

# Rosefield Solar Farm

## Applicant's Response to PFL/TCS Deadline 6 Submission

EN010158/APP/8.47  
Revision 01  
Deadline 7  
August 2026  
Rosefield Energyfarm Limited

APFP Regulation 5(2)(q)  
Planning Act 2008  
Infrastructure Planning  
(Applications: Prescribed Forms  
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# 1. Introduction

## 1.1. Purpose of the Response

1.1.1. This document provides the Applicant's response to matters raised in the Preston Farms Limited/TCS Biosciences Limited (PFL/TCS) Deadline 6 Submission [\[REP6-108\]](#).

1.1.2. This document does not look to replicate the positions previously iterated by the Applicant, and so the Applicant instead signposts towards the following documents, including where relevant:

- **Tenancy Position of Preston Farms Ltd** [EN010158/APP/8.30] [\[REP4-088\]](#);
- **Applicant's Response to Preston Farms and TCS Biosciences Ltd's Deadline 5 Submission** [EN010158/APP/8.43] [\[REP6-071\]](#);
- **Closing Statement** [EN010158/APP/8.44] [\[REP6-072\]](#);
- **Design Commitments** [EN010158/APP/5.9.9]; and
- **Outline Biosecurity Management Plan** [EN010158/APP/8.39.2].

## 1.2. Structure and Approach

1.2.1. At Section 2, the Applicant responds to the legal submissions made in the PFL/TCS Deadline 6 Submission [\[REP6-108\]](#), highlighting the Applicant's overall approach to its Environmental Impact Assessment (EIA), its application of the mitigation hierarchy and compulsory acquisition. The document annexes the following appendices, structured as follows:

- **Appendix 1** is the Applicant's response to transport matters prepared by Pell Frischmann, which responds directly to the Railton 2<sup>nd</sup> Transport Note dated 3 August 2026.
- **Appendix 2** is the Applicant's response to PFL/TCS's EIA Gap table.
- **Appendix 3** is the Applicant's response to PFL/TCS's Biosecurity Measures Comparison Gaps table.
- **Appendix 4** is a third letter from the Claydon Estate LLP, providing a response to the 'Note on Tenancies' prepared by Mr Simon Alden and an update as to the current status of negotiations between the Estate and PFL.

1.2.2. For the benefit of the Examining Authority (ExA), the Applicant has sought to summarise passages from the PFL/TCS submission where only new matters have been raised by the Interested Party or where it is seeking to correct information.

## 2. Response to legal submission

### 2.1. Option Agreement

- 2.1.1. The Applicant refers to PFL/TCS' insistence that the Option Agreement for the Proposed Development be disclosed (paragraph 5 [\[REP6-108\]](#) and PFL/TCS' additional submission at [\[AS-042\]](#)).
- 2.1.2. The Applicant maintains it is not required to disclose this commercially sensitive document into the public domain. The Option Agreement (as varied) is between the Claydon Estate LLP (Estate) and the Applicant. The Applicant has made submissions throughout the Examination that the Applicant has secured an Option Agreement with the Estate which provides that all the land required for the solar PV is under option with the primary landowner. For the avoidance of doubt, the Option Agreement includes the ability for the Applicant to draw down a lease over plots 6/13, 7/3 and 7/9 which form Parcel 3. The Estate was able to agree such an option because it can regain possession of this land from PFL/TCS and pass it to the Applicant.
- 2.1.3. To clarify the matter in issue, the Option Agreement does not oblige the Applicant to take all the property that is subject to the Option. The Applicant can choose how much and which parts of the property it exercises the Option over, subject to certain caveats. However, irrespective of whether the Secretary of State grants consent over Field E23 (plot 6/13), the Applicant still has the right to take a lease of Field E23 and if the Applicant exercised the Option in relation to Field E23 the Landlord would be contractually obliged to grant a lease over it. This is the standard structure and principle for an option for lease agreement.
- 2.1.4. PFL/TCS have repeatedly assumed that if Field E23 (plot 6/13) is not included in the Proposed Development, the Estate will incorporate the field into the new 40-year FBT still being negotiated. This is not an established fact. The Applicant would first need to decide it did not want to exercise its right to draw down a lease over this land and then it would be for the Estate to decide how it wishes to use its land.

### 2.2. Application of EIA Regulations

- 2.2.1. The Applicant strongly rejects PFL/TCS' allegation that it has not complied with The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 (EIA Regulations) in carrying out its EIA and reiterates its previous submissions on this in response.
- 2.2.2. On the matter of assessing reasonable alternatives, the Applicant refers to its consideration and reporting in **ES Volume 1 Chapter 4: Reasonable Alternatives Considered** [\[EN010158/APP/6.1\]](#) [\[APP-047\]](#). The obligation on the Applicant is to consider reasonable alternatives in a proportionate manner, and the context of paragraph 4.3.22 of the Overarching National

Policy Statement for Energy (NPS EN-1) (2023) which provides that only alternatives capable of meeting the objectives of a proposed development need to be considered, is integral in this consideration. Further, paragraph 4.3.23 states that the Secretary of State should be guided in considering alternative proposals by whether there is a realistic prospect of the alternative delivering the same infrastructure capacity (including energy security, climate change, and other environmental benefits) in the same timescale as the proposed development.

2.2.3. To this end, the Applicant refers to the objectives in the **Design Approach Document [EN010158/APP/5.8.3] [CR1-014]** and the design evolution of the Proposed Development including the Applicant's systematic process to determine a suitable site described in detail in the **Appendix 1: Site Selection Report to the Planning Statement [EN010158/APP/5.7.6] [REP6-011]**. This included consideration of a range of technical, environmental and economic factors based on the site selection principles set out in NPS EN-3, in conjunction with land assembly. Relevantly, an objective for the Proposed Development includes the intended generating capacity of the Proposed Development and making the most effective use of the grid connection.

2.2.4. PFL/TCS are misguided in their submissions that the area assembled as at March 2022 with a smaller Parcel 3 was to be the 'fixed' red line boundary for the Proposed Development. This is incorrect, and even if it were to be mischaracterised as such, it would not constitute a reasonable alternative for the purposes of the policy tests because it would not meet the objectives of the Proposed Development. As confirmed by the Applicant during Issue Specific Hearing 1 (ISH1) in **Written Summary of Applicant's Oral Submissions at Issue Specific Hearing 1 (ISH1) [EN010158/APP/8.16] [REP3-049]**, the smaller Parcel 3 boundary represented a point-in-time position during the process of land assembly, at which stage that area had been identified and was therefore subject to survey. The initial survey area did not constitute a standalone scheme option, but rather, it formed part of the iterative process of defining the red line boundary which was ultimately taken forward, consulted upon, and now forms the basis of the Proposed Development's Development Consent Order (DCO) Application. It is standard practice in such large-scale projects as the Proposed Development for the extent of land to be refined over time, where it is often necessary – as was the case here - to identify and include additional land to maximise the generating capacity of the Proposed Development and meet its objectives.

## 2.3. Applicant's assessment of PFL/TCS

2.3.1. The Applicant rejects PFL/TCS's allegation that it has failed to properly assess the likely significant effects of the Proposed Development on PFL/TCS. The Applicant submits that there are no 'gaps' in its EIA and refers the ExA to **Appendix 2** of this document which provides the

Applicant's response in the right-hand column to the PFL/TCS Assessment Gap Table.

- 2.3.2. The Applicant affirms its submissions in Section 1.2 of the **Applicant's Response to Preston Farms and TCS Biosciences Ltd's Deadline 5 Submission [EN010158/APP/8.43] [REP6-071]**, namely that the Applicant has assessed PFL/TCS in an appropriate and proportionate manner and that it has continued to offer tailored mitigation as new information came to light during the course of the examination. The Applicant accounted for TCS's 'very high' sensitivity as a business receptor in its assessment, being the maximum value of sensitivity. This is the most appropriate way to assess this receptor in the existing legal and policy framework; noting there are no specific or bespoke planning policy protections or designations afforded to PFL/TCS. PFL/TCS behave as though their business and holding area should be treated as if it benefits from special planning or environmental designations, however there are no such protections in place for such facilities. The Applicant cannot be penalised for this absence of policy or legal protection.
- 2.3.3. After PFL/TCS waived the Non-Disclosure Agreement between the parties during examination and provided information about their operations, the Applicant has been able to better engage with the concerns raised by PFL/TCS. However, it is apparent for the most part, this engagement is one-sided. The Applicant has been disappointed that PFL/TCS's approach has been unproductive and combative, where they only seek to criticise the Applicant's absence of understanding of their specialised business and undermine the Applicant's mitigation without any desire to compromise. An example of this behaviour was systemic during the negotiation of the **Statement of Common Ground with Preston Farms and TCS Biosciences Ltd [EN010158/APP/5.24] [REP6-031]** where PFL/TCS sought to make the document a vehicle for case-making, rather than a simple statement of positions agreed and disagreed. On the contrary, the Applicant has made every effort to collaborate with PFL/TCS despite PFL/TCS remaining uncompromising in their position.
- 2.3.4. For the record, the Applicant notes that despite PFL/TCS's specialist knowledge of equine behaviour, PFL/TCS have never put forward alternative specific thresholds or behavioural triggers which the Applicant could reasonably use as a basis to review its assessments and mitigation package. The Applicant would welcome this information from PFL/TCS at any point.
- 2.4. **Approach to mitigation hierarchy**
- 2.4.1. PFL/TCS claim that the Applicant "turned its attention to the mitigation far too late and, and in reverse... it has now proposed (some limited) mitigation, rather than avoidance..." (paragraph 37 **[REP6-108]**). The Applicant rejects this claim as groundless and has highlighted below all of the pre-application and examination phase design measures and

commitments which the Applicant has provided to, at first instance, *avoid* PFL/TCS including through the reduction in possible interfaces. The Applicant then restates key mitigations.

### Avoidance including reduction in interfaces by design and through management

- 2.4.2. The Applicant affirms its submissions at Section 1.2 of the **Applicant's Response to PFL/TCS Deadline 5 Submission [EN010158/APP/8.43] [REP6-071]** where the Applicant will, at first instance, always seek to avoid PFL/TCS livestock and operations. To this end, the Applicant has reduced interfaces as far as reasonably practicable whilst ensuring that access is safe and that the Proposed Development is still deliverable.
- 2.4.3. The main design amendments made pre-submission of the DCO Application in the interests of reducing the interface with PFL include:
- Removal of the proposed Rosefield Substation and/or BESS from being located within Field E23. This is reflected in the **Works Plans [EN010158/APP/2.3.7] [REP6-004]**.
  - Limiting access to plot 6/10 during the operational phase to ad hoc, infrequent access for any necessary maintenance of cabling works (rather than a construction and operational access crossing this plot as initially proposed). Clarification on frequency and nature of permanent access rights is in the **Outline Operational Environmental Management Plan (Outline OEMP) [EN010158/AP/7.3.7]**.
  - Removal of a proposed construction compound from plot 6/10. This is reflected in the **Works Plans [EN010158/APP/2.3.7] [REP6-004]**.
  - Removal of land to the west of Parcel 3 and south of Sion Hill Farm from the Order Limits after the Phase One consultation. This is reflected in the red line boundary forming the Order Limits under the DCO Application, as reflected in the **Location, Order Limits and Grid Coordinate Plans [EN010158/APP/2.1.2] [AS-004]**.
- 2.4.4. The following further amendments have been committed to by the Applicant during the Examination in response to concerns raised by PFL/TCS and to further reduce possible interfaces:
- At Deadline 4, optionality in Field E23 was removed so that it is no longer available for the location of the proposed construction compound in Parcel 3. This is reflected in the **Works Plans [EN010158/APP/2.3.7] [REP6-004]**.
  - At Deadline 6, the double cable run into Parcel 3 was reduced to a single run, where the eastern leg of the cable run into Parcel 3 through Fields SA48-50 and E23 has been removed on **ES Volume 3, Figure 3.7: Indicative Cable Crossings and Cable Corridors [EN010158/APP/6.3.7] [REP6-050]**.

- At Deadline 6, the Applicant made a commitment to route Light Goods Vehicles (LGVs) from East Claydon Road subject to approval of Buckinghamshire Council during the operational period. This is reflected in the **ES Volume 4, Appendix 15.1: Transport Assessment [EN010158/APP/6.4.4]** and the **ES Volume 1, Chapter 3: Proposed Development Description [EN010158/APP/6.1.6]**.
- At Deadline 7 and as set out in detail at **Appendix 1** of this response, the Applicant has further considered the concerns around Heavy Good Vehicle (HGV) access during operation. Whilst HGV access from Granborough Road is currently considered to be the most appropriate route during the operational period (in the absence of future year cumulative traffic flows through the Winslow junction), the Applicant has updated its **Outline OEMP [EN010158/AP/7.3.7]** to secure that a review of HGV access routing and mitigation will be made prior to HGV access being taken, with the final decision to be made by Buckinghamshire Council. This provides flexibility for HGVs to avoid the Granborough Rd access if the conditions exist for safe access via a different route in the future. This is reflected in the updated **ES Volume 1, Chapter 3: Proposed Development [EN010158/APP/6.1.6]** and **Outline OEMP [EN010158/AP/7.3.7]**.

- 2.4.5. Separate to these embedded design measures, the Applicant further considers avoidance to be achievable by virtue of the Applicant's secured commitments to liaise with PFL/TCS throughout all phases of the Proposed Development and maintain constant communication. For example, during the preparation of the detailed Construction Environmental Management Plan(s) the Applicant must provide at least six months' advance notice of the location and timing of any construction activities in proximity to the Prestons' grazing land. Further, the **Outline Biosecurity Management Plan (Outline BMP) [EN010158/APP/8.39.2]** secures weekly liaison meetings between the parties and the Applicant will identify a principal and out-of-hours contact for PFL/TCS in case of urgent or unexpected events.
- 2.4.6. In practice this means that the Applicant would work with PFL/TCS to prioritise means in which livestock can be located away from construction activities. The Applicant's **Outline Construction Environmental Management Plan (Outline CEMP) [EN010158/APP/7.2.7]** [\[REP6-058\]](#) provides that where practicable, this may involve undertaking works when livestock are stabled during winter months and also giving due regard to PFL's rotation between arable and grazing fields which varies from year to year (to be informed by PFL), to maximise the separation distance between the construction works and the herd.
- 2.4.7. In conjunction with these measures committed to by the Applicant, the Applicant pays heed to PFL/TCS's continued autonomy and agency with how they will be able manage their holding and livestock. This means it is in PFL/TCS's gift to organise their integrated holding appropriately in terms of arable and grazing land to enable the continued necessary

rotation of livestock, as informed by the advanced notice of construction programme provided by the Applicant.

- 2.4.8. It is noted that the Applicant offered PFL alternative grazing fields in Parcel 2 during the construction period to further reduce possible interfaces and enable avoidance, but this offer has been rejected PFL/TCS in the PFL/TCS Deadline 5 Submission [\[REP5-111\]](#).
- 2.4.9. Further opportunities for avoidance are provided through the replacement land offered by the Estate. As articulated in Appendix 2 of the **Tenancy Position of Preston Farms Ltd** [\[EN010158/APP/8.30\]](#) [\[REP4-088\]](#), the Applicant observes that the Estate's offer of replacement land goes well beyond the statutory compensation provisions under the Agricultural Holdings Act and that available for Farm Business Tenancies. Contrary to PFL/TCS's characterisation, the replacement land is not offered as compensation for the land lost in Parcel 3 because the Estate is not legally required to do so. The offer of replacement land, which it is important to recall was land chosen and agreed in discussion with PFL/TCS through agreed Heads of Terms, has been made in good faith to PFL/TCS. The Estate (see point (vii)(d) of the Estate's letter at **Appendix 4**) and the Applicant recognise that the replacement land serves to alleviate risk of impacts to their business and supply to the NHS. The Estate has confirmed that the replacement land is of equivalent acreage, which the Applicant considers would facilitate enabling PFL/TCS to carry on their business at the current capacity.

#### Mitigation where avoidance is not possible

- 2.4.10. Mitigation measures are only necessary where the parties are unable to avoid interaction, which would thereby create a potential effect which may need mitigating.
- 2.4.11. The Applicant accepts that some interfaces are unavoidable. This includes the construction access interface on Granborough Road because of the unavoidable cumulative road safety issues in Winslow for HGV use at the junction of the High Street and Vicarage Road which would pose a significant risk to road users. This risk during construction cannot be mitigated with an alternative route, as explained in the Construction Access Review at Annex 5 of the **ES Volume 4 Appendix 15.1: Transport Assessment** [\[EN010158/APP/6.4.4\]](#), Section 3.2 of the **Applicant's Response to Preston Farms and TCS Biosciences Ltd's Deadline 5 Submission** [\[EN010158/APP/8.43\]](#) [\[REP6-071\]](#) and **Appendix 1** of this document. Similarly, the Applicant requires ongoing access during the operational and maintenance phase for maintenance events, including of cables and other infrastructure.
- 2.4.12. In these circumstances where interfaces are unavoidable, they will be strictly controlled by provisions in the **Outline BMP** [\[EN010158/APP/8.39.2\]](#) and the detailed Biosecurity Management Plan which will be prepared prior to construction. The **Biosecurity Area Plan**

[EN010158/APP/2.7] [REP5-005] clearly defines the areas where the provisions in the Outline BMP would apply, being in all areas adjacent to or within PFL-occupied fields.

- 2.4.13. At **Appendix 3** to this response, the Applicant has responded to PFL/TCS's Biosecurity Measures Comparison Gaps table. The Applicant has either explained why there is no gap in its Outline BMP by cross-referencing relevant measures or has closed the gap through strengthening the **Outline BMP [EN010158/APP/8.39.2]** at Deadline 7.
- 2.4.14. As a responsive and responsible developer, the Applicant has offered a suite of other mitigation measures secured within its documentation that will be certified, including:
- At Deadline 3, a commitment that BESS containers and transformer units will be offset at least 50m from the southern boundaries of Fields D8 and D9 and the eastern boundary of Field D9, to provide PFL/TCS further comfort that the HF 10-minute levels would be below the 10-minute AEGL 1 limit threshold within the surrounding livestock fields (860 ug/m<sup>3</sup>). This is secured within **Design Commitment [EN010158/APP/5.9.9]** as design commitment D25.
  - At Deadline 5, the Applicant confirmed the extent of the flexibility of the current location of the access junction on Granborough Road (which is indicative and had been informed by an early meeting with PFL/TCS), whereby the junction can move up to 50m to the east of the current location. As explained in **Appendix 1** to this document, it would not be possible to move the junction any further to the east whilst maintaining a suitable visibility splay and staying within the Order Limits, limits of road adoption and without tree removal. The alternative access junction location on Granborough Road is shown in the **Outline Construction Traffic Management Plan (Outline CTMP) [EN010158/APP/7.5.5] [REP5-073]** and the limit of deviation secured in the **Draft DCO [EN010158/APP/3.1.10]**.
  - At Deadline 6, acoustic mitigation in the **Outline CEMP [EN010158/APP/7.2.7] [REP6-058]**, where in the event that the donor herd may be present within adjacent grazing fields when the construction works are taking place:
    - Installation of temporary noise barriers around any construction work areas taking place within Parcel 3;
    - Installation of temporary noise barriers within Parcel 3 along the proposed access route from Granborough Road; and
    - Use of rotary piling techniques within Parcel 3. This commitment is provided on the basis that ground conditions are suitable for rotary piles (subject to detailed ground investigations that would be undertaken prior to construction). Where this is not viable, the use of shrouds and/or resilient pads between the pile and the driver would be adopted for percussive piling techniques.

- Strategically located early planting along the western and southern boundaries of Parcel 3 (Fields E11, E20, E22 and E23) and along the southeastern boundary of Parcel 2 (Fields D8, D9, D19 and D26). At Deadline 6, the Applicant further particularised in the **Outline Landscape and Ecological Management Plan [EN010158/APP/7.6.7] [REP6-060]** that this would consist of a 5m width of planting containing trees planted at 3m high on the outer edges of the 15m early planting woodland belts, alongside gapping up hedgerows around the edge of the fields where required.
- At Deadline 7 and as further explained below, the Applicant has agreed to the 'capsule' design for the Animal Movement Area submitted by PFL/TCS for the first time into examination at Deadline 6. This secures 80m widths along the northern, western and southern edges of Field E23. The Applicant understands that, assuming there is Solar PV in Field E23, PFL/TCS are comfortable with this design to enable safe animal movement across Field E23. This is reflected in the updated Appendix 1 secured to the **Design Commitments [EN010158/APP/5.9.9]**.

## 2.5. Compulsory Acquisition and Field E23

- 2.5.1. The Applicant refers to Section 4 of its **Closing Statement [EN010158/APP/8.44] [REP6-072]** in respect of its compulsory acquisition case, including specifically in relation to PFL at Section 4.2 and Section 4.3 of that statement.
- 2.5.2. The Applicant refers to Section 2.3 of the **Applicant's Response to PFL/TCS Deadline 5 Submission [EN010158/APP/8.43] [REP6-071]** setting out the potential inconsistencies in PFL's use case for Field E23 (plot 6/13). The Applicant remains generally confused about how Field E23 (plot 6/13) is used and how PFL/TCS propose it would be used in the presence or absence of Solar PV development. It is unclear to the Applicant why the Applicant's Animal Movement Area as submitted at Deadline 6 (see **Design Commitments [EN010158/APP/5.9.8] [REP6-013]**) is unacceptable to PFL in circumstances where, to the Applicant's mind, PFL could use the field to the west of Field E23 to move the herds between the northern and southern parcels, as the Applicant understands PFL currently do when Field E23 is being used for food production (see **Statement of Common Ground Preston Farms Limited and TCS Biosciences [EN010158/APP/5.24] [REP6-031]**).
- 2.5.3. Irrespective of this lack of clarity and in continued active attempts to narrow the areas of disagreement between the parties, the Applicant has accepted the 'capsule' design proposed by PFL/TCS at Deadline 6 for Field E23 as the illustrative Animal Movement Area and has secured this as Appendix 1 of the **Design Commitments [EN010158/APP/5.9.9]**.
- 2.5.4. In terms of the land position including over Field E23 (plot 6/13), the Applicant notes that PFL has not once addressed the vulnerability of its

tenancy position, nor the impact of the short-term nature of its occupation on the PFL/TCS business. PFL/TCS maintain that it is because of the Applicant that they have been served a Notice to Quit. This is blind to the reality that PFL hold a short-term interest in the land and the Estate was entitled to serve a notice to vacate on PFL at any point, irrespective of the Applicant. In any case, in no circumstances (including if they reach agreement with the Estate) will PFL/TCS hold anything more than a short-term interest, terminable at any point, on the land required for above ground infrastructure for the purposes of the Proposed Development given the Option Agreement between the Estate and the Applicant.

- 2.5.5. The Applicant confirms the land position is unchanged since the **Applicant's Response to Preston Farms and TCS Biosciences Ltd's Deadline 5 Submission [EN010158/APP/8.43] [REP6-071]** given the Estate and PFL continue negotiations.
- 2.5.6. The Applicant refers to the Estate's letter at **Appendix 4** of this response, and makes the following observations:
- 2.5.6.1. The Estate has continued negotiations with PFL despite PFL seeking to depart from the agreed Heads of Terms at a very late stage in negotiations (paragraph (xii) of the Estate's letter).
- 2.5.6.2. On 18 August 2026, PFL indicated that they "intend to proceed" with the FBT agreements (which are to no longer include the AHA land given PFL's late-stage change in position). However, they were "not willing to commit to an agreement in principle" on that date (paragraph (xiv) of the Estate's letter).
- 2.5.6.3. The Estate has voluntarily given PFL an opportunity to secure an unusually long 40-year FBT interest in land in which they currently do not hold security of tenure, as well as (for the balance of that period) a long-term interest in replacement land which is of an equivalent acreage, adjacent to PFL's wider farm holding and in which PFL was engaged in choosing after the replacement land initially proposed by the Estate was not agreeable to PFL (paragraphs (iv), (v), (vi) and (vii)(b)(b) of the Estate's letter). The Applicant considers the long-term FBT with replacement land would facilitate enabling PFL/TCS to carry on their business at the current capacity and serve as a key mitigation to risk in NHS supply.
- 2.5.6.4. The Applicant notes that the FBT agreements have been under negotiation since October 2025 and despite the late change in PFL's position, the Estate have been willing to accommodate many of PFL's requests. The Estate shared the latest drafts with PFL on 12 August 2026. The window for further negotiation in respect of these agreements is now closed (paragraph (xvi) of the Estate's letter). The Applicant is therefore of the strong view that PFL ought to have been able to provide an in-principle agreement to these documents by the close of the Examination and is

disappointed that PFL has not done so when the Estate, and indeed the Applicant, have made various concessions to accommodate PFL.

- 2.5.6.5. The Applicant considers PFL's inability to provide in-principle agreement is surprising considering the alternative is the loss of a significant landholding which would have a far greater impact on the NHS supply than any potential impacts of the Proposed Development (the latter of which the Applicant considers it has appropriately mitigated).
- 2.5.6.6. Nevertheless, the land position will be clear during the ExA's decision making period and by 30 September 2026. If PFL do not agree the FBT agreements in the form presented to them on 12 August 2026 as well as the AHA Assignment, the Estate will enforce the Notice to Quit, a position which PFL has acknowledged (paragraph (xvi) of the Estate's letter).
- 2.5.7. Separately in response to the Mr Alden's note, the Applicant clarifies for the record in relation to PFL/TCS's 'quiet enjoyment' of the AHA and alleged consent given to the Estate to carry out intrusive investigations, the Applicant confirms that PFL/TCS agreed a license with the Applicant for the undertaking of survey works.

## 2.6. NPS EN-1 Submissions and Section 104(7)

- 2.6.1. The Applicant disagrees with PFL/TCS submissions on the application of NPS EN-1 paragraphs 4.1.7/4.2.15 exception test and section 104 of the Planning Act as overstated and misconstrued.
- 2.6.2. In respect of NPS EN-1, the presumption afforded to Critical National Priority (CNP) infrastructure is not displaced, rather, it is upheld and therefore the needs case is afforded substantial weight under paragraph 3.2.7 of NPS EN-1 (2023) which weighs heavily in the Applicant's favour in the planning balance. The Applicant refers to its previous submission within the **Applicant's Response to the Examining Authority's Second Written Questions [EN010158/APP/8.23] [REP4-082]** (see response to Q2.6.2), and more broadly to its compliance with the NPSs set out at **Appendix 4 – Policy Compliance Assessment Tables to the Planning Statement [EN010158/APP/5.7.6] [REP6-011]**.
- 2.6.3. In its **Planning Statement [EN010158/APP/5.7.6] [REP6-011]**, the Applicant has considered TCS in the weighting of the planning balance even though the potential impacts on the existing TCS business have not been identified as significant in the EIA. At paragraph 10.2.15 of the **Planning Statement [EN010158/APP/5.7.6] [REP6-011]**, the Applicant confirms its strong view that TCS will be able to continue to operate its business and that there will be no unacceptable impact on its operation, notwithstanding the existing tenancy position of PFL. Therefore, the Applicant considers the planning balance lies firmly in favour of granting the DCO as the substantial positive benefit of consent outweighs any residual effects on PFL/TCS.

- 2.6.4. In response specifically to points raised at paragraphs 53 – 56 of the PFL/TCS Deadline 6 Submission [[REP6-108](#)]:
- 2.6.4.1. The Applicant has voluntarily adopted PFL/TCS's 'capsule' design to facilitate animal movement across Field E23 in a manner acceptable to PFL/TCS. This is despite the additional loss of an estimated 2.5MW to the Applicant's capacity from the Animal Movement Area Plan that the Applicant had secured at Deadline 6. Therefore, this means that the capacity of Field E23 for the total field area of 15MWp would be reduced to 7.5MW.
- 2.6.4.2. As reinforced by the Applicant's Transport Consultant's evidence at **Appendix 1** of this response and in the Construction Access Review at Appendix 5 of the **ES Volume 4 Appendix 15.1: Transport Assessment [EN010158/APP/6.4.4]**, construction access at Granborough Road is required to avoid the cumulative construction traffic impacts through Winslow.
- 2.6.4.3. The Applicant otherwise refers to all the avoidance and mitigation measures it has secured, including at Deadline 7 through the additional flexibility for potential HGV operational access, as set out at Section 2.4 above.
- 2.6.4.4. In accordance with section 104, the Secretary of State must decide the application in accordance with the NPSs and weigh the planning balance accordingly. The Applicant submits that balancing the case as a whole, the balance is in the Applicant's favour.

# **Appendix 1**

## **Pell Frischmann Transport Report**

# Pell Frischmann

## Rosefield Solar Farm

### Deadline 7 Transport Response

August 2026

10110996

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |      |                                                                                                                                                                                                                                                                                                                                                                                                                         |            |            |          |          |
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Prepared for

Rosefield Energyfarm Limited

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Appendix A TCS Biosciences Original Request for the Granborough Road Junction Location

# 1 Introduction

## 1.1 Scope of Review

This summary of evidence reviews and responds to the transport and access comments made in the Railton Transport Note dated 3 August 2026 in the Preston Farms Limited and TCS Biosciences Limited (PFL/TCS) Deadline 6 Submission [\[REP06-108\]](#).

This review will consider the following issues:

- Granborough Road Access Junction;
- Access Between Parcels 2 and 3;
- Operational Access; and
- Matters not addressed by the further evidence submitted by TCS Biosciences.

## 1.2 Expert Witness

The summary is provided by Gordon Buchan BEng (Hons), MSc, CEng, FCIHT, CMILT, Sector Director for Energy at Pell Frischmann Consultants Limited. Mr Buchan is a Chartered Engineer, Fellow of the Chartered Institution of Highways & Transportation and a Chartered Member of the Chartered Institute of Logistics and Transport. He is also a Visiting Teaching Fellow at Edinburgh Napier University and has worked on over 650 wind farm, 50 solar farm, 40 electrical transmission line and over 20 substation projects in his 30-year career, covering the whole of the UK, Ireland, Scandinavia and the Baltic States. He has been appointed by Renewables UK Cymru as strategic transport advisor for wind farm developments across Wales.

He has acted on transport matters on Development Consent Order (DCO), Nationally Significant Infrastructure Project (NSIP) applications, Section 36 applications, Section 37 applications and Town & Country Planning Act (TCPA) / Planning Act (Scotland) applications across the United Kingdom. He has acted as expert witness for several DCO schemes, including Springwell Solar Farm DCO (approved) and One Earth Solar Farm (approved), the two largest consented solar farm projects in the United Kingdom.

Mr Buchan specialises in energy projects and has a wealth of expertise of the transport and access issues relating to construction traffic operating in rural and semi-rural areas. He has given presentations at the ICE Infrastructure Show at the NEC and at the All Energy Conference on two occasions. He was a finalist in the 2018 NCE 100 Alternative Energy Award category.

Mr Buchan is acting as expert witness for the Applicant and was the author of the transport related application documents. He is providing his professional, expert, independent evidence for the Examining Authority (ExA) to consider.

## 2 Matters noted in the TCS Biosciences Response

### 2.1 Granborough Road Access Junction

The location of the junction on Granborough Road is illustrated in the **Outline Construction Traffic Management Plan [EN010158/APP/7.5.5] [REP5-073]** in **Annex 2**. This illustrates:

- The location of the junction to the west, as initially requested by TCS Biosciences during the early engagement held between the Applicant and TCS Biosciences (see Appendix A for the initial location requested by TCS Biosciences); and
- An alternative location of the junction to the east to help address concerns raised by TCS Biosciences at later stages of the Examination process.

Both access junction locations are considered practical and would feature works to accommodate the necessary visibility splays.

It is not possible to move the junction further to the east beyond what the Applicant's limits of deviation provide for, whilst maintaining a suitable visibility splay and staying within the DCO Order Limits, limits of road adoption and without tree removal. It is again noted that Railton acting for TCS Biosciences has not provided any drawings or data to support their commentary about the junction locations.

The alternative access junction location has been discussed with Buckinghamshire Council who have not raised any technical objection.

The access on Granborough Road is required for safe and efficient HGV access during the construction phase and to facilitate the grid connection works between the substation / grid connection point to the wider development in Parcels 1 and 2.

The proposed initial location to the west was made in good faith by the Applicant and aligns with early advice by TCS Biosciences (see Appendix A). The late requests made by TCS Biosciences during the Examination to move the junction to the east are an example of unwillingness of TCS Biosciences to engage proactively and productively with the Applicant. This inconsistent approach is regrettable and has resulted in additional documents being prepared late in the process at Deadlines 5, 6 and now 7 for the ExA's consideration.

### 2.2 Access Between Parcels 2 and 3

The levels of movement to land Parcel 3 are clearly set out in **ES Volume 4, Appendix 15.1: Transport Assessment [EN010158/APP/6.4.4]** and **ES Volume 2, Chapter 15: Transport and Access [EN010158/APP/6.2] [APP-058]**.

The access strategy to Parcel 3 is for traffic to arrive at Parcel 2 and then travel into Parcel 3 via Granborough Road. There is no need for HGV traffic to arrive separately from the north via the towns of Buckingham, Padbury and Winslow, as safe and efficient access is available from the south.

The Applicant is proposing that no construction traffic approaches the Site through surrounding villages to avoid the road safety issues that are present in Winslow for HGV use at the junction of the High Street and Vicarage Road as detailed in **Annex 5 of ES Volume 4, Appendix 15.1: Transport Assessment [EN010158/APP/6.4.4] (Construction Access Review)** and the **Applicant's Response to Action Point 18 from ISH3 [EN010158/APP/8.40] [REP5-097]**.

Again, TCS Biosciences have not provided any traffic survey data or traffic impact numbers to illustrate their viewpoint on the effects of Car and LGV traffic travelling between an access on East Claydon Road and the main construction access junction on Claydon Road, via the village of Botolph Claydon. As such, the viewpoint expressed by TCS Biosciences on this matter cannot be evaluated or confirmed.

## 2.3 Operational Access

The Applicant agrees with the TCS Biosciences statement that operational traffic levels would “be low” (Paragraph 15 of [\[REP06-108\]](#)) and that they would “lead to negligible effects” (Paragraph 17 of [\[REP06-108\]](#)). The Applicant is in agreement with both these statements, noting that Railton for TCS Biosciences does not suggest that this low level of traffic would have any appreciable impact and seems to be agreeing that the access matters raised by his client are not transport matters, rather they are land matters.

The Applicant has agreed to provide Car / Light Goods Vehicle (LGV) access from the north via East Claydon Road during operation in **Applicant's Response to Deadline 5 Submissions [EN010158/APP/8.42]** [\[REP6-070\]](#).

As assessed, future year HGV access during the operational phase would be from the south via the retained Granborough Road access junction. This is considered to be the most appropriate option as future year cumulative traffic flows through the junction of High Street / Vicarage Road in Winslow are not clear for the whole lifetime of the Proposed Development. The southern access for HGV traffic also allows for more efficient access between the three land parcels and for a more robust Construction (Design and Management) Regulations 2015 (CDM) control area, rather than having the Site split into two different, dispersed routes.

To accommodate TCS Bioscience Limited requests that HGV access during the operational phase avoids Granborough Road, the Applicant can provide a further commitment within the finalised, detailed Operational Environmental Management Plan to a review of HGV access routing and mitigation and for Buckinghamshire Council to provide a final decision on HGV access immediately prior to larger scale events during the operations and maintenance phase, such as repainting campaigns. The **Outline Operational Environmental Management Plan [EN010158/APP/7.3.7]** has been updated to reflect this change and note that the Council would need to be satisfied that cumulative HGV traffic flows in Winslow were satisfactory and that a suitable access junction upgrade to the AIL access were provided.

These changes would address the specific road safety concerns noted with cumulative HGV flows in Winslow (as noted in **Construction Access Review [EN010158/APP/8.29.2]** [\[REP5-087\]](#) and the **Applicant's Response to Action Point 18 from ISH3 [EN010158/APP/8.40]** [\[REP5-097\]](#)), but may also provide a mechanism to address comments raised by TCS Biosciences in the future.

### 3 Matters not addressed by TCS Biosciences Representation

#### 3.1 Cumulative Road Safety in Winslow

Railton for TCS Biosciences has not made any comments relating the real and significant cumulative road safety issues raised by the Applicant in **Issue Specific Hearing 3** noted in **Written Summary of Applicant's Oral Submissions at Issue Specific Hearing 3 (ISH3)** [EN010158/APP/8.33] [REP5-090], the **Construction Access Review** [EN010158/APP/8.29.2] [REP5-087] and the **Applicant's Response to Action Point 18 from ISH3** [EN010158/APP/8.40] [REP5-097].

The primary concern relates to the ability for Heavy Goods Vehicle (HGV) traffic passing through the junction of the High Street and Vicarage Road.

A swept path of the movement of HGV traffic has been presented in both the Statera Energy (23/03875/APP) and Statkraft Battery Energy Storage System (BESS) (25/01297/APP) applications. The swept path analysis demonstrates that HGV traffic will use both lanes of the junction, with vehicles passing back to the correct side of the road to the north of the signal-controlled crossing (one of only two controlled pedestrian crossings on the High Street). This in itself is not considered desirable and presents a clear highway safety concern given the close proximity for traffic to the footways.

Indeed Figure 2 of **Applicant's Response to Action Point 18 from ISH3** [EN010158/APP/8.40] [REP5-097] reproduced below even shows that car traffic can encroach into oncoming traffic (highlighted in yellow). If car traffic is undertaking this, then articulated HGV traffic would be a more significant safety issue.



Credit: Google StreetView, 2026

Whilst it may be possible to have a banksman for the low HGV traffic levels associated with the Proposed Development individually, this mitigation is far from ideal and under CDM, the hierarchy of risk reduction dictates that hazards should be eliminated rather than managed. This is not mentioned or acknowledged by TCS Biosciences.

Residual risk associated with reliance on a banksman at this location does not remove risk. There is a clear risk of a detrimental impact on road safety. This raises significant concerns regarding the ability of multiple projects to safely use the junction for daily, sustained HGV deliveries.

The potential for peak traffic flows through the junction is detailed in **ES Volume 4, Appendix 15.1: Transport Assessment [EN010158/APP/6.4.4]** in **Table 5.1**. 105 two-way daily trips are predicted, of which 31 are HGV movements.

On average, assuming a 10-hour working day, three Proposed Development HGV movements per hour, circa one HGV every 20 minutes, would pass through the junction, accessing only the Site.

The Statera Energy, Statkraft and Tuckey Farm Solar Farm are however all consented. During peak construction times, these three developments would add an additional 155 HGV movements through the junction per day. Adding the Proposed Development's construction traffic to these cumulative traffic flows would result in 18.6 HGV movements per hour through the junction, or one every 3.2 minutes, further exacerbating the traffic delays and potential safety issues at the junction.

The road safety risks associated with increased HGV traffic at the junction are obvious. Cumulative HGV traffic from competing developments will require access to both sides of the High Street and on Vicarage Road (at the give way line) to complete turning manoeuvres at the junction.

Delays from HGV traffic trying to negotiate the junction are likely to result in driver frustration, time pressure on HGV drivers, congestion from other road users, awkward reversing manoeuvres with limited visibility, all resulting in the potential for traffic trying to force its way through or mounting the kerb to pass. This represents a significant and real danger to vulnerable road users, including pedestrians, school pupils, the elderly and cyclists, as well as vehicle occupants.

The use of the junction by multiple developments' construction traffic cannot be readily managed over the length of the various construction programmes in a safe and efficient manner by the use of banksmen, especially given the constrained physical nature of the junction. No details are provided by TCS Biosciences in this key road safety matter in any of the evidence provided to date.

The addition of the Proposed Development's construction traffic to this constrained location would inevitably lead to further severe road safety hazards and increase the potential for serious accidents occurring. It is my professional opinion that the use of this junction by the Proposed Development's construction traffic is unsuitable, highly detrimental to highway safety and poses a significant risk to road users.

The removal of the Proposed Development's construction traffic from this junction and using the Applicant's proposed construction access route to access the Site from the south from the A41, rather than the TCS Biosciences route via Winslow, is considered to be a substantially safer option during construction activities.

### 3.2 Furze Lane Access Option

The latest TCS Biosciences report fails to provide any further detail on their own proposals to use Furze Lane, detailed in meetings between the Applicant and TCS Biosciences directors.

This route is not considered suitable as detailed in Construction Access Review [EN010158/APP/8.29.2] [\[REP5-087\]](#). It is assumed that the reasons for rejecting this route have now been accepted by TCS Biosciences, given no further details or comments have been submitted.

## 4 Summary of Evidence

The latest comments from TCS Biosciences have been reviewed.

As secured by the **Draft DCO [EN010158/APP/3.1.10]**, the Granborough Road access junction is able to deviate up to 50m to the east of its current location. This location is as far east as possible within existing constraints. No contrary evidence in the form of drawings has been presented to alter this view.

Construction access has been assessed to arrive from the south into Parcel 3. TCS Biosciences have yet to provide any detailed evidence to support their case that cumulative HGV flows can be accommodated in Winslow. No drawings, swept path assessments, junction analysis or traffic management plans have been provided to support their case, even in outline. No answers to the significant CDM concerns have been provided.

Placing cumulative traffic flows through sensitive village and town centres without providing the basic levels of justification in traffic safety is a significant and serious omission. It places their own interests above the safety of residents of Buckingham, Padbury and Winslow and ignores basic health and safety requirements.

In evidence, TCS Biosciences note that the operational traffic levels will be low and would result in negligible effects. This is correct and further underlines the fact that there are no transport grounds to their objection.

The Applicant has tried to accommodate TCS Biosciences, despite a lack of engagement from them. The Applicant has:

- Agreed that operational LGV traffic can access from the north following the completion of construction works; and
- Notes that while HGV access would remain from the south into Parcel 3, it may be possible for operational HGV traffic access from the north into Parcel 3 depending on the status and programme of other projects, other traffic management measures, the agreement of the access junction layout on East Claydon Road and subject to the approval of Buckinghamshire Council. The detailed Operational Environmental Management Plan can be varied to review access for repainting operations, subject to the approval of Buckinghamshire Council as the highways authority for the Proposed Development and assuming there are no cumulative HGV issues within Winslow, that the access junction form is agreed and that adequate traffic management mitigation measures can be provided.

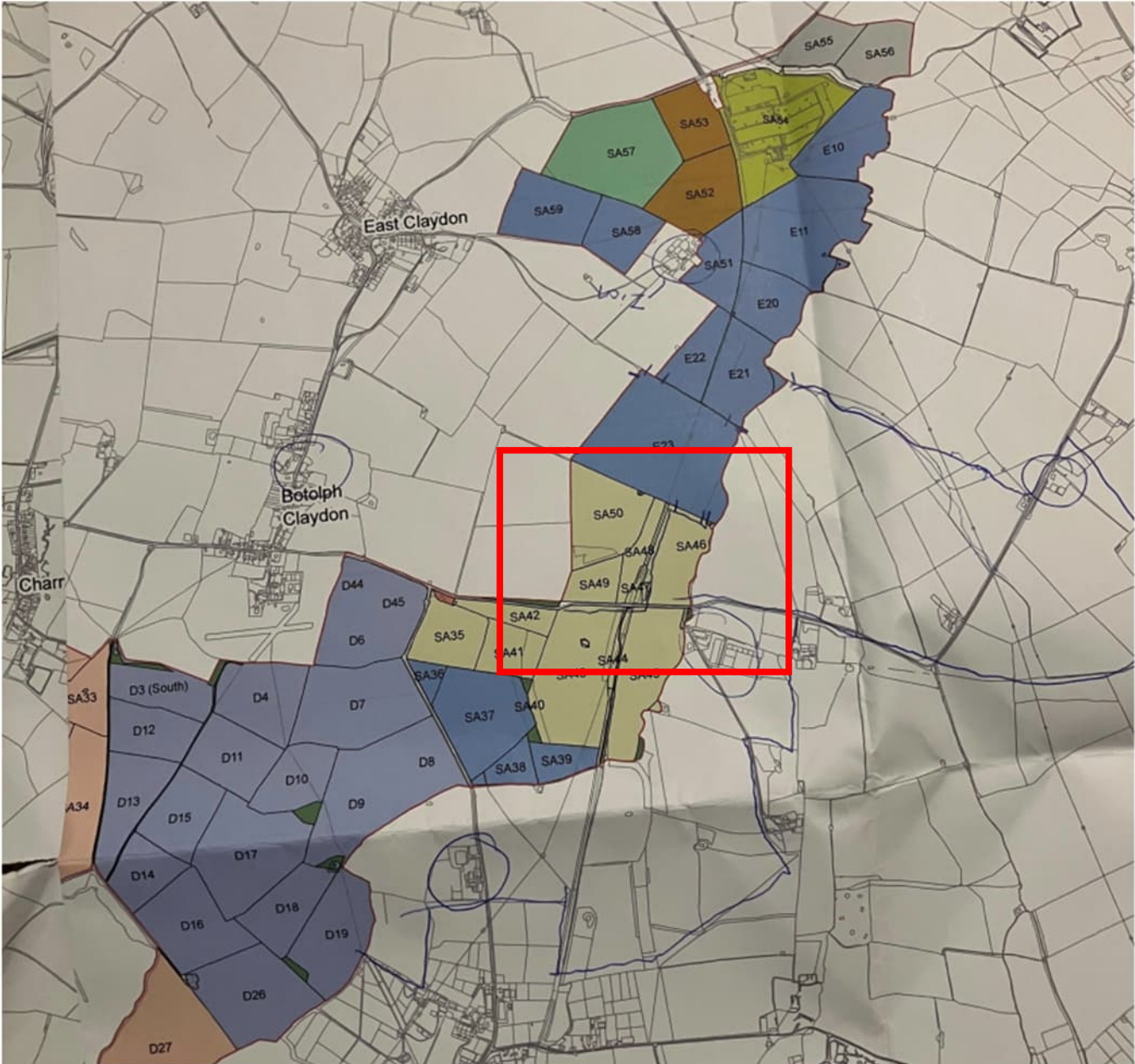
There are no transport effects relating to TCS Biosciences Limited. The concerns of TCS Biosciences relate to land matters only and not to transport concerns.

All technical matters have been satisfied with all statutory bodies. The Proposed Development satisfies paragraph 5.14.21 of NPS EN-1 (2023) which is the key traffic and transport decision taking policy for the Secretary of State to consider. There are therefore no reasonable grounds for refusing the DCO on transport matters.

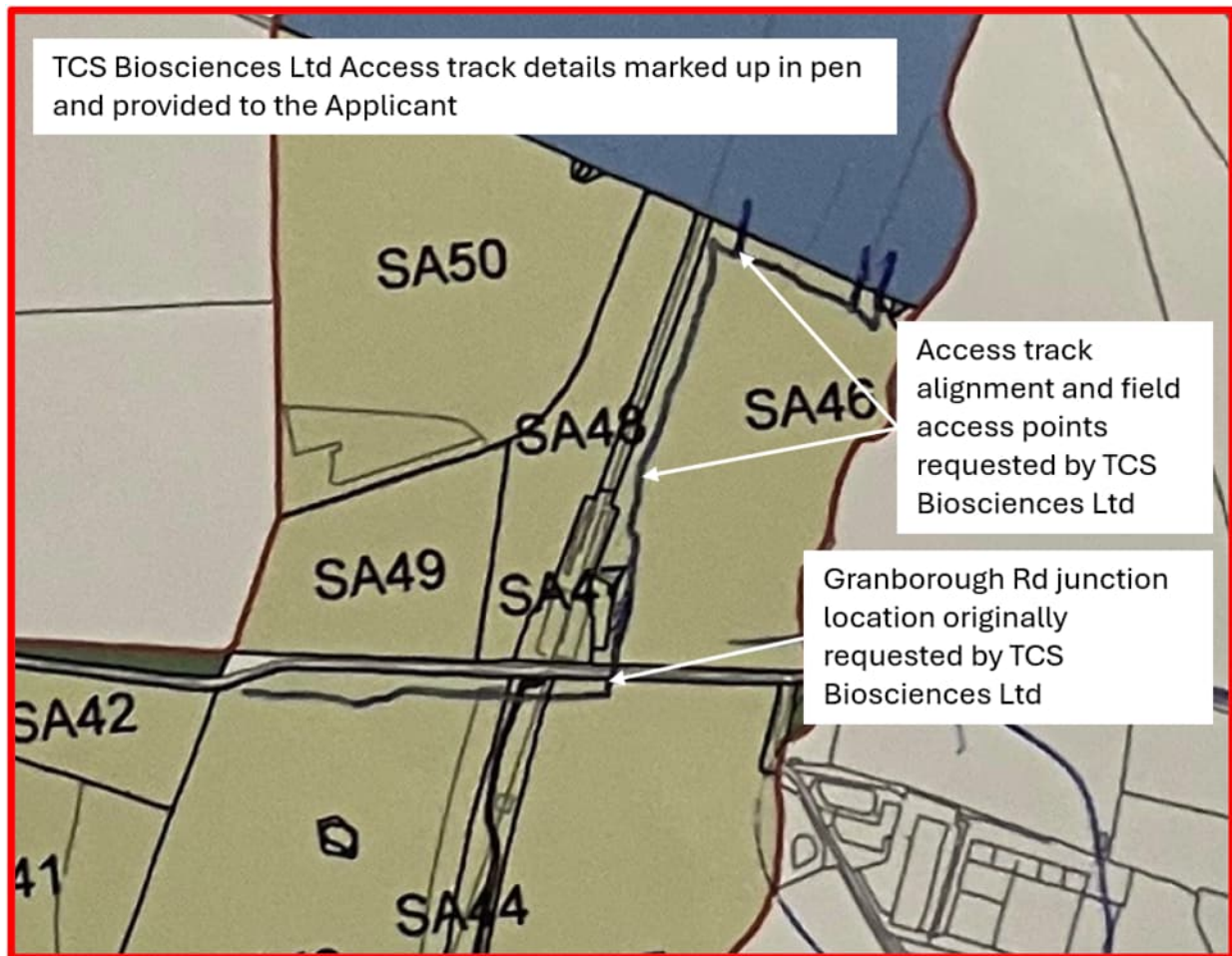
## Appendix A TCS Biosciences Original Request for the Granborough Road Junction Location

Marked up plan provided by TCS Biosciences Limited

See overleaf for extract (in red)



**Extract area from TCS Biosciences Limited marked up plan**



# **Appendix 2**

## **Response to PFL/TCS EIA Gap Table**

| Ref. | Principal Document                                                                                                                      | PFL/TCS description of how PFL/TCS appears                   | PFL/TCS description of receptor assessment gap                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | Applicant's Response                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
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| 2.1  | <b>EIA Scoping Report [APP-079], sections 6.1 and 6.7–6.9; EIA Scoping Opinion [APP-080]; Scoping Opinion Response Matrix [APP-081]</b> | Neither PFL nor TCS are identified as a specialist receptor. | <p>The Applicant never assessed any distinct pathway for a Home Office licensed donor-animal operation.</p> <p>That is an assessment gap where animal welfare and stress, donor suitability and blood quality, biosecurity, product continuity and the integrated PFL/TCS operation all fell to be assessed but were not. PFL/TCS was not assessed as part of the PEIR, and PFL and TCS were not assessed in the Environmental Statements submitted on 26 September 2025.</p> <p>Considering the pre-application engagement this is a significant omission. The detail of PFL's donor-animal operation, its relationship with TCS and its operational sensitivities was known to the Applicant. The relevant gap is not merely that PFL/TCS was not known at scoping stage. It was the Applicant's failure to describe the detail known to it identify the appropriate receptor definition, baseline and assessment methodology before the ES was finalised.</p> <p>It was only when the ExA started its examination of the environmental topics that the Applicant started to assess PFL/TCS as a specialist receptor. That was required of it where at ISH3 "Effects on Preston Farms Limited and TCS Biosciences Limited and related mitigation" and "Noise and vibration effects on donor livestock" were matters requiring examination.</p> <p>The Applicant still does not treat PFL in conjunction with TCS as a specialist receptor (see PFL/TCS statement of common ground).</p> | <p>The purpose of the Environmental Impact Assessment (EIA) Scoping Report is to set out the proposed scope and methodology for the EIA and subsequent Environmental Statement (ES). This includes identifying the environmental topics, receptors and potential effects requiring further assessment. It also provides an opportunity for consultees to identify matters that should be addressed through the EIA.</p> <p>Businesses and agricultural landholdings potentially affected by the Proposed Development, including TCS/PFL were not individually named in the <b>ES Volume 4, Appendix 5.1: EIA Scoping Report [EN010158/APP/6.4] [APP-079]</b> however, they were collectively recognised through the inclusion of 'Agricultural land holdings, development land and businesses', which was scoped into the EIA for further assessment.</p> <p>The Applicant therefore disagrees that the absence of a specific reference to PFL/TCS, or to donor-animal operation, within the EIA Scoping Report constitutes an assessment gap. EIA Scoping is not intended to provide a complete list of all individual receptors, but to identify the key environmental issues to be considered in detail during the EIA and to establish the framework for subsequent assessment as the understanding of individual receptors develops.</p> <p>The Applicant also does not agree that the PFL/TCS operation required a distinct assessment pathway at the scoping stage. The particular characteristics of an operation may inform receptor sensitivity and the consequences of an environmental change without requiring a bespoke assessment methodology independent of the relevant technical assessments.</p> <p>The assertion that 'PFL/TCS was not assessed as part of the PEIR' is incorrect. The PEIR<sup>1</sup> specifically identified both TCS Biosciences as a business and PFL's landholdings (paragraphs 13.6.8 and 13.10.13), recognised the relationship between the two operations, and identified the potential effect of the Proposed Development upon the continued provision of grazing land for animals. It is also relevant that the PEIR was not a statutory EIA document in itself, but provided preliminary environmental information for the purposes of informing statutory consultation (Phase Two Consultation) under the Planning Act 2008 (as was required at that time). As preliminary information only, it could not reflect the final EIA assessment that was presented in the ES.</p> <p>Similarly, PFL and TCS were considered within the ES submitted with the DCO Application. <b>ES Volume 2, Chapter 14: Population [EN010158/APP/6.2.5] [REP6-044]</b> assessed agricultural businesses and landholdings relating to viability, environmental change and access at the level of individual landholdings. Non-agricultural businesses were similarly considered.</p> |

<sup>1</sup> Rosefield Solar Farm Preliminary Environmental Information Report: [www.rosefieldsolarfarm.co.uk/peir/](http://www.rosefieldsolarfarm.co.uk/peir/)

| Ref. | Principal Document                                                                                                                                                                                                                                                                                                                                                                                                                | PFL/TCS description of how PFL/TCS appears                                                                                                                                                                                                                                                                                                                                                        | PFL/TCS description of receptor assessment gap                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | Applicant's Response                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
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| 2.2  | <b>ES Volume 1, Chapter 4: Reasonable Alternatives Considered [APP-047], paragraphs 4.3.1, 4.4.5–4.4.8 and 4.7.1–4.7.64; Site Selection Report, Appendix 1 to the Planning Statement [REP1-016] and Update [REP4-008]; Bat Preliminary Roost Assessment Report 2022 [APP-088]; Wintering Bird Survey Report 2022 [APP-089], site location figures; PFL/TCS Deadline 3 submission [REP3-067], Appendix A, paragraphs A6.6–A6.8</b> | APP-047 explains the selection of land close to the grid within the land owned by the Claydon Estate and records subsequent design evolution. It does not identify PFL / TCS as a site selection or design constraint. REP4-008, Appendix 1; APP-088; APP-089 show the site selection and ecology baseline context, including that a materially smaller Parcel 3 was under consideration in 2022. | <p>The Applicant has not provided any explanation [APP4-082 and REP3-049] for that earlier layout and the later expansion across the PFL's holding and specifically the inclusion of solar arrays in E23.</p> <p>The application documents omit any transparent design-evolution explaining why Parcel 3 was expanded, why E23 was retained for solar planning, why potentially less-sensitive land elsewhere on the Claydon Estate was not preferred. At the design evolution stage PFL/TCS' sensitivity and the significance of its operations to public health and safety were known to the Applicant.</p> <p>The Applicant has explained why the landowner was selected.</p> <p>The Applicant has not explained why the Proposed Development expanded once the sensitivity of PFL/TCS was known. It is common ground EIA does not require assessment of every conceivable alternative.</p> | <p>This is not a correct characterisation of the site selection process, as addressed by the Applicant at ISH1 and within the <b>Written Summary of Applicant's Oral Submissions at Issue Specific Hearing 1 (ISH1)</b> [EN010158/APP/8.16] <a href="#">[REP3-049]</a>. It is simply a mischaracterisation of the purpose of the plan attached to the ecology survey which was to provide information to inform an initial design, something which is standard practice in developing solar NSIPs, and indeed the majority of development sites.</p> <p>The Applicant has been more than reasonable in working with PFL/TCS following further information being provided of its operation, to address its concerns. A smaller site is not considered to be a reasonable alternative as it would not provide the same infrastructure capacity in the same timescale as the proposed development, which is a requirement of a reasonable alternative following policy in NPS EN1 (2023) (paragraph 4.3.23).</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |

| Ref. | Principal Document                                                                                | PFL/TCS description of how PFL/TCS appears                                                                                                                                                                                 | PFL/TCS description of receptor assessment gap                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | Applicant's Response                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
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|      |                                                                                                   |                                                                                                                                                                                                                            | <p>A proper assessment however is whether reasonable alternatives were considered. The Application documents do not provide any transparent account of showing that known characteristics and sensitivity of PFL/TCS informed the design process nor, importantly, how those considerations were weighed when development affecting the holding was retained/expanded on at the design evolution stage.</p> <p>This is clearly important where the Applicant now relies on design measures affecting the PFL/TCS holding, including removal of <i>some</i> solar PV infrastructure from E23 and the inclusion of livestock movement corridors.</p> <p>Design mitigation alone does not itself demonstrate the underlying receptor or pathways were assessed when the relevant design choices were made.</p> |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| 2.3  | <b>Design Approach Document [CR1-014], paragraphs 1.1.4, 2.1.4–2.1.6, 5.5.22–5.5.32 and 6.3.3</b> | PFL is considered an agricultural tenant, and treated as a generic farm business and with no appreciation for the specialist operation nor any assessment of its place as part of an integrated key supply chain business. | <p>The application documents do not refer to TCS or PFL and do not assess them as an integrated biomedical production system. The Applicant knew before it submitted the DCO that PFL and TCS form an integrated biomedical production system.</p> <p>There is no explanation in the Design Approach Document why solar PV remained in E23, nor why the Granborough Road construction access was retained, nor how avoidance was revisited where the PFL/TCS sensitivity was already known.</p> <p>The Design Approach Document refers to design changes, but there is no receptor assessment or proper application of the mitigation hierarchy.</p>                                                                                                                                                        | <p>As set out in the <b>Applicant's Response to Written Representations [EN010158/APP/8.12] [REP2-086]</b>, including <b>Appendix 1: Response to the Written Representation received from TCS Biosciences Ltd and Preston Farms</b>, limited information was published by the Applicant relating to TCS at the application stage due to a Non-Disclosure Agreement, and concerns about the sensitivity of PFL/TCS operations. Whilst the response at <b>Ref. 9.2.5</b> of the <b>Applicant's Response to Written Representations [EN010158/APP/8.12] [REP2-086]</b> relates specifically to <b>ES Volume 2, Chapter 14: Population [EN010158/APP/6.2.5] [REP6-044]</b>, <b>Appendix 1</b> relates to the DCO Application as a whole, including the <b>Design Approach Document [EN010158/APP/5.8.3] [CR1-014]</b> and also explains that the sensitivities of TCS/PFL are recognised.</p> <p>The <b>Design Approach Document [EN010158/APP/5.8.3] [CR1-014]</b> summarises the design process up to the point of submission. However, as indicated in <b>Ref. 2.2</b> above, the Applicant has continued to engage with PFL/TCS following further information being provided of its operation, to address its concerns. Section 2.4 of this response sets out where changes have been committed to by the Applicant during the Examination in response to concerns raised by PFL/TCS, and identifies the documents where these commitments are made.</p> <p>The <b>Design Commitments [EN010158/APP/5.9.9]</b> is the mechanism by which design matters are secured. During the course of the examination, the <b>Design Commitments [EN010158/APP/5.9.9]</b> have been updated a number of times to secure additional measures in response to matters raised by PFL/TCS, as identified in paragraph 2.4.4 above.</p> |

| Ref. | Principal Document                                                                                                                                                                                                                                                                                                                                     | PFL/TCS description of how PFL/TCS appears                                                                                                                                                                                                                                                                                                     | PFL/TCS description of receptor assessment gap                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | Applicant's Response                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
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| 2.4  | <b>ES Volume 2, Chapter 14: Population Chapter [APP-057] paragraph 14.5.51, page 41 and Update [REP4-039]; ES Volume 3, Population Figures 14.1–14.7 [APP-073]; ES Volume 4, Appendix 14.1: List of Commercial Operations/Businesses within the Community Study Area [APP-130], Table 14A1.1, page 1</b>                                               | The Application documents use a cipher “Tenant/ Occupier A” to refer to PFL. Tenant/ Occupier A is described as occupying 131.2 hectares mainly comprising animal grazing and said to employ “one farm manager”. The same paragraph treats TCS as a separate non-agricultural business. Appendix 14.1 lists TCS only as “Life Sciences”.       | <p>As above the Applicant knew that PFL and TCS form an integrated biomedical production system. However PFL was assessed as a grazing livestock business and TCS was assessed as a generic non-agricultural business.</p> <p>The baseline is wrong and this prevented, and prevents, the ExA having before it any proper assessment from the Applicant of likely significant adverse effects and of the relevant operational risk to PFL/TCS. At the application-stage the wrong baseline was adopted and so the Applicant has not adequately described the function, sensitivity and interdependence of the receptor (PFL in conjunction with TCS) before assessing the magnitude, significance and then turning to mitigation.</p> | <p>The Applicant had a Non-Disclosure Agreement (NDA) with PFL and TCS at the point of submission of the DCO Application, and therefore reference to the operation of the businesses in <b>ES Volume 2, Chapter 14: Population [EN010158/APP/6.2.5] [REP6-044]</b> is deliberately limited.</p> <p>The Applicant correctly described PFL and TCS as separate albeit integrated entities in <b>ES Volume 2, Chapter 14: Population [EN010158/APP/6.2.5] [REP6-044]</b>.</p> <p>The Applicant gave information (in accordance with the terms of the NDA) on the function of the business at paragraph 14.5.56 of <b>ES Volume 2, Chapter 14: Population [EN010158/APP/6.2.5] [REP6-044]</b> which the submission doesn't refer to: “<i>TCS Biosciences manufactures and distributes laboratory reagents, test kits and quality control reagents (TCS Biosciences operates on agricultural land tenanted from the Claydon Estate, and so while adjacent to the Site, is also considered a commercial use within the Order Limits itself, using land within the Order Limits and requiring access within and across the Order Limits)</i>” - as such the Applicant refutes that TCS is treated as a 'generic non-agricultural business'.</p> <p>The Applicant notes that both receptors – PFL (as an agricultural landholding) and TCS (as a non-agricultural business) - were given the maximum sensitivity rating available within the assessment in accordance with guidance.</p> <p>The Applicant submitted <b>ES Volume 4, Appendix 14.2: Effects on Individual Agricultural and Non-Agricultural Business Receptors [EN010158/APP/6.4] [REP5-044]</b> at Deadline 5, clarifying how effects on individual receptors under the assessment areas of effects on agricultural businesses and non-agricultural businesses have been considered in the Population assessment.</p> |
| 2.5  | <b>ES Volume 2, Chapter 13: Noise and Vibration Chapter [APP-056] paragraphs 13.5.2–13.5.4, 13.6.38–13.6.39, 13.8.1–13.8.3 and 13.9.10–13.9.12 and Update Rev 3 [REP4-035]. Baseline Noise Survey [APP-127], paragraph 2.1.1 and Table 1, page 4; Construction Plant Lists and Results (Clean), Rev 2 [REP4-044]; ES Volume 3, Noise and Vibration</b> | The baseline survey uses 10 noise/ vibration sensitive receptors assessing the impact on human population. It applies construction guidance in BS 5228(1) and (2). It adopts 65 dB LAeq as the threshold. Noise and vibration to livestock are not screened or assessed and fall to be considered through later liaison and management with no | <p>The receptor locations used by the Applicant were required to include donor animals, winter housing and collection facilities.</p> <p>A donor-animal specific assessment of the behavioural effects of noise and vibration on livestock was required.</p> <p>The application documents should have included an assessment of the pathway from disturbance to animal stress, donor suitability, blood or product quality and supply continuity.</p> <p>The application-stage criteria are principally directed towards conventional human noise-sensitive receptors. No equivalent assessment has been identified which demonstrates that those criteria are</p>                                                                    | <p>There is a lack of reliable studies which enable the onset of an adverse effect to be linked to a measured noise level for livestock, including sensitive donor herds. This is acknowledged by PFL/TCS's acoustic consultant <a href="#">[REP1-133]</a>.</p> <p>To establish the levels of noise and vibration that may trigger an adverse effect for the donor herd, this would generally require simulated activities to be undertaken, with livestock responses monitored by a veterinary specialist using heart rate monitors or other behavioural responses. Given the potential issues with this approach, it is unlikely to be viable to PFL and TCS.</p> <p>In the absence of a specific significance threshold, a reasonable worst-case scenario has been assumed whereby there is a potential for significant adverse effects to occur, and therefore in accordance with EIA Regulations, a range of mitigation measures has been introduced to control the noise and vibration levels.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |

| Ref. | Principal Document                                                                                                                                                                                                    | PFL/TCS description of how PFL/TCS appears                                                                                                                                                                                                             | PFL/TCS description of receptor assessment gap                                                                                                                                                                                                                                                                                                        | Applicant's Response                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
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|      | <b>Figures [APP-072]; Rev 5 figures [CR1-021]</b>                                                                                                                                                                     | evidence that this will meet an acceptable threshold.                                                                                                                                                                                                  | appropriate to donor livestock. It is common ground that “noise and vibration effects on donor livestock” are material to the examination.                                                                                                                                                                                                            | <p>A tailored construction phase acoustic mitigation strategy would be discussed with PFL/TCS in advance of the works taking place, as part of the detailed Construction Environmental Management Plan preparation and during the six-month advance notification/consultation process. During this period, the presence of the livestock within the grazing fields would be a key factor in terms of the mitigation that would be adopted. This is secured by Section 2 of the <b>Outline CEMP [EN010158/APP/7.2.7] [REP6-058]</b>.</p> <p>As part of the six-month advance notification, the Applicant would work with PFL/TCS to prioritise a means in which livestock can be located away from construction activities. This is considered to be the most effective means of reducing potential noise and vibration impacts.</p> <p>As part of Deadline 6, the <b>Outline CEMP [EN010158/APP/7.2.7] [REP6-058]</b> was amended to incorporate the following additional commitments in the event that the donor herd may be present within adjacent grazing fields when the construction works are taking place:</p> <ul style="list-style-type: none"><li>• Installation of temporary noise barriers around any construction work areas taking place within Parcel 3.</li><li>• Installation of temporary noise barriers within Parcel 3 along the proposed access route from Granborough Road.</li><li>• Use of rotary piling techniques within Parcel 3. This commitment is provided on the basis that ground conditions are suitable for rotary piles (subject to detailed ground investigations that would be undertaken prior to construction). Where this is not viable, the use of shrouds and/or resilient pads between the pile and the driver would be adopted for percussive piling techniques.</li></ul> <p>In relation to the operation (including maintenance) phase, the Applicant confirms that it will liaise with PFL/TCS in the preparation of the detailed Operational Environmental Management Plan. Measures to be included in the production of the detailed Operational Environmental Management Plan include providing at least six months' of advance notification of the location and timing of any maintenance activities in proximity to the Prestons' grazing land. This is secured in Section 2 of the <b>Outline OEMP [EN010158/APP/7.3.7]</b>.</p> |
| 2.6  | <b>ES Volume 2, Chapter 15: Transport and Access Chapter [APP-058], paragraph 15.6.9, Tables 15.7–15.9 and 15.15; ES Volume 4, Appendix 15.1: Transport Assessment Rev 2 [REP4-046], paragraph 4.1.1 and Annex 2;</b> | APP-058 expressly defines the relevant receptors as road users and residents. Granborough Road is assessed through “Users of Granborough Road” and roadside residents. There is no reference to TCS or PFL. REP4-087 later refers to TCS under “direct | PFL are not assessed as a receptor at the construction access interface. The documents address conventional highway and business effects, not whether sustained construction and operational traffic is compatible with animal, machinery, feed/haylage, blood collection, product and biosecurity movements forming part of the regulated operation. | <p>TCS and PFL do not need to be considered as a specific receptor within the transport assessment element of the application, as the scope of this assessment is the effect and need for mitigation on the agreed transport study area network.</p> <p>The impact on TCS and PFL has been considered in the same way as other users of the local road network for the purposes of the transport assessment. Appropriate mitigation has been provided and indeed specific mitigation in the form of improved livestock crossing measures on Granborough Road have been provided as noted in <b>Outline CTMP [EN010158/APP/7.5.5] [REP5-073]</b>.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |

| Ref. | Principal Document                                                                                                                                                                                              | PFL/TCS description of how PFL/TCS appears                                                                                                                                                                                                                                                                                                                                                                                           | PFL/TCS description of receptor assessment gap                                                                                                                                                                                                                                                                                                                                                                       | Applicant's Response                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
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|      | <b>Construction Access Review, Rev 1 [REP4-087], Tables 3.3 and 4.1; Consultation Report Appendix J-2 [APP-029], “Horses” entry; Original Transport Assessment [APP-131] where revision history is relevant</b> | business impacts”, but only by reference to an alternative route and it has never defined or assesses the integrated specialist operation or the alternative route at an earlier part of the process. The consultation response also treats horses under equestrians and so road users considered together with pedestrians and cyclists rather than sensitive receptors in their own right in the fields next to the access routes. | The Applicant's later justification for the Granborough Road access are distinguishable from the separate EIA question of whether the particular effects of that access upon PFL/TCS were identified, assessed and, where necessary, avoided.                                                                                                                                                                        | <p>The assessment presented in <b>ES Volume 2, Chapter 15: Transport and Access [EN010158/APP/6.2] [APP-058]</b> and <b>ES Volume 4, Appendix 15.1: Transport Assessment [EN010158/APP/6.4.4]</b> considered the likely effects of the construction stage of the Proposed Development upon transport and access for the study area. The Applicant considers that the issues raised by TCS and PFL are not transport matters, rather they are land use matters which have been appropriately addressed as set out above.</p> <p>The assessment of transport matters has been correctly assessed in accordance with relevant standard assessment methodology, with no objection or concerns raised by the statutory consultees as noted by <b>Statement of Common Ground with National Highways [EN010158/APP/5.21.2] [REP2-022]</b>, <b>Statement of Common Ground with High Speed 2 Limited [EN010158/APP/5.19.2] [REP5-020]</b> and <b>Statement of Common Ground with Buckinghamshire Council [EN010158/APP/5.22.5] [REP6-027]</b>.</p> <p>The technical matters relating to the transport assessment have been satisfied with all statutory bodies and the Proposed Development resultingly satisfies paragraph 5.14.21 of NPS EN-1 (2023) which is the key traffic and transport decision taking policy for the SoS to consider.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| 2.7  | <b>ES Volume 4, Appendix 6.1: Air Quality Assessment [APP-086], paragraphs 3.3.1– 3.3.10 and 5.1.5–5.1.10; Consultation Report Appendix J-1 [APP-029]; ES Volume 2, Chapter 6: Air Quality Rev 2 [REP4-027]</b> | TCS appears in consultation material but the assessment applies conventional human health and ecological assessment criteria.                                                                                                                                                                                                                                                                                                        | No assessment has been identified which applies a source–pathway–receptor analysis specifically to those claimed operational sensitivities considering (the pathways, including:) airborne, vehicle trackout, soil disturbance in the holding, nor the receptors including donor animals, grazing and feed, quarantine or testing facilities and the TCS laboratory with a calibrated air intake/ventilation system. | <p>The dust risk assessment undertaken for <b>ES Volume 4, Appendix 6.1: Air Quality Assessment [EN010158/APP/6.4] [APP-086]</b> was undertaken using well established best practice guidance and incorporates a dust risk magnitude (source), distance to sensitive receptors (pathway) and the sensitivity level of nearby receptors (receptor). As such, the Applicant disagrees with the statement made.</p> <p>The Applicant has no reason to suspect that animals' health or feed would have a higher sensitivity than human health or dust soiling. Receptor sensitivity has already been defined as 'high' and the lowest distance criteria (&lt;20m) has been used for human health and dust soiling risks. 10-100 was used for number of receptors for human health and dust soiling risks, and the Applicant does not necessarily accept this should be increased. However, to demonstrate the validity of the assessment even if this was increased to &gt;100 no change to the mitigation measures recommended would be required as per the guidance. As such the Applicant believes the assessment to adequately assess risks to PFL/TCS.</p> <p>In specific regard to the laboratory on Botyl Road; the laboratory is on the boundary of the Institute of Air Quality Management Guidance's 250m screening buffer (the largest buffer distance within the IAQM guidance). The majority of the laboratory site sits outside the 250m buffer, therefore due to the distance and with the mitigation measures secured, no significant effect from construction dust on the laboratory is predicted.</p> <p>Additionally trackout is relevant up to 50m from affected roads, affected roads are identified in <b>ES Volume 4, Appendix 6.1: Air Quality Assessment</b></p> |

| Ref. | Principal Document                                                                                                                                                                                                                                                                                                                                                                              | PFL/TCS description of how PFL/TCS appears                                                                                                                                                                               | PFL/TCS description of receptor assessment gap                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | Applicant's Response                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
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|      |                                                                                                                                                                                                                                                                                                                                                                                                 |                                                                                                                                                                                                                          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | <p><b>[EN010158/APP/6.4] [APP-086]</b> none of PFL or TCS fields or business components are within 50m of affected roads.</p> <p>Dust emissions will be effectively controlled by appropriate dust control measures. Mitigation measures are listed in <b>ES Volume 4, Appendix 6.1: Air Quality Assessment [EN010158/APP/6.4] [APP-086]</b> and will be used to control potential dust and particulate matter emissions during the construction phase, so that a significant effect will not be likely. Mitigation measures are documented within and secured in the <b>Outline CEMP [EN010158/APP/7.2.7] [REP6-058]</b>.</p> <p>Lastly the operational phase of the Proposed Development has no soil disturbance or dust risk once constructed and thus no assessment was required.</p>                                                                                                                                                                        |
| 2.8  | <p><b>Water Chapter [APP-059], paragraph 16.1.2, Table 16.5 and sections 16.8–16.10 and Updated Rev 3 [REP4-037]; ES Volume 3, Water Figures 16.1–16.6 [APP-074]; Updated Rev 3 [REP4-037]; ES Volume 4, Appendix 16.2 Flood Risk Assessment [APP-132]; WFD Waterbodies Stage 1 Screening Assessment [APP-133]; Outline Drainage Strategy Rev 4 [REP3-040]; ES Volume 4, Appendix 16.1:</b></p> | <p>The documents assess the water environment, flood risk, drainage, water quality and pollution control using hydrological and ecological receptors. PFL are not identified or assessed as an operational receptor.</p> | <p>Again this does not use the source - pathway-receptor approach/model where surface water and drainage, routes needs to identify the receptors that are susceptible to contamination event and the effects of such an event including without limit, temporary exclusion, quarantine, loss of operational land.</p> <p>While the assessment gap here is not necessarily an omission from the hydrological assessments themselves, there is no proper assessment of the consequential effect upon PFL/TCS.</p> | <p>The <b>ES Volume 2, Chapter 16: Water [EN010158/APP/6.2.5] [REP6-046]</b> assessment has been undertaken in accordance with the relevant appropriate methodology and has been accepted by the relevant statutory consultees (see <b>Statement of Common Ground with Environment Agency [EN010158/APP/5.15.6] [REP6-021]</b> and <b>Statement of Common Ground with Buckinghamshire Council [EN010158/APP/5.22.6] [REP6-027]</b>). The statutory consultees' responses do not identify any unassessed water environment effects. The land and activities associated with PFL and TCS were considered within the water environment assessment, and while PFL and TCS were not identified as a standalone water environment receptor, they were not excluded from the assessment that was undertaken.</p> <p>Accordingly, no material assessment gap has been demonstrated and the Proposed Development complies with the relevant requirements of NPS EN-1.</p> |
| 2.9  | <p><b>ES Volume 2, Chapter 17: Cumulative Effects [APP-060], paragraphs 17.5.1–17.5.6 and Tables 17.4–17.5, pages 38 and 47; ES Volume 3, Cumulative Figures 17.1–17.9 [APP-075]; Appendix 17.1: Long List of Other Approved or Existing Developments [APP-134]; Appendix</b></p>                                                                                                               | <p>This uses agricultural and non-agricultural businesses as receptors. The baseline is generic. It does not identify the sensitivity of PFL/TCS and the exposure.</p>                                                   | <p>Because PFL and TCS are divided in the source chapters, no transparent common receptor assessment combines noise, traffic, dust, access, land loss, biosecurity and business or supply continuity.</p> <p>Even if noise, traffic, dust, land-use and other effects are individually assessed as not significant within their respective topic chapters, that does not by itself establish the effect upon PFL/TCS where the sensitivity is high and the likely effects arise from</p>                        | <p>The assessment set out within <b>ES Volume 2, Chapter 14: Population [EN010158/APP/6.2.5] [REP6-044]</b> and further explained at <b>ES Volume 4, Appendix 14.2: Effects on Individual Agricultural and Non-Agricultural Business Receptors [EN010158/APP/6.4] [REP5-044]</b> at Deadline 5 makes clear that the assessment on business viability considers the potential for environmental factors to influence business viability, in the context of the operation of the business, including considering access, traffic, emissions and land use changes.</p> <p>While it is recognised that the receptor is of very high sensitivity, the assessment considers the magnitude of change for each contributory aspect in</p>                                                                                                                                                                                                                                |

| Ref. | Principal Document                                                                                                                                                                                                       | PFL/TCS description of how PFL/TCS appears                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | PFL/TCS description of receptor assessment gap                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | Applicant's Response                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
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|      | <b>17.2: Landscape and Visual Interproject Cumulative Effects Assessment [APP-135]; Appendix 17.3: Cumulative Visualisations [APP-136]; Interrelationships with other NSIPs and Major Development Schemes [REP3-048]</b> |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | <p>several pathways acting upon the same operation noting that that operation is integrated.</p> <p>The cumulative chapter reproduces the source classifications and omissions rather than correcting them.</p>                                                                                                                                                                                                                                                                                                                                    | <p>the context of the mitigation to be put in place to come to a conclusion of the magnitude of change, contributing to the significance assessment.</p> <p>There are no cumulative traffic effects that are relevant to the Proposed Development as clearly noted in <b>ES Volume 2, Chapter 17: Cumulative Effects [EN010158/APP/6.2.4] [REP5-038]</b>.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| 2.10 | <b>Non-Technical Summary [APP-077], sections 6.7–6.12, pages 56–64</b>                                                                                                                                                   | <p>PFL/TCS' operation are not properly identified in the NTS under the subheadings noise and vibration, population, access, water and cumulative effects. The only references are to the impact on agricultural business and nonagricultural business where land swaps are mentioned but this does not resolve the problems associated with the land swaps which are not even yet agreed. The applicant states that these land swaps will mean that the effects on the viability of these businesses are considered to be not significant.</p> | <p>EIA is procedural and about participation and requires a decision maker to have adequate information.</p> <p>The NTS should also be tested against the underlying ES. The underlying assessment does not contain a receptor-specific assessment, and this cannot simply be remedied by changing what is in the NTS.</p> <p>Land swaps are not mitigation that could lead to a "not significant" where it makes assumptions concerning availability, suitability, timing and equivalence on which that "not significant" assessment depends.</p> | <p>The <b>Non Technical Summary [EN010158/APP/6.4.2] [REP5-048]</b> sufficiently summarises the receptor-specific assessment approach taken within the ES in the description of the receptors and assessment of effects undertaken in <b>ES Volume 2, Chapter 14: Population [EN010158/APP/6.2.5] [REP6-044]</b> and for clarity this is further explained at</p> <p><b>ES Volume 4, Appendix 14.2: Effects on Individual Agricultural and Non-Agricultural Business Receptors [EN010158/APP/6.4] [REP5-044]</b> at Deadline 5.</p> <p>Land swaps are considered to be mitigation that would lead to a non-significant effect as a result of reducing the magnitude of change on the viability of the receptor – along with other detailed mitigation relating to the environment and access for the receptor in the context of the Proposed Development.</p> |
| 2.11 | <b>Volume 4 Appendix 5.4: Glint and Glare Assessment REP5-046 Rosefield Solar Farm Applicant's Response to Action Point 22 and 23 from ISH3 REP5-98</b>                                                                  | <p>PFL are not mentioned in the initial glint or glare assessments.</p> <p>In follow up action point 23 by the Examiner to 'comment on the assessment of the Prestons/TCS in its Glint</p>                                                                                                                                                                                                                                                                                                                                                     | <p>PFL are not assessed as a receptor for glint or glare at the initial phase. When questioned by the Examiner, it points to the receptor "Botyl Road" which is generic and does not cover the PFL numerous sites and operations.</p> <p>The Applicant retrospectively relies upon BL27 as representing the relevant buildings. The remaining assessment question is whether BL27 represents the</p>                                                                                                                                               | <p>There is no formal guidance or methodology for glint and glare assessments, but NPS EN-3 gives the following on suggested scope: -</p> <p><i>"Solar PV panels are designed to absorb, not reflect, irradiation. However, the Secretary of State should assess the potential impact of glint and glare on nearby homes, motorists, public rights of way, and aviation infrastructure (including aircraft departure and arrival flight paths)."</i></p> <p>The suggested scope therefore includes residential dwellings, road and rail users, PRow and aviation, all of which are considered within the submitted <b>ES</b></p>                                                                                                                                                                                                                              |

| Ref. | Principal Document                                                                  | PFL/TCS description of how PFL/TCS appears                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | PFL/TCS description of receptor assessment gap                                                                                                                                                                    | Applicant's Response                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
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|      |                                                                                     | <p>and Glare Assessment' the Applicant provides one paragraph at 1.3.3.</p> <p><i>"Whilst buildings at Preston Farm/TCS Biosciences are not residential dwellings, the potential glint and glare impact has been assessed at receptor BL27 within ES Volume 4, Appendix 5.4: Glint and Glare Assessment [EN010158/APP/6.4.2]. The results of the assessments show that this Receptor will potentially receive reflections from panels at a 10-degree tilt angle for a maximum of 64.3 hours per year and up to 30minutes per day. For panels at a tilt angle of 30-degrees this receptor will potentially receive reflections for a maximum of 65.6 hours per year and up to 22 minutes per day. As such, the impact will be Low."</i></p> <p><i>If you look at what receptor BL27 is, it just states "Botyl Road".</i></p> | <p>locations and activities said to be sensitive within the PFL/TCS operation and whether the methodology used to classify the resulting effect as "Low" addresses those activities.</p>                          | <p><b>Volume 4, Appendix 5.4: Glint and Glare Assessment [EN010158/APP/6.4.2] [REP5-045].</b></p> <p>PFL and TCS are commercial companies and therefore their premises are commercial buildings, which are not part of the suggested scope for glint and glare assessments as set out within NPS EN-3 so they were not considered within the original report.</p> <p>However, as PFL and TCS note in their submission, the Applicant's response to Action Point 23 from Hearing 5 (<b>Applicants Response to Action Point 22 and 23 from ISH3 [EN010158/APP/8.41] [REP5-098]</b>) noted that the PFL/TCS premises are located on Botyl Road, very close to some residential dwellings that have been considered within the original glint and glare assessment (receptor BL27). The results for this receptor have shown that the frequency and duration of glare to these residential properties would not be material and the effect would be considered 'Low'. As such, the effect to the commercial premises of PFL/TCS would also be considered Low.</p> <p>We have not considered the effect of glint and glare upon animals grazing near to the site because they are not considered to be a relevant receptor within the NPS or within the Pager Power guidance. On a practical level, there is no guidance or methodology with which to produce such an assessment or quantify any effects. The British Horse Society did comment on the implications of Solar farms upon horses in their publication 'Advice on Solar farms near routes used by equestrians' (BHS, 2025), which gives the following:</p> <p><i>"Increasingly, proposals for solar farms include comment on the impact of 'glint and glare'. The Society has no evidence of 'glint and glare' from solar panels and no evidence of horses reacting to it or of it being detrimental to the health and wellbeing of horses.</i></p> <p><i>Reports from sites with both solar panels and horses, including a solar array beside an arena used for riding horses, indicate no reflection and no reaction from or impact on horse or rider.</i></p> <p><i>Horses may react to a new solar structure as they might to anything different in their environment, but will quickly accept it (when introduced appropriately). Such reaction is simply to a change in their surroundings, it is not likely to be a response to reflection because their handlers report no reflection from panels. Although horses' vision is different from humans, their response does not suggest that they see panels differently"</i></p> <p>On the basis of the above, it would seem unlikely that a solar farm would have any negative impact upon animals in nearby fields.</p> |
| 2.12 | Consultation Report [APP-020]; Consultation Report Appendices J-1 to J-2 [APP-029], | Records TCS, NHS relevance, extensive land                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | The consultation record demonstrates knowledge, but not the conversion of that knowledge into the receptor definition, baseline, pathway assessment or design constraint. The specialist concerns were translated | The Applicant recognises the cross-references provided in the appendices to the Consultation Report that acknowledge that TCS is a non-agricultural                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |

| Ref. | Principal Document                                                                                                                                                                                                             | PFL/TCS description of how PFL/TCS appears       | PFL/TCS description of receptor assessment gap                                                                     | Applicant's Response                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
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|      | <b>Appendix J-2 “Impact on TCS Biosciences Ltd” entry; Consultation Report Appendices B-1 to B-2 [APP-022], Table B-2; Preston Farms Ltd and TCS Biosciences Ltd Deadline 3 post-hearing submission [REP3-067], Appendix B</b> | dependency, employment and operational concerns. | principally into land and business management measures after the main layout and access strategy had been retained | <p>business, with dependent land access, supporting existing employment and with supply chain relationships to the NHS.</p> <p>The Applicant correctly assesses TCS as a non-agricultural business in <b>ES Volume 2, Chapter 14: Population [EN010158/APP/6.2.5] [REP6-044]</b>, giving clarity on the function of the business at paragraph 14.5.56 of <b>ES Volume 2, Chapter 14: Population [EN010158/APP/6.2.5] [REP6-044]</b> (in accordance with a Non-Disclosure Agreement between the parties which deliberately limited the information) as follows: <i>"TCS Biosciences manufactures and distributes laboratory reagents, test kits and quality control reagents (TCS Biosciences operates on agricultural land tenanted from the Claydon Estate, and so while adjacent to the Site, is also considered a commercial use within the Order Limits itself, using land within the Order Limits and requiring access within and across the Order Limits."</i></p> <p>The Applicant notes that TCS (as a non-agricultural business) - was assigned the maximum possible sensitivity rating available within the assessment in accordance with guidance, reflecting its importance in the assessment.</p> <p>The Applicant has further submitted <b>ES Volume 4, Appendix 14.2: Effects on Individual Agricultural and Non-Agricultural Business Receptors [EN010158/APP/6.4] [REP5-044]</b> at Deadline 5, clarifying how effects on individual receptors under the assessment areas of effects on agricultural businesses and non-agricultural businesses have been considered in the Population assessment.</p> |

# **Appendix 3**

## **Response to PFL/TCS Biosecurity Measures Comparison Gap table**

| Ref. | Area                                   | PFL/TCS Description of what PFL/TCS requested                                                                                                                                                     | PFL/TCS description of what the Applicant is offering                                                                                                                                                                                                  | PFL/TCS description of gap (and detail)                                                                                                                                                                                          | Applicant's Response                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
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| 3.1  | Primary mitigation should be avoidance | Reduce the biosecurity interface, principally by removing E23 from construction/solar use, avoiding the Parcel 3 access through PFL/TCS operations and using the alternative Winslow Road access. | The plan assumes that the Parcel 3 access from Granborough Road will proceed and E23 will be in the scheme with corridors creating more interfaces and hence the need for biosecurity measures. There is an offer to move the access point c.50m east. | Gap. The Applicant should be reducing the interfaces as sought, as this still allows the project to go ahead but with reduced risks from attempting to manage numerous security interfaces.                                      | <p>The Applicant refers to Section 2.4 above, which sets out how the Applicant has secured measures to avoid PFL/TCS which includes the reduction of interfaces as far as reasonably practicable whilst ensuring that access is safe and deliverable.</p> <p>Where interfaces are unavoidable the interfaces will be strictly controlled by the provisions in the <b>Outline BMP [EN010158/APP/8.39.2]</b> and the detailed Biosecurity Management Plan which will be produced prior to construction. The <b>Biosecurity Area Plan [EN010158/APP/2.7] [REP5-005]</b> clearly defines the areas where the provisions in the <b>Outline BMP</b> would apply, in all areas adjacent to or within PFL-occupied fields.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| 3.2  | Reliance on future undefined measures  | Controls should be sufficiently defined and secured before the project is given the go ahead.                                                                                                     | A detailed plan will only be agreed after the principal contractor is appointed.                                                                                                                                                                       | Gap. Important details remain deferred, including precise routes, thresholds, inspection frequencies, notice periods and restart procedures. 'Substantially in accordance with' also allows departure from the outline document. | <p><b>Appendix A: Minimum contents of the BMP, Appendix B: Minimum requirements for the animal crossing procedure and Appendix C: Minimum requirements for the Biosecurity Incident Response Procedure</b> of the <b>Outline BMP [EN010158/APP/8.39.2]</b> sets out the detailed information that will be provided in the detailed Biosecurity Management Plan prior to construction.</p> <p>These information requirements include a defined access route (Appendix A), referral and review triggers (Appendix B), inspection requirements (Appendix A), notice periods (Appendix B) and restart procedures (Appendix C).</p> <p>The PFL/TCS position is that these details should be confirmed 'before the project is given the go ahead' – in practice and with the exception of early planting which will be subject to a separate Advanced Planting Biosecurity Statement, no works in the Biosecurity Area can take place until after these details have been confirmed in the detailed Biosecurity Management Plan which must be prepared in consultation with PFL/TCS and approved by the relevant discharging authority. This means that controls will be sufficiently defined and secured before construction works begin in the Biosecurity Area.</p> <p>Confirming these details closer to the start of construction will ensure that they can be tailored to PFL/TCS's operational arrangements at the time of construction and informed by the detailed design of the Proposed Development.</p> <p>The Applicant has responded directly to PFL/TCS's submissions on biosecurity and with a level of detail commensurate with the Applicant's other outline management plans and therefore appropriate for this stage of a DCO under the Rochdale Envelope approach with respect to a variety of topics including construction management and landscape and ecological management.</p> |

| Ref. | Area                                   | PFL/TCS Description of what PFL/TCS requested                                                                                                                                                                            | PFL/TCS description of what the Applicant is offering                                                                                                                                           | PFL/TCS description of gap (and detail)                                                                                                                                                     | Applicant's Response                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
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| 3.3  | PFL/TCS approval                       | PFL/TCS should have final approval over plans or method statements affecting its land, animals, donor operations, access, feed, biosecurity or product-transfer routes.                                                  | PFL/TCS will be consulted only                                                                                                                                                                  | Gap. The Applicant has final say.                                                                                                                                                           | <p>The Applicant will not have the final say. While the detailed Biosecurity Management Plan will be prepared by the Applicant in consultation with PFL/TCS, it is the discharging authority who will have the final say as they are the body approving the management plan.</p> <p>The <b>Outline BMP [EN010158/APP/8.39.2]</b> commits the Applicant not only to consulting with PFL/TCS on the detailed Biosecurity Management Plan but more importantly, to including a consultation log detailing the correspondence with PFL/TCS and a statement explaining how the reasonable comments of PFL/TCS have been taken into account (Paragraph 1.1.3). PFL/TCS will have the opportunity to make representations to the discharging authority and it is very unlikely that the detailed Biosecurity Management Plan would be approved if PFL/TCS's reasonable requirements have not been taken into account.</p> <p>The Applicant has a strong record both before and during the examination process (see Section 2.4 above) of taking PFL/TCS's comments into account and making amendments to the Proposed Development in order to avoid and minimise risks to their business.</p> <p>It would be unprecedented and inappropriate for PFL/TCS (i.e. a private third party) to be afforded final approval/veto powers over a document to be approved via requirement of the DCO.</p> |
| 3.4  | Sensitive period blackout arrangements | No relevant works during donor sessions, animal movements, veterinary activity, NVS/AWERB activities, feed operations, extreme weather, disease-control periods or other periods identified by PFL/TCS/NVS as sensitive. | Works will be paused during prenotified animal movements and other sensitive events agreed in advance at weekly meetings. PFL/TCS is denied a unilateral power to impose wider blackout periods | Gap. The Applicant has accepted coordination around agreed events, but only if those events are agreed, and has rejected PFL/TCS's ability to designate a sensitive period where necessary. | <p>The <b>Outline BMP [EN010158/APP/8.39.2]</b> explains that works and vehicle movements in the vicinity of the animals will be paused during pre-notified animal movements to and from donor sessions and during other sensitive events whose timings have been agreed in advance during the weekly meetings. It is essential for the deliverability of the Proposed Development that the Applicant is given advance notice of such events where possible. It is in the best interests of both parties for the weekly meetings to be used constructively to coordinate works around any upcoming sensitive events.</p> <p>In addition to the weekly liaison meetings, the Applicant will identify a principal and out-of-hours contact for PFL/TCS in case of urgent or unexpected events as set out at Paragraph 6.1.1 of the <b>Outline BMP</b>.</p> <p>The Applicant will grant any reasonable requests for pauses due to unexpected events where pre-notification was not possible, as confirmed at Paragraph 2.11.1 in the revised <b>Outline BMP [EN010158/APP/8.39.2]</b> submitted at Deadline 7.</p> <p>As above, it would be excessive and unworkable for PFL/TCS to be granted the unilateral powers to stop construction without prior notification, as they have requested.</p>                                                                                          |

| Ref. | Area                                            | PFL/TCS Description of what PFL/TCS requested                                                                                                                                                                       | PFL/TCS description of what the Applicant is offering                                                                                                                                                                                                                              | PFL/TCS description of gap (and detail)                                                                                                                                                                                                                                                                                                                            | Applicant's Response                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
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| 3.5  | Noise, vibration, lighting, glare and dust      | PFL/TCS-specific baseline monitoring, agreed trigger/action levels and behavioural-response triggers.                                                                                                               | Thresholds and behavioural triggers will be 'considered'                                                                                                                                                                                                                           | Gap. No agreed thresholds, automatic actions or binding behavioural triggers are secured.                                                                                                                                                                                                                                                                          | <p>During the six-month examination period, PFL/TCS have never put forward specific thresholds or behavioural triggers, despite their knowledge of equine behaviour.</p> <p>Should PFL/TCS propose thresholds or behavioural triggers and their justifications at the detailed design stage, the Applicant will consider them as appropriate for inclusion in the Construction, Operational and Decommissioning Environmental Management Plans.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| 3.6  | Threshold for intervention and stop-work powers | PFL/TCS, its NVS or an independent officer should be able to require works to stop, be reviewed or modified where animal welfare, biosecurity, donor suitability, product quality or continuity may be compromised. | Nearby activities may be paused where an animal is 'injured or clearly and significantly distressed' and there is a reasonable basis to link this to the works. Neither PFL/TCS, the NVS or the independent veterinary advisor (IVA) the Applicant suggests have a stop-work power | <p>Gap. The threshold focuses on visible animal injury or significant distress. This is too late, both for animal welfare and to prevent less visible donor suitability or product-quality effects.</p> <p>There is also no mechanism that ensures an immediate stop even if the (very high) threshold set is reached. The NVS is sidelined (inappropriately).</p> | <p>The measures in the <b>Outline BMP [EN010158/APP/8.39.2]</b>, <b>Outline CEMP [EN010158/APP/7.2.7] [REP6-058]</b> and <b>Outline CTMP [EN010158/APP/7.5.5] [REP5-073]</b> are intended to minimise the risk of distress and present it before it arises.</p> <p>In response to these comments, the wording in the <b>Outline BMP</b> has been updated at Deadline 7 to refer to animals that are 'injured or clearly distressed' to ensure that the threshold for action is not too high.</p> <p>The <b>Outline BMP</b> sets out that there will be an appropriate route for technical liaison between the IVA and the NVS and that nearby affected works will be made safe and paused where necessary in the event of injury or clear distress.</p> <p>This is the minimum standard for inclusion in this legally binding document but works may also be paused upon request by the IVA or PFL/TCS if early signs of distress are detected. The <b>Outline BMP</b> has also been revised at Deadline 7 to clarify that the IVA would have the power to temporarily stop any works that they deem could be causing or contributing to distress.</p> <p>However, it is not practicable to provide a blanket commitment to pause works whenever concerns are raised as signs of distress and the sensitivity of animals are variable. PFL/TCS must share the responsibility of moving the most sensitive animals away from the boundary of construction works if there are early signs of stress during pre-notified construction activities carried out in accordance with the relevant management plans.</p> <p>The detailed Biosecurity Management Plan will define the escalation and decision-making arrangements.</p> |
| 3.7  | Certainty, regarding intervention thresholds    | PFL/TCS should have certainty over when intervention thresholds are reached and obligations triggered.                                                                                                              | The outline plan relies in expressions such "as far as reasonably practicable", "will seek to agree", "where appropriate" etc.                                                                                                                                                     | Gap. The vague expressions in the outline plan result in a lack of certainty over whether the Applicant has any obligation to act.                                                                                                                                                                                                                                 | These terms are in standard use within management plans and do not exempt the Applicant from commitments or obligations. Rather they give both parties the required flexibility to tailor the measures in the detailed Biosecurity Management Plan to the circumstances at the time.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |

| Ref. | Area                      | PFL/TCS Description of what PFL/TCS requested                                                                                   | PFL/TCS description of what the Applicant is offering                                                                    | PFL/TCS description of gap (and detail)                                                                                                                                                                                                                                                             | Applicant's Response                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
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|      | and obligations           |                                                                                                                                 |                                                                                                                          |                                                                                                                                                                                                                                                                                                     | <p>‘As far as reasonably practicable’ is used in specific instances within the document where the relevant commitment without this phrase could place the deliverability of the Proposed Development at risk. It still places the onus on the Applicant to implement the measure or else clearly demonstrate why it is not practicable. If there are specific instances where PFL/TCS consider that this term is used unnecessarily, this can be considered for the detailed Biosecurity Management Plan(s).</p> <p>The phrase ‘will seek to agree’ is used only once at Paragraph 2.5.5 with reference to the scope of enhanced training for escorted access onto external land controlled by PFL/TCS. The paragraph goes on to say that ‘where agreement is not possible, the Applicant will determine the appropriate scope after taking account of advice from the NVS, where available, and from the IVA where appointed or other independent veterinary advice where specialist veterinary judgement is required.’ Again, guaranteeing full agreement with a party with a strong record of objecting to the Proposed Development could place the deliverability of the Proposed Development at risk.</p> <p>The phrase ‘where appropriate’ is used in the <b>Outline BMP [EN010158/APP/8.39.2]</b> twice and never in the sense of weakening the commitments within the document.</p> |
| 3.8  | Incident Investigation    | Independent investigation, with meaningful involvement of PFL/TCS and its NVS.                                                  | Investigations will be led by the Applicant, involving the IVA where appointed and relevant.                             | Gap. The Applicant investigates alleged impacts arising from its own activities and decides when independent input is required. The NVS is again excluded, but the NVS is the person responsible for welfare under the ASPA licence including being responsible for "advice on biosecurity issues". | <p>Investigating incidents will be one of the key functions of the IVA as set out at paragraph 1.7.4 of the <b>Outline BMP [EN010158/APP/8.39.2]</b>.</p> <p>The phrase at paragraph 5.4.1 ‘where appointed and relevant’ means that the IVA would not be involved if the incident was not relevant to their expertise and remit. For example, if there was an incident with unauthorised photography this would be covered by the site-specific incident procedure in the detailed Biosecurity Management Plan but the response would not require a veterinarian.</p> <p>Paragraph 5.4.1 also explains that where no IVA has been appointed, other independent veterinary advice would be obtained where specialist veterinary judgement is required. Paragraph 1.7.3 confirms that the detailed Biosecurity Management Plan will establish an appropriate route for technical liaison between the IVA and the NVS.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| 3.9  | Restart after an incident | Works should not restart until the risk is resolved to the satisfaction of appropriate independent and PFL/TCS representatives. | Restart is permitted when the Applicant’s responsible manager is satisfied that reasonable corrective measures have been | Gap. The Applicant ultimately decides whether its own corrective action is sufficient and whether works may restart. Not the IVA, let alone the NVS.                                                                                                                                                | In response to this comment, the <b>Outline BMP [EN010158/APP/8.39.2]</b> has been amended at Deadline 7 to confirm at paragraph 5.4.2 that ‘where relevant works have been paused, they will not restart until the immediate risk has been controlled and both the Applicant’s responsible manager and the IVA, where appointed, or other independent veterinary                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |

| Ref. | Area                           | PFL/TCS Description of what PFL/TCS requested                                                                                                                               | PFL/TCS description of what the Applicant is offering                                                  | PFL/TCS description of gap (and detail)                                                                                                                                                                                                             | Applicant's Response                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
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|      |                                |                                                                                                                                                                             | implemented. PFL/TCS and the IVA have no veto.                                                         |                                                                                                                                                                                                                                                     | <p>advisor are satisfied that reasonable corrective measures have been implemented.'</p> <p><b>Appendix C: Minimum requirements for the Biosecurity Incident Response Procedure</b> of the <b>Outline BMP</b> confirms that restart criteria, decision-making and the role of the IVA will be confirmed in the BMP.</p> <p>As at <b>Ref. 3.4</b>, it would be unprecedented and unworkable for PFL/TCS or the NVS to be granted the unilateral powers to prevent construction from restarting.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| 3.10 | Product quality and continuity | Incident procedures should cover donor-session cancellation, product deterioration, additional testing, rejected material, customer notification and business interruption. | The plan provides for investigation and liaison but there is a demanding threshold of proof to be met. | Gap. A precautionary pause requires a direct link and evidence of an immediate and continuing risk which is a demanding threshold for biological effects. TCS/PFL should be able to show reasonable evidence (for example, of customer complaints). | <p>The characterisation of 'what the Applicant is offering' in this row is incorrect. The <b>Outline BMP [EN010158/APP/8.39.2]</b> does not impose a 'demanding threshold of proof' before remedial action, investigation or liaison can take place.</p> <p>A balance must be struck between accountability for impacts on product quality and deliverability of the Proposed Development where it is carried out in accordance with DCO requirements and management plans including the detailed Biosecurity Management Plan.</p> <p>The <b>Outline BMP</b> explains at paragraph 5.4.2 that any alleged material adverse effect on animal product quality or continuity would result in urgent liaison with PFL/TCS, review of relevant baseline information, timing, location, monitoring and compliance records, potential alternative causes and advice from the IVA where required.</p> <p>It is reasonable that evidence of a direct link between the Proposed Development and the alleged impact will be required before the impact is attributed to the Proposed Development. In the absence of this safeguard, any decline in product quality resulting from any number of external factors could be attributed to the Proposed Development without any evidence of a direct link and this could place the deliverability of the Proposed Development at risk.</p> <p>Paragraph 5.4.2 also confirms that a precautionary pause will be applied only where there is credible evidence (not necessarily proof) of an immediate and continuing risk from the affected activity. Again, this safeguard is necessary to ensure that the Proposed Development is not subject to veto powers by PFL/TCS in the event that their product quality declines due to unknown causes.</p> <p>The procedure in the event of an alleged effect on animal product quality will be further elaborated in the detailed Biodiversity Management Plan as required in <b>Appendix C: Minimum requirements for the Biosecurity Incident Response Procedure</b> of the <b>Outline BMP [EN010158/APP/8.39.2]</b>.</p> |

| Ref. | Area                                             | PFL/TCS Description of what PFL/TCS requested                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | PFL/TCS description of what the Applicant is offering                                                                                                                                                              | PFL/TCS description of gap (and detail)                                                                                                                                                                | Applicant's Response                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
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| 3.11 | Access to records                                | Audit trails for access, induction, cleaning, disinfection, incidents, investigations and corrective actions, available to PFL/TCS on request.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | Records will be maintained. Records relating to a 'legitimate and clearly justified' concern will be provided on 'reasonable request', subject to legal, personal-data, security and confidentiality restrictions. | Gap. PFL/TCS has no automatic or unrestricted audit access. The Applicant can decide whether the concern and request meet the stated tests and can redact or withhold information.                     | <p>The Applicant has committed to maintaining records sufficient to demonstrate implementation of the detailed Biosecurity Management Plan which will be made available on reasonable requests by PFL/TCS so far as legally possible.</p> <p>The Applicant has a duty to comply with legal requirements to protect data, but the Applicant has assured that access to records would not be withheld unreasonably as explained at paragraph 6.2.2 of the <b>Outline BMP [EN010158/APP/8.39.2]</b>.</p> <p>Further details on the circumstances in which relevant information will be shared with PFL/TCS will be included in the detailed Biosecurity Management Plan.</p>                                                                                                                                                                                                                                                                                                                      |
| 3.12 | PFL burden, costs, indemnity, dispute resolution | <p>Applicant funding of PFL / TCS compliance burden required to administer any access, monitoring, biosecurity or incident-response regime including, but not limited to:</p> <ul style="list-style-type: none"> <li>o Reasonable staff time</li> <li>o Veterinary time</li> <li>o Compliance time</li> <li>o Training time</li> <li>o Professional costs</li> <li>o Infrastructure costs</li> <li>o Any other specific biosecurity mitigation costs.</li> </ul> <p>The Applicant must also:</p> <ul style="list-style-type: none"> <li>· Indemnity and compensation mechanisms for losses arising from the project, including but not limited to:</li> <li>o Animal injury</li> </ul> | Nothing                                                                                                                                                                                                            | Gap. The plan contains no cost recovery, indemnity or compensation mechanism for PFL/TCS, whilst placing a huge monitoring burden upon them, as well as a significant risk profile which is avoidable. | <p>The Applicant will meet the costs of training by PFL/TCS to key personnel responsible for delivering the induction as specified in paragraph 2.5.1 of the <b>Outline BMP [EN010158/APP/8.39.2]</b>.</p> <p>The Applicant will also fully bear the costs of the IVA who will perform a range of functions associated with biosecurity and animal welfare, including monitoring, inspections and audits.</p> <p>In addition, the Applicant will fund reasonable costs of the NVS to a capped amount during the construction period which the NVS incurs because of duties relating directly to the construction of the Proposed Development, where such duties are not already carried out by the IVA. This capped amount is to be determined in the detailed Biosecurity Management Plan.</p> <p>With regard to indemnity and compensation mechanisms, this is a commercial matter which is not a planning consideration relevant to the determination of the Development Consent Order.</p> |

| Ref. | Area | PFL/TCS Description of what PFL/TCS requested                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | PFL/TCS description of what the Applicant is offering | PFL/TCS description of gap (and detail) | Applicant's Response |
|------|------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------|-----------------------------------------|----------------------|
|      |      | <ul style="list-style-type: none"><li>o Medication</li><li>o Donor-session cancellation</li><li>o Product failure / rejection</li><li>o Additional testing</li><li>o Replacement feed</li><li>o Additional labour</li><li>o Veterinary costs</li><li>o Biosecurity incidents</li><li>o Business interruption (Preston Farms and TCS Biosciences)</li><li>o Customer / End user related compensation (TCS Biosciences)</li><li>o Penalties due to failure to meet contractual supply obligations (TCS Biosciences)</li><li>o Any incoming / outgoing supplychain disruption caused by the works Preston Farms and TCS Biosciences Ltd must be consulted and will have the final approval for any method statement or management plan affecting their land, animals, donor operations, access, feed, biosecurity or product transfer routes.</li></ul> <p>In the event that approval is not granted, an arbitration mechanism will be agreed to resolve</p> |                                                       |                                         |                      |

| Ref. | Area | PFL/TCS Description of what PFL/TCS requested                                                       | PFL/TCS description of what the Applicant is offering | PFL/TCS description of gap (and detail) | Applicant's Response |
|------|------|-----------------------------------------------------------------------------------------------------|-------------------------------------------------------|-----------------------------------------|----------------------|
|      |      | issues before works commence. All costs associated with arbitration will be borne by the Applicant. |                                                       |                                         |                      |

## **Appendix 4**

### **Third Letter from the Claydon Estate LLP**

Planning Inspectorate  
c/o QUADIENT  
69 Buckingham Avenue  
Slough  
SL1 4PN

20<sup>th</sup> August 2026

Dear Sirs

I refer to my letters of 18 June 2026 and 12 August 2026 (Appendix 2 of [\[REP4-088\]](#) and Appendix 1 of [\[REP6-071\]](#) respectively) and confirm that I continue to represent the Claydon Estate LLP as the Estate's Manager. The Estate is the principal freehold landowner in respect of the land over which Rosefield Energyfarm Ltd (the Applicant) has an Option for Lease Agreement for the purposes of building out, operating and decommissioning the proposed Rosefield Solar Farm (the Proposed Development).

For ease of reference, the land that forms part of the current Farm Business Tenancy (FBT) with Lynda Preston (referred to as PFL for the purposes of this letter) which includes Field E23 is subject to a Notice to Quit. The Notice to Quit expires on 30 September 2026. For the avoidance of doubt, if agreement with PFL cannot be reached by that date, the Estate will follow through with the Notice to Quit meaning PFL must vacate all the land that is subject to the Notice to Quit by that time.

**Response to 'Notes of the Tenancies Held by Lynda Jane Preston' prepared by Simon Alden (Mr Alden) as appended to the Statement of Common Ground between PFL/TCS and Rosefield [\[REP6-031\]](#)**

- i. The Estate seeks to clarify for the Examining Authority our position in respect of the statements made by PFL/TCS with regards to the tenancy situation, particularly in response to the note prepared by Mr Alden, who is PFL/TCS's land agent and with whom I have held negotiations. Whilst Mr Alden's chronology of discussions since 2014 has a number of points of contention, I do not feel a line-by-line critique would assist the Examining Authority and therefore I have provided no further comment on this section.
- ii. Mr Alden states that The Estate issued a Notice to Quit (NTQ) in respect of Sion Hill Farm in order to secure vacant possession of part of Sion Hill Farm to implement the proposed development of the solar farm. The Estate has always been clear that the NTQ was served only after agreed Heads of Terms (including replacement land to offset the FBT land PFL would be vacating within the Order Limits) had been signed to bring the existing annual periodic arrangement to an end and regularise the tenancy arrangements. This was communicated to Mr Alden on 24<sup>th</sup> September 2025, independently of the Applicant who did not have

knowledge of the NTQ, before the NTQ was served. Mr Alden confirmed that this was understood and expected.

- iii. To confirm, the Heads of Terms which were agreed and signed in September 2025 between both parties are as follows:
  - a. 40-year FBT of Sion Hill Farm covering land outside of the option agreement between the Estate and the Applicant. (Tenancy A for ease of reference from hereon)
  - b. 2-year FBT of Sion Hill Farm covering land that is under the Option Agreement for above ground infrastructure which provided for an option for PFL to enter a tenancy over 'replacement land' at such point the land was called for by the Applicant under the Option Agreement. The grant of a tenancy over the 'replacement land' would be for the balance of time left to run on Tenancy A. (Tenancy B from hereon)
  - c. 40-year FBT of Botolph Farm to replace the existing AHA tenancy with necessary rights for access and cabling in relation to Rosefield. (Tenancy C)
- iv. It should be noted that the area of 'replacement land' was changed in June 2024 as PFL were not agreeable to the land initially offered by the Estate.
- v. There is no obligation on the Estate to provide this 'replacement land', but it has been offered because of the longstanding relationship between the Estate and PFL/TCS. For the avoidance of doubt, the 'replacement land' is land which is owned and currently farmed by the Estate.
- vi. It is noted that the 40-year term for Tenancy A and Tenancy C were proposed by PFL in 2024 to seek longer term security for their business. This was agreed by the Estate despite being far longer than most typical FBT agreements because it values its relationship with PFL/TCS
- vii. Mr Alden's note set out the importance of the continuation of the Sion Hill Tenancy for the following reasons:
  - a. Preservation of land and buildings utilised in the PFL business.
  - b. Critical mass of land holding to accommodate existing number of livestock.
  - c. Lack of security of tenure causing operational difficulties and risk to the established business of PFL.

For clarity in respect of these points listed above:

- a. The buildings at Sion Hill Farm including the farmhouse are included in the proposed Tenancy A. Therefore, it is proposed that the buildings and farmhouse are preserved for PFL/TCS's business operations for 40 years and not at risk.
- b. The land which has been carved out for Tenancy B represents less than 50% of the total land within the existing tenancy for Sion Hill. As above, if the land in Tenancy B is called for by the Applicant, PFL will be able to enter a long-term tenancy on the 'replacement land' which is of an equivalent acreage. Whilst this land is not adjacent to Sion Hill Farm, it is adjacent to PFL's wider farming operation at Botolph Farm to the west side of Botolph Claydon and the location was agreed with PFL/TCS within the Heads of Terms.
- c. Tenancy A is proposed for 40 years, and the tenancy of the 'replacement land' in respect of Tenancy B will be for the balance of the remaining term of Tenancy A. In terms of security of tenure, there are very few FBTs anywhere in England with a term extending to 40 years. The most recent Government published data for 2024/25 shows that the average length of term for an FBT is 5 years and 7 months ([Gov.uk](https://gov.uk)).
- d. Mr Alden also highlights 'lack of security of tenure causing operational difficulties and risk to the established business of PFL'. I have also seen the submissions regarding the risk to the NHS. The agreement offered by the Estate meets Mr Alden's criteria at a & b whilst securing a long-term interest in the land, something which they do not have at present, with replacement land of similar size provided, thus securing PFL's future operations.

#### **Update in Respect of Negotiations since Deadline 6**

- viii. In respect of the current position with negotiations, as the Examining Authority is aware, the Estate organised an all-parties meeting comprising of myself, Mr Alden (PFL Agent), Adam Corbin (PFL Solicitor) and Ethan Desai (Claydon Estate Solicitor) to take place on 30<sup>th</sup> July 2026 as progress prior to this had been limited. Over the course of a 6-hour meeting, considerable time was spent on Tenancy A, and much work was done in respect of the drafting. Much of this drafting would have implications for the other tenancy agreements so would reduce some of the outstanding points across the board.
- ix. It was discussed in the meeting, that if the Applicant did not call for parts of the land which they have the Option over, then the Estate would be willing to consider granting a tenancy over these areas to PFL. This has been a principal which has been put forward by the Estate since conversations prior to the Heads of Terms being agreed.
- x. It was requested by Mr Alden and Adam Corbin in the meeting that a separate Option Agreement was prepared for the provisions relating to PFL's rights to call for a tenancy over the 'replacement land' following the surrender of the Sion Hill Land in Tenancy B (which includes E23), as opposed to having these provisions within Tenancy B as initially drafted. This

was agreed and prepared by Ethan Desai following the meeting and shared on 12<sup>th</sup> August 2026.

- xi. Towards the end of the meeting, when asked whether there should be a discussion on Tenancy C with the knowledge that we would have to follow up on this further, it was disclosed by Mr Alden that PFL no longer wished to pursue this and were seeking for the Estate to grant an assignment of their existing AHA tenancy between Lyn and James Preston.
- xii. Therefore, despite considerable effort from the Estate seeking engagement over a period commencing in October 2025 (when the draft Botolph Farm FBTs were first issued following agreement to the Heads of Terms), PFL have sought to depart from the agreed Heads of Terms at this late stage.
- xiii. The Trustees of Claydon Estate have agreed in principle to the assignment of the AHA subject to the agreement of rights required in respect of the Applicant as well as Tenancy A and Tenancy B being completed in the form as presented to PFL on 12<sup>th</sup> August 2026.
- xiv. We are in receipt of an email dated 18<sup>th</sup> August 2026 that PFL intend to proceed with Tenancy A and Tenancy B. However, in the same email PFL stated they are not willing to commit to an agreement in principle as they feel it will be interpreted as acceptance of wording or rights which are under review.
- xv. No comment was made in respect of the proposed AHA Assignment as they have not yet seen any draft documentation for this. However, given the concept was introduced by PFL and was a departure from the agreed Heads of Terms, the Estate had hoped they would have acknowledged their intent in respect of this agreement as well as Tenancy A and Tenancy B.
- xvi. Should the terms not be agreeable, including Tenancy A and Tenancy B in the form as presented on 12<sup>th</sup> August 2026 as well as the AHA Assignment, then the Estate will be enforcing the NTQ in respect of Sion Hill Farm with effect from 30<sup>th</sup> September 2026 and the current annual periodic tenancy will be terminated as at that date. We are in receipt of an email dated 18<sup>th</sup> August 2026 from PFL acknowledging that the NTQ will be enforced by the Estate if matters are not agreed.

The Trustees of the Claydon Estate consider that they have been very fair to PFL/TCS by seeking to offer replacement land. From the outset of this process, the Estate has sought to engage and make compromises in respect of points raised by PFL/TCS in order to provide a suitable outcome to provide a long-term sustainable future for both parties.

I trust this letter assists in clarifying matters before the Examining Authority.

Yours sincerely,



**Estate Manager**



[rosefieldsolarfarm.co.uk](http://rosefieldsolarfarm.co.uk)