

East Claydon Parish Council

Application by Rosefield Energyfarm Limited for an Order Granting Development Consent for the Rosefield Solar Farm

(EN010158)

Closing Statement

During the course of the examination process, we have seen and heard volumes of evidence presented by the various interested parties, ranging from the Applicant and its body of consultants, through national organisations, unitary council, local businesses, parish councils, the Claydons Solar Action Group and local residents. The resources available to those various parties decline approximately in that order and so the weight of resource lies firmly with the Applicant. The critical question is whether the weight of the argument and the resulting planning balance follow the same hierarchy.

It is our view that the Applicant has failed to demonstrate that the weight of the argument is in favour of the proposed development which, were it to be approved, would have profound implications for local communities and beyond.

We have sought to bring to the Examiners' attention a wide range of concerns. It has been the source of considerable frustration that where we have asked questions of the Applicant, the frequent response has been to direct us to existing reports. Regrettably, rarely do they answer the point.

We set out below the areas that continue to concern us and where the Applicant has failed to provide evidence that would cause us to revise our views.

1. Statement of Need

- 1.1 The Applicant has avoided reference to NESO's conclusions on national and regional projections for solar energy and BESS installations, preferring simply to assert that they will be needed.
- 1.2 The lack of confirmation of a connection date for the solar element of the proposed development and the Gate 1 status of the BESS underline this point.
- 1.3 The Applicant has been careful to avoid clear statements on the anticipated balance between use of the BESS for storage of locally generated electricity versus that imported from the grid. That information is critical, both in determining need for the BESS and for GHG emission calculations.

2. Site selection

- 2.1 We have seen no evidence to dissuade us from the view that selection of the proposed development site was predicated on two considerations only; a single principal landowner and proximity to the East Claydon National Grid substation. The Applicant has sought to retrofit their site selection process on other grounds, but it remains clear that serious consideration of alternative sites was not undertaken.
- 2.2 The resulting need to retrofit the site to the project means that the scheme sits on unsuitable topography, has serious implications for habitats of endangered species, maximises the negative impact on landscape and amenity value through industrialisation of a rural environment, and threatens disruption to local agriculture, including a business central to the functioning of the NHS on a national scale.

- 2.3 Had the Applicant undertaken a more extensive due diligence process prior to settling on the current Order Limits, they might have come to a different decision.

3. Agricultural heritage

- 3.1 The area within and around the Order Limits has a long history of productive agriculture, much of it managed by successive generations of tenant farmers. Over the years, the contribution made by those tenant farmers, not only to food production, but also in the practical support they provide to the communities in which they live, has been recognised by previous generations of the principal landowner as being mutually beneficial.
- 3.2 Over several decades, grazing of horses and sheep has supported a biotech business whose products provide the backbone of a range of diagnostic services in the NHS. That business is heavily dependent on security of tenancy on land within the Order Limits as well as controlled conditions for its livestock and wider operations which would be placed at significant risk by the proposed development.
- 3.3 The Applicant has systematically downplayed the importance of agriculture to the local and national economies and to local communities.
- 3.4 The Applicant considers land as a commodity. Disruption to tenants and their livelihoods is seen as no more than collateral damage in seeking to develop the site.

4. Landscape

- 4.1 The landscape within and around the Order Limits is one of a tranquil valley, interspersed with small villages, each with its own character and built heritage assets. The character is largely defined by small, agricultural fields and important areas of ancient woodland (including SSSIs) providing key habitats for wildlife, including rare species. The parkland setting of Claydon House has also influenced shaping of the landscape.
- 4.2 Natural England was seeking to designate part of the area as the Bernwood SSSI but this is currently on-hold.
- 4.3 The Applicant seeks to industrialise the landscape through their proposed development. The Applicant rejects that description but it is difficult to conclude otherwise, especially when considering the overall impact with other approved and extant electrical infrastructure developments within and adjacent to the Order Limits.
- 4.4 The overall impact is perhaps best considered from the elevated position of Hogshaw Hill Farm where a highly-valued, panoramic view of the area is available. It is here that glint and glare from the solar panels will be particularly evident.
- 4.5 The proposed development would have a negative, transformative impact across multiple Local Character Areas.

5. Amenity

- 5.1 Throughout the examination period we have drawn attention to the limited amenities available, locally, to residents of East and Botolph Claydon and that the principal and highly valued amenity enjoyed by residents is that afforded by the PRoW network. The far-reaching, open views across the valley, together with the abundance of wildlife experienced in a tranquil environment, are central to the sense of community, health and well-being shared by residents and visitors.

- 5.2 It is through the attributes afforded by the PRow network that residents derive regular exercise (often with canine company) and mental resilience, while children learn about the natural world. The high value of that amenity also attracts cyclists, walkers and equestrians from a wider catchment area.
- 5.3 The layout of the proposed development is such that every one of the most popular and valued routes would be transformed from a rural landscape either with views across a harsh, industrial scene or once far-reaching views being blocked by the introduction of incongruous, tall hedges and security fencing, forming corridors from which there seems to be no escape. Once seen in fields surrounded by open countryside, livestock in fields would be seen against a backdrop of solar panels, substation, collector compounds and a battery storage installation.
- 5.4 The tranquillity of the area would be disrupted by the intrusive, alien sounds of electrical infrastructure.
- 5.5 In short, the single most important asset for the community would be lost. No amount of 'mitigation' could limit the magnitude of that loss.
- 5.6 The visual impact would not be limited to the PRow network. Many of our residents have open views from their homes across the valley through which the changing seasons are experienced. The 'new world' would be an unchanging scene of steel and glass.

6. Transport

- 6.1 Throughout the examination process, we have drawn attention to the lack of due consideration for the safety of non-motorised road users on the proposed construction route. The Applicant's response to our challenges has been to refer to the Outline Rights of Way and Access Strategy (e.g. **REP3-036**) which restricts itself to PRowS, only noting briefly at Para. 1.5.5 that, "*Non-motorised users also have a right to use highways...*"
- 6.2 From local knowledge and experience, it is clear that large numbers of cyclists use the roads designated as the proposed construction route. It is equally clear that the Applicant has made no assessment of numbers, nor have they taken into account the safety concerns of non-motorised users of the roads in question.
- 6.3 In assessing the impact of aspects of the proposed construction route, the Applicant has adopted an approach that features throughout their submissions whereby unspecified 'professional judgement' has been employed to determine the magnitude and significance of impact of their scheme. For example, Para.15.6.20 of **REP3-036** states, "*Where an effect could be one of **major/moderate, moderate/minor or minor/negligible** significance, professional judgement has been used to determine which option should be applicable.*" The nature of, and the basis for, each of these professional judgements is not declared, but it is apparent that there is a common trend across the portfolio of documents for 'professional judgement' to err on the side of minimising the magnitude and, hence, significance of impact. In our view, the conclusions of this approach frequently fail a 'sense test'.
- 6.4 The Applicant's piecemeal, 'silo' approach to estimating cumulative impacts of their scheme with other, local, infrastructure projects is exemplified by their conclusion on the inter-project effects of construction traffic. They argue that, because they use a different construction traffic route, there will be no cumulative effect. Again, a sense

check would conclude that since the Applicant's route is part of a limited road network with narrow country lanes, large numbers of construction traffic vehicles on multiple parts of that network is bound to have a cumulative effect.

6.5 The shortcomings of this approach are considered further under Section 13.

7. Socio-economic effects

- 7.1 As a parish council, we are very much aware of what is important to our own local community, its interdependencies, strengths and vulnerabilities, as well as those of the villages nearby.
- 7.2 Given the magnitude and nature of the proposed development, we had anticipated that the Applicant would have sought to understand our communities. Regrettably, it has failed to do so. Indeed, they have adopted a design that promises to disrupt and destroy much of what is cherished by those communities and, indeed, defines their character. As a result, the scheme risks undermining the local farming community on which we all depend, disrupting the activities of a key biotech company (a major employer in the area and of fundamental importance to the NHS), transforming into an industrial complex the landscape with which we interact on a daily basis, and threatening a range of wildlife that helps define that landscape.
- 7.3 The Applicant's disregard for local communities is exemplified by their continued insistence that working hours during construction would be 07:00-19:00 with additional one-hour travel periods at each end of the working day, making a 14-hour total from 06:00-20:00.

8. Noise

- 8.1 Members of this and other parish councils have visited sites with BESS installations and so are very much aware of the nature and level of noise, with its intrusive frequency range, associated with such schemes. The Applicant has acknowledged that this is an issue by arguing that it would be unacceptable to locate the scheme's BESS adjacent to the planned East Claydon BESS (Statara) due to the anticipated cumulative impact of the noise.
- 8.2 The Applicant fails to appreciate that cumulative effects are experienced not just from a single receptor point in simple 'additive' terms but also in a 'linear' sense, when moving between locations. Thus, the proposed site for the BESS in Fields D8-D9, which places it adjacent to PRoW ECL/7/2 will be experienced in a different location from the Statara BESS but individuals will be subject to intrusive noise at various points around the Applicant's and other developments.
- 8.3 Add in the proposed National Grid replacement substation, the Applicant's and other scheme's individual substations, collector compounds, etc. and you have a landscape-wide change in soundscape from one of tranquillity and birdsong to one dominated by the alien sounds of an industrial setting.
- 8.4 The Applicant has failed to grasp the high risk of stress to livestock caused by noise associated with construction work. The notion that risk would be minimised through a code of practice that (e.g.) requests staff to avoid shouting one another only serves to emphasise that this issue has not been recognised or addressed. Again, had the Applicant undertaken due diligence before deciding on the Order Limits, they might have adopted a more rational approach to site selection.

9. Ecology

- 9.1 The shortcomings of the Applicant's ecology surveys and approach to mitigation against harm to a range of species, notably Bechstein and barbastelle bats and wintering birds, have been covered in detail by Natural England, Buckinghamshire Council and CSAG.
- 9.2 The Applicant has made some last-minute changes to the proposed layout in an attempt to offset some of the criticisms but significant concerns remain.
- 9.3 Were the scheme to proceed, the fate of skylarks is of particular concern to local residents. The large skylark population is emblematic of the area. Walking along any of the area's PRowWs or along local roads, one is certain to hear a number of larks singing.
- 9.4 Having only surveyed limited areas within the Order Limits, it is clear that the Applicant has no clear idea of how many skylarks would be displaced nor the potential for undeveloped areas to receive them.

10. Flood risk

- 10.1 The Applicant's reliance on modelling studies, rather than on-site assessments, to assess flood risk continues to concern us given our experience of local conditions during periods of heavy rain.
- 10.2 There appears to be no recognition of those conditions at locations identified for access roads or the consequences for the wider area with a regular flow of heavy vehicles. Whilst the Applicant seems content to locate electrical infrastructure in Flood Zones 2/3, we return to the point that had appropriate due diligence been undertaken, the less-than-ideal nature of the site might have been recognised.
- 10.3 We remain puzzled how the system of attenuation ponds would operate given that they would discharge into watercourses that regularly overtop.

11. Soil

- 11.1 The Site is characterised by soil characteristics that are largely clay. In previous submissions, we have referred to the *2020/21 Soil Policy Evidence Programme: The impact of solar photovoltaic (PV) sites on agricultural soils and land quality. Report to the Welsh Government: March 2023*. This highlights the sensitivity of clay soils to damage by heavy plant and stripping of topsoil, especially during wet weather, that can take decades to overcome.
- 11.2 The Applicant has acknowledged that report and has indicated that they would engage a soil specialist to advise when it is acceptable to work on the land. It should be noted that the tenant farmer who was required to surrender his land was well-known in the area to be expert in managing these sensitive soils. As a generalisation, he would not work the land from late autumn until early spring, a period of perhaps five months. Would the Applicant be prepared to suspend works for that period in order to protect the soil structure?

12. Heritage assets

- 12.1 From the perspective of the two principal settlements within the purview of East Claydon Parish Council, we consider the Applicant to have undervalued their wealth of

heritage assets and, hence, underestimated the negative impacts of the proposed development upon them.

- 12.2 Views from and towards Botolph Claydon will be dominated by fields of solar panels and the BESS. Thus, the visual amenity value and the setting of the Conservation Area will be significantly impacted.
- 12.3 The 4.5 km approach along Calvert Road/Orchard Way to Botolph Claydon would be alongside fields of solar panels. The same would apply to approximately 1.6km along Claydon Road but with the addition of the BESS which would provide the setting for the Conservation Area.
- 12.3 Views from and towards East Claydon would be dramatically changed with the development of the Applicant's substation and fields of solar panels.
- 12.4 The cumulative impact on East Claydon is of particular concern. The proposed National Grid replacement substation together with the Applicant's development and that of Statera (East Claydon BESS) would permanently change the landscape and the setting of the Grade II* Listed St Mary's Church and Grade II Listed White House, as well as the remains of the Medieval village.
- 12.5 The approach to East Claydon from Winslow, with the White House and St Mary's Church which has been viewed across open fields for at least four centuries would be largely obscured by electrical infrastructure, as would the approach from Sion Hill, the former Buckingham to Aylesbury coach route.
- 12.5 The Applicant has only recently started to address impacts on heritage assets in East Claydon in any detail and significant omissions remain.
- 12.6 The Applicant has continued to avoid securing results of archaeological investigations by National Grid within the Applicant's Order Limits and, overall, has failed to provide an adequate assessment of hidden heritage assets within the Site boundary.

13. Cumulative impacts

- 13.1 The Applicant's approach to assessing potential intra- and inter-project cumulative effects remains inconsistent, rendering their conclusions implausible and, hence, flawed.
- 13.2 In **REP5-061**, the Applicant acknowledges that where inter-visibility is anticipated between two or more of the approved or proposed infrastructure projects, there may be significant adverse effects of major/moderate effect. However, where intervisibility is not anticipated, the Applicant considers the cumulative effect to be not significant.
- 13.3 Here, the Applicant has fallen into the trap of considering cumulative effects are experienced from single viewpoints (as noted under 8.2 above). Whilst this may be the case for fixed receptors (e.g. individual dwellings), environments and landscapes are frequently experienced in a dynamic sense, such as travelling along PRow's or local roads. Cumulative effects would then arise from repeated exposure to the various industrial installations along the way. Even from a fixed viewpoint, looking in different directions may reveal different elements of the electrical infrastructure, thus adding to the overall impact.
- 13.4 It is our view, therefore, that the Applicant has underestimated the extent and magnitude of the cumulative impact of the individual installations.

- 13.5 Let us be clear, were all of the proposed and approved schemes to proceed, electrical infrastructure would dominate the landscape from the HS2 railway in the west to the Tuckey Farm solar installation in the east (distance of approximately 7.8 km) and from the Statkraft BESS to the north-east to south of Runts Wood (approximately 4.8 km). This would extend further were the proposed Furzen Farm solar installation be approved.
- 13.6 The Applicant's 'silo' approach to assessing cumulative impacts means that (e.g.) impacts of noise, light pollution, visual amenity, etc, on landscape are considered separately whereas the reality is that landscape is experienced through all of these sensory inputs simultaneously. This means that even where the impacts of more than one individual element are judged to be moderate and significant, whilst the sum of those components could add up to a major effect, the Applicant has not pursued that possibility.
- 13.7 The Applicant further underplays the potential cumulative impact of the various schemes by repeatedly asserting (**REP5-038**; Table 17.8) that "*Provided there is adequate mitigation for the project* (e.g. National Grid East Claydon Substation development) *there should be no inter project cumulative effect.*" This is manifestly absurd. Even viewed through the lens of the Applicant, it is accepted that the negative impacts of their own scheme cannot be entirely avoided through mitigation, so why should they consider that it would be possible for other projects?
- 13.8 The cumulative impacts on water supplies (both for domestic consumption and for livestock) resulting from the various infrastructure projects, have not been considered. Given present drought conditions and the impacts of climate change, this is an important omission.

14. Conclusion

- 14.1 We recognise that there is a presumption of approval of NSIP applications for solar energy installations but with the critical proviso, **unless there are 'exceptional circumstances' that outweigh the benefits**. So, the judgement has to be made as to whether such exceptional circumstances apply in the present case.
- 14.2 It is our view that exceptional circumstances do apply as follows:
- (a) **The unique position of Preston Farms/TCS Biosciences**. We recognise the critical importance of this combined business to the functioning of diagnostics services in the NHS at a national scale. Several members of our local community with experience in the health services can testify to the value of the products generated. The community also understands agriculture, the challenges it faces, the importance of biosecurity, stability of conditions for livestock and avoidance of stress. Regrettably, these factors have not been given the attention they deserve by the Applicant. Nevertheless, it is clear to us that the business is exceptional in every sense and any disruption to it has far-reaching implications beyond the Order Limits.
- (b) **Species at risk [i]**: The fate of the important population of Bechstein bats (the most northerly in the UK) has been the subject of continuing concern during construction of the HS2 railway. Whilst the Applicant has, at the eleventh hour, accepted that installation of solar panels in certain of the B-fields represents a threat to the habitat for this and other bat populations, removal of some panels is a gesture that is incomplete in its extent and unsupported by commitments to cattle grazing which is

seen as critical to the maintenance of the foraging habitat. Thus, the prognosis for this species, together with the barbastelle bat, remains uncertain and under threat.

Species at risk [ii]: The paucity of baseline data means that the Applicant is unable to provide adequate assurances that species such as skylark, golden plover and lapwing displaced from their current habitats would have sufficient alternative sites within the area. These represent important local populations which would also suffer from the cumulative impacts of other infrastructure projects.

(c) **Cumulative impacts on local communities.** For many years, local communities have suffered from disruption (noise, road closures, HGV traffic, damage to roads and road margins) associated with major infrastructure projects (Greatmoor Incinerator, HS2, EWR) which have eroded the quality of life for residents and for visitors. Our local facilities are limited but our great asset is access to the countryside through the PRoW network. Our settlements are steeped in a tradition of agriculture; interdependencies with the farming community are central to the functioning of the wider communities. It is no exaggeration to say that these key assets would be lost were the proposed development to be approved.

- 14.3 For these reasons, it is our contention that exceptional circumstances are such that they outweigh any perceived benefit of the proposed development and we respectfully submit that the application for the DCO should be refused.