenity, but the whole characteristic change that needs to be done for the the

00:15:54:14 - 00:16:02:26

project itself. But then we also expect it to be seen with the project, plus all of the other projects that are happening in the in the general wider environments. Thank you.

00:16:03:12 - 00:16:06:09

Okay. Thank you. Would you like to respond to the two sets of comments, please?

00:16:06:17 - 00:16:40:26

You missed anything on behalf of the applicant? Yes. I'll pass to Mr. Humphrey in a minute and so he can walk you through section four of the health and Well-Being Summary Statement, which deals with in combination and cumulative effect, and points out it would be helpful if Buckinghamshire Council could share those examples of where they consider this has been dealt with better, more clearly in other applications and then ideally before deadline five. And it's something that we can consider, particularly when preparing that note or potentially preparing an update. Obviously, it would provide something more tangible, I guess, for us to work with.

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Danny for counsel. So if that's okay, yes, we will do that. We'll put it on our predefined list.

00:16:47:21 - 00:16:50:18

So we can put that as an action. Thank you.

00:16:52:05 - 00:16:53:16

Mr. Humphrey. Thank you.

00:16:55:26 - 00:17:40:23

Thanks. Mike Humphrey for the applicant. So our approach within both the health and Well-Being summary Statement and the Health Effects Report does follow ISAF guidance on how to approach um, in combination into a project and into cumulative into into project effects. Um, section four of a health and Wellbeing summary statement predominantly deals with the inter project effects across the project. Um, what is clear in the guidance is that it can't be necessarily quantitatively set out Where those effects are going to combine both within the project and across multiple projects, to provide a kind of an operating in the potential for significant health effects.

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What the guidance suggests is to provide a narrative approach, and that is just as important for understanding and articulating the effects on mental health and well-being, which is something that is substantially affected by the perception of these in combination effects. And that's what that's what's been done. So we've referred across to the chapter 17, the cumulative impact Assessment, which provides a detailed summary on a receptor by receptor basis with lead aspect areas reported to identify per receptor where those in combination or kind of cross topic or cross aspect or non additive in combination effects may arise on health.

00:18:23:24 - 00:19:05:03

So those reported they're cross-referenced. And what we've picked out specifically through um, mainly through consultation, feedback and engagement with uh, community groups is that there's a particular concern on, um, the combined effect of accessibility, noise and vibration, air quality and landscape and visual effects on public rights of way. So that narrative has been specifically pulled out within the Health Effects report in order to report, under the determinant of access to the natural

access and appreciation to the natural environment, which is a determinant of mental health and well-being, how that's being taken forward and what we're able to report on that is where there are likely significant effects on specific locations.

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So we've both reported that on a kind of a geographical basis, on a receptor basis, and drawing in the conclusions of each of the individual, um, aspect based topic assessments to come to a conclusion on what it means for the effects on population scale human health and wellbeing. Um, that mainly covers the intra project effect. And we've also considered at length in section eight of the Health Effects report, the approach to cumulative impacts in the consideration of multiple projects combining to form an effect.

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Um, what we can do on that. What we have done on that is to review each of the, um, relevant EIA assessments for each of those projects, identify where there are significant effects and identify to the best of our ability, where they have the potential to combine. I think it is material to consider the embedded in additional mitigation that secured by those projects, because that does combine to inform the approach to, um, significance. And that is essentially the residual effect is what is contributing to our assessment of the effects on health.

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Um, I think an important aspect of that is the, um, the submission of the interrelationship report, which sets out how, um, the project will coordinate with other projects to manage and reduce and ensure that there isn't an overlap or an obvious of of mitigation and approach to assessment going forward, that will help also report to the community and to interested parties the timing and location of specific activities, and tie that back into the assessment of predominantly landscape and visual effects, which is essentially what we're coming down to, to inform the health assessment.

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So that will go a long way under the the ISF guidance, which recommends that that that approach to engagement is actually a form of primary mitigation for addressing effects on, on mental health and wellbeing. So I think that's what that's what we've covered in the assessment. We can update it to include a specific reference to the interrelationship report, because I don't think that is currently in the the Health effects report, but I think that that would be important to cover at that point.

00:21:13:28 - 00:21:18:19

Okay. Thank you for that. Uh, can I go back to Buckinghamshire Council?

00:21:20:23 - 00:21:59:18

And, um, Basically, in the statement of common ground, you refer to the identification assessment of vulnerable or high exposure geographic subpopulations as standalone receptors, and then subsequent development of mitigation for such receptors that might potentially reduce significant residual effects. So in effect, I think we've discussed that, um, in what we've just been talking about. Um, basically you're looking at more granular assessment, looking at these specific, uh, subpopulations and work specifically around those, those subpopulations.

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Is that correct?

00:22:00:22 - 00:22:37:21

Yes. And Amara. So Buckinghamshire Council, you have correctly understood what we're looking for, which is that greater granularity, the specific naming of those geographic subpopulations for which targeted mitigation is going to be applied, and some more clarity on the mitigation approaches that are written in sort of generalized terms to do with consultation and engagement, but actually what that might lead to. On that point, if I could just pick up a specific. There is a reference that we've noted as new in reference 62 at 7.3.25 of the annex and 7.3.26, and that does make a stronger commitment to consultation with a specific group for which we're grateful.

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But in 7.3.26, it then provides a list of possible examples of what this might lead to. But I could just ask the applicant, is there any financial fund available to actually ensure that such things could actually be delivered? Because as I read it at the moment, it is just a commitment to consult rather than a commitment to deliver.

00:22:58:05 - 00:22:59:16

Could you respond to that?

00:22:59:28 - 00:23:31:09

Amy Stirling, on behalf of the applicant and what just was quite quick. So it's paragraph 7.3.26 of the health effect. It's the annex to the Health and Wellbeing summary statement. I think it's called the Health Effects Report that sets out, um, the sorts of things that the Community Liaison Group will engage on during detailed design to provide the list. There is things which are already secured by other management plans. I think it's perhaps unfortunate wording.

00:23:31:11 - 00:23:54:22

It says it could, for example, include and talks about, for example, permissive paths when actually there is a requirement under the outline rights of way management strategy to provide permissive paths. So it sounds like we're going to be doing a bit of a tweak to these documents anyway. So I think we could probably tighten up that wording and signpost to where the things such as interpretation boards, etc. are already committed to under the other management plans.

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So, so basically nothing in addition, but already stuff that you're proposing to do.

00:24:01:14 - 00:24:24:15

It was telling on behalf of the applicant. Yes. Because the the thing the mitigations were already proposing relate to the impact assessment for the various different topics which feed into the health assessment. So for example, impacts on public rights of way, noise landscape, etc. those mitigations are already secured, which then feed into the health assessment. And that's what this is seeking to refer to and rely upon.

00:24:25:28 - 00:24:50:23

So going back to the action that Buckinghamshire is going to supply examples of best practice where, um, you know, some subpopulation, um, isolated subpopulations have been analyzed in more detail. Um, when you receive that, are you undertaking to revisit the assessment and perhaps do some further assessment along those lines?

00:24:51:24 - 00:25:22:24

Any selling on behalf of the applicant? I think we'd have to see what it says if it was materially different from what we've already presented. The suggestion is that it is without having seen those examples. Um, I have been in situations before where we've received something we think, oh, actually, we've already done that, but it's perhaps set out slightly differently. So I don't think I can commit now to updating the assessment until I've seen what the alternative being proposed is. But if we're not, then we can provide a full justification for why not? Um, assuming we get it in good time before deadline five. At deadline five.

00:25:22:26 - 00:25:28:06

Okay. Can you take an action to that effect? Thank you. Okay, Miss Hamilton.

00:25:28:24 - 00:25:57:06

Thank you sir. Just a very, uh, Helen Hamilton, on behalf of the Clayton Solar Action Group. Um, just a quick, um, observation that, um, part four of the health and Well-Being statement is 17 pages, much of which is devoted to methodology. So the entire project and cumulative entire project, um, effects are dealt with at a very superficial level. Thank you very.

00:25:57:08 - 00:25:58:11

Much. Okay. Thank you.

00:25:58:22 - 00:26:19:21

Mr. Lee. On behalf of the applicant, I think that was actually my reference, which Mr. Humphrey promptly corrected me on, and that, um, as he said, section four deals primarily with intra project and section eight deals in much more detail with the cumulative effect. But Mr. Humphrey knows his documents better than me. I'm sure you'll correct me if those references are again wrong. Apologies.

00:26:20:03 - 00:26:25:21

Okay. Thank you. Any other questions about health before we move on?

00:26:27:27 - 00:26:34:13

No. No one on line. Okay, I'm going to hand back to Mr. James then to move on to item number nine for soils.

00:26:35:05 - 00:26:40:17

Amy Stirling, on behalf of the applicant. We just need to do a bit of a shift of consultant. So if you just give us a couple of minutes, please.

00:27:17:11 - 00:27:20:17

Thanks for your patience, sir. We're all present and correct.

00:27:22:02 - 00:28:00:05

Okay. Thank you. Moving on to agenda item nine soils. Um, first of all, dealing with the applicant's consideration of effects on soil, including best and most versatile biocultural lands, soil ecosystems, and the magnitude of effects. Um, first of all, in terms of the long term impacts on soils, um, having referenced systemic common ground between the applicant and Buckinghamshire Council. And that's document reference rep 4019 regarding long term impacts and its reference eight one in the statement common ground.

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Um that's been updated the deadline for to state that the matter has been agreed. However, a note that the comment from the council remains that it considers that long term impacts on our cultural land have not been adequately addressed and. Mitigation has not been provided. Um, question to the Council. Has the matter been agreed? And does the text in the common ground reflect his position?

00:28:25:07 - 00:28:33:00

Uh, Danny Gazelka for the council, yes. I think we probably need to change what we put in there. But yes, the actual agreement is the most recent version of this. Yeah.

00:28:33:12 - 00:28:36:29

Thank you. Um, so if that could update for deadline five.

00:28:40:24 - 00:28:43:27

I presume? No further comment from the applicant on that basis.

00:28:46:11 - 00:29:26:29

Moving on then, to soil ecosystems and again referring to the common ground between the applicant and the council, um, which has been updated, indicate that the council's concern that climate change impacts, including the consideration of soil ecosystem services, have not been addressed. Um, however, that's been updated. That has been agreed. Again, this is reference eight three and chapter 12 of the environmental statement. And that's reference rep 4033 has also been updated to clarify that an assessment of soil structure has been undertaken by the applicant, rather than an assessment of soil ecosystems.

00:29:28:11 - 00:30:02:04

However, the applicant's response sorry the Council's response to our further written questions and this is question 2.5.3. And that slide reference rep 4091 indicates that the matter has not been agreed as it requests further updates to the environmental statements to apply the 2022 guidance. And that's a new perspective on land and soil in environmental impact assessments to assess the other soil services that may be impacted, such as soil carbon and other examples given

00:30:03:26 - 00:30:35:20

the applicant. Again, referring back to our further questions. This is a response to a question 2.15.3, and that's reference 4082 suggests that the 2022 guidance has been applied. Um, but it would not be possible to add an additional whole health soil health assessment to reflect further guidance from 2025 as that was issued after the environmental statements, and there is not sufficient time left within the examination to undertake the surveys that would be required to address that guidance.

00:30:37:06 - 00:30:42:26

Again, just just back to the council initially, just to clarify what has been agreed and what is outstanding on this point, please.

00:30:44:09 - 00:31:08:17

Thank you, Sir Daniel, because I think we may have progressed anyway. Where at this anyway at this stage, and I should say this is something I'm flying solo on my, my expert's not here today, but, um, taking note of the notes that I've been provided. My understanding is that we're not taking a point on this any further, and we think where we've got to is acceptable So that's the resolution I think we get to at this stage.

00:31:08:27 - 00:31:14:17

Thank you again. It may be helpful if the common ground could be just revisited to make that that point clear.

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Again, presumably on that basis the applicant has no further comments on that.

00:31:23:17 - 00:31:27:12

Um, in relation to the magnitude of effects

00:31:29:02 - 00:31:59:15

on grade two soils, um, as identified in chapter 12 of the environmental statement. And that slide reference 4033. Um, the applicant considers that it meets the negligible criteria, as there will be no loss of soil function as land will be untouched or under a grass sward, or mitigation and enhancement land. And this is clarified in its response to our further written questions. 2.5.11

00:32:01:02 - 00:32:10:15

and first of all, to the council. Does it have any comments on the applicant's position on how it's treated? The magnitude of effects on grade two soils, please?

00:32:10:17 - 00:32:40:24

Yes. Thank you, sir, for the council. So our position is, as we've maintained previously, that we think it's under assessment in relation to grade two when we think it should be a magnitude of effect, which is a we should. Sorry. It should be a um a effect of low rather than negligible. Um, essentially applying the same approach that's been taken to three B land. And as you'll be aware, three sorry, two land. It has a sensitivity and the applicant's.

00:32:40:26 - 00:33:09:12

Yes, a very high three a um is high. And so basically applying that logic, but two, um, two grade two land, we think functionally it should be bumped up. One effect level essentially is the point of disagreement. Um, and I think that disagreement has been outstanding for a while. And it's basically a point of how you apply the methodology. Sorry, it's how you apply via methodology. Um, experts disagree basically.

00:33:10:18 - 00:33:42:01

Thank you. Um, to the applicant, then I'm just noticing its response or further written questions. It states there have been loss of soil function on grade two lands. Um, could you elaborate on on that point? I'm just conscious the fact that you stated the no loss of function of the great Sioux lands, but the greater land would not be available for agricultural purposes or use for a period of time potentially. So perhaps if you could elaborate on that point and please extend the justification for the magnitude effect it's been given.

00:33:42:04 - 00:33:42:19

Yeah.

00:33:45:10 - 00:33:45:25

Can you, Mark

00:33:47:11 - 00:33:47:26

Patrick.

00:33:48:00 - 00:34:27:16

On behalf of the applicant? Um, there's a sense in which the soil function remains as it'll be covered with the grass bond. So, um, there's a there's a type of agricultural production going on. Obviously the farming side of agricultural production will be lost there. On the matter of guidance, it's worth noting that we've got this disagreement about whether the magnitude of impact should be classed as minor or negligible, and the aim of guidance states that a minor magnitude of impact for um uh can be permanent loss up to five hectares or temporary loss, but it doesn't specify that storage.

00:34:27:28 - 00:35:13:17

Um, our grade two lands only 3.01 hectare, which in relation to that minor magnitude of impact, um, specifying up to five hectare permanent loss, it doesn't seem correct to then say three hectare temporary loss would also be a minor magnitude of impact, which is why we're going to stick with our assessment or our interpretation of the guidance that, um, it should be a negligible magnitude of impact for that grade to land. But yeah, on that, on that point about, um, soil function, we would say there is no loss of soil function as, um, there would be the grass bond over which although there's no agricultural production, farming production, there's still um, yeah, production in a sense, because of that, uh, farmed grass.

00:35:16:11 - 00:35:51:07

Thank you. And in terms of the the amount of greater you land in the context of the wider area of the the old limits, there's been no, um, assessment made that it's a relatively small amount in comparison to the broader the broader broad limits, three hectares for a small development would be a significant proportion of the site proportionately. Here it's small, but there's been no, uh, account taken of the proportionality of the Greater London. Your judgment on the magnitude of effects, is that correct? So the fact that it's three hectares of, I forget the exact amount hundreds isn't a factor in your conclusion.

00:35:51:18 - 00:36:26:25

Uh, that's a factor as well. Um, but the main factor is going off the going off the, um, the definition and the guidance of lots of soil functions. And what I just said before about, um, uh, what Amy

classifies as a minor magnitude of impact for permanent loss being up to five actors, comparing the three actors on our on the applicant sites to that five factors is more of a point than the three active proportion of the 675 factor site, and that's been influencing our decision.

00:36:30:21 - 00:36:34:28

Does the council have any further points at this stage, please?

00:36:35:00 - 00:37:06:22

Thank you sir, because the council I mean, I agree with the applicant. I think that was functionally where the disagreement came to, which is essentially how would you approach the situation where you have three hectares, I think it's two and a bit, which is actually covered by solar. And then the rest is, yeah, is grassland. Um, and that's functionally where the disagreement comes to is, is whether you should be assessing that amount of loss, um, as a magnitude of effect of negligible or minor. I don't think there's that much more really to address. And the point I don't think either side has got to move.

00:37:06:24 - 00:37:30:28

And the difference it makes is you go from minor to moderate as a significance of effect. Um, but our position is basically for the reasons that you alluded to there, sir, about the proportionality and taking into account that actually, you know, the size scheme, etc., but you will have seen and and you've already been referred to the EMA guidance as well. So ultimately experts differ on the position.

00:37:31:17 - 00:37:32:07

Thank you.

00:37:32:13 - 00:38:02:21

Mr. Lingham, on behalf of the applicant for me. So I appreciate we're not leaving a very satisfactory position. Another sort of agreement to disagree, I think, to help move things forward as best we can, what the applicant is willing to do on a sort of without prejudice basis to say, okay, even if you prefer the the council's evidence rather than ours. Here's the impact for the assessment and here's the impact for the planning balance. I think that's probably the we're not intending to update our documents to change the assessment, but we can provide the even if scenario.

00:38:03:03 - 00:38:08:01

That would be useful. Yes. Thank you. Uh, that's a nice point for deadline five.

00:38:10:21 - 00:38:40:13

Um, moving on then, specifically to discuss the agricultural lands classification reports, um, and drawing on, uh, responses from Mr. Claridge in response to our further written questions. And that was question 2.5.8 lib reference rep 4105 whether the land classification reports and that's reference rep 2-048 um,

00:38:41:28 - 00:39:02:14

whether that was subject to uh, I think was informed by Orca testing, as indicated by the report. And I think that position was contested by Mr. Claridge in his response to our furthering questions. First of all, can the applicant just confirm if that testing was undertaken on the Claridge's land, please?

00:39:04:05 - 00:39:35:20

Patrick might, on behalf of the applicant, um, the testing, uh, that Mr. Claridge outlined in his his response was undertaken to have been all the tests in those areas. Um, it was undertaken by Elara, uh, not back in October 2022 and January 2023. Um, so it is, however, a slight mistake in the ALC report, which I think he's picked up on, and that shows RFK having dug pits on his land.

00:39:35:27 - 00:39:54:04

Those pits have been dug, but they were dug by a lorry. Um, in the dates I just mentioned. October 20th 23rd January 2022. Um, but the land has been surveyed that we claim has been surveyed. There's no air. There's no one surveyed. Land that we've said has been surveyed in the LCA report.

00:39:54:22 - 00:40:01:29

Thank you. So you think the point of Mr. Claridge is querying who undertook the testing, rather than whether or not the testing was undertaken.

00:40:03:23 - 00:40:25:27

It appears from his response that he he is unsure whether. But he doesn't think testing happened there. But we have records that testing did happen there by LRA. Um, and we're we're currently trying to find correspondence uh, to do with access at that time, but it was a few years back. So thank you. Chuckling a bit but yeah.

00:40:27:12 - 00:40:33:18

Um Mrs. Claridge I think you are online. You have your hand up. Um yeah. Do you have any comments on this please.

00:40:34:04 - 00:41:07:20

You've probably said all that we need to say, but yes Pauline Claridge of um of Noel Hill Farm, we are still disputing that you can actually state that there has been survived when we've given no permission to do these auger surveys, who's done it? And when they've done it, you know, we can debate about. But again, it's just something that is coming through of people reading this thing that is inaccurate. So this is why we have took umbrage to this, because we're looking at it as good agricultural land.

00:41:08:06 - 00:41:25:26

Um, and as I say, we've took umbrage to how it's been rated as well, but it's probably not going to get us anywhere. But we just wanted to highlight the fact that what you sometimes read is not actually not the truth, but quite misleading.

00:41:27:29 - 00:41:43:24

No thank you. And we'll come on to the rating shortly. Uh, Mrs. Claridge, but first of all, just as an action for the the applicant, perhaps he could update the DLC report. Deadline five just to clarify the points that you just referred to, where there may be a slight error in how things have been described.

00:41:44:02 - 00:41:51:27

Patrick Myers, on behalf of the applicant, We will update that figure to make sure that there's nothing. Um, yeah. There's nothing incorrect there.

00:41:51:29 - 00:41:52:17

Thank you.

00:41:52:27 - 00:42:20:03

Amy Stirling, on behalf of the applicant. Just to be clear as well, the overall logs, I understand, are all eligible for examination, which look exactly where the augers were carried out, etc.. So, I mean, the evidence is there. I think the only error that exists is that they were wrongly attributed to one consultant when they should have been attributed to another. They our position is they took place and you have evidence before you that they did take place. So we can signpost that in our written summary as well.

00:42:20:10 - 00:42:54:01

Thank you. That would be helpful. Um, coming on to the classification of the land then, and drawing on the response from the Clary family, which can testify in the report, uh, and states that grade three and three A may be more accurate assessment of the quality of the land, um, rather than three be as identified the applicant on the Claridge's holding. Um, can the office can respond to those concerns, please, and give further justification for its classification of the land as three B rather than three a.

00:42:55:00 - 00:43:26:12

Uh, Patrick might, on behalf of the applicant, um, looking at the lands which Mr. Claridge mentioned, um, looking at the org logs in the ALC report, uh, most of that land was Glade and had a slightly permeable layout within 40cm. Um, combined with the field capacity days of 136 142 of the site. Put those soils on wetness class four uh, which, according to the Agricultural Land Classification guidance.

00:43:26:29 - 00:43:59:23

Um from different natural England makes that land grade three B so the org logs and pits have been done in accordance with the data and Natural England ALC guidance and er the soils have been limited by wetness and come out as grade three B. It's also worth noting that, um, a grading of three B, which isn't in policy terms, best and most versatile land can still be bought. Quality land as the college estate is maintaining, you can still grow crops on there successfully.

00:44:00:02 - 00:44:25:18

Um, are grading identifies the versatility of the land, among other things. So it's not a contradiction to say that you can go grow good crops on this land, but it's grade three B land. But, um, to summarize, the reason that the land was classified as grade three B is because of, uh, wetness class, uh, following the HLC guidance.

00:44:28:02 - 00:44:52:27

Thank you. Um, Mrs. Claridge, if you are still there, do you have any further comments on that, please? And also, I know in the past you've referred to one of the fields being your. Your best field in terms of production is that the lands that is classified by the applicant as grade three B, or is that elsewhere?

00:44:54:19 - 00:45:23:01

Yeah. No you're right. Pauline Claridge of Noel Hill Farm. No. That is the field that we're referring to as, as what we've quoted in saying in the past. The best field on the farm. Um, but so be it. But we've just tried to highlight just things that we sort of wanted to challenge, that we just didn't want it to go straight through as being gospel. But, uh, yeah, that's that's the field that we're referring to.

00:45:25:11 - 00:45:27:23

Thank you. Oh, thank.

00:45:29:15 - 00:45:38:01

You. Mr.. On behalf of the applicant, I don't think we've got anything further to say. I don't think we've set out our justification for why we consider it to be non BMV.

00:45:39:22 - 00:45:40:12

Okay,

00:45:42:08 - 00:45:43:08

Miss Hamilton.

00:45:44:22 - 00:46:21:21

Thank you sir. Helen Hamilton, on behalf of Clayton Solar Action Group. Um, this, uh, Mrs. Courage can confirm or not, but on the site visit one of the comments, um, observations that was made was that that hill is that that, um, field is on the sloping land on, uh, Noel Hill and it's therefore, well, draining and therefore it may be that the wetness class is the the issue here, if it's been classified as wet, which would reduce its grading, um, when in fact it's, it's not um, it's actually well drained because of its position.

00:46:21:26 - 00:46:25:21

Um, but that Mrs. Claridge will be able to comment in more detail on that.

00:46:27:04 - 00:46:54:10

Yes. Pauline Claridge. Noel Hill farm, it is the the field that you came to on the visit. And yes, it's well drained and it's, on the hill that slopes down. It has got a couple of springs in it, so it's obviously drains to a spring, uh, which again in turn feeds down to the farm. So it is the field that was visited, uh, on the site visit.

00:46:56:04 - 00:46:57:00

Thank you.

00:46:59:21 - 00:47:03:00

Can you comment on the topography point, please?

00:47:10:28 - 00:47:11:22

So this.

00:47:11:24 - 00:47:13:09

Symbol so is the color and the

00:47:14:27 - 00:47:15:12

reason.

00:47:16:08 - 00:47:16:27

It's not working.

00:47:17:16 - 00:47:18:01

Sorry.

00:47:18:03 - 00:47:18:18

Could you hear.

00:47:18:20 - 00:47:19:05

Me?

00:47:19:07 - 00:47:26:04

Before that point, I did. Whether the recording did or not, just stop in the beginning. Thank you. So the the the way.

00:47:26:06 - 00:47:29:27

That the surveys would have calculated its vulnerability to wetness were observations.

00:47:29:29 - 00:47:30:14

Beneath.

00:47:30:16 - 00:47:38:01

The surface. So the fact that it's got sloping will actually help drainage and shed more surface water, but that.

00:47:38:07 - 00:47:38:22

If.

00:47:38:24 - 00:47:41:03

That shed had significant, significant water.

00:47:41:05 - 00:47:41:29

Then you wouldn't.

00:47:42:01 - 00:47:50:11

Get these these symptoms underneath the surface and the symptoms underneath the surface were observed. And that's what clarifies what the wetness class was.

00:47:50:13 - 00:47:51:01

And I would say.

00:47:51:03 - 00:48:14:29

Obviously we didn't do this survey. It was done before we involved by uh, Land Research Associates. Uh, and they're not a company that I would have, uh, have any problem with. And the original owner was sort of survey of the south side of England, Wales so very well qualified to, to train this staff. So we don't we've got no reason to question their, their, their results really.

00:48:16:06 - 00:48:23:00

Thank you. Any further comments on this particular point before I move on? Miss Hamilton, did you have any further tonight?

00:48:23:12 - 00:48:34:10

Only that there is a, um, an element of subjectivity in interpreting the results of a soil survey. Helen Hamilton, on behalf of Clayton solar action.

00:48:34:28 - 00:49:06:04

Noted. Thank you. I shall move on then to the topsoil classification and soil handling. Um, and again, referring back to the state common ground within the applicant and Buckinghamshire Council, um, at reference eight four indicates the disagreement of the topsoil classification is still under discussion with a medium prospect of resolution. It's keen to understand what is being done to try and resolve that matter.

00:49:06:06 - 00:49:12:04

And is this a medium prospect of resolution given the amount of time left in the examination?

00:49:12:16 - 00:49:51:10

Thank you sir. Thank you sir. Daniel Gazelka for the council. Um. Uh, well, there is, because I so what I've, um, again been told is the council's concern about reclassification here remains. Um, and so in a sense, we don't concede that point. We do think the sensitivity has been under assessed. However, we think it can be probably managed through the soil management plan through the Soil Management plan. So functionally the matter is resolved, even if technically we disagree about the actual conclusions that have been drawn by the applicant, which hopefully gives you the resolution that matters anyway.

00:49:52:09 - 00:49:59:19

Um, so there are amendments to the soil management plan that are under discussion. Is that. Is that the case?

00:49:59:21 - 00:50:13:09

Um, Daniel is up for counsel. Um, I don't know the answer to that question. Um, but what I have here is indicating that we are in a position to move on this. So if those discussions haven't yet been had, they will be.

00:50:13:11 - 00:50:16:13

Thank you properly. The applicant can help at this point.

00:50:17:15 - 00:50:30:22

Amy Stirling, on behalf of the applicant, I understand that the soil management plan is agreed with Buckinghamshire Council and certainly with Natural England. Um, I don't think any further amendments were proposed to the soil management plan.

00:50:32:20 - 00:51:06:24

For the camisole. Um, I unfortunately, I'm working from a note here, and I actually, I don't have the expert here with me. I do know, but I I'm reading the word on this, which is, you know, we've accepted the position. So it may be that that is because we've accepted what is already in there. And the scope of the outline plan is such that we can, through detailed, um, design and a detailed plan, manage the concern that we've got. Um, but maybe that's something that I can pick up with the expert and we can provide clarity on, um, ASAP to the applicant as well.

00:51:07:06 - 00:51:37:22

Yes. I mean, there are a few questions that have that relate to the soil management plan and the council's position on them. Um, if it is the case that the council has has agreed that, um, it would be nice if perhaps if, um, that could be confirmed please, at deadline five and if there are any amendments that are required by the council, if you could. If you could flag those plays and perhaps discuss them with the applicant in advance as well, with a view to agreeing the soil management plan, even if the current draft is not agreed.

00:51:38:11 - 00:52:02:04

Daniel Kazak for the council. Thank you sir. Yeah. Um, what does occur to me is if we can get that clarity before the 15th, um, it will mean that if you have those questions still, because there is an issue, you could put the questions to the council as well. So we'll work on that urgently. And then we'll be able to say one way or another. And that will mean you can ask those questions of our expert in seven days if it comes to that.

00:52:03:24 - 00:52:07:25

Thank you. Does the applicant have any comments on that approach.

00:52:08:22 - 00:52:15:10

On behalf of the African? No. I think we just need to get clients in the room and and discuss. Thanks.

00:52:15:22 - 00:52:16:17

Thank you.

00:52:19:19 - 00:52:20:17

Mr. Burton.

00:52:22:03 - 00:52:59:03

Thank you very much, Sir James Burton for Preston Farms and TCS Biosciences. Um. Could I, uh, just put in a plea on behalf of my clients to the council and the applicant when they're working on their soil management plan? I know the applicants are aware of this point, and I'm grateful to the applicant for acknowledging it in its preliminary biosecurity statement. But as you know, one of my

clients, biosecurity concerns issues, contamination issues is that disturbance of the soils can release mold pathogens.

00:52:59:05 - 00:53:37:21

So I know the applicant has the point because it's said it about its access corridor, and it's noting that it's access track. The fact of the track will minimize, I think, the risk of soil disturbance, release of molds and pathogens. But in so far as, uh, that issue isn't perhaps working in the minds of the council and the applicant when they're working out the soil management plan. Could it be, please. And equally. I'm not going to come back to what the applicant is going to work up regarding our particular biosecurity, but there's clearly potential for some overlap between the two.

00:53:37:23 - 00:53:38:11

Thank you sir.

00:53:39:03 - 00:53:39:27

Thank you.

00:53:40:08 - 00:53:43:26

Um, does you have any comments on that point, please?

00:53:44:06 - 00:54:04:14

Amy Stirling, on behalf of the applicant, we've already undertaken to update the biosecurity statement for deadline five and responds to the deadline for submissions. I'll withhold judgment as to whether that's a more appropriate place for the the points that are being discussed now, or whether an update to the soil management plan is indeed appropriate, but we will certainly consider the point and respond at deadline five.

00:54:04:20 - 00:54:11:19

It may well be there could be some cross-reference that may need to be made. For example, um, if you could perhaps think about that for deadline five. Thank you.

00:54:11:21 - 00:54:13:19

Yes, we'll certainly think about it. Thank you sir.

00:54:16:21 - 00:54:25:26

Um, does anyone have any further points on top soil classification and soil handling before I move on to the reinstatement of soils. Mr. Gazelka.

00:54:25:28 - 00:54:37:22

Thank you. Council apologies. I'm just realizing that I completely misread the timetable. There's not another set of questions, but in any event, we'll work with the applicant. On that point, I don't know why I thought was a third examiner's question, so apologies about that.

00:54:38:15 - 00:54:45:28

But yes, we will welcome the offer to the applicant and identify changes as as necessary for deadline five. Thank you.

00:54:49:28 - 00:55:30:01

Moving on then, to the reinstatement of soils. Um, in relation to green and blue infrastructure land that the applicant has clarified and updated the environmental statements to state that that will not be permanent. And this has been assumed in the assessment, but that will not be a permanent loss of soil. Um, and because the land will be handed back to landowner at the end of the proposed development, and the soils affected by green infrastructure would remain capable of reinstatement, and that underpins the updated statement that land is not assumed to be permanent lost.

00:55:30:29 - 00:55:55:18

Um, the fact that the soil could remain capable of being reinstated is not a commitment that it will be reinstated. Um, so I'm a bit unsure as to why the environmental statements can assume that the loss will not be permanent. If there is not a firm commitment, the line will be reinstated. The fact that it could be reinstated is not the same thing as saying it will be reinstated. Um, can I just comment on that point?

00:55:55:20 - 00:56:33:23

Amy Stirling, on behalf of the asking. Yes, entirely agree sir. I think, though it would be unnecessary for this scheme to commit to removing green and blue infrastructure, which might actually be useful to the landowner at decommissioning and at the point of handing back the land. Nevertheless, if the landowner wanted to remove that green and blue infrastructure, they would be able to and therefore use the land however they see fit. I think it would be disproportionate and unnecessary to require the applicant to order for the athlete to commit to removing something which may actually have value outside of the BMV classification point.

00:56:33:25 - 00:56:40:17

Point taken. But on that basis, should the the yes assume that it will be a permanent loss as a worst case scenario.

00:56:41:04 - 00:56:49:23

On behalf of the applicant, I would suggest not, sir, because there's nothing preventing it from being reverted by the landowner. They can do with it whatever they so wish

00:56:51:22 - 00:56:52:08

to say.

00:56:52:18 - 00:56:55:11

Counsel have any comments on that point, please?

00:56:57:10 - 00:57:22:20

Thank you. Danny. Danny, for the council. I mean, the council's position on this was the issue. Blue green infrastructure was resolved as between the applicant and the council. Am I hearing the question now, sir? I see the point was being made. Um, but it's certainly not a point that we've thought that we needed to take. Um, and so that's probably as far as I can take it without the expert actually here.

00:57:23:02 - 00:57:31:15

I think there was a response from the council. It was question 2.15.1 that did suggest it perhaps should be assumed as being permanent.

00:57:32:12 - 00:57:39:17

Um, for council. Yes. I mean, what I've now got is that we're content with the justification that the applicant gives for the approach where it's taken.

00:57:39:19 - 00:57:40:09

Okay.

00:57:42:25 - 00:57:51:18

So the position has evolved since second written questions effectively. Um, again, if that could be accurately covered in the common ground statement, that would be.

00:57:51:20 - 00:57:53:07

Uh, Danny comes up to the council. Yes, sir.

00:57:53:12 - 00:57:54:24

Yeah. Thank you.

00:57:55:06 - 00:58:00:26

Um, does anybody have any further points to raise on sole reading statements?

00:58:03:17 - 00:58:04:02

Okay.

00:58:04:04 - 00:58:13:29

I can see no further hands on that basis. Then we'll move on to agenda item ten, which relates to noise and vibration.

00:58:16:09 - 00:58:23:15

Does the applicant need to move various specialists around? Everyone's in place. Okay, we'll proceed them.

00:58:27:26 - 00:58:31:10

So first of all, the applicant's consideration of background noise levels.

00:58:34:23 - 00:59:06:16

And the applicant has identified several of the consented solar nationally significant projects that it considers to have applied a similar approach to the consideration of background noise levels. In response to our further written questions. This is question 2.13.1. They include the Springvale Solar Farm, Tilt Bridge, and Cottam. Uh, first of all, to the applicant. Can you just elaborate on how those are? The schemes are comparable to Roseville in terms of the environment and background noise levels in support of the applicant's approach.

00:59:06:18 - 00:59:15:01

Please hear me saying on behalf of the applicant. Yes. I'll pass you to Mr. Mark Underhill, who's a consultant at risk. Thank you.

00:59:15:03 - 00:59:16:25

Thank you. Mark on Dale.

00:59:16:27 - 00:59:22:07

For the applicant. Um, in all instances, um, they all had low.

00:59:22:09 - 00:59:22:24

Background.

00:59:22:26 - 00:59:44:08

Sound levels and therefore the, the approach that's been adopted, um, for Rose Field solar Farm is, is consistent. So in line with form British Standard Form 42 where the background sound levels are low, the use of absolute levels as part of a contextual assessment may be as or more relevant. And therefore that's what's been adopted with the.

00:59:44:13 - 00:59:44:28

In.

00:59:45:00 - 01:00:01:14

All of those, um, the quite considerable list of projects and incentive projects, um, and several of which you may have noted were based on significantly higher absolute levels than what we what we have adopted for for Rose field.

01:00:03:00 - 01:00:13:05

And in terms of the context, those are the projects that you've referred to. There are also residential receptors within the vicinity, similar to the Rose field project. Is that.

01:00:13:07 - 01:00:15:19

Correct? Mark on the health of the applicant? That is correct.

01:00:17:06 - 01:00:23:18

Thank you. Turning then to the council, does it have any further comments on this particular point please?

01:00:24:05 - 01:00:55:10

Thank you sir. Danny. Because of the council, it's another thing that I'm flying solo on. Um, but, um, I think ultimately the position, the disagreement on this point hasn't moved since the last time we were before you. And you'll remember at that time there was essentially a a back and forth over the terms of the British Standard. Um, the fact that British Standard doesn't say disregard um, one in favour of view of them referring to absolute and relative noise effect and the concern. But ultimately we we do have a lot of background noise here.

01:00:55:12 - 01:01:38:01

We do have a situation where you have uplifts, um, which, you know, above five decibels once mitigation has been applied against background level. Um, and all of those things are matters that the council considers should be taken into account in contextualizing the overall noise effect. I appreciate what's being said. I'm aware of other Dsos have also adopted that approach of setting a background level, and you need to consider that, but also consider the specific circumstances of this case. And so ultimately, again, this is another area where the council's disagreement comes down to a professional disagreement about how one should approach the British Standard and how one should take into account absolute sound levels versus relative sound levels.

01:01:38:03 - 01:01:56:15

Where there is I think everyone accepts there is a degree of tranquillity. Um, parties may disagree about how tranquil it is, but there is a degree of tranquillity here. Um, I hope that system understanding. I mean, as I say, functionally the position remains the same. Um, you just have some examples now where this approach has been taken.

01:01:57:09 - 01:02:04:09

Thank you. And it sounds like there's no prospect of that, um, being agreed before the close examination. That would be a point of disagreement. That wise.

01:02:04:25 - 01:02:06:18

Counsel. Yes, I think that's correct.

01:02:06:20 - 01:02:07:12

Thank you.

01:02:19:25 - 01:02:40:29

Picking up on a point again from the statement common grounds between the counsel and the applicant and this is reference nine two um, where the applicant refers to. There might be a slight effect on the acoustic character of the area, but not such that there is a change to the quality of life.

01:02:42:16 - 01:02:48:27

Um, can the applicant point to any evidence that there would be no change the quality of life?

01:02:50:11 - 01:03:25:09

Mark Underhill for the applicant, um, that would be based on the very low levels of noise that we're predicting. Um, at the, at the off site receptors. Um, this is this is why, you know, that's been set at the lowest observed, um, adverse effect level or the onset of that threshold. And that's why it's been adopted on other schemes. Um, this this does cost you a very low level, akin to sort of equivalent of a bedroom at night. You know, you know, these the, the, the assessment criteria is very onerous.

01:03:25:22 - 01:04:00:04

Um, for context, it aligns with other, other guidance, such as the wind farm guidance, where, you know, we're talking about the lowest, um, limiting values. Whereas for wind farm assessments, the current guidance that's been issued in the last, um, in the last month, um, by the UK government actually stipulates um, background sound levels of 35 to 40 during the day and 43 during the night. So

the use of these low levels and having limiting values, uh, absolute values does reflect current guidance.

01:04:00:09 - 01:04:03:22

Um, in the industry for renewable schemes.

01:04:05:18 - 01:04:19:12

Thank you I think for deadline five, it'll be useful to have a note from the applicant that just clarifies its position in terms of quality of life. Um, and to substantiate the position that there would be no effect on quality of life from the noise levels predicted.

01:04:27:12 - 01:04:58:12

Thank you sir. Danny, I'm just coming in because I think this this is a useful example where you can see the point of distinction between the council and the applicant here because, um, as the, um, speaker was just referring to, um, using below all that the applicant has set and the low will is set as the in the, um, um, the outline map, um, as um, 1435. I think it is. I'm sorry, I'm sorry, is it 45 and 40 I can't remember. Yeah. 4035.

01:04:58:14 - 01:05:33:02

Um, means that everything that the applicant has assessed would go, um, above that, obviously, you also have the increase above the the actual measured background level, and you do get situations where you you may remember we discussed this before. Hawkshaw farm being an example where you get an uplift of over ten DB at night compared to where we are currently. That doesn't breach the local level, but arguably in IoT terms would be something that the council would say.

01:05:33:04 - 01:06:06:23

Well, that may be a moderate effect now because of the metrics that the applicant has used, they measure it as a minor effect. So non-significant. But this is where this all shakes out to, which is that there are two parallel ways of considering the levels for noise variability and sole approach member is via approach. And the British standard sort of sits in between and has been applied to both. And that's what we're getting at when we're talking about the increase. So we would say in some locations where is that effect which we think would, you know, would be experienced in terms in a moderate way.

01:06:06:25 - 01:06:24:10

But we do accept the role has been set as it is in, in the outline plan. And so we can only take this point so far. But that that answers the point about, you know, what will the experience be to live here. We would say it is something that in EIA terms could be measured, um, as moderate.

01:06:26:15 - 01:06:30:17

So the council position is that there could be an effect in the quality of life. Yes, yes.

01:06:30:19 - 01:06:44:29

For that reason, but it depends. As Webbe told it, this goes back to the fact that the soul is based on the background level, which is fixed. So it all comes through functionally from the fact that. Do you accept this approach to setting a background level?

01:06:45:04 - 01:06:51:15

Thank you. And again, if that point could be addressed in the statement Common Grounds and clarified. Thank you.

01:06:52:22 - 01:07:32:14

Excuse me, sir, um, just to make the point that the assessment that's been done and consideration of the background sound levels and where the comparison of the predicted rating level, which is inclusive of penalties. Relative to that background sound level, that that assumes that all of the plant and equipment is operating at 100% duty over a 24 hour period in reality, and that's based on a worst case assessment. But in reality, the likelihood, you know, we don't anticipate that to be the case because during hours of darkness and cooler, you know, when there's, um, the cooling demands are lower, the plant equipment won't operate at that full duty, which is what's been used in the assessment.

01:07:32:16 - 01:07:38:24

So in reality, the noise levels will be lower during that the more onerous night time period notice.

01:07:38:26 - 01:07:39:17

Thank you.

01:07:41:21 - 01:08:01:19

Sorry, sir. So obviously know that and accept that. Um, because what we have in the outline and outline operational management plan is the world. And so that is ultimately we all we can hold the applicant to. So that's, that's where the concern there comes from. Um, but we, we accept that is obviously going to be the case.

01:08:03:23 - 01:08:07:19

Thank you. Any points from anyone else before we move on?

01:08:10:17 - 01:08:29:12

Okay, so moving on to the applicants vibration technical note regarding piling. That's rep 4085 and the related update to the design commitments. And that's rep for Dash 010,

01:08:31:04 - 01:09:01:06

which is the date. The deadline for the notes concludes that vibration levels generated by the works would not give rise to significant adverse effects subject to piling, not taking place within 50m of residential receptors. And the commitments, and this is commitments. A3 was updated to ensure that that would be the case. Um, first of all, to the council, does it have any comments on that note and the approach taken by the applicants.

01:09:01:27 - 01:09:09:09

Thank you sir. Daniel yourself with the council. This isn't something that we have been raising an issue about, so we're content with the position.

01:09:09:17 - 01:09:11:29

Thank you. And no to the action group.

01:09:13:02 - 01:09:49:03

Um, thank you sir. Um, the, uh, Helen Hamilton Clayton solar action group. The action group does have concerns about this, and in part due to the assumptions that are used in the technical note. For example, at 1.3.4, um, we have the note that the piling works would be a highly transient activity, with each pile taking typically less than a minute to install. We haven't been given any number of piles, and presumably those piles will be installed in sequence over a particular area.

01:09:49:05 - 01:10:26:14

And so one pile will go in. Take a minute, another pile will go in taking a minute. And that could be continuous throughout the whole day, which, you know, operates from seven in the morning, I think, till seven in the evening. Um, there. Um, and that could go on for, for very long periods. And notwithstanding the 50 meter separation distance, I think that the, you know, the impact on that combined with the noise could be very significant for both residential receptors and the users of public rights of way.

01:10:26:16 - 01:11:00:06

And again, there's an assumption that users of public rights of way are only experiencing the vibration in a transitory manner similar to noise. Um, again, these these rights of way or lengthy, and they pass through long stretches of the um, of the application site. And so I think it's it would simply be wrong to describe that as a transitory experience. Um, And finally, if you're riding a horse, I think you would simply choose not to use that public right of way.

01:11:00:19 - 01:11:06:21

And when these works were going on, and so these rights of way would become unavailable to some users.

01:11:08:08 - 01:11:10:29

Thank you. Um, can applicant respond, please?

01:11:11:15 - 01:11:44:22

Um, Mike Underhill for the applicant, the reference to transient pilot works is more contextual because vibration is based on a peak particle velocity, as in the vibration level within a certain distance. What we've identified is what that buffer distance is to, to ensure that the the susceptibility criteria is not being essentially exceeded. Um, whether there's more piles closer to that or not in sequence is academic in vibration terms is because it's that minimum threshold distance that is of key importance.

01:11:45:10 - 01:12:16:25

Um, the likelihood is, like I say, the pile is going in quickly and therefore the separation distances between the the small piling rigs and the off site receptors will increase, um, relatively quickly. The assessment also is based on a soil scaling factor, a worst case soil scaling factor, which assumes that piles are being driven to refusal in in likelihood, we. That's unlikely to occur. But for the purposes of robust assessment, that's what it's been based on.

01:12:17:02 - 01:12:30:20

If other soil scaling factors were to be adopted, the resultant vibration levels would be much lower, and those threshold distances for which the criteria would apply or could apply, um, would be much lower.

01:12:31:19 - 01:12:38:20

Thank you. And the point around, uh, horse riders, um, rights of way. Um, I called by the same response effectively.

01:12:39:05 - 01:12:59:29

It's. Yeah, essentially it's covered by the same response. I mean, we, um, there would be there is potential. These works are localized. There's only going to be so many pylon rigs present at any, any given time. Um, and therefore the works would be very localized and not widespread across the whole, um, public right of way network.

01:13:02:02 - 01:13:03:04

Okay. Miss Hamilton, do you have.

01:13:03:08 - 01:13:34:29

Any selling behalf of the applicant just for me as well, I think. I mean, I don't think we can categorize people using a public right of way, uh, through the seller site is anything but transient. They are traversing through the site in a public right of way. I note the comment made around, um, you know, if you had a horse, you probably just wouldn't use it. But, I mean, I would say that's a certain there's been no evidence to suggest that people wouldn't use, um, the bridleways, presumably, rather than public rights of way and how that if, if piling works were ongoing.

01:13:35:26 - 01:13:39:29

If that's the position, then there surely needs to be some evidence to support that.

01:13:40:23 - 01:13:42:09

Thank you, Miss Hamilton.

01:13:44:02 - 01:14:00:14

Um, I can look into what evidence we can provide, but certainly there is evidence of complaints about noise and vibration from piling on other social sites, and we can look into what information we can provide about that.

01:14:00:17 - 01:14:03:24

Thank you. Yes, please. By deadline five. Thank you,

01:14:05:15 - 01:14:06:18

Mr. Burton.

01:14:07:25 - 01:14:40:01

Thank you, Sir James Burton, on behalf of Preston Farms and TCS Biosciences, because we're dealing with this, um, rep for um, 085 now, sir, I hope it's the right time to make this point rather than

waiting for item D. Uh, clearly, the document consistent with the applicant's approach to, amongst other things, um, assessment upon us generally, um, including noise doesn't assess impact upon us.

01:14:40:12 - 01:15:11:06

Um, and we see that from 1.2.4 and the conclusions the impact on humans receptors is assessed, and there is a comment at 1.3.5 and repeated in the conclusions. But it's not an assessment that if ground borne vibration has the potential to adversely affect livestock in adjacent fields. Alternative rotary boring piling techniques could be adopted in specific locations that come about. Consultation, of course.

01:15:11:15 - 01:15:45:24

I just refer you and indeed the applicant. Please again to a letter from our named veterinarian of the 22nd of June, with our deadline for submissions. And just, um, I'll just pick out a just a couple of points that she makes. Um, bottom of towards the bottom of page two. The potential for noise anxiety is a particular concern during the construction phase, when loud noises appear expected from numerous sources.

01:15:45:26 - 01:16:16:01

Annex A this is referring to the applicant's annex. A response to written reps refers to construction activities and controls, including piling slash driven posts. She says that the list of activities she says they're capable of causing alarm, stress and flight responses in the press and farm horses. Um, and she says at the top of page, final page horses are able to detect ground vibrations through their feet and teeth.

01:16:16:03 - 01:16:47:18

As grazing animals, they spend a large proportion of their time with their mouths and teeth, honoring extremely close proximity to the ground. And and and and and it goes on. And she makes the same essentially repeats the points regarding sheep as well. So, um, for the avoidance of any doubt, so far as we're concerned, this assessment, whilst perhaps of of assistance regarding human human Receptors is not of assistance. Certainly not an assessment regarding our livestock.

01:16:47:20 - 01:16:48:12

Thank you sir.

01:16:49:23 - 01:17:13:27

Thank you, Mr. Burton. Yes, it was going to come on at this point under the, uh. Well, the last item on noise and vibration, we can pick it up now because there's still relate to the piling notes. Um, can the applicant respond to that point, please? In terms of, uh, the comments raised in Preston Farms last submission around noise and vibration effects on on livestock, please. Um, in relation to piling, particularly at this point.

01:17:14:24 - 01:17:51:16

Mark on the health of the applicant. Um, there there is a commitment to adopt, um, low noise and vibration techniques as part of the mitigation strategy. Um, that includes the use of rotary board piling in loose of because in lieu of because if techniques that is one of the the mitigation strategies that are

that would be put forward. Um the applicant um would consult with press and farms and TCS bio Sciences as part of the the detailed TMP once the specific plant items are known.

01:17:51:21 - 01:18:25:25

Um so that a tailored mitigation strategy in, you know, in agreement with um presence from TCS biosciences can be agreed so that that would include, you know, the methods to reduce the noise and vibration levels, including the different, you know, those impulsive activities that have been alluded to. Um, as well as other measures, um, that would be implemented. Um, during that time, during that consultation or sorry, during the detailed TMP and the six months notification period.

01:18:25:27 - 01:19:01:11

Um, in advance of the works taking place that would enable the applicant to work with TCS Biosciences and the press and farm to identify the areas of grazing land that were potentially in use by the by the livestock. And what mitigation or the the nature and the characteristics of the construction work that will be taking place and what mitigation measures should therefore be implemented. But there would be an emphasis on trying to avoid the the the source to receiver interface. So that would be that would consider elements such as undertaking works when the livestock are stabled.

01:19:01:18 - 01:19:39:02

So during winter months or, you know, use of the temporary, um, temporary land parcel within parcel two of the order limits so that the so that livestock aren't adverse, you know, aren't adversely affected by the works. Um, so that those sort of key considerations during the construction phase would form part of that consultation and an agreement at that stage, um, the the agreement to consult with um TCS Biosciences and presence form during the the detailed CMP is a commitment um within the the outline.

01:19:39:04 - 01:19:46:25

CMP in section 2.22. Um that's rep zero rep 400064.

01:19:47:08 - 01:20:01:08

Thank you. And in terms of the mitigation package that could be developed in consultation with press and FAS and TCS, could that also include a separation distance akin to what has been now proposed for residential receptors?

01:20:01:21 - 01:20:26:12

Mark on the applicant. Um, given the lack of reliable studies which identify what a threshold level would be, um, that's difficult to do. And therefore we we seek to maximize those separation distances and where possible, undertake any high noise works when when the horses wouldn't be present, that would. That's obviously a key priority. Um, to minimize that source receiver interface.

01:20:27:00 - 01:20:28:16

Thank you, Mr. Griffiths.

01:20:28:22 - 01:20:29:07

Thank you sir.

01:20:29:09 - 01:20:30:00

Mr.. Previous, on behalf.

01:20:30:10 - 01:21:11:24

I was missing a similar point. What? Mr. Hunter has just said that, um, page 30 of a question forms. The four submission says that the literature. Literature does not establish a single universal noise or vibration threshold at which donor horses or sheep will be stressed. And that's the difficulty, I think, that everyone is in that there isn't that the review of the literature clearly demonstrates there is no agreed threshold approach, although the paper does say that human thresholds are a helpful guide, appreciates only a guide, but does help provide some helpful guides to assessments.

01:21:11:26 - 01:21:42:26

So because of the fact that I think we all agree that the literature doesn't, um, uh, provide that established, um, threshold, uh, as indeed we set out in the original Sharp Acoustics report that the, um, bespoke method, a package of mitigation measures that will be responsive to how Preston Farms is operating the fields at the time. Which, as we've heard changes over time, is the way forward.

01:21:42:28 - 01:22:04:02

So that that consultative approach, which was recommended by Sharp Acoustics in one of the Preston farm submissions, is adopted considerably out, a long way out from the construction programme of a minimum of six months. Understanding how the fields are being utilized to then implement the appropriate mitigation strategy as outlined by by Mr. Underhill.

01:22:05:10 - 01:22:32:08

Thank you. Conscious. We are heading to item ten D so propose we take D before see if that's if that's okay we're ready. So we'll come back to public rights where users separately. And we'll continue with the noise and vibration effects on donor livestock as we have begun to delve deeper into that particular topic. Um, Mr. Burton, do you have any further response to what you just heard, please?

01:22:32:10 - 01:23:13:29

Yes. Thank you sir. James Burton for Preston Farms and TCS. Yes. Excellent idea to take D now because I can I can fold them in. So um it's a refrain from the applicant that because there's no, um, gold standard out there. Well we don't have to assess that. That's incorrect. That's a misunderstanding of the EIA regulations and the, um, very simple point is that where one comes across something that is novel, clearly we are novel.

01:23:14:12 - 01:23:55:03

Um, when conducting an AA, one works from basic first principles and produces something that is tailor made, and that is what should have been done here. Now, um, it's sufficiently surprising that it hasn't been done that, um, I, uh. Well, um, I point you to our acoustic expert, um, and, um, the deadline for, um, report, um, that he has submitted and paragraph 4.2 of that at page four.

01:23:55:17 - 01:24:43:15

Um, and if I just read, um, from that, um, Preston Farms takes biosciences. Horses and sheep within donor herd are not conventional livestock receptors. The animals are maintained for a specialist biological purpose, and concerns have been raised regarding the potential effects of noise and

vibration and so on. The issue on consideration is therefore not limited to. The welfare of individual animals extends to the functioning of a specialist biological operation which relies on those animals. In Sal's opinion, sharp acoustic opinion, these unusual circumstances would normally be expected from consideration of a bespoke assessment approach rather than a mission of assessment altogether, and the author goes on to explain the basic fundamentals of how one goes about these things.

01:24:43:21 - 01:25:15:25

It puts you, of course, in a difficult position that the applicant has not assessed the impact on us as regards noise and vibration. I say it's not the only example of this, but it doesn't put you in an impossible position because the straightforward approach which runs through, as you know, all the case law regarding EIA is where you know there's going to be an effect, but it hasn't been assessed. One has to take a precautionary approach to that.

01:25:15:27 - 01:25:51:02

So this is my my overarching point and submission regarding noise and vibration effects on data analyses. First of all, it hasn't been assessed, but it should have been assessed. And that applies to piling and all the other all the other points, um, dropping down, as it were. The, uh, Cascade, you asked? Um, there was an action point for us. Um, I paraphrase, but it explained noise and vibration effects on the donor animals and in effect, the subtext or the not.

01:25:51:09 - 01:26:26:21

But the point was, um, what's the risk to the blood product? And we've done that. I consider in great detail, and I hope that has come across. We've done it through a combination of going to um, yes, AI was used. We declare it was used. It was used because it's such an obvious point that when an animal is stressed, it alters the blood composition. And frankly, any veterinarian will say, well, of course that's the case. So we've set out a load of literature using an AI search to make at that point.

01:26:26:25 - 01:27:04:13

And what we've then done is consider the specific noise impacts that the applicant has told us about using its example equipment in that annex A to its response to the written representations, which you'll recall when that's been considered by our expert acoustics, and from sharp acoustics and also unnamed veterinarian. And the conclusion is very clear that, yes, those noises are likely to cause stress in the animals, and therefore they're likely to adversely affect the blood quality.

01:27:04:15 - 01:27:28:12

So that's and that's how it tracks through. And it's all entirely, entirely evidence. Now what you make of that, you know what we say you should make of it in terms of the M1 4.1.7 test. But what do you make of that? Of course you would decide. But we do consider it. It's all evidence and it stacks up. Of course, if there's anything you think is missing or you'd like to be informed further on? We're ready to assist. Thank you sir.

01:27:29:04 - 01:27:57:29

Thank you, Mr. Burton. Um, does the applicant have anything further to add at this stage in terms of its case for not providing an assessment? Appreciate the point. That may be difficult because it's a fairly, um, unique case. And there are difficulties in terms of approach methodology, but can it provide

any further justification for the absence of an assessment, um, and any implications that may have for the 2017 regulations in terms of the need for an assessment of effects?

01:27:58:18 - 01:28:29:28

So Richard Griffiths, on behalf of applicant, I mean, we obviously got the D4 report. Um, and which we'll be responding to at D5. So we'll reserve a more detailed submissions for the response to that in writing, having just received it. But I mean, as I, as, as was said orally, um, this is a novel situation. Um, in terms of, um, the assessment, uh, You would have starts with what the threshold would be. And nothing that's I have read has identified what that threshold would be.

01:28:30:08 - 01:29:01:24

Um, the human level thresholds are useful. I think is the phrase that was used in the D4 submission from Preston Farms. We've done a that's not just coarse noise, but, uh, air quality as well in respect to the best. Um, and, uh, we'll be applying that because of the novel situation. It requires, uh, novel mitigation based on consultation and understanding how, uh, the fields at the time are going to be used.

01:29:01:26 - 01:29:33:16

We know that the patterns change in terms of which fields are grazed and not. Uh, that is what we would understand at the time, through the through the consultation process and building that mitigation package at the time, which includes moving the horses, uh, a way through the offer of other land in parcel two. That is the most appropriate, as Mr. Underhill said, a form of mitigation that is being offered and is a commitment. I don't know whether Mr. Underhill has anything further to add.

01:29:33:28 - 01:29:36:21

Otherwise we'll be putting more in writing at D5.

01:29:37:07 - 01:29:38:03

Nothing further.

01:29:38:19 - 01:29:43:04

Thank you. So there will be a thorough response to the evidence put forward by pressing deadline five.

01:29:43:06 - 01:29:44:15

In response to that D4 submission.

01:29:44:28 - 01:30:00:29

To the shops. Report from the veterinary surgeons. Yes, yes. Thank you. Um, I think you have touched on this before, Mr. Burton, but in terms of the practicalities of moving the horses and sheep away from the sources of noise, perhaps if we just comment on that point, please.

01:30:01:03 - 01:30:42:09

Yes. Thank you. Well, thank you, sir. You anticipated I just was going to come in on that because it's now been mentioned twice. And I think Mr. Preston might have something to say about that. So James Burton for Preston Farms and TS Bioscience is um, there has been this suggestion and, um, There's a

suggestion and a an indicative red line drawn around some fields in parcel two that, as I understand it, are presently arable fields. Now, um, it's very it's difficult at present for this to be taken particularly seriously by us because there are so there are many obstacles in the way.

01:30:42:11 - 01:31:14:00

Clearly those, those fields would need just like the replacement land. And, you know, all the issues concern. I think that in terms of making it actually usable as grazing land, those fields would need to be transformed into grazing land. And that's even before we come to Mr. Preston will speak to this, I suspect, very considerable, if not insurmountable issues regarding crossing, I think, a road to get to get to them.

01:31:14:04 - 01:31:33:11

Um, I'm not going to say more than that, they simply because all we've seen is just an indicative red line. And it may be the applicant has some other fields up its sleeve that might not propose those issues. But if I just hand to Mr. Preston and he can talk to what's been indicated.

01:31:33:13 - 01:31:34:05

Thank you.

01:31:34:25 - 01:31:35:10

Yeah.

01:31:35:12 - 01:31:37:21

James Preston, Preston farms. Um.

01:31:38:03 - 01:31:39:05

We received.

01:31:39:07 - 01:31:39:22

A.

01:31:39:24 - 01:31:40:09

Picture.

01:31:40:11 - 01:31:41:10

Of this last week, so, again.

01:31:41:12 - 01:31:44:13

We haven't had very long to consider it. Um.

01:31:44:22 - 01:31:46:01

Again, as Mr. Burton.

01:31:46:03 - 01:31:46:18

Says, those.

01:31:46:20 - 01:31:47:17

Fields are currently.

01:31:47:19 - 01:31:48:04

Totally.

01:31:48:06 - 01:31:48:25

Unsuitable.

01:31:48:27 - 01:31:49:12

For for.

01:31:49:14 - 01:31:51:16

Livestock. They are the other side of.

01:31:51:18 - 01:31:52:10

A of a.

01:31:53:03 - 01:31:56:13

Uh, a much busier road of a 60.

01:31:56:15 - 01:31:59:05

Mile an hour speed limit on, um, you.

01:31:59:07 - 01:31:59:22

Obviously.

01:31:59:24 - 01:32:30:07

Know that we do at times have to cross animals over a road, but the road is of an entirely different nature. And then I think the other thing is to say that it's a very long way away from, from the centres that they give blood in. So the actual practicality of the moving to Grey's to then go back to blood is something that we don't actually understand as possible. We have similar concerns around the replacement land that was previously offered, although as said, we're obviously grateful for that considering the other option of there being no replacement land.

01:32:30:24 - 01:33:03:18

And again, I think that there are still concerns with with both about who is who is actually going to make these changes, who is going to pay for them because we don't we don't understand where that lies either. But as it's to understand this latest batch of land, I think it is unlikely that it will be suitable to compare to the core grazing pasture and the center of the holding that is between the three housing and blood donation centers, which is where the majority of the animals are, are grazed when they're outside.

01:33:03:20 - 01:33:04:13

Thank you.

01:33:05:02 - 01:33:13:01

Thank you. The information that you received last week is that before the examination, is there something that's been received separately between the two parties directly?

01:33:13:09 - 01:33:31:23

I don't believe it's for the examination. I think there might be a reference in words to something. And this was something we raised, um, last week that we'd seen this reference, but no one had actually sent us a map. So I don't believe it's in documents that have been submitted, but I. I could be wrong.

01:33:32:06 - 01:33:35:01

Thank you. Perhaps the applicant could clarify, please.

01:33:39:17 - 01:34:15:15

Thank you sir. Richard Griffiths, on behalf of the applicants. Uh, my understanding is that, um, uh, the reference to, uh, temporary land during the construction was made a couple of months ago. I think it was initially dismissed. Um, we, in our D2 submissions, um, highlighted that we had made the offer. Um, more information was then made. Was sent to the president last week by our land agent. That's the understanding of the title. But forgive me, I'm not privy to all of the those discussions, but that's my understanding of the timetable in terms of making the improvements.

01:34:15:17 - 01:34:49:15

That would of course, be something that we would discuss, understand and, and the applicants would be responsible for, um, to make those necessary improvements to land. But that's the kind of conversation we want to have to understand what is what could be done regarding that as a potential mitigation measure. That is, uh, still, my clients are keen to carry on that conversation and to just look at the parcels, what is suitable, what works would need to be done. How long do those works need to take? All of that is what we're happy to discuss with the with Preston Farms.

01:34:51:02 - 01:35:00:09

And the timescales for those discussions. Is this you talking about a discussion that will continue or continue if there is consent or what is the closed examination principle?

01:35:00:11 - 01:35:32:23

Obviously. Um, because of the nature of the business, uh, you can't lock anything down really, until we know how they're operating closer to the put the projects being constructed should they get consent. The principal, though, would like to agree that it is achievable and they'll have that commitment in the document so that you have that. So that commitment is there. Um, uh, with uh, with as much detail as we can agree to now and then the examination and then the precise method of how that would work would obviously have to, would be discussed should this get consent.

01:35:32:25 - 01:35:54:07

And when there's a timeline on the construction, how the Preston farms operating their landholding at that time. Um, because obviously the precise detail would have to, uh, correspond to the operating

model at the time of the construction of the of our project as much as we can. We'd like to agree between now and the end examination, uh, in the relevant documents.

01:35:55:11 - 01:36:03:19

Thank you. And would you be able to share the information provided to Preston Farms last week as well? Please maybe clarify where it was suggested some of the animals could be moved to. Is that.

01:36:03:29 - 01:36:09:18

Yes, we can. We we can. Um. I see no reason why we can't do that.

01:36:09:23 - 01:36:10:17

Thank you,

01:36:12:16 - 01:36:13:15

Mr. Preston.

01:36:13:23 - 01:36:45:27

Yeah. James Preston, Preston farms. Just a couple of points on that. So, um. Before, when it was mentioned, we said, from our understanding, verbally, we didn't think it would work, but we did ask for a map, which then wasn't supplied. So I think that was slightly misleading. Um, the replacement land. There still seems to be confusion with the replacement land that is, you know, considerably more agreed than this over who is going to pay for that. So again, if if the view is that the applicant is paying for it, I think that that needs greater clarification.

01:36:46:09 - 01:37:13:27

Um, and then just regards to the movement of the animals. You know, parcel three is in the core of the holding. As we've said many times, if the animals are not housed inside, they will be around parcel three as a very simple way to think about it for them. So, you know, we've done a site inspection, we've shown the layout. I just think that's that's the easiest way for them to think about it. And winter their house in summer, there they will be around. Parcel three. Thank you sir.

01:37:14:17 - 01:37:50:08

Thank you. Just on there's a key terminology point here. Sorry. Richard Griffiths, on behalf of the applicant. Replacement land is being has been used in documents to discuss the replacement land that's being discussed between the estates, Claydon Estate and Preston Farms. That's outside of the examination. That is a private negotiation between their landowner, their landlord and themselves. So there's the replacement land in that context. That's as I said, they're the temporaries. I'm calling it. The temporary land for use during construction is this point, which would be in the red line.

01:37:50:10 - 01:38:17:18

They would be within the red line of the application that the applicant would make available, discuss what improvements would need to be made to that land cover, that cost, etc.. So there's just be clear that replacement land under the private landowner agreement between the Claydon Estate and Preston Farms, and then the temporary use of land at during the temporary construction period.

01:38:18:05 - 01:38:20:22

And the temporary land is within the order limits.

01:38:24:09 - 01:38:25:27

Yes, I mean that.

01:38:26:09 - 01:38:32:02

Again. It'd be good for clarity as to where where that is. Please. Thank you. Um,

01:38:33:23 - 01:38:34:16

okay.

01:38:45:02 - 01:38:52:15

Did have some points around the Sharp's report, but I think we may wait for the applicant's detailed response. It's also. It's already offered to make a deadline. Five on on that.

01:38:57:21 - 01:39:32:09

Um, so I touched it now, actually. So the Sharp's report does suggest section 8.2. I think it is, um, underneath. More information on monitoring and control measures and triggers as to when mitigation may need to be applied. I be keen to hear the applicant's response to that if they have a mission response now, but particularly in writing at deadline five um, the report to suggest that the outline camp may need to be revised to include more details on those points.

01:39:33:19 - 01:39:35:13

Does the applicant have a response on that now?

01:39:35:21 - 01:40:07:23

Mark, um, to help the applicant? Um, I think the key thing here is obviously trying not to be reactive. It's trying to put in measures that would eliminate the need for the monitoring thresholds, because like we say, there are no fixed thresholds, uh, to identify an adverse effect. And therefore we believe the best thing to do is to undertake those any, any high noise activities when the, when the livestock are stable during the winter months or when they're in a way separate, sufficiently separated from the works.

01:40:08:03 - 01:40:10:28

As part of this other temporary parcel of land,

01:40:12:21 - 01:40:35:22

on the basis that's deemed to be acceptable. So in order to identify specific thresholds that would require simulated activities with, you know, undertake to be undertaken and to establish the impact on the livestock, which is not considered to be viable, um, as this may cause adverse effects in the process.

01:40:38:09 - 01:40:55:23

Thank you. Another point from the shops acoustics update. Um, again, they've referred to the approach taken on the Morgan and Morecambe offshore wind project. Um, is it the applicant's view that it has adopted a similar approach to that taken forward on the Morgan and Morgan project?

01:40:56:05 - 01:41:04:29

Mark Underhill for the applicant? Yes, that is correct. That formed the basis of form of the annex document and the measures that have been put in place.

01:41:05:01 - 01:41:05:16

Yeah.

01:41:05:18 - 01:41:06:05

Thank you.

01:41:07:23 - 01:41:11:21

Do you present farmers any further comments on those points, please?

01:41:15:15 - 01:41:45:17

Well, Sir James Burton for progressing files and TCS and certainly, um, we welcome as we always have an approach that, as I understood Mr. Underhill to say, seeks to just avoid the impact, avoid the risk. And that must be the right approach. Um, it's unfortunate that the temporary and I'm using the term correctly. The temporary land is where it is.

01:41:45:19 - 01:42:14:05

I as I say, I hope that maybe there might be some temporary land that, that, that that's, that actually could work. But you know, when that's the discussions, um, and Like as. As. There's. I'm not going to repeat what the acoustic expert has said about me and the. And the other case is. And I think we're just best just to wait for the applicant's detailed response, rather than me pretending to be an acoustic in which I'm not. Thank you, sir.

01:42:14:20 - 01:42:53:11

Nice. Thank you. Um, and then just a further point of clarification from Preston Farms. Yes, please. Can you just confirm whether or not your concern related to noise and vibration is primarily during the construction phase? I did note some comments from the veterinary surgeon on your latest submission that horses may become used to background noise level, low background noise levels over a period of time. Uh, for instance, once the solar farm is operational, is it correct to say that the position the Preston Farms TCS has is that its main concern is during the construction phase of the project?

01:43:00:24 - 01:43:21:00

Sir James Burton for Preston Farms and TCS. Yes, that that is fair. Although as you know, it doesn't mean we don't have concerns about the operational phase. The primary concern concerns construction. As regards the operational phase. The major concern there concerns noise from the substation.

01:43:22:01 - 01:43:22:27

Thank you.

01:43:25:16 - 01:43:33:21

Does the applicant have any final comments on the donor livestock point before we revert back to rights of way users on the agenda?

01:43:36:00 - 01:43:37:24

Richard Griffiths on the applicant. No, sir.

01:43:38:08 - 01:44:15:07

No. Okay. Thank you. We'll go back to item C. I think it was then rights of way users. Um, following on from the discussion at issue specific hearing one regarding the applicant's consideration of effects on rights of way users during the operational phase. the applicant. Response to further written questions 2.3.4 states that it should not apply the World Health Organization guidelines for community noise, as rights of way do not constitute either parkland or conservation areas in their own right, nor are they located within a defined parkland or conservation areas.

01:44:16:23 - 01:44:31:28

Um, question. First of all, to the applicant aware really right away you may not be parkland or conservation areas, but is there enjoyment of them akin to, um, the experience of a rural public right of way?

01:44:34:03 - 01:45:09:01

Are going to help the applicant. Um, that may well be the case. Yes. Um, but equally unlike parkland, where you might, you know, is less transient, which is what what we're saying here is uses the public. Right. Rights of way will be transient along the length of the, um, the public right of way, and the noise emitting sources during the operational phase will be will be very localized, and the noise emissions will therefore also be localized and will be masked by the ambient noise level, the baseline ambient noise levels within a relatively short distance.

01:45:09:25 - 01:45:12:04

Okay. So it's the transient point again that.

01:45:13:03 - 01:45:15:12

They are transient users. Yes that's right.

01:45:15:19 - 01:45:16:04

Okay.

01:45:16:20 - 01:45:18:28

Does the council have any further comments please.

01:45:22:28 - 01:45:54:05

Thank you Sir Daniel. Because of the council. Um, I mean, you picked up on the reason why we said that. That may be more this. It's worth noting that was in contradistinction to a different World Health Organization guidance example being used by the applicant, um, for its, um, approach to prayer as well. So that's why we thought this one was more, um, appropriate. And, and helpfully, it's been said that that may well be the case. So you can take that into account. Um, I mean, the position is the same on the, on the transient point and the masked by the baseline point.

01:45:54:07 - 01:46:28:04

Um, on baseline, you already have our submissions in relation to that and how that may um, under assess or at least mask, so to speak, the increases that we are experiencing in these areas, um, on the transient point has already been them submissions in relation to when the transient or otherwise of this ultimately, I mean, you can take a view for yourself and what you think would happen if there were noises which, you know, in some cases were equivalent to someone consistently whispering in your ear, um, on a public footpath.

01:46:28:06 - 01:46:36:13

And whether you choose to use that instead of something else from a displacement effect that would have, um, that's a long way of saying basically our position is as it was.

01:46:37:09 - 01:46:46:11

Thank you. Um, the guidance being referred to, I'm not sure if that's within the examination library. Um, could the council please submit that, please?

01:46:46:13 - 01:46:51:16

Thank you, Sir Daniel, for the council, um, it's guidance that the applicant refers to in its right.

01:46:51:21 - 01:46:52:22

Same. Same document.

01:46:52:27 - 01:47:00:12

That's the same document. I don't know if the applicant has itself put in. I've seen a PDF of it in the past where it may have been for my own consumption, so it's a bit.

01:47:00:18 - 01:47:23:14

Mark until the applicant. I think it was just provided as a point of reference in the last issue specific hearing. So it will be in the written, um, summary, I believe. Um, but it wasn't used as the criteria because we haven't adopted that criteria. It was more as a point of reference that other other developments have used that. Um, as you know, some of the other consented types have adopted that approach.

01:47:24:00 - 01:47:29:19

If that document could be submitted, please, at deadline five, that'd be useful to refer to. Thank you.

01:47:30:04 - 01:47:30:20

Okay.

01:47:34:16 - 01:47:54:19

Moving on then. And again, this is a query related to the statement common ground between the council and the applicant. Um this is reference nine three. In the statement common ground indicates that consideration of the rights of way users as a receptor for noise is agreed. I'm not quite sure if that's the case. Um.

01:47:56:03 - 01:48:00:21

Um. Thank you, sir. Danny. Just give me one second.

01:48:13:03 - 01:48:14:13

Reference nine three.

01:48:16:13 - 01:48:18:13

Thank you, Sir Daniel, for the camera. I mean.

01:48:20:21 - 01:48:53:16

My reading of that is that public rights of way should be users that are assessed. Um, obviously, I'm not the, um, the expert who agreed with. So maybe the applicant, um, takes a different view on that. We could we can comment on it afterwards. But you have our submissions on the concern we have about public rights of way, um, which does reflect our position. So, um, yeah, as I say, main something of that is it's just the parties agree that they should be assessed rather than because I know in some some schemes they are treated as not really for assessment.

01:48:53:18 - 01:49:00:09

So I'm doing Lime Dam, which last week we were on there, they basically said because it's transient we don't assess.

01:49:01:04 - 01:49:06:13

So the agreement is that there should be an assessment and there has been an assessment. The disagreement is on the outcome of the assessment.

01:49:07:00 - 01:49:13:19

With the council. That's my understanding of it, sir. If we need to add some text to clarify about or it needs to be checked with the expert, we can do it.

01:49:13:21 - 01:49:23:21

That would be helpful because I think it's the only reference to rights where users under noise. Um, at first glance it appears that that has been agreed, but there's a bit more nuance to that. I think that would be useful to to draw out.

01:49:23:23 - 01:49:34:07

Thank you sir. Um, for the council. Yes. And I appreciate it, but someone get occasions where we've agreed things and we've not corrected our text at all, so we will. Yes, we will endeavour to assist. Thank you.

01:49:42:21 - 01:49:48:09

Does anyone have any further points that wish to raise under noise and vibration. Hamilton.

01:49:48:27 - 01:50:06:13

Helen. Hamilton, Canadian solar Action Group. My apologies. I rather jumped the gun on rights like public rights of way. Just one query for clarification is why the applicant wouldn't use a rotary piling across the whole site.

01:50:09:00 - 01:50:10:01

Of the applicant.

01:50:11:00 - 01:50:33:24

Mark Underhill for the applicant. Um, the it's probably something we would need to take away. As I understand it, there may be a program implications between piling and rotary board methods. Um, sorry. Between percussive and rotary board methods. Um, but that's something that I think we'll need to take away and speak to the, um, the wider construction team about.

01:50:34:02 - 01:50:37:03

So that that may elongate the construction processes.

01:50:38:06 - 01:50:56:26

Amy Stirling, on behalf of the applicant, I think, um, in all honesty, neither Mr. Underhill or myself are qualified to bow down to that question, so I think we probably need to take it to the technical team to understand for this specific scheme why or what implications having different power methodologies might might make.

01:50:57:10 - 01:50:57:25

Thank you.

01:50:57:27 - 01:50:59:09

Very helpful. Yes. Thank you.

01:51:01:12 - 01:51:02:17

Mr. Burton.

01:51:04:03 - 01:51:35:03

Thank you sir. James Burton for bioscience and Preston Farms Limited. Um, just one. Uh, I mean, really, it's a it's a query through you, if I may, um, and it's my fault for not being able to read the noise figures correctly, but, um, I just would be helpful to check whether the. I think 50 meter setback for the best is now. Is it now reflected in the noise figures is the question.

01:51:35:11 - 01:51:50:17

Um, and I'll be and I'll be honest. Mr.. Mr. Preston gave me a big dig in the, uh, ribs when I set out. Our major operational concern is the substation. He's reminded me that we're also concerned about noise from the best. Thank you sir.

01:51:51:21 - 01:51:53:29

Could the RFI please?

01:51:58:00 - 01:52:06:21

Who is selling on behalf of the applicant? I think that's the point that we'll just have to double check. We're happy to maybe have a look at it over lunch and see if we can provide a, um, an answer then.

01:52:06:23 - 01:52:12:18

Okay, that'll be useful. And if not, um, a deadline. Five. Yes. Response. Thank you.

01:52:16:00 - 01:52:30:15

Okay. Unless there are any further points. Anybody else in relation to noise and vibration? Um, it's probably time for lunch. Uh, so if we adjourn and return, shall we say 5 to 2? Thank you.