



Planning Inspectorate
Arolygiaeth Gynllunio

Hearing Transcript

Project:	Rosefield Solar Farm
Hearing:	Recording of issue specific hearing 3 (ISH 3) - Part 5
Date:	08 July 2026

Please note: This document is intended to assist Interested Parties.

It is not a verbatim text of what was said at the above hearing. The content was produced using artificial intelligence voice to text software. It may, therefore, include errors and should be assumed to be unedited.

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

FULL TRANSCRIPT (with timecode)

00:00:10:16 - 00:00:41:14

Good morning. It's now 930 in time for issue specific hearing. Three to resume. I don't tend to go for instructions now, but if there are any speakers today, please introduce yourself when you first speak and state your name and who you represent clearly after each time you speak. Thereafter. We don't expect a fire drill today, so if the alarm goes off, please do follow the fire exits through the doors at the side of the room. And just a reminder, could the applicant please keep record of action points again today, please? Thank you.

00:00:41:26 - 00:01:16:26

So picking up the agenda from yesterday coming on to agenda item eight. And that'll be followed by agenda item 12 which relates to health as discussed yesterday. Um, so agenda item mate then population. First of all the applicant assessment of population effects in Environmental Statement, chapter 14. Population. In response to the examining authorities further written questions and asked. Question 2.1.3 and that's lib reference rep for Dash 094.

00:01:17:13 - 00:01:57:25

Buckinghamshire Council requested that the applicant provide a summary appendix to provide a more transparent overview of the connection between individual reset pathways, particularly where there are highly tailored elements to mitigation put forward by the applicants. On this point, um, the examining authority also notes, for instance, that in response to question 2.4.8 and that's lib reference rep for dash 082, the applicant refers to TCS by sciences as being a very high sensitivity, but this doesn't appear to be clearly referenced in chapter 14 of the environmental statements.

00:01:57:27 - 00:02:24:02

And that's reference rep 4039. A question, first of all, to the the applicant. Um, has it carried out a more detailed assessment of individual receptors within the broad receptor groups that have informed the conclusions and assessment in chapter 14, because there seems to be some underlying assumptions and conclusions that aren't entirely transparent from the environmental statement as reported.

00:02:27:09 - 00:02:37:25

Excuse me, Richard Griffiths, on behalf of the applicant, sir, I'm going to pass over to Mr. Mike Humphrey, uh, from quad, who is the author of the population chapter. Excuse me to answer that question.

00:02:37:27 - 00:02:38:16

Thank you.

00:02:41:04 - 00:02:51:02

Thank you, Mike Humphrey, for the applicant. Um, yes. In our view, uh, a kind of receptor based assessment has been undertaken within the remit of the

00:02:52:24 - 00:03:28:27

concerned at the approach to methodology. And we've, we've, we've, we've undertaken with that. Um, what we have done is set out the, uh, the individual receptors in terms of land holdings and tenancies in agricultural sense and also receptors in a non-agricultural sense that have the likelihood to be affected by, um, either environmental change access, severance or land use change within the assessment. These are referenced in the baseline section of each of the agricultural and non-agricultural sections of the population chapter.

00:03:29:08 - 00:04:02:07

That carries through into the assessment, which effectively draws on changes in land use and changes in the the approach to those land holdings or parcels which are affected by the order limits and draws on the assessment of other environmental aspects across the environmental statement to then identify the range of sensitivity groupings for each of those, um, receptors. So in the case of agricultural. Receptors, um, we set out um within.

00:04:05:06 - 00:04:36:01

Paragraphs 14.5.4 8 to 14 .5.5 for the list of the uh three tenanted areas and uh, for other land holdings within the order limits that are affected. And there are effectively the receptors for the agricultural impact assessment, um, that sets out the specific land holdings, the field reference numbers, and a high level overview of the operations within those, uh, agricultural land holdings.

00:04:36:13 - 00:04:37:01

Um,

00:04:38:25 - 00:04:59:12

for the non-agricultural assessment of, uh, impact on receptors. Um, paragraph 14.5.56 sets out the number and details of the types of business that are located within the Ord limits. there's only one non-agricultural business within the order limits. Obviously that's TCS Biosciences, but also.

00:05:01:18 - 00:05:02:03

A

00:05:03:28 - 00:05:50:16

Preston Farms Limited, which is the agricultural operator within which TCS Biosciences operates. Um, that paragraph also refers to, um, a 500 meter study area of the order limits, which includes 16 agricultural businesses that the identified receptors for the impact assessment. In addition, it's volume three, figure 14.6 A to B, identifies the businesses within the community study area and within the 500 meter study area that effectively screens where the potential effects in terms of environmental change and access change and change to the environment might be in terms of those additional receptors for non-agricultural businesses.

00:05:50:18 - 00:06:25:13

That's then taken through into the impact assessment, which draws on all of the individual topic aspect assessments to identify what the effects are going to be and filters through through kind of a screening exercise to identify where there are likely significant effects from any individual aspect on each of those receptors. That has then identified the two remaining non-agricultural businesses outside

of the AUD limits, but within the potential screening area for potential effects. And that's Hog Farm Wildlife Park and Claydon House and the businesses within Clayton House's courtyard.

00:06:25:15 - 00:06:49:29

They're then taken forward for the assessment that's undertaken within population for the chapter 14, the population assessment, um, they are grouped as receptors in some cases. But we've made clear through the examination where the receptors are identified as very high or high, that can be drawn out in more detail within the assessment, if it would be of benefit to the examining authority.

00:06:50:23 - 00:07:15:20

I certainly think it was just for clarity as to how, um, effects on individual businesses have been considered and then informed into the wider assessment of those groups. Um, because there are various operations within the groups. So I think it will be good for clarity if that could be drawn out, please. And in the appendix, perhaps, as the Council has, has suggested. Um, would the council like to comment at the stage, please?

00:07:16:14 - 00:07:32:08

Um, thank you sir. So we're joined by Anna Morris Danny for Council. We're joined by Anna Morris, um, online who will be commenting on this. And thank you for rearranging the session so that she could attend. Um, I'm just see if there's any comment at this stage from Anna.

00:07:33:23 - 00:08:06:00

Hi there. Thank you. Danny. Anna Morris for Buckinghamshire Council. Um, I would very much appreciate. Thank you. Mike. The offer from the applicant to supply that greater clarity. Um, because as has been pointed out by the examining Authority. The narrative assessment that you have described, which is provided in the baseline and then sort of partially covered as sort of cherry picking some of the receptors within the narrative assessment that follows is not clear for us. Then at the point at which we get to table 14.25.

00:08:06:02 - 00:08:51:25

So what we're actually looking for is, as we set out in, in our pads at deadline for, you know, that that granular supporting appendix that says for this cluster of receptors, the specific sensitivities we've identified are these the specific mitigations are X, Y and Z. And then the other thing that that we are looking for and have mentioned previously is in some cases, you have a combination of different individual parts of a receptor cluster that are actually experiencing higher levels of sensitivity and would actually lead to a using your cross-reference of the matrix for significance, a potentially significant effect, but your summary table in 14.25 has taken a more diluted response.

00:08:51:27 - 00:09:10:18

So where you have a professional judgment applied, that is said, even though we have a combination of sensitivity and effect magnitude, that has led to a potentially significant effect, further explanation of how your professional judgment has downgraded that, if you like to a non-significant effect, would really help us in understanding your thinking. Thank you.

00:09:11:18 - 00:09:22:09

Thank you. Um, could the applicant also provide the information requested there along with the with the notes, please? And is that something that could be action for deadline five.

00:09:23:18 - 00:09:46:03

My comfort for the applicant. Yes, absolutely. Um, we're kind of grateful for the clarity that that Anna and Buckinghamshire County Council have set out. So we will provide that and provide the narrative in terms of both the detailed impact assessment on receptors and pull that out from the assessment, and also to make clear where that that judgment has been applied to the summary table that was mentioned.

00:09:46:08 - 00:09:52:18

Thank you. That would be helpful. Um, do you have any further points from anyone else on this particular issue?

00:09:54:21 - 00:10:26:17

Mr. Griffiths? No, sorry. Okay. I shall move on then, to, uh, effects on Preston Farms Limited and CCS Biosciences Limited. And related mitigation. Um, first of all, in relation to field E 23, deadline for the applicant updated various documents, including the work's plans, and that's rep for Dash 004 to remove work number eight A that's the temporary construction and decommissioning compounds from field E 23.

00:10:27:06 - 00:10:42:07

Um various chapters of the written statement have also been updated to reflect that change. Um, first of all, to the applicant, can it confirm that the update does not alter any of its conclusions in chapter 14 or any other chapter of the environmental Statement.

00:10:54:00 - 00:11:09:08

Richard Griffiths, on behalf of the applicant, we can confirm that there was obvious optionality over the location of the construction compound. And so we just narrowed down where the construction compounds would go by removing E 23. So the assessment in the environmental statement remains.

00:11:10:03 - 00:11:20:13

Thank you. Um, and then over to Preston Farms. To what extent does that particular change address any of your outstanding concerns, please?

00:11:24:18 - 00:11:53:24

Oh, I can see you both today through the gap so I won't stand up. Thank you very much, sir. James Burton, on behalf of Preston Farms and TCS Biosciences. Um, so I, I anticipate you might be coming on to more holistic matters, so I'll keep my powder dry on that unless you tell me otherwise. Um, as regards this, um, specific change, which if, um,

00:11:55:13 - 00:12:34:07

as I understand it, the construction compound will definitely not be in E 23. It's, um, I think not yet fixed on the applicant's part as to whether it says it will be in E 21 or E 22, although within the documentation there seems to be a preference for E 21 as as I've understood it. To what extent does it

address our concerns? Well, as with the offer of the replacement land, for which we're, of course, humbly grateful.

00:12:34:21 - 00:13:19:05

Um, and as with what I refer to as the arc on the operational side of the in terms of the movement arc 323, which you might come onto, which again, we're great for. Um, to a small extent it addresses our concerns. And I repeat, in case the Clayton estate, you're in the room, we're very grateful for anything, and we're very grateful to the applicant as well. But ultimately, we can't get over the fundamental that the proposal does come right down into the heart of our holding, causing all the risk pathways that we've set out, as you know, at ad infinitum.

00:13:19:07 - 00:13:27:24

So it's always going to be a question of degree. Now, we've been so clear for years now that, um.

00:13:30:14 - 00:14:14:17

Use of E 23 at all and access into us from the grabber road. Those are the for us the. Immovable obstacles. They are the red lines, if you will. I hope it's clear. We hope it's clear that because we're not objecting to the proposal taking those other fields, that it's not that we're approaching a blanket approach, but unfortunately simply removing the construction compound from E 23 and putting it somewhere else in our holding.

00:14:14:28 - 00:14:32:09

Yes, it assists to an extent, but no, it doesn't remove our concerns, let alone, and I'm sure we'll come on to. This doesn't mean that we are anything other than the exception to critical national policy, but I'm not going to open that box yet. Thank you sir.

00:14:33:00 - 00:14:40:21

Thank you sir. There still would be some concern around the compounds in the remaining fields, where it could be provided further to the north.

00:14:40:24 - 00:14:46:04

Yes. So so if I just, um, it's probably um,

00:14:47:22 - 00:15:44:06

like in, in terms of a map for you, if you wanted to have a map open, there's a, there's a, there's a helpful map, um, at the back of our written representations that, that that maps the proposals as against our holding. You don't necessarily need to turn it up, because I know you've both you both looked at it. Um. What the, um, shifting of the construction compound from E 23 to, shall we say 21 would do was it would mean the construction compound would be less, but not not, but it would be less in our critical movements, but it would still cut across our critical movements, as, of course, would the access route to and from the construction compound that, I should say, would still be the case if,

00:15:45:25 - 00:16:25:12

as we hope, as another step in the direction, but not because of removing our concerns, the access was shifted over to the to the east, over to the over to the brook. Because what we must avoid, must avoid.

And we can't with the construction compound in our holding in parcel three is animal movements, um, across or in proximity to the construction work for us, for reasons of in terms of priority biosecurity and contamination and then stressing the animals.

00:16:25:14 - 00:16:47:02

But it's biosecurity and then stressing we've got to avoid that either crossing over or coming very close to that construction activity. And of course, equally on into the operational phase, although I do hold out the hope that the applicant says it doesn't need operational access there. So I hope I hope that that helps her.

00:16:47:25 - 00:17:11:14

Thank you. Um, so in addition to the the movement arc that we've now got, that we'll commodity separately. Is there a need from you may have just suggested that the movement through the fields to the north. So you 21st May also need some form of corridor or land set aside to separate it from any potential construction compound. Is that. Is that correct?

00:17:12:15 - 00:17:40:12

We need. We'd need a we'd need a from any, any any, um, corridor of construction activity. We need that separation um, and a buffer of some of some form. So, um, I mean, perhaps if Mr. Preston might come in on this because, after all, he's the man who really knows how it all works.

00:17:40:14 - 00:17:41:06

Thank you.

00:17:42:12 - 00:17:57:03

Yeah. James Preston, Preston farms. Um, I think perhaps you're describing, looking at the arc, the fact that there's also, um, it doesn't really provide for any access across to the other side of the the freehold land that we own.

00:17:57:05 - 00:17:59:15

We're not on the arc yet, James. Sorry.

00:18:01:11 - 00:18:07:06

We're talking about the movement of the construction compound to 821. Yeah.

00:18:07:08 - 00:18:11:20

Okay. Sorry. Can you remind me what the question was? I'll read the construction compound.

00:18:11:22 - 00:18:35:06

Um, well, it's kind of crossing into the arc, and I'm interested to hear whether or not the arc may need to extend further north. Um, to provide some separation from the construction compound further to the north. Is that. Yes. Yes. Thank you. Um, we should probably move on to the Arcanist has any initial response to what it said from Preston Farms on the construction compound issue.

00:18:35:08 - 00:19:16:21

So thank you, Sir Richard Griffiths, on behalf of the applicant, before we move on to the Arc. Um, I mean, just on the so obviously the applicant has made the change to remove the construction compound, which we hope is helpful. Um, secondly, um, we discussed the construction access route yesterday, and you heard, uh, Mr. Buckland talk about, um, the health and safety concerns to pedestrians as to why we have ruled out the proposed alternative access that Preston farmers have put forward in, that we do not consider there is an alternative to the construction access that we then so that's the so the construction access comes from Granbury Road because of that reason, uh, we are providing an examination for deadline five.

00:19:16:23 - 00:19:52:21

And note at your request to explain how the order, um, provides for flexibility for the, uh, locate the the location of that access road to move slightly to the Or to the east, closer to the brook. And we're putting and we're putting that together for deadline five to demonstrate that. And it will probably probably, um, will update the works plans and the streets and wax works plans as well just to highlight that. So there might be a few changes to that alongside commentary as to how the order allows that flexibility, which will then be discussed in detailed design with the local authority.

00:19:52:23 - 00:20:24:04

And as is our commitment in the Outline Construction Environmental Management plan with the with Preston Barnes. So there is that note coming. That means the access to the access here. Because in the works plans you already have the flexibility for that access route to be anywhere within, um, the fields. It's the it's the actual access point from the, from the public highway that we need to demonstrate can shift slightly to the east. So that will be coming. So the actual location of the access track can be dealt with through through discussions.

00:20:24:08 - 00:20:24:23

Uh.

00:20:26:16 - 00:21:01:04

at the time, um, I'm not quite understanding the E20 one. The access route through E20 one, because the Preston Farms will not be on E20 one. Um, that would be in the ownership of, um, the applicant. Um, so those are those are our measures. And of course, in addition to the construction access route, you've got the raft of commitments that we're putting forward regarding biosecurity measures in the draft biosecurity statement, which I said yesterday, we'll be updating at deadline five to deal with the submissions from Preston Farmers that we made at deadline four.

00:21:01:06 - 00:21:17:09

And we'll be putting into that document a table that sets out what they've requested and where you can find it in that statement to help you cross-reference. Um, so those are the measures we're putting in place. Uh, I didn't have anything further to add on the construction access. So happy to move on to the arc.

00:21:18:11 - 00:21:26:06

Thank you. Um, Mr. Burton, we move on to the the arc. If, uh, unless you have any further comments on the compound. Point.

00:21:26:12 - 00:22:00:24

But sir James Burton, president, Fulham. Yes. Um, we're obviously blending between the two, but could could I just, um, just just just direct you to our deadline for submission? Um, sorry. Deadline for submission. So rep 3067. And, um, what you'll see at in turn should be internal. Page 50, paginated, page 50. Um, we put together what we hoped was a helpful diagram just showing existing movement corridors.

00:22:01:16 - 00:22:35:01

Um, of course there's a there's another one showing all the movements across E 23. I'm not going into that. Now. This is focused on the construction compound shifting north now. Um, yes. Yes. Uh, understood. Who, who who owns E 21? But the point is that, um, having, um, the construction compound in E 21, which, as I say, would be welcome. You still got an issue to avoid to ensure that. And of course, my clients accept that they'd they'd have to shift too.

00:22:35:03 - 00:23:02:21

But we there's still an issue to ensure we avoid the access to and from that E20 one construction compound, which as I say, we that access, we hope, would have to be close to the brook cutting across our movement corridors, which we accept we would we'd need to adjust, but we need to have that separation and to buffering. So narrow, narrow point. But I hope that that diagram just helps conceptualize things on that, sir.

00:23:02:25 - 00:23:13:16

Sir Richard Griffiths I'm not quite understand the point here, so I've got the diagram in front of me, page 50, which has below E20 three. Um.

00:23:16:03 - 00:23:21:19

Two yellow arrows and two green arrows. Am I looking at the white drawing? If I can ask that question first of all.

00:23:22:01 - 00:23:27:14

Yes. Page 15. Mr. Griffiths, you've got the yellow arrows. I can't.

00:23:28:00 - 00:23:28:24

I can't here, sir.

00:23:29:21 - 00:23:35:14

Sorry, Miss Griffiths. Yeah. The the yellow arrows and animal movement corridor.

00:23:37:00 - 00:23:38:27

That's field SA 46.

00:23:39:27 - 00:23:44:23

Yeah, that's, that's the one that the silage clamp is in. And you can see the signage clamp.

00:23:45:14 - 00:23:51:05

So Richard Griffiths on path. So those arrows are in fields SA 46 SA 49 SA 50.

00:23:57:19 - 00:24:06:26

So does that demonstrate that you will need to access fields A21 for instance. And there may need to be some form of separation between your operation and a construction compound.

00:24:06:28 - 00:24:42:15

I'd say James Burton Preston Pharmacy says I'm obviously not making myself clear. The point is the the applicant clearly needs to if it has its construction compound in E 21, It's clearly. It's accessing going to be accessing that off the ground varieties. Um coming coming through the fields to the north of the Grand Bur Road, that movement through to the north and then the south in the, in the other direction will cut across our movement corridors and the animal movement corridors in yellow.

00:24:42:17 - 00:25:30:27

And then the machinery corridors are in are in green. The animal movement corridors are more important than the machinery movement corridors. Um, they're both important though. So the point I'm making, I hope, is that what will need to be done is ensure that the access route from the Granby Road is designed and separated and buffered in such a way, working in conjunction with my clients, then clearly having to move, they will have to move their animal movement corridors, because you can see that they come down right to the brook, and they accept that they will have to move their animal movement corridors, as it were, westerly.

00:25:32:00 - 00:25:44:25

The applicant, we suggest, will need to come up with an access route from the ground below to and from the compound east of where it is at the moment, which is right by the silage clamp,

00:25:46:17 - 00:26:11:01

and the two can hopefully avoid each other in in that. In that way, we're not saying we're not saying we need we need to be in filthy 21. It's about ensuring we avoid conflict as people move in the area. Simplistically, between E 21 and the Grand Bur Road simplistically. I hope that makes sense.

00:26:12:12 - 00:26:30:03

Thank you. Um, it may be helpful, perhaps if Preston Farms could provide a further drawing that elaborates on the one we're looking at here on page 50. That may demonstrate movements across the fields further to the north. And since we've got a fuller picture of that, please.

00:26:32:15 - 00:26:35:12

Thank you. So we'll record that as an action point for deadline five.

00:26:35:14 - 00:27:12:15

So thank you, Richard Griffiths on behalf of the applicant. Thank you. I think it was just getting confusing because there's constant reference to E 21. So I just want to clarify, we're not talking about access into E 21 because that is processed. And farmers will not need access into E 21. There's confusion being at this time the table as to what was being said. So thank you for that clarification. Um, so it's nothing to do with the 21. It's about the design of the construction access, uh, from Granbury Road, which we've already highlighted, uh, will be, uh, has flexibility in the order and we have already said that will be in a note.

00:27:12:17 - 00:27:25:21

and we've already set out in, um, uh, I think it's a construction access review notes. I'm looking at Mr. Bachman to confirm that sets out commitments regarding the design of that construction access.

00:27:28:18 - 00:27:43:20

That we'll be doing in Preston Farms. Another point just raised. And that discussion with Preston Farms is clearly set out at paragraph for memory. 2.222524 um, of the Outline Construction Environmental Management Plan.

00:27:46:09 - 00:28:03:04

Thank you. Um, I think we'll move on to the Arc itself at this point then. Um. Can the applicant please share appendix one from Documents Rep for Dash 081? There we go. Thank you.

00:28:04:26 - 00:28:42:28

Um, so the applicant has provided, uh, a drawing to demonstrate the Possible animal movement arc across field E 23 um and explained in response to our further written questions and that's Q 2.4.7, the detailed design of the Arc would be confirmed following further consultation with Preston Farms and TCS. Um. The applicant also comments that Preston Farms TCS occupy fields in all directions adjoining the field, which animals could move through instead? Uh, with amendments to the current grazing arrangements.

00:28:43:00 - 00:29:05:19

I think that was a suggestion. If the art wasn't satisfactory, there may be alternatives within the Preston Farms holdings. Um, question first of all, to Preston Farms then, um, has it been involved in the design of the Arc as it is today? And does it have any comments on the on the draft currently before us?

00:29:08:00 - 00:29:39:28

Yeah. James Preston, Farms. No, we were not involved in the drawing of the Ark. Um, as Mr. Burton said, it is an improvement on what was there before. It does not answer all our concerns that we've stated previously. I'm very happy to kind of go through and point some things out if that's helpful or. Yes, please. So, um, for example, we mentioned yesterday the current access track, which is apparently moveable, but on there drawing wood.

00:29:40:07 - 00:29:59:09

Um, we don't see how that would work with the entrance from SR 46. Um, we definitely would not want to be pushing horses through SR 46 into a near right angle into solar panels. Um, so just did you just take it slowly?

00:29:59:11 - 00:30:02:28

The examiner has got the screen up, so you need to point things out.

00:30:03:00 - 00:30:05:03

Is that clear so far from from.

00:30:05:06 - 00:30:05:27

Yes. Fine. Thank you.

00:30:05:29 - 00:30:39:24

Yes. Yeah. Um, we also don't seem to have any access to the freehold land to the east. We mentioned before the fragmentation issue that we have, um, it is not the best gateway, as they point out, but we do use it for, um, livestock movements. I think that the other thing to flag as well is we're losing the whole of parcel three that we're not even disputing. You know, it is it is a genuinely fragile system that we manage that has to be done very carefully with separation involved to herds.

00:30:39:26 - 00:31:05:01

We went over this on the site inspection. Um, the animals obviously rotate into their donor centres. So again, this this in addition to the to the issue of parcel three, removes our flexibility, again, to manage the system that we've outlined. Um, and yeah, the the shape is better, but it doesn't really answer our concerns that we have put forward previously.

00:31:06:01 - 00:31:15:12

Thank you. So the the access gate to the the east is, is used. I think the applicant weren't entirely certain on that point that is used. Yes, yes. Thank you.

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

Um, Mr. Griffiths, uh, do you have any further comments on what you just heard, please?

00:31:24:06 - 00:32:03:24

Thank you, sir Richard Griffiths, on behalf of the applicant, uh, obviously the applicant, uh, is happy to continue to discuss, um, the design of that proposed arc. Um, there was a meeting last week, I understand, between the parties and where we requested comments. Um, um, uh, Preston Farms had had hadn't had the chance at that point to look at it in detail. So now they have will obviously continue to discuss with them over the design of that arc. Um, I would say that the, uh, the arc itself produces a loss of, uh, circa, uh, five megawatts of electricity generation.

00:32:04:17 - 00:32:42:16

I'd also highlight that we're doing this as an option. Um, my understanding, uh, that's obviously outside this process, uh, completely separate to this, uh, and uh, is between the estate, the Claydon Estate and Preston Farms in their negotiations. Is that when the notice to quit crystallises, uh, which, of course, covers the 23. Um, if that crystallizes a no agreement, then there is no right for Preston Farms to move through E 23 so that right of access anyway falls away.

00:32:42:29 - 00:33:16:11

Um, and that is the fact that's nothing. That's not, uh, um, of the applicant's doing. Um, that's the situation since 2014. Um, and that's why I'm saying it's an option. So if no access rights are granted by the estate to Preston Farms in the agreement, then they have no right anyway to move through E 23, and they'll have to move their herd through their other land holdings to the south of E20 three to their freehold. So this is why it's an option that should those access rights be granted.

00:33:16:13 - 00:33:36:09

Then we would of course, then accommodate those access rights through a design of the Arc. If no access rights are granted, then we see no justification for there to be any arc in A23. Those negotiations regarding that is obviously outside this process are purely between the estates as a result of the of their land position, which we can cover more tomorrow.

00:33:37:04 - 00:34:01:18

Yes, we will revisit that point. Um, in terms of the discussion around the art with Preston Farms. Um, is there any scoping perhaps, um, following further conversation with them, refining the arc with a an updated deadline five to perhaps reflect the fact that the access gateway to the East is used, for instance, and some of the comments that they may have on on the design of that.

00:34:01:27 - 00:34:14:25

Which is on behalf of the applicant. Yes. As I said, we're happy to keep talking about about the design of the Arc. And should there be any further refinements to the proposed flexibility will provide that update at deadline five.

00:34:15:00 - 00:34:31:28

Thank you. Um, back to Preston Farms then. Um, do you have any comments on the position that you may be able to use adjacent fields to move the animals around your operation in lieu of field E 23?

00:34:34:11 - 00:35:14:03

Uh, James Preston, Preston farms, we obviously do have fields adjacent to E 23. We have a very high stocking rate. We have, as we've said, over 400 horses, 3500 sheep, 6/3 of each. They're all managed very tightly. It's not that easy. It's not like just having a large flock of sheep that you can push around. We keep the flocks and the herds separated. Um, we need the flexibility. Especially with the warming climate and the impact that has on our ability to to graze animals and then have to move them down onto areas that we've used for winter food.

00:35:14:05 - 00:35:35:22

So, you know, obviously we can move things through other fields, but A23 is at the heart of the holding, as we've said before. You know, we have said this for a very long time consistently. And, um, yeah, I it will massively reduce our flexibility and increase the sensitivity to problems for us.

00:35:36:27 - 00:35:57:21

Thank you. Would it, um, I mean, you may not have the answer to this right away. Would it be technically possible to use the adjacent fields to move the herded around whilst keeping them separate, as you need to do? Is there sufficient space within the adjacent fields to allow that separation and movement as required.

00:35:58:24 - 00:36:25:23

James Preston, Preston Farms. It might be at certain times a year. It depends on the grass as well. So it depends how much food there is. They are used predominantly in the early part of the year. They're predominantly permanent pasture. We then have to move down after we've created winter food. So, you know, the setup of the land is we cannot expand any further. It might be at certain parts of the year, it wouldn't be for the entire, um, grazing outdoor season for the animals.

00:36:26:06 - 00:36:37:09

Thank you. I think it would help, perhaps if you could elaborate on that particular point in writing for for deadline five, please, just to explain some of the practical issues around the timing that you've alluded to there, please.

00:36:39:12 - 00:36:40:06

Thank you.

00:36:43:18 - 00:36:44:03

Um,

00:36:45:24 - 00:37:15:25

quick points around the design commitments related to the they are subject to possible changes to it and that may be forthcoming. I'm just conscious that design commitment G two and that's it.

Reference 4010 um, currently refers to a corridor with a minimum width of 20m. Um, the arc seems to have gone past that already. Um, do the commitments need to be updated to more closely aligned with the arc?

00:37:16:23 - 00:37:23:03

Richard Griffiths, on behalf of the applicant. Yes, they will be. Once we have a.

00:37:25:05 - 00:37:31:03

Final position on the arc, whether it's this version or some other iteration that that will be updated.

00:37:31:11 - 00:37:34:21

So the design matrix will get dated. Deadline five or.

00:37:34:27 - 00:37:35:12

What we'll.

00:37:35:14 - 00:37:36:02

Do is.

00:37:36:11 - 00:37:37:17

Yes. Um.

00:37:39:27 - 00:37:54:17

We're going to provide you with an update on where we are with the Arc anyway. So I suggest we do an update for D5 on the design commitment. So it aligns with the drawing that's in the examination. And then if there is in further iteration a deadline six, then of course the corresponding amendment to be made at D6 should then need to be one.

00:37:55:05 - 00:37:56:00

Thank you.

00:37:58:05 - 00:38:02:04

Do you have any further comments on the The Arc before we move on?

00:38:05:03 - 00:38:24:19

James Preston Preston Farms. Just to say that obviously, I mean, it was discussed yesterday, but the yellow band of the the kind of visual we we need a barrier around it so that it is separated. I mean, I'm just looking at the picture in front, which clearly shows that, but not into the field and and panels.

00:38:32:28 - 00:38:41:17

Yes. So the boundary between the, the arrays and, and the animals that are moving along the corridor. Yes. Um, Mr. Griffiths.

00:38:43:05 - 00:38:54:24

Would you give us on behalf of that? Because I think that's where the discussion needs to come into. So we can be clear on the plan, the annotating, the plan, etc.. So I will leave that to the discussions between the two parties.

00:38:55:07 - 00:38:56:09

Okay. Thank you.

00:38:59:00 - 00:39:05:12

Moving on to biosecurity thing that we have already touched on, um, both today and and yesterday.

00:39:06:28 - 00:39:15:29

Um, and the applicant has now resolved to come back with the update to the biosecurity notes. So, Mr. Griffith.

00:39:16:11 - 00:39:18:12

So, Richard Griffith, I didn't catch the question. Sorry, sir.

00:39:19:05 - 00:39:58:08

Um, I've raised the question yet. I'm just sorry. So just touching on the fact we've already touched on biosecurity yesterday and today I was coming to biosecurity again, but acknowledging that we had already addressed some of it in parts. Um, and there will be further information from the forthcoming at deadline five to respond to some of the further detail provided by Preston Farms and talks at deadline for, um, some questions around what we have before us at the moment, though. Um, at paragraph 2.2.1 of the preliminary Barrier Security statements, which is rep for Dash 086.

00:39:58:15 - 00:40:25:16

Um, it states that the operational compounds will be located outside of fields SA 46 to SA 50. I wasn't quite clear what the operational compounds were. Um, there are lots of references within the documentation to the construction compounds decommissioning compounds. I was looking for clarity on the operational compounds that are referenced in the statement though.

00:40:44:18 - 00:40:54:08

I just need to bring it up quickly so I can, um, Have a look at your paragraph 2.2.12.

00:40:55:26 - 00:40:59:21

Which covers construction, stroke, operational compounds.

00:41:34:22 - 00:41:36:28

On behalf that I understand its reference to.

00:41:39:29 - 00:42:06:12

The substation. Those types of infrastructure. So I'm not the author of the documents. Trying to understand what was meant by the wording. We can make it to staff welfare facilities. So anything to do with that operational element of the of the project. So best substation staff welfare as examples. We can obviously when we're revisiting this anyway for deadline five, we can make that clear by putting a definition in as to what we mean by an overarching phrase operational.

00:42:06:18 - 00:42:09:08

Yes, I think that that'll be helpful. Yeah. Thank you.

00:42:11:09 - 00:42:12:00

Um,

00:42:13:21 - 00:42:20:06

another query on the current draft paragraph. I think it's 2.5.1. Um,

00:42:21:22 - 00:42:31:13

it states that any concerns raised throughout construction, such as noise or biosecurity, will be responded to promptly and no longer than within two working days. Um,

00:42:33:03 - 00:42:36:14

especially first of all, to Preston Farms TCS. Um,

00:42:38:10 - 00:42:47:29

there's two working days prompts uh, in the context of any issues that may arise that may need to be dealt with fairly quickly.

00:42:48:11 - 00:43:21:02

Thank you, Sir James Burton for pressing for hours and TCS. You probably anticipate my answer, which is that whilst clearly we're not prejudging anything and we wait to see what comes forward at deadline five. The only way that biosecurity protocols are going to work is if we we just avoid. We just got to avoid the risk. Once it's happened, it happened. It can't be reversed. Clearly that there's a, there's a there's a problem in our in our supply.

00:43:21:23 - 00:43:50:21

On the specific point though, no two days is not prompt. It needs to be we would say it needs to be a frankly, a 24 over seven telephone arrangement or something of that nature that we can just tell the applicant there's been a breach and someone is going to make sure that that is immediately put a stop to. I don't know if Mr. Preston has anything to add.

00:43:51:18 - 00:43:56:14

Thank you, Mr. Griffiths. Do you have any comments on that particular point? Please.

00:43:57:00 - 00:44:27:20

Mr. Griffiths, on behalf of the applicant, yes or no? I as I said, we're updating the biosecurity statement for deadline five. And so I think I'm pleased to say a document to show the intention of following the, um, the three submissions. Um, so we'll be updating it at deadline five. Um, I would just highlight that we've already made a commitment regarding out-of-hours. So there is a commitment for for 24 over seven contact.

00:44:27:22 - 00:44:50:00

That's at paragraph 2.5.1 where we refer to out-of-hours available. Um, and uh, uh, in our response to question 2.4.6, we talk about how, uh, the site health manager will be monitoring compliance. Um, so we'll be we hear what the Preston Farms is saying. And as I say. There'll be an update at deadline five.

00:44:51:27 - 00:45:10:29

Thank you. Um, on that conscious, there is still an ongoing dialogue, and there will be a further update at deadline five. But depressing farm to TCS have any other point that wishes to raise now around the content of the preliminary biosecurity statement haven't already been mentioned.

00:45:12:29 - 00:45:41:10

James Burton, sir, for Preston Farms and TCS. Um, look it it's a very thin document and it falls a long way short of what we've explained is required. And we've gone into great detail. And actually we did go into great detail at deadline three, but the applicant is working at something more detailed. So there seems little point me labouring the thinness of this document at the moment. We'll just wait to see what comes forward, sir.

00:45:42:00 - 00:45:42:25

Thank you.

00:45:45:00 - 00:45:45:19

Um.

00:45:47:25 - 00:45:51:07

Turning to the council. Buckinghamshire council. Um.

00:45:54:24 - 00:46:18:10

And recognising that ultimately the council will have responsibilities of discharging of requirements. Um, I think previously you've noted that it may not necessarily have the in-house expertise to comment from an informed position on biosecurity matters. Does it have any further points on that, given, uh, the potential complexity of the statement and its role?

00:46:22:24 - 00:46:56:06

Um, thank you, Sir Daniel Gazelka, probably for the council. Um, yes. As you referenced there, we don't currently have anyone who would be, um, appropriate to take up that role because it is a

technical area. As you can hear, between the parties. And I mean, it's something that we, we would have to look into if, if it came to it. But we need to discharge that and we may need to I think what we may need to look at working, possibly with the applicant to try and find a way of sort of supplying that resource to, to discharge.

00:46:56:08 - 00:47:12:05

And maybe that's antiques, but maybe it's something we can have a discussion, um, outside of a room of, um, before deadline five and then maybe give you an update at that point. But currently you reflect our position correctly. We don't have the skills.

00:47:12:11 - 00:47:21:24

Thank you. But by that, there may be an approach that's agreed that could, um, provide a way of have you been able to discharge that requirement from an informed position.

00:47:21:27 - 00:47:50:20

Danny, because, I mean, ultimately we are going to be discharging authority if, if this requirement is put in. So sort of from a position of necessity, we will have to work out something. And so we'll give you an update on what we envisage. I should say this is again sort of without having recently spoken to the applicant. Um, you know, on this point, and it may be that we can speak to both parties and pursue that point and obviously without prejudice for general position on the case, but we will look into it and keep you updated, sir.

00:47:50:25 - 00:47:51:19

Thank you.

00:47:55:15 - 00:47:56:25

Mr. Besson. Sorry.

00:47:57:18 - 00:48:36:26

Thank you sir. James Burton for Preston Farms and TCS Bioscience says um, I hope it assists if I make this suggestion. Sir, we've obviously thought about this and I appreciate this is moving into DCO drafting, but now's the right time. I think to make the point, there are, of course, um, drafting provisions within schedule two to the current draft DCO that provide that the the appropriate discharging authority, which will be Buckinghamshire um approves in consultation with and as is the case normally in consultation with refers to statutory bodies like the Environment Agency.

00:48:37:00 - 00:49:02:00

We are a very unusual case, and I do suggest, and I will suggest when we get to the drafting point, that for matters pertaining to us, it should be written into the DCO that Buckinghamshire considers whether to approve whatever the applicant has put in consultation with us. That's how that's our suggestion. I'm sure Buckinghamshire would consult with us anyway, but it might just help if it's there. Thank you sir.

00:49:03:13 - 00:49:04:06

Thank you.

00:49:07:07 - 00:49:07:28

Mr. Gazelka.

00:49:10:00 - 00:49:41:11

Thank you sir. Daniel, we'll take that point away and think about it as well, because we obviously as the local authority, we would give them the position that we're in, or at least we can see between the applicant and TCS. Currently, we could end up in a situation where the applicant comes forward to try and discharge the requirement. And TCS tell us for justifiable reasons based on the evidence, what we're hearing from them. That simply isn't acceptable and it puts the camps in quite a difficult position. I don't think there's any objection to we will consult, and I think that wording is what Mr.

00:49:41:13 - 00:49:56:15

Burton has in mind, and I don't think we would have an objection to that. But maybe if we take that way and just think about that a little bit and maybe again, provide something. And just all around this mechanics of how we as a council are going to engage with this very specific question.

00:49:56:29 - 00:49:59:03

That would be helpful. Yes. Thank you. Thank you.

00:50:04:23 - 00:50:05:21

Mr. Griffiths.

00:50:06:03 - 00:50:09:15

Thank you, sir, to allow me to respond. Richard Griffiths, on behalf of the applicant,

00:50:11:12 - 00:50:41:27

we're happy to write into the biosecurity, the security statement that, um, we would, um, when we submit the documentation for discharge, we would set out our consultation logs, if you like, uh, with Preston Farms and how we've how we've, um, and their responses so that the planning The local authority has in front of them that material of evidence of consultation and how the document has responded to that consultation.

00:50:41:29 - 00:51:06:02

So that will go. I think that's a sensible way forward to submit to the the the documentation to the local authority. I would just also say that, of course, it's open to the Secretary of State to discharge requirements. So one option that you could consider, and indeed we're happy to consider it and discuss the local authority, is that actually this particular requirement goes to Secretary of State.

00:51:08:09 - 00:51:23:14

Noted. Thank you. That's something we will we will consider. But, um, from what you just said, I think your preference would be that the consultation point is addressed outside of the DCO itself in terms of the consultation with Preston Farms. Is that correct?

00:51:23:26 - 00:52:03:17

Richard Griffiths, on behalf of applicant, we as we've already committed in the document, we've been liaising with them regarding the final form construction environmental management plan. That's a

commitment written in there. So before we can submit to that document and the biosecurity statement to the local authority for approval, we have to do our consultation. That's written in to the outline documents already, which will be certified documents. So you've already got that commitment that we will consult. What I'm saying is we'll add additional drafting into the document. So you say that when we put this doc, put the documents to the secretary, to the local authority for approval that we will, uh, submit with the actual detailed construction environmental management plan, biosecurity statement, etc.,

00:52:04:06 - 00:52:36:09

the the consultation log with Preston farm. So the so whoever is discharging the requirements can see that pre submission consultation with them and how the document has responded to that which would help any discharging authority. So that's what we'll do. We've already got the commitment to consult that's already written in there. What I'm saying is we'll add an additional wording to say that when we submit this we will provide that consultation log as to the mechanism for discharge. As I said, I think we'd be open to actually this this requirement.

00:52:36:11 - 00:52:38:04

Going to the Secretary of State for discharge.

00:52:39:19 - 00:52:43:09

Noted. Thank you. Any further comments on this point? Mr.. Mr..

00:52:43:11 - 00:53:20:24

Person, thank you very much, sir. James Burton for Preston farms and TCS bioscience says, sir, Mr. Kosoko has absolutely understood what I'm saying. I'm not entirely sure with Mr. Griffiths that the applicant has understood what we're suggesting. I think I know you have, but just for the avoidance of doubt, what we're suggesting is as per other requirements within schedule two, some of them, the wording is, as you know, sir, that the, um, the authority has to give its approval in consultation with someone, which is not.

00:53:20:26 - 00:53:49:06

Absolutely. And no one I think understands I'm suggesting this, not giving that someone any power itself, a veto or approval or anything like that. Is that the authority? Though it's written, it has to consult with that someone before it decides whether or not to approve. So that's what we're suggesting. I hope the applicant will be amenable to that. It's obviously different from what the applicant is talking about, which is recording consultation with us before the thing.

00:53:51:22 - 00:53:52:16

Go up to the authority.

00:53:52:18 - 00:53:54:24

Thank you sir. Indeed. Yes, Mr. Griffiths.

00:53:55:00 - 00:54:01:12

Mr. Griffiths, on behalf of that, I do understand the point from when I was trying to emphasize is that we are going above and beyond simply

00:54:03:08 - 00:54:52:15

the planning authority. Having to consult what's already in the documents. Is the US a requirement for us to do the draft, the detailed documents in consultation with. So before we even get to the discharge, we have to talk to Preston Barnes regarding the construction environmental management plan, for example, and the biosecurity statement. What I'm saying is then we'll make it very clear that when we submit that document, what we must submit with it, which is the evidence that we have consulted, how we've responded to that, to that consultation, and how that document has evolved so that whoever is discharging the requirements can clearly see that evolution of the of that of that discussion, which I think would be helpful and I'm sure all parties agree would be helpful to the determining authority.

00:54:52:27 - 00:55:09:09

Uh, as I think Mr. Burdon said, um, the planning authority and indeed whoever is the discharging authority for this particular point, um, can consult with whoever they want to. If Preston Farms want it written into the order, we'll write it into the order. But I don't think it's necessary. But we're happy to do that.

00:55:11:18 - 00:55:22:07

Thank you. Conscious. We are due to publish details around the contents of the next week, so perhaps it's a point that could be picked up on there. Thank you. Um.

00:55:24:13 - 00:55:25:15

Moving on. Then.

00:55:28:25 - 00:55:31:21

I understand that there is an intention. Um,

00:55:33:19 - 00:55:49:25

for the applicant. And Preston Farms seeks to agree a statement of common ground. Um, that's not yet been forthcoming. Just a quick clarification. Is it still the intention to agree with the statement common ground? And if so, when? When will that be submitted, please?

00:55:53:12 - 00:55:56:08

Because I think it'd be quite helpful if one was.

00:56:10:15 - 00:56:33:19

Richard Griffiths, on behalf of the applicant. I understand that we submitted a draft statement of common ground to Preston Farms in May. There. Preston Farms lawyers have, reviewed that and amended it. That is being sent back to our my clients on Friday. And we're now currently reviewing that. That's my understanding of the current position.

00:56:35:13 - 00:56:47:05

Thank you. I appreciate there are still things that are under discussion, but um, as conscious as two deadlines left, will that be submitted before the end of the examination deadline? 5 or 6.

00:56:47:11 - 00:57:10:06

To approve this on behalf of the applicant? I haven't seen the amendments myself. Um, I say my client got them on Friday. Uh, they're going through the hearings now. They're going through those amendments. Um, and, uh, we'll do our best. I mean, our intention will be to submit some form of statement of commonality, uh, and disagreement, um, to the examining authority by the end of the examination.

00:57:10:21 - 00:57:14:14

Thank you. Mr. Burton, do you have any comments on that point, please?

00:57:14:16 - 00:57:45:03

Uh, James Burton for Preston Farms and TCS. Yes, sir. We've got, um, very sensible, competent lawyers on both sides. Myself excluded, of course, but I'm talking about my instructing solicitors, Richard Buxton. Um, I see no reason why they would not. And I've seen the I've seen the travelling drafts. I've seen no reason why they would not agree something. Yes, it will probably more be as Mr.. Mr. Griffiths perhaps hinted, points of disagreement. But it's always helpful to have the points of disagreement nicely defined in my experience anyway.

00:57:45:05 - 00:57:45:20

Thank you sir.

00:57:46:03 - 00:57:55:17

Agreed. Yes. Just just to emphasize point, it would be a very useful document to the examining authority to receive by the close examination. So every effort to conclude that that would be appreciated. Thank you.

00:57:55:19 - 00:58:05:11

I can reassure you, sir, that quite a lot of work has actually got I know work has gone into it on the applicant side. A lot of work has gone into and outside as well, so it's really being taken seriously.

00:58:05:13 - 00:58:06:06

Thank you.

00:58:07:21 - 00:58:16:03

Unless there are any final points any would like to raise in relation to population, I shall move us on to agenda item 12, which relates to health.

00:58:16:08 - 00:58:17:20

I do, sir.

00:58:18:21 - 00:58:19:18

Mr. Burton?

00:58:19:28 - 00:58:56:25

Yes. Um, thank thank you very much, sir. James Burton for Preston Farms and TCS Biosciences. Um, I, um. Um, I'm. I'm anxious, uh, anxious not to delay the hearing, of course, but but really anxious to to make sure that a point that we regard as fundamental to the, um, question of whether or not we are,

as we say, an exception to critical national priority. So paragraphs 4.1.7 and 4.2.15 of the Em one is is fully understood.

00:58:57:16 - 00:59:28:02

Um, the um the point the point is, is is this, as you know, as you know, we've provided a lot of evidence now. And I would say it's overwhelming evidence that explains the, um, percentage of just taking the NHS alone, um, that our blood supply provides to make the blood agar that the NHS use for diagnostics.

00:59:28:04 - 01:00:02:08

And we've set it, we've set the figure out 60 or so percent in our deadline for submission. You've seen and you've seen that. And that's based on work that Mr. Williams has done with an actual understanding of contracts that are, of course, commercially sensitive, but that's very well grounded. Um, public health, of course, goes beyond just the NHS, but just, just taking that the, um, the applicant, in its various responses, both to your questions and to responding to deadline, three submissions and so on.

01:00:02:10 - 01:00:32:14

It it it keeps coming back to the parliamentary answer given by the Undersecretary for health. I think I think it was. And you'll recall that. And that's the constant foundation, a key foundation for its response that it doesn't consider. There would be an unacceptable risk to or interference with public health or or safety. Now we've set it out in deadline for.

01:00:32:16 - 01:01:08:27

But I just want to make it so clear that the applicant has got the wrong end of the stick here. The parliamentary answer is talking about and the parliamentary answer, of course, that the gist of it is there are various people who supply. We're not we're not concerned. We've got good security of of supply. The parliamentary answer is concerned with the blood agar, diagnostic materials in common parlance, the agar plates.

01:01:09:10 - 01:01:16:10

Yes. There are many people who supply the blood agar plates.

01:01:18:01 - 01:01:53:08

But the blood agar plates are made from the donor blood. And we're. We know the only people in England and Wales who supply the donor blood, and we're only one of two, and we're the bigger two in the whole of the UK who actually supply the donor blood. And it is, as I say, it's absolutely fundamental. It's why the UK HSA has written a quite a guarded letter, but it has written a guarded letter that you've seen at a date of the 22nd of June.

01:01:54:10 - 01:02:26:07

Um, we we we until you understand that point and that actually we are we're not one of many. We're we're the absolute linchpin on which the diagnostic products depend. You don't get to understanding why we're right about 4.1.7 and 4.215. And at the moment the applicant is hanging its hat on something that is just wrong. Thank you sir.

01:02:27:27 - 01:02:40:10

Thank you. Um, Mr. Griffith, if you could address those points, please, in terms of the possible constraints to supply and the implications for the application of critical national priority.

01:02:43:09 - 01:03:15:07

Thank you, sir. Richard Griffiths, on behalf of the applicant. Um, I don't think there's any evidence before you that there would be a, uh, unacceptable risk to supply. Um, I know we've had letters presented from Preston Farms, but about the importance of donor animal blood. Um, in the health system, no one's disputing that. But those letters do not deal with the specific facts around this case.

01:03:15:11 - 01:03:55:21

The specific facts around how the Preston Farms operations operating model currently works in respect of a inherent risk since 2014 to that operating model, and to the mitigation being applied from this scheme. That's an important contextual point regarding the CMP. Uh, I mean, we disagree that they that, uh, what's before you is that Preston Farms has presented and that has clearly demonstrated to you that there is an unacceptable risk to human health.

01:03:55:23 - 01:04:09:01

We don't agree that that is the case. But regardless of that, um, the what is not in doubt is that the national policy statement, regardless of the CMP test.

01:04:11:11 - 01:04:29:09

At 3.2.6. Sets out that there is an urgent need for renewable energy that doesn't change as a result of the CMP test. 3.2.7 The Secretary State has determined that substantial weight should be given to this need. That doesn't change as a result of the CMP.

01:04:30:25 - 01:04:58:11

So the need case and the and the substantial weight applies regardless of the CMP test. CMP test does not change that position. 3.363 refers to the urgent need for CMP infrastructure, of which solar farms are CMP infrastructure. 4.2.6.

01:05:01:08 - 01:05:32:01

Um then refers to the overarching need case for the types of energy. supported by eon one and the substantial weight to be given, and then 4.2.7 says the CMP policy does not create an additional or cumulative need case or weighting to that which is already outlined above. So and the normal policy tests apply. So you're the examining authority must apply. Um, the urgent need that's been established and substantial weight that you must give to the solar project, that does not change.

01:05:32:18 - 01:06:07:24

Um, we as we set out in our response to, um, uh, the deadline to submissions and inverse questions have outlined why we consider there is no unacceptable risk demonstrated to you, to human health. And that is, as I said, the letters don't demonstrate that, um, the operating model is on an annual for the landholding within the order, uh, limits that subject to freehold acquisition, is, uh, on an annual tenancy, which, uh, Crystallize the notes to create crystallizes at the end of September.

01:06:07:26 - 01:06:48:04

So on that point no Ka will be needed. Um, so that inherent risk exists, the bespoke and responsive mitigation that is being put forward. Um, we're obviously strengthening that at D5. As I've already said, the offer of temporary replacement land on top of the biosecurity statement, the outline camp, etc., um, to help with, uh, mitigating those impacts and the whole idea of both the mitigation put forward in this examination and what is being discussed outside this application by the estate and Preston Farms, is to ensure co-existence and security of tenure for Preston Farms.

01:06:48:06 - 01:07:02:12

So a long term benefit to um, Preston Farms and operating and their operating model through that private discussion that is outside this application. So for all those reasons, we do not agree with their position.

01:07:04:17 - 01:07:09:00

Thank you. Mr. Burton, do you have any response, please?

01:07:09:02 - 01:07:45:03

Thank you sir. James Burton for Preston Farms and TCS Biosciences. So the first observation, of course, is that, um, Mr. Griffiths, in his answer, which um, covered a range of points, albeit with no specificity, but doesn't address the fundamental point I raise that the applicant is relying on something that is wrong and misleading. Um, so. Well, I'll, I'll mark that as not responded to, um, the, um, the applicant is misunderstanding the policy statement.

01:07:45:05 - 01:08:26:03

You won't misunderstand it. So as I know, but let's let's just remind ourselves rather than, as, um, has been suggested to you, it makes no difference if the, um, paragraphs 4.1.7 or indeed 4.2.15 are engaged to the to the weight to be given to the need. Of course it makes every difference, and I'll just read from 4.1.7 to remind everyone in the room. Um, um, it says, um, where the MPs, all the relevant technology specific MPs, require an applicant to mitigate a particular impact as far as possible.

01:08:26:10 - 01:08:59:01

I pull, I pause there. Of course, the applicant is required to mitigate as regards us as far as possible, but the Secretary of State considers there would still be residual adverse effects. After the implementation of such mitigation measures, the Secretary of State should weigh those visual effects against the benefits of the proposed development for projects which qualify as CMP infrastructure. Pausing there the solar generation here does we accept, um, it is likely that the need case will outweigh the residual effects in all of the most exceptional cases.

01:08:59:03 - 01:09:32:08

So we see an obvious comment upon weight to be given to need. This presumption, however, does not apply to residual impacts, which present an unacceptable risk to or interference with human health and public safety. And the list goes on, as you know. It couldn't be clearer. The same wording is repeated at 4.2.5. It couldn't be clearer that where one is in those exceptional cases which we are waiting of need is plainly affected, the presumption falls away.

01:09:32:10 - 01:10:04:12

That's that's what it says. So that's that point. As to Mr. Griffiths refrain regarding our evidence and what the letters show. Well, I'm afraid it's as if we're reading different documents. But frankly, if the evidence you've had from a visitor from the UK say from the Royal College of Pathologists. From our named factory.

01:10:04:14 - 01:10:45:04

Veterinary surgeon. Um, all of which is entirely clear. And is, of course, in the context where it's not disputed that we supply that 60 to whatever it is, 70% of the blood that goes for just the NHS blood agar diagnostics. If if that evidence isn't enough. Well, nothing will we, but it plainly is more than enough. Um, and just to remind everyone, because it is a bit obscure, the, um, the named veterinary surgeon who whose name is obviously redacted for obvious reasons.

01:10:45:14 - 01:11:19:03

Um, under Aspa, which is the act of 1986, that's the person who's required to be in place to police the licence by the Home Office. This is not. This is not someone who who we who we, as it were, have some simply private contract. Whether this is an official role under under Aspa, which is the act that applies, as far as I can tell, from the evidence up and down the country to things that look like laboratories.

01:11:19:05 - 01:11:50:28

And we're the only one in England and Wales that is a laboratory on a farm, in a farm comprised of a farm. So clearly there's a very stark disagreement. And your way, your way, the evidence. But in my submission, the evidence goes only one way here. And it just would be great if, yes, it's very late in the day. Yes. The applicant hasn't. Has never properly assessed us. And we can see that still in the chapter 14 of the. Yes, but it's not too late to get it right now.

01:11:51:00 - 01:12:03:22

And we've got a modest ask to take 23. Take 23. Out and do what this material did regarding access. Thank you sir.

01:12:05:23 - 01:12:14:15

Thank you, Mr. Griffith. If you could address the policy point around critical national priority as well as the evidence to support that, there could be a.

01:12:14:24 - 01:12:49:16

Thank you so much for half the applicants. I don't agree with that interpretation. Well, obviously, we're not going to get to that agreement orally. And we'll expand on this in writing it to deadline five. But 4.2.7 MPs in one says the policy. In other words, the CNP policy applies following the normal consideration of the need case. So that is, the urgent need has been established and significant weight. And paragraph 4.1.7 of Ian one, which is read out when it says this presumption however, does not apply.

01:12:49:18 - 01:12:51:23

It's talking about um.

01:12:54:03 - 01:13:25:14

It's all about the presumption does not apply. So it doesn't remove the significant weight and the urgent need that has been established earlier on in the NPS that is already established. Um, this presumption, however, does not apply to residual impacts, which presents an unacceptable risk to human health. That's the CNP presumption does not apply not to the overarching need case. And also we put all that in writing regarding the evidence. I've made my point that we have not. We don't disagree. The importance of animal.

01:13:28:00 - 01:14:04:02

Animal blood donor for the health service. Um, that's what those letters show. We never disagreed with that. Um, my point is that, um, those letters are written, uh, in isolation from those, uh, non-governmental bodies. Um, on the specific facts of this case and the specific facts that indeed. What is a what has been a was not being raised. Here is the fact that since 2014, there's been an inherent risk of their business model, that it could come to an end at any point by the estate.

01:14:04:08 - 01:14:39:23

You know, we can read out the phrasing from this closing estate letter that says they have made an independent decision to use their freehold land as they want to. And that affects, uh, the blue land and the green land. I can take we can go through the plan tomorrow. But attached to that letter. And that is an inherent risk that they've been carrying since 2014. That's nothing to do with this development. That is a decision that's made independently by the Clayton estate, and that is inherent risk. The letters do not address that point, that there has been that operating risk since.

01:14:39:25 - 01:15:15:20

Since then, what this application is doing is providing the a strong package of mitigation measures that is responsive, proactive in respect of us finalizing the documents with how Preston Farms be operating their remaining land. Uh, should this get consent so that we can deal with, uh, how they are operating their the remaining land, whatever they have at that point post 30th of September, uh, so we can design the construction environmental management plan so we can design the security measures in light of that.

01:15:15:22 - 01:15:59:21

Uh, I've already talked about how we'll demonstrate that consultation with the determining authority. We're highlighting that we'll talk about the program six months in advance, so we can understand the grazing model that they are predicting to be in place. So it's a proactive mitigation strategy. And then outside this room, uh, the Clayton estate's lawyers and the Preston state's lawyers are discussing a land deal that will give their operating model that security of tenure, which goes to my point that, uh, what we're aiming for is a coexistence of a urgent need for renewable energy, plus their long term security for their farm holding that doesn't have an inherent risk of an annual notice to quit being served.

01:15:59:27 - 01:16:14:01

So we would disagree that the A that they are there's an unacceptable risk to human health. And we disagree with the interpretation of policy. And we'll put that in writing for you, of course, to make your own determination as to, um, what applies.

01:16:14:09 - 01:16:25:24

Yes. Thank you. Uh, that's that's clear. Um, unless there are any final comments on this point, I shall move us on. Mr. Burton, do you have anything to raise, or is it, uh.

01:16:27:13 - 01:16:58:12

Well, James Byrd for Preston Falls and. Yes, sir, the battle lines are clearly drawn, and you'll have your own view on on what the policy says. So I won't I won't labor that um, uh, as regards the point that the letters are not specific to the facts of this case, just by way of one example, I'll just read, if I may. The final paragraph of the letter from the named veterinary surgeon regarding only the issue of noise, which is the letter of the 26th of June.

01:16:58:14 - 01:17:29:15

She's, of course, written more, more widely, but she says, um, sorry, I should. I hope I'm not giving anything away, saying she. In conclusion, there is likely to be a serious negative impact on the welfare of both horses and sheep at present farms during the construction process of the proposed Rose field solar farm. The impact once operation is likely to be less but not zero. Noise, vibration and unexpected visual triggers are likely to be a major cause of stress for these individuals.

01:17:29:20 - 01:17:53:24

And of course, that's at the end of a long letter considering precisely this development, as you know. Um, the, um, the points that Mr. Griffiths is making around security of tenure. Look, um, we're not. No one in this room is born yesterday. Everyone knows that the reason that the landlord has, regrettably.

01:17:56:04 - 01:18:39:28

Recently decided to serve a notice to quit that. Well, this year, as it were, on the rolling gear. To serve a notice to quit is because of this development. But equally, my clients have been there for for decades. And of course, it's not just the farm business land that's affected, it's also agricultural holding land and indeed freehold land of theirs that's affected. But fundamentally, and we'll come to this tomorrow, but we'll be brief for tomorrow because we're already broaching it today. The same landlord on on on the Who the applicant is to an extent relying but rightly tentatively to the effect that, well, who knows if Preston Farms will have a farm business tenancy come September.

01:18:40:00 - 01:19:10:24

When you're writing your your Report that same landlord in May has has provided them with a 40 year farm business tenancy and the terms of which are being negotiated. And the reality is they're going to have that tenancy I say. So I would suggest you you put hints and suggestions along those lines to, to one side actually. Um, I think that's I think that's all I had to say on those points.

01:19:10:26 - 01:19:30:17

Mr. Preston. Anything from you, Mr. Williams? Yeah. Well, Mr. Williams is rightly reminding me just before we leave this US topic, as it were, sir, there is one specific point on the base which I'd be grateful if I could just broach. And it's it. It's this within.

01:19:32:03 - 01:20:08:27

So we'd be quite sorry, Mr. Griffiths. Honestly, it's a very short point. We've been very targeted in our ask because I hope you've you've seen we we haven't, we haven't, for example, said to the applicant,

given the risk you're exposing us to, to us to please provide a broad, all encompassing insurance policy in the event that what we fear happens does happen. We've been more targeted than that. We've said, look, in relation to the Bess, you say the risk of a best event or whatever one refers to it.

01:20:08:29 - 01:20:27:08

Essentially a fire is very, very, very low. We say, of course, if it happens, it would be catastrophic for us. So why not commit to give us an insurance policy for that? As I say, we're not asking for one across the piece. That's the final point.

01:20:28:11 - 01:20:39:06

So thank you. There are a number of points there that we will revisit a bit later on today or or tomorrow. So I don't want to go too far into those. But, Mr. Griffiths, um, is there anything you want to strays.

01:20:39:08 - 01:20:39:23

Thank you.

01:20:39:25 - 01:20:40:10

Please.

01:20:40:12 - 01:21:13:29

Thank you so much, Gibson. Before we come on to the press and air quality, it's obviously a topic. And I'm conscious that, uh, of the time and a lot of agenda items and other parties in this room that no doubt want to get their, um, made, make representations. So and we're not going to reach agreement on this point and it'll have to be dealt with in writing. So if I do want to just raise a few points, but Mr. Burton has just said, um, I'm quoting now from the Clays Estates going back to that land point, the Canadian estate letter that was submitted to your examining the examining thoughts on the day to day 18th of June, 2026.

01:21:14:01 - 01:21:48:12

And they and I quote, um, to be clear, the Canadian estate could serve this notice to quit at any time, irrespective of the applicant and the development, but the estate elected to do so. To do this, following agreement of heads of terms with Preston Farms. So they could have made that. They've openly telling you that they have made that decision, that they could make that decision at any point. And regarding what Mr. Burton is asking you to rely on, he's asking you to rely on an assumption that Preston Farms will still be on the blue land within the order limits on the 1st of October.

01:21:48:14 - 01:22:19:09

But the letter before you, that is fact from the Claydon estate and not assumption, but fact is it says here. However, if such an agreement is not reached, the notice to quit remains in place with the date of the 30th of September 2026. That is the factual position in front of the examining authority. Not an assumption, not a or. We've been on a roll in tenancy since 2014, so let's assume that will carry on. That is the factual position from the Clayton estate, the freehold owner of the land that is before the examining authority.

01:22:19:19 - 01:22:58:07

Um, regarding the veterinary letter, um, I don't know. You don't know whether that letter is written with the full knowledge of the mitigation package that's been proposed. Um, uh, regarding the replacement land that we're offering in parcel two to when we could talk to the press and farmers. At least six months in advance of our construction program, we can offer replacement lands in parcel to, uh. What is their grazing schedule? What is are the herds being stabled at any point? Those are conversations are happening to mitigate the construction schedule.

01:22:58:13 - 01:23:32:08

I don't know whether that letter is written in light of all of that mitigation or whether it was written in an isolation of that, um, perhaps at deadline five, we can have that answer. But my point is that coupled together with the estate negotiations outside this room and then in this room, uh, we have this package of strong mitigation measures. And we'll come on to some of the other topics in a minute. There is, um, you can have confidence of a coexistence that we all hope will exist between this project and the long term security of trust and farms.

01:23:32:10 - 01:23:33:29

That is our ultimate goal here.

01:23:35:03 - 01:23:35:18

Thank you.

01:23:35:21 - 01:23:45:06

That's the best. Sorry. The second best. I think we need to park that to the air quality section. Or. I don't know how you want to deal with the best, but we need to bring in, um.

01:23:47:18 - 01:23:53:17

This insurance point that, I mean, I'll. I'll take that away and get instructions on that, uh, insurance policy point.

01:23:54:05 - 01:24:00:05

We'll cover the best under air quality. Quality and the tenancy point we will visit tomorrow, clearly so we can.

01:24:00:07 - 01:24:00:22

At which point.

01:24:00:24 - 01:24:30:18

We tenancy point we can revisit tomorrow. Um, the point raised around whether the latter from the veterinary surgeon, for instance, has been fully informed by the latest position with the mitigation package proposed by the applicant. It would be useful to have clarity on that and whether that's dealt with separately at deadline five, whether that feeds into the statement common ground. So there's clarity as to what has informed the respective positions of the various parties. That would be a useful point to clarify, please, Mr. Burton.

01:24:31:11 - 01:25:01:11

Uh, James Burton for Preston Films and Spy Sciences. Uh, sir. Yes, we're happy to to take that away, but just I mean, the name veterinary surgeon does make very clear that, um, she has gone through a detailed process with, um, the, um. Of course, this letter is just about noise and vibration, um, with the acoustic expert.

01:25:01:13 - 01:25:15:03

So, um, it's it's you've read the letter. It's coming from a place of great information. Um, but yes, we can we can provide yet further information if that would help.

01:25:15:06 - 01:25:16:01

Thank you.

01:25:19:17 - 01:25:22:03

Any final comments on population?

01:25:23:23 - 01:25:36:16

Give me something for the applicant I appreciate. I think we might be about to break. I just wanted to check with Buckinghamshire Council if they are expert witness for human health is available. You said in the morning, is that until 12 or when.

01:25:37:23 - 01:25:47:09

Am I gonna come? I can see, but she's still online. Now it's am there. I don't know at this morning. So I think we're.

01:25:51:05 - 01:25:58:17

Okay. If there are no final comments in relation to population at Preston Farms,

01:26:00:10 - 01:26:02:05

apologies Gareth Williams for.

01:26:02:07 - 01:26:36:17

TCS Biosciences and Preston Farms. I just wanted to elaborate a little bit on the insurance perspective. Um, I know that we'll get on to that specifically when we talk about best, but I think really I just want to make clear that we TCS supply products under contracts that are awarded through both public and private procurement processes. Um, we need to seek confirmation from the applicant that we will be fully indemnified against losses arising directly or indirectly from the development. Now we have contracted plait, and I can't go into detail on those specific contracts with who they are with and what they contain.

01:26:36:19 - 01:27:28:26

But as most contracts, we have clauses around business interruption, failure to supply contracted volumes, reduced production volumes and products falling outside of agreed specification, breaches of customer quality agreements, and consequential compensation claims arising from those failures. I think from what I've heard, the applicant sounds fairly confident that we won't be impacted in any way in terms of a product liability perspective with our customers. So I think if the applicant is unwilling to accept those liabilities, it does kind of raise how truly confident they are that they can

predict that any mitigations they put forward won't be an impact to TS, so if they are happy to do so, I would suggest that they they are able to give us those assurances against insurance policies and our failure to supply with our own customers and contracts.

01:27:30:28 - 01:27:35:14

Mr. Griffiths, at that point, you'd like to respond to now or later on in the agenda.

01:27:35:16 - 01:27:58:14

Thank you sir. Mr. Griffiths, on behalf of that, I don't think I have anything to say other than we consider this to be a commercial negotiation point rather than a planning matter, and we know we'll put some we'll take it away and put more. Consider it, of course, but also respond in writing fully. But we see this more as a commercial negotiation point more than anything else.

01:27:59:11 - 01:28:11:03

Thank you. Okay. On that basis, I see no further hands. I think we'll take a short break and we'll adjourn until 11:15. Thank you.