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FULL TRANSCRIPT (with timecode)

00:00:07:10 - 00:00:08:23

Good morning everyone.

00:00:10:12 - 00:00:14:28

Now, 10:00 Am time for this issue specific hearing to resume.

00:00:16:15 - 00:00:19:00

I just check that everyone can hear me clearly.

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

Can I also confirm with the case team that the live streaming and recording of this event has commenced?

00:00:28:16 - 00:00:46:16

So for those of you in attendance yesterday, you'll know that my name is Andrea McGeehan. I'm a chartered town planner and a planning inspector, and I've been appointed as the lead panel member for the examination of this development consent order. I'll now hand out over to my colleagues to reintroduce themselves.

00:00:47:04 - 00:00:57:15

Good morning everyone. My name is Graham Hobbins and I'm a chartered civil engineer and planning inspector. I've been appointed by the Secretary of State to be a panel member for this examination.

00:00:59:15 - 00:01:10:19

Good morning everyone. My name is Doctor Philip Breuer. I remember the Institute of Acoustics and a planning inspector have also been appointed by the Secretary of State to be a panel member for this examination.

00:01:14:20 - 00:01:34:05

So as far as I'm aware, there aren't any fire drills proposed today. So in the event that the alarm does go off, please use the exits as indicated. Um, again, toilet facilities are at the rear of the room. And can I also ask that everyone please switches their phones on to on to silence, please.

00:01:38:02 - 00:01:50:25

I'm not going to ask anyone in the room that wasn't here yesterday. Um, and that would like to participate in today's meeting to introduce themselves. Um, so starting with the applicants team.

00:01:52:11 - 00:01:53:09

Morning, madam.

00:01:53:26 - 00:02:09:10

Um, I think new to our team today and relevant to the ecology topic is my colleague Mike gray. Um, he's, uh, an ecology director at VMs. And he sat, um, to, um.

00:02:12:25 - 00:02:16:22

Mister Sharpe mental block there for a moment. Apologies.

00:02:16:24 - 00:02:17:21

No problem. We all have.

00:02:17:23 - 00:02:27:17

Them. Um, I think you met Mr. Phillips, um, yesterday. He may also speak on, um, topic that follows.

00:02:28:09 - 00:02:29:02

Thank you.

00:02:30:20 - 00:02:33:11

Anyone else in the room? Not here. Yesterday. Yes, sir.

00:02:35:05 - 00:02:56:12

Uh. Good morning. I'm James Gamble, county councillor for Sherwood Forest. I've got an MSC in biodiversity conservation, and I'm representing the communities of Acheron, Wellow, Clipstone, Edwin, Stow, Rufford and King's Clipstone. And I may speak Uh, later on this morning. Thank you.

00:02:56:14 - 00:02:56:29

Thank you.

00:02:58:27 - 00:03:06:24

Anyone else in the room? Yes. Morning. Call me first. I'm a biodiversity and ecology officer at Newark and Sherwood District Council. Thank you very much.

00:03:10:03 - 00:03:14:12

And can I ask is it miss? Miss? How would you like to be referred? Mrs..

00:03:16:24 - 00:03:26:01

Thank you. Anyone else in the room? It wasn't here yesterday. Don't think so. I'm anyone online that wasn't here yesterday that would like to introduce themselves.

00:03:31:09 - 00:03:33:04

Yes. Go ahead. I can't quite see.

00:03:33:26 - 00:03:51:02

Good morning ma'am. Morgan Harriman here from the Environment Agency. I wasn't online yesterday, but we had two representatives yesterday, Manasseh Miranda and Ruth Bolton. Today it's myself, Morgan, hangman and Ruth Bolton, representing the Environment Agency.

00:03:52:01 - 00:03:56:04

Thank you. And how would you like to be addressed? Is it, Mr. Harriman? Is that. Is that right?

00:03:56:06 - 00:03:57:23

Mr. spine? Yes, please.

00:03:57:25 - 00:03:58:28

All right. Thank you.

00:04:01:16 - 00:04:03:21

Anyone else on line? I don't think there is.

00:04:05:11 - 00:04:30:05

So, for the benefit of the new attendees today, I should let you know that a recording of today's hearing will be made available on the Great North Road Solar and Biodiversity Park section of the National Infrastructure Planning website as soon as practicable after the hearing is finished. With this in mind, would you please make sure you speak clearly into the microphone, stating your name and who you're representing each time you speak.

00:04:32:15 - 00:04:46:28

So yesterday afternoon we covered items 3.1 and 3.2 of the agenda. Today we're going to move on to cover items 3.3 and 3.4. We expect the discussion to go on.

00:04:49:16 - 00:04:59:04

At some point depending on where we're up to with the the discussions. So I'm now going to hand over to Mr. Hobbins to take us through the next item.

00:05:01:09 - 00:05:31:01

Thank you, doctor McGeehan. So this agenda item concerns biodiversity and ecology. So I'm going to ask the applicant to provide a short summary of the principles behind the biodiversity and ecology mitigation and enhancements for the proposed development. Then I'll ask some questions and clarifications of those. And then I'll also move on then to ask some questions concerning biodiversity and biodiversity, net gain assessment. And then see why comments from other parties as well.

00:05:33:08 - 00:05:37:26

So would I be able to ask the applicant please, to provide that summary?

00:05:41:01 - 00:06:21:04

Mike Gray, on behalf of the applicant, excuse me. The development has undergone a lengthy iterative design process which resulted in a design that has avoided and reused many potential adverse ecological effects. The design process therefore had a strong influence on which parts of the order limits were more or less suitable for development, mitigation, and enhancement. Broadly speaking, much of the mitigation and enhancement is provided in Work Area three, but all of the other work areas may include elements of either mitigation or enhancement. 550 555 hectares has been allocated solely to mitigation and enhancement in Work Area three, which is almost one third of the total area of the order limits.

00:06:22:00 - 00:06:36:07

This amount is unprecedented in solar dose and reflects a commitment to providing biodiversity enhancement at scale. To put the area into context. It far exceeds the single largest biodiversity net gain providers in Natural England. Biodiversity gain sites register.

00:06:38:19 - 00:07:02:07

A range of factors have influenced the selection of areas for mitigation and enhancement, including the ecological requirements of important species and habitats, the location of retained and existing important ecological features. Potential to provide multiple benefits. Potential to provide benefits at scale. Practicalities of long term management and a range of other environmental considerations.

00:07:06:28 - 00:07:45:13

The influential 2010 State of Nature report established the key principles needed to support nature recovery in the UK bigger, better, more and joined up habitats, and these have also influenced the selection of areas for mitigation and enhancement, especially those that could provide multiple benefits at scale. Such areas were identified early in the design process and retained throughout in the areas around Maple Beck and Moorhouse Beck, and the areas in the south east of the order limits. The provision of habitats away from areas of development or even off site is now recognised, particularly in the context of biodiversity net gain, as an effective way to deliver greater benefits to biodiversity.

00:07:50:00 - 00:08:28:17

Broadly speaking. Habitats within the order limits will be retained, enhanced or created. Retained habitats will be safeguarded through the development design and by the measures specified in the Outline Construction Environmental Management Plan, the Outline Operation, Environmental Management Plan, and the Outline Decommissioning and Restoration Plan. These plans are about protecting features from harm, whereas the Outline Landscape and Ecological Management Plan. The Lamp, which is document App 202, provides the methods by which habitats will be enhanced or created, and specifies the monitoring and remedial measures through a programme of adaptive management.

00:08:29:13 - 00:08:36:23

The appendix to the outline lamp, which is App 202, provides the lamp master plan showing the location of the habitats.

00:08:38:08 - 00:08:43:02

The lamp also takes account of the requirements of other environmental disciplines such as landscape and visual.

00:08:44:21 - 00:08:57:18

Consequently, the role of the lamp is multifaceted, but broadly speaking, it's to deliver the mitigation commitments of the environmental statement, to provide biodiversity enhancements and to deliver biodiversity net gain.

00:08:59:21 - 00:09:23:00

Function during all stages of the development. Some measures will be implemented in the pre-construction period, but most will be implemented during the construction phase and will continue to be managed throughout the 40 year operational phase. Many habitats will revert to their baseline condition during decommissioning, but those that will be retained, those that will be retained, will be safeguarded through the measures in the outline Decommissioning and Restoration Plan.

00:09:25:18 - 00:10:05:06

The lamp also includes a provision for a steering group to advise on the development and implementation of the lamp, and associated mitigation. The group has met three times since November 2024, with further meetings planned throughout all future stages of the development. As a consequence of the design work and the mitigation and enhancement secured in the management plans, no significant adverse ecological effects are predicted in chapter eight Ecology and Biodiversity. The development will also enhance biodiversity through a range of beneficial effects, some of which will be significant in EIA terms, whereas other important benefits will be more generalised but are not readily captured by the EIA process or the biodiversity net gain metric.

00:10:06:03 - 00:10:06:18

Okay.

00:10:08:27 - 00:10:38:25

Thank you, Mr. Grey. Um, I think I'd just like to draw out a couple of things there, um, that you talked about with regards to, um, mitigation and enhancement. Um, and I think what I'd like a bit of clarity on, uh, is just if you could perhaps explain the difference between those two in terms of the, um, proposals and the lamp and the master plan. So is there is there a distinction between those two things? Um, and where do they sort of come in, if you like, into this sort of mitigation hierarchy and what separate.

00:10:43:02 - 00:11:15:11

In general, nearly all habitats provide some form of enhancement to to some some feature, but only some of these also provide mitigation, so it's quite difficult to disentangle the two. In terms of pointing to errors on the plan. If I could give some examples, it might might illustrate that, for example, chapter eight identified no need for woodland loss or need, or therefore any need for compensatory

woodland planting. So the 30 hectares of woodland creation is clearly an enhancement on the on the landscape plans.

00:11:17:10 - 00:11:50:17

Hedgerow planting, on the other hand, provides both compensation and enhancement. I think approximately one kilometre of species poor hedgerows could be removed in a reasonable worst case scenario, but instead of compensating for that on a 1 to 1 basis, we are proposing to plant 49km of species rich hedgerows. So the hedgerows that are shown on the On the Lamp masterplan and outlined in the lamp provide both mitigation and enhancement, and it's not possible to distinguish between those on the plans.

00:11:53:19 - 00:12:02:23

Thank you. So effectively I think I understand that correctly. Then what you're saying is essentially that no one comes with the other such that the enhancement really is a sort of, um,

00:12:04:09 - 00:12:08:13

almost a byproduct to a natural product of the mitigation measures, uh.

00:12:09:26 - 00:12:24:03

Like growth for the applicant. Yes, that's very much the case. And I think that's recognized good practice now as well to, to go to go beyond and where something can, where something is needed for mitigation to try and provide additionality to that, to to other features.

00:12:24:06 - 00:12:25:06

Okay. Thank you.

00:12:33:03 - 00:12:38:15

Could I ask? Um, yeah. In terms of these measures outlined in the lamp and see this

00:12:40:03 - 00:12:54:07

defines the management plan as such for each particular type of mitigation or enhancement, who would be responsible for the long term management of the. What's the sort of provision there for that long term management if you like.

00:12:58:01 - 00:13:09:10

Mike, great for the applicant. Uh, if I could clarify, uh, are you asking about, uh, who will fund it and who will be.

00:13:09:17 - 00:13:28:21

Okay. So I'm referring to some of the, some of the, um, management, uh, measures, if you like, be taken to, for example, how you'd manage a woodland area or hedgerows. And I just would like to know sort of who, who would be doing that in, during the 40 years of operation and who would be responsible for it, and how would that work?

00:13:32:01 - 00:13:43:27

The applicant would be responsible for the implementation of the of the lamp. It's very likely that specialist contractors will be appointed by the applicant to undertake undertake the works on the side. Thank you.

00:13:50:28 - 00:14:12:12

There's also, um, notes in the lamp. Um, and it identifies, uh, agricultural land, which is our arable land. It does also, um, make note to the Countryside Stewardship, excuse me, countryside stewardship scheme, which is sort of that management. I'd wondered if you could just explain a bit more about that, please, as well, how that.

00:14:16:12 - 00:14:17:18

Might grow for the applicant.

00:14:19:19 - 00:14:42:18

The, the the lamp is broadly divided into three categories of land management. We have what we might consider, uh, semi-natural Habitats such as woodland and grassland. Creation. We have freshwater habitats, ponds and and the riparian corridors. And the final category is the is the agricultural land management.

00:14:44:18 - 00:15:05:05

The lands the length includes provision for, I think, about 140 44 hectares of retained arable land, but arable land will not be retained in its current function. It will be enhanced a suite of measures to improve its value to ground nesting birds and farmland birds in particular.

00:15:07:16 - 00:15:30:06

A lot of the measures that we have chosen have come from current Countryside Stewardship grants because they are recognised to work evidence based, they are recognised by landowners and land managers as a tool to work with. And so these sort of off the peg solutions are an excellent way to to achieve the aims of that habitat.

00:15:30:22 - 00:15:31:22

Okay. Thank you.

00:15:37:01 - 00:16:06:04

Um, I just want to turn to the the grazing regime, which is, um, envisaged for the land under the panels. Um, so this is outlined in paragraph 34 of the land. Um, and could you provide some further details of this? So. Um, yeah. There was a suggestion by the Nottinghamshire Wildlife Trust in their representation, their relevant representation. Um, about fairly detailed on this and sort of how this would work. So I asked sort of, you know, what do you envisage for that?

00:16:12:10 - 00:16:13:25

Mike Gray for the applicant.

00:16:15:26 - 00:16:26:12

I don't have, uh, Nottingham Wildlife Trust, uh, specific comment in front of me, but I can talk a little bit about the proposed grazing.

00:16:26:14 - 00:16:43:07

Okay. Yeah. They Okay. Yeah. Sorry. Just to clarify. They sort of talk about the implementation of a conservation grazing regime. And I think there were sort of concerns about, you know, if the if the grazing wasn't managed in a particular way, then it could lead to potentially harmful effects to the soil or longer term. So.

00:16:45:23 - 00:17:16:26

I agree for the applicant. Thank you sir. Um, yeah. The grazing regime that is proposed is aligned with what is known as conservation grazing. So it's a low stocking density of sheep. Uh, the local farmers that we are working with have, uh, have a dispersed flock of sheep. And the aspiration is to build up that flock within, within the site over, over a number of years. We will also implement a regime of rotational grazing.

00:17:16:28 - 00:17:30:24

The site is sufficiently large that we don't need to graze it all at once. We can actually create effectively a mosaic of grazed and, um, grazed areas, and that will develop over a number of years. So so what we're proposing. Broadly aligns with conservation grazing strategies.

00:17:30:26 - 00:17:41:08

Okay. Thank you. And perhaps if I could ask you if you could clarify that perhaps in the post hearing submission or separate notes. Yeah, I think that's an action. Thank you, Mr. Sharp.

00:17:41:10 - 00:18:18:10

On on behalf of the applicant. Just just to add to the response from Mr. Gray, um, sort of two points to flag. So the outline landscape and ecological masterplan that's submitted within the application includes a section on sort of roles and responsibilities and a section on monitoring. Um, there's obviously a requirement that then secures the detailed limit, which would then provide the precise, um, you know, management and monitoring arrangements. Um, and also just to flag in relation to the points raised about the Nottingham Wildlife Trust response.

00:18:18:12 - 00:18:38:06

We're, uh, in discussions with them in relation to the statement of common ground. So working through the responses they've set out. So the draft of the Statement of Common Ground. Has been provided to them. And we're working through those points that they've raised in their relevant reps. So hopefully a deadline one, we can report progress in relation to the points that they've flagged.

00:18:38:08 - 00:18:51:08

Okay. Thank you. Yeah I think that would be helpful I think I think they did um, discuss actually sort of having that grazing regime defined within there. So I think yeah, if they can report back on that by the statements of common Ground. Yeah. Thank you.

00:18:57:05 - 00:19:27:10

I just also like to ask about the community orchard, um, which is part of the, um, the alarm from the master plan. So this plot of land is sort of obviously is separate from the other areas of the proposed development as such. Um, yeah, it's along the side of the main road. So I'd like to understand why this



plot of land was was chosen for the community orchard. Um, and then perhaps just if you could expand a little bit about how, again, how this would be managed. I do appreciate. Obviously it's in the area.

00:19:27:21 - 00:19:36:06

Just to expand upon that, you know, would that be volunteers or, you know, as a sort of a management, uh, or envisage management in place for that? Um.

00:19:39:18 - 00:19:41:00

And great for the applicant,

00:19:42:21 - 00:20:14:05

uh, selection of their through a fairly iterative process, uh, in discussion with the local community as well, that that particular part of land is accessible from the road, uh, which, which feeds in neatly to making a community accessible orchard. And it's situated between Batley and North Muskoka, as well to two local communities down there and away from the rest of the development. As you'll know, the exact way in which the community can be involved is yet to be determined.

00:20:14:15 - 00:20:37:26

Uh, I'd anticipate that being developed in the in the final version of the lamp, but, uh, the applicant will see cost cover, the cost of implementation and any remedial works that are needed during it during its lifespan. But the way in which the community might actually be actively involved in managing it, or sort of taking ownership, as it were, is yet to be determined.

00:20:37:28 - 00:20:53:27

Okay. Um, do you think you have to provide any further, perhaps sort of high level principles of what you might envisage for the how that would work? Just, just, you know, something so we can see what effectively would be a potential strategy or management strategy over the long term.

00:20:56:00 - 00:21:03:11

Very happy to do that, sir. Would you like to see that in in a revised version of the outline? Or is it a separate note?

00:21:03:13 - 00:21:07:17

Um, I think that could be a separate note for now. Yeah. Thank you.

00:21:14:20 - 00:21:33:11

And just a couple of questions here related to the yellow lamp and the master plan itself. So I'm just going to ask if you could display, um, the master plan. So that's reference AWP 031 and just come to the uh, sheet three or page four. Thank you.

00:21:42:19 - 00:21:44:01

So is that, um.

00:21:46:29 - 00:21:50:09

I think that's I can actually see that's page nine. I think it's page four.

00:21:59:24 - 00:22:06:05

Apologies. I'm just going to check my reference there. I think I'd just like to check which, um, which planet was.

00:22:29:21 - 00:22:33:02

So is that AWP 031 that you're displaying that?

00:22:34:20 - 00:22:36:01

Okay. Thank you. Cheers.

00:22:47:16 - 00:22:51:18

Yeah. Okay then to page four is Will sheet three.

00:22:53:04 - 00:23:20:15

Okay. Yeah. That's the one. Thank you. Um, so I'm just going to ask you here. Um, you can see that on sort of the right hand side of that. There's an area of land certified side there. Um, I think that's set aside. Is wood partially, but it doesn't appear to be included within the order limits. And it's also not defined on there. So I'd just like to clarify what that, Um, yeah. What what what was envisaged for that essentially is because that's part of the master plan, but not within the limits.

00:23:25:28 - 00:23:40:06

For the applicant, uh, my understanding is that, uh, the area outside the water limits is an existing wildlife site, so it's not captured by the development. Um, I suppose it's displayed for referencing purposes.

00:23:40:16 - 00:24:02:05

Okay. Um, that's something perhaps made clear or, um, clarified because it does appear to be included, as you know, under the, um, you know, the provisions there, if you like, uh, the key and the right hand side, those, those implement those sort of enhancements or mitigations, I think it's not quite clear. So I think it'd be good if that was, uh, something that you could clarify or perhaps clarify on the plans. Um.

00:24:05:07 - 00:24:09:19

Is there a specific reason that you have included it for reference purposes, or is it.

00:24:10:17 - 00:24:23:15

Necessary for the applicant. I believe it's a baseline mapping point, so we will endeavour to update the plan and provide a written note to explain the update.

00:24:23:17 - 00:24:40:24

Okay. Thank you. I think if you could do that. And so, um, there's a plot of land. I think it's similar on sheet five or page six. And again that also is shown as wood pasture. It doesn't appear to be in the order limits. And yeah. And so if you could do the same thing that'd be helpful. Thank you. Take that as an action.

00:24:41:09 - 00:24:43:13

So Peter Nesbitt for the applicant.

00:24:43:15 - 00:24:45:06

We'll certainly do that.

00:24:45:09 - 00:24:57:27

I think it's it's marked on the key, um, in terms of existing local wildlife site. But I think the base mapping and the colour is, is probably not very helpful there because it can be confused with other areas. So I totally understand your point and clarify that. Thank you.

00:24:57:29 - 00:25:01:09

Okay. If you take that away and update that that's fine. Thank you.

00:25:07:28 - 00:25:23:16

Okay. Um, I'm now going to come to others in the room, and I dislike to invite any comments on what we've been discussing there or general comments. So, um, if I could turn first? Um, yes. Uh, if you could introduce yourself as well, please let me speak. Thank you.

00:25:25:06 - 00:25:27:19

And yeah, there's a raven microphone that will arrive. Yeah.

00:25:38:04 - 00:26:10:20

Just a clarification about the community orchard. I did read the brief report of the unaccompanied site visit that was made by two of us. Suspect some weeks ago. Just a clarification. The location is really quite strange. The community orchard is in Batley. It's not in North Muscatine. It's a slightly misleading record, which I wouldn't even be raising if it were not for another complication As Elena knows, I reported it to element screen.

00:26:10:27 - 00:26:44:06

There is a new footpath, an approved footpath by Notts County Council that goes right through the site of the community orchard. You have also got on some of the maps in the submission papers, the application papers, some footpaths that don't exist anymore. They were replaced by the new footpaths. They happened to have been put in place well before we knew about the proposals for the solar farms. And so there is still a confusion because a footpath eight goes right through the community orchard.

00:26:44:08 - 00:26:51:02

So whatever access arrangements are being made, it may be totally open and not a problem. I thought I would just mention it.

00:26:51:18 - 00:26:52:08

Thank you.

00:26:55:09 - 00:26:57:16

But the applicant have any comments on that point?

00:27:00:20 - 00:27:31:01

Thank you sir. Alan, for the applicant in relation to the public footpaths We have been in discussions with Mr. Gray, and we have looked into the most updated version of the Rights of Way Network. We obtained the Legal Footpaths Plan when we did the latest iteration of the design, and what we have presented in our plans is correct to our knowledge, with reference to the legal footpath plan.

00:27:31:13 - 00:27:42:15

Um, if there have been any subsequent updates, we will speak to Nottinghamshire County Council to find out the the latest position if that hasn't been captured in the data.

00:27:42:24 - 00:27:46:12

Okay. Thank you. Yes. The back please. Yeah.

00:27:48:29 - 00:27:49:14

Hello.

00:27:49:16 - 00:28:20:21

Liz Hopkins Carlton on Trent parish council. I don't know if I misheard. Uh, Mr. Gray, when you were asking about the, um, relationship with some of the projects that were doing, you mentioned I understood the Countryside Stewardship scheme which would fit, I believe, with this the but is if they're already in a stewardship scheme, it can't be counted as part of your planning. I don't believe planning is above and beyond to.

00:28:20:23 - 00:28:25:02

Maybe the ESA could explain if I've got if I've misunderstood that.

00:28:25:20 - 00:28:28:09

Thank you. Yes. If you come back on that.

00:28:30:27 - 00:28:59:03

Might go for the applicant to clarify the Countryside Stewardship, uh, prescriptions that we have specified in the lamp are not to generate income for the landowners. These are just the methods by which certain things can be can be done. For example, creating skylark plots, creating beetle banks. There is no conflict in terms of income with the current landowners or existing title stewardship schemes.

00:28:59:16 - 00:29:02:13

Thank you. Um, Mr. Northcutt? Yeah.

00:29:04:01 - 00:29:36:27

Thank you, Sir Anthony Northcote, for, um. I've got three points to make, sir. Two, uh, quite sort of general points and one quite detailed, uh, points. And in terms of generalities, this issue about mitigation versus enhancement. Um, I would make the point that an awful lot of the hedgerows that are proposed have been identified as being needed to deal with landscape and visual impacts. You know, therefore, they're not strictly enhancement. Um, they are to make the development acceptable in the first place.

00:29:36:29 - 00:30:14:04

So I wouldn't want them to be double counted as being an enhancement when they're actually required for a different purpose. So I think, um, you you need to carefully think about that as you go through your assessment. The second general point I'd make series is when I look at the the areas proposed for the ecology and biodiversity matters. Many of them in the flood zones are in areas of flood risk. And what I think is still a bit unclear is given that in this area where a lot of these are planned, these areas are not theoretical flood.

00:30:14:06 - 00:30:59:07

These are areas that do flood and flood regularly every few years. And I'm not entirely certain from looking through the documentation as to how the biodiversity elements that are proposed, are they really compatible with the fact that they're in flood zones? And what impact would regular flooding have on the habitats that are proposed? In any event, my final third detailed point is really, I'm wondering whether the applicants have actually done the correct due diligence as to whether all the land parcels that they propose are actually available to them, or whether they're already covered by other planning purposes.

00:30:59:20 - 00:31:24:03

Now I can only go off local knowledge. We haven't got the resources to look at every single land parcel. It's not the council. It's not your consumer district council's position to look at each land parcel and compare it against plans. But based on local knowledge, the land parcel at south southwest of South Musqueam, which is land parcel 3092

00:31:25:22 - 00:32:01:06

and the easiest place to find that series in the Land Plans document, which is app hyphen 018. Now that land parcel is secured through a section 106 planning obligation for a planning permission. 0601180/FULM as compensatory flood storage for a development of 15 dwellings at South Muskingum. Now that development purporting to have been commenced, it's currently being marketed.

00:32:01:28 - 00:32:35:24

Um, in order for a developer to take it on. Um, but it's being marketed on the basis it was commenced lawfully at that point in time. Well, the planning obligation required the compensatory flood stories to be provided before commencement. So if that development has been commenced, which is being marketed on the basis that compensatory flood storage must already be in place and it has to be retained in perpetuity, and therefore, on that basis, how can it now be be proposed for a different development?

00:32:37:12 - 00:33:03:18

As I say, sir, this is just one element from some local knowledge. You know, there may be other aspects, but it does. I think call into question is whether there's been sufficient due diligence as to whether all these pieces of land are available, and that's a large area of land that is proposed for biodiversity enhancement. So if it's not available, it is quite material to your decision making process. Thank you.

00:33:04:08 - 00:33:12:18

Thank you. Um, and if the applicant could come back on those last two points there, please. The the flooding and the and that parcel of land. Thank you.

00:33:19:24 - 00:33:58:18

I guess for the applicant, I'll address I'll address the second point about the flood zone, if that's okay. Uh, the habitats that are proposed, uh, are entirely compatible with, with their locations, uh, particularly around the watercourses. They were developed in consultation with their, uh, hydrologist, our water resource expert. And it aligns with Environment Agency guidance as well. Uh, it's predominantly grassland, uh, some scattered trees. But we have avoided any, for example, blocks of woodland. The specification of those habitats will also be, determined and made appropriate to the to the local conditions, which may include periods of inundation.

00:34:03:15 - 00:34:09:25

Thank you. And did you have any comments on the the the particular parcel of land that was discussed there?

00:34:10:21 - 00:34:22:19

Uh, Peter Nesbitt for the applicant. Um, not right now. So I think we're going to have to look at that and come back in in a note, if that's acceptable. That's it's a bit of a land question as well. So we'll reverse for that. Thank you.

00:34:22:21 - 00:34:26:13

Yeah. If you could do that and just come back and submit. Yeah. Thank you.

00:34:29:05 - 00:34:36:05

Are there any other attendees in the in the room who would like to speak on this? Um, yes. Uh, Councillor Campbell.

00:34:39:19 - 00:34:49:14

Uh, good morning, everybody. It's nice to see everybody here. Uh, James Campbell, county councillor for Sherwood Forest. I've just been listening to some of the updates made this morning. I've got 1.

00:34:49:16 - 00:34:50:01

Or.

00:34:50:03 - 00:35:22:12

2 questions resulting from that. Um, we know the application later on was rebranded with the element of the biodiversity park, uh, possibly to make it more palatable, uh, to be repackaged and sold. But within the biodiversity park, you did name key partners. Um, one of those was the Wildlife Trust. And we had a question from the gentleman this morning, um, about an element which has to do with the conservation grazing.

00:35:22:14 - 00:35:46:28

And you mentioned it was being redrafted. Um, that suggests to me that everything is in draft. But my main question for now is why I may have missed them. They may be here today because I wasn't here

yesterday. But are those partners named the Wildlife Trust here? And if they're not here, can I ask why they're providing, um, guidance and information for your biodiversity park scheme? Thank you.

00:35:47:00 - 00:35:54:17

So, Mr. Gamble, is that. Is that a question? Um, the question was why the Nottinghamshire Wildlife Trust not in attendance today?

00:35:54:19 - 00:36:09:27

It is. And I think there's another charity that you're working with called the Sherwood Forest Trust, who you're going to be engaged with on the biodiversity park. I would have thought that these guys have got technical experience and knowledge. I would assume they would be here today. So I'm just asking a question why they're not.

00:36:10:21 - 00:36:41:02

They obviously, um, part of the statutory consultees for the, um, proposed developments, they would, would have been invited. And obviously attendance is dependent on other things. But yes, they are sort of involved in, um, planning applications. So they would have input into the process. So that sort of answers a bit. You're really there. Yes of course. And the question if you do have any questions as well. Could I just ask this sort of come to, to us the examining authority and then we will sort of um, yeah.

00:36:41:04 - 00:36:42:25

Start over to. Yeah. Thank you.

00:36:43:29 - 00:37:15:22

Okay. Thank you. So yes, I am disappointed that some of the partners aren't here today. So we could ask them direct questions. But then this highlights what's known as a Rochdale envelope. So with these nips and large national infrastructure projects basically the design and concept is quite woolly. Things can change. So, um, fence lines can change. Access can change. In fact, we're going to put solar photovoltaics can change.

00:37:16:00 - 00:37:46:21

So this then leads to the mitigations can change and the impacts can change on the biodiversity of this rich Newark and Sherwood area. I would like to have seen much more specificity today on some of the questions already asked, particularly with the livestock grazing. And we did mention, and this has been mentioned a couple of times as well. You brought it up with the Countryside Stewardship Scheme. Many of these landowners, farmers are already enrolled onto the scheme.

00:37:46:23 - 00:37:56:24

Lady brought it up earlier on. So to mention that this is being bought in. It's not it's already here. It's already in place. It's very rich biodiverse area. Thank you, thank you.

00:37:57:03 - 00:38:17:03

Yeah I will add as well just um, that, you know, this this is also a written process. There is obviously the opportunity to provide submissions. And your comments obviously will be welcomed at the deadline through written submissions. And obviously, yeah, there's a chance for others to respond, but

some I would just like to ask the applicants if there's any comments on some of the points raised. There. You have. Thank you.

00:38:19:00 - 00:38:21:09

Thank you, Sir Peter Nesbitt for the applicant.

00:38:21:15 - 00:38:53:24

Um, I don't want to go into detail because I'm not sure it necessarily, um, help you today, but, um, the concept that there are Rochdale parameters in place is absolutely correct. That is the basis upon which the environmental statements prepared. Those parameters are clearly set out. There is then a suite of control documents and outline plans. Um, that necessarily has to respond to the flexibility required in the application to allow an appropriate technology choice later.

00:38:54:06 - 00:39:11:16

Um, and then final piece of the jigsaw is the set of requirements at the back of the DCO that then binds us into those, um, parameters and outline documents. So that's broadly the structure. Um, as for whether Mr. Gray has any detailed comments or upset, I'll hand over.

00:39:13:03 - 00:39:13:18

Thank you.

00:39:17:26 - 00:39:42:06

Mike Gray for the applicant. Uh, no further comments on the issue that, uh, uh, Mr. Nesbitt just just addressed. I might briefly, uh, touch on, uh, the the issue of conservation grazing that was mentioned. There is no proposal to to substantially redraft what is in the outline lamp. The principles that are set out there. Are sufficient.

00:39:43:09 - 00:39:44:00

Thank you.

00:39:48:09 - 00:39:51:26

I can see a hand up online. Um. Yes, please. Yeah.

00:39:54:15 - 00:40:25:21

Good morning. Morgan. Hangman from the Environment Agency. Just to pick up on some points that are raised by the, uh, the previous audience member regarding the flood zones. We have an outstanding issue in our relevant representation. So feel free to cut me off of this. Something that shouldn't be spoken about now, which should be raised later. Um, but we know that there's environmental mitigation errors, such as the one shown near the River Trent.

00:40:25:28 - 00:41:02:15

Um, we also know on the masterplan it's shown currently as riparian, having a riparian corridor, which is exactly what we look for. And we want to ensure that there is an offset between main rivers and any any kind of development, even environmental mitigation areas. We've just raised an issue just because we want clarification of what sort of planting or mitigation that riparian corridor will involve, to ensure there's no impediment to us maintaining the or inspecting the main river in times of a flood.



00:41:03:03 - 00:41:12:05

Not really a question, just for I'd raised that as it fitted in with that what the audience member raised about two questions ago.

00:41:14:07 - 00:41:18:13

Thank you. Um, would you like to comment? The applicant.

00:41:22:10 - 00:41:47:24

Um, Peter Nesbitt for the applicant. Um, but only to say that there is obviously a detailed stage of preparation to the length that follows pursuant to the requirements on which we'd expect there'd be extensive consultation in terms of what's laid out in the in the detailed proposal, so that that detail will will certainly come to the extent it's not already there.

00:41:47:27 - 00:41:48:24

Okay. Thank you.

00:41:55:26 - 00:41:59:25

Are there any other comments from anybody in the room or online?

00:42:01:19 - 00:42:04:09

Okay. James. Mr.. Councillor Campbell.

00:42:04:24 - 00:42:49:25

Thank you. I'd just like to add one more. Um, we mentioned the Rochdale. The envelope. Rochdale envelope approach. Um, we know that solar photovoltaic cells, um, can have a negative impact on bat populations with the Rochdale envelope. We're not certain where hedgerows are going to be planted or where fence lines are going to be removed. These are specific back commute corridors that will commute along these boundary lines. So not having the plan specific, we could be having a detrimental impact on those back populations that use those commuter lines already.

00:42:49:27 - 00:42:50:19

Thank you.

00:42:51:09 - 00:42:55:03

Thank you. Were there any comments from the applicant?

00:43:00:19 - 00:43:12:24

I agree for the applicant. I would refer that question perhaps to section 8.9.7, in chapter eight of the Ecology and Biodiversity, which provides an assessment of effects on bats.

00:43:13:22 - 00:43:24:09

Okay. Thank you. Okay. There are no further comments. I'm going to move on now to asking those questions about the biodiversity net gain assessment.

00:43:26:00 - 00:43:27:09

Yes, please. Yeah.

00:43:33:00 - 00:43:37:13

Paul Williams from the north side of our steering group, just very, very briefly.

00:43:37:15 - 00:43:38:08

So to provide you with.

00:43:38:10 - 00:43:46:01

The reference two point, you led on first question and a supporting, uh, JPEG.

00:43:46:12 - 00:43:47:21

Which is from, uh.

00:43:48:06 - 00:44:10:22

The Guide to Landscape Visual Impact Assessment version three, to quote um, explains, the enhancements is often referred to incorrectly as an outcome. Proposed mitigation measures. We pointed this out at consultation and asked the review in the ES, because there seem to be a lot of blurring of this. So we support Mr. Northcutt in that comment.

00:44:11:14 - 00:44:16:19

Okay. Thank you. Um, if you would you like to reply or have any comments?

00:44:20:07 - 00:44:28:25

Mike Gray for the applicant. Uh, the LDA guidelines are outside my area of expertise, so I can't comment on that specific point. Sorry.

00:44:29:07 - 00:44:30:07

Okay. Thank you.

00:44:32:25 - 00:44:40:09

Are there any further comments from anyone in the room or online? I don't see. Yeah. Okay. Mr. gamble. Counselor gamble.

00:44:42:05 - 00:45:05:18

One more question. Probably won't be able to answer this one. So the biodiversity park. Um, we're talking about the funding. Obviously, conservation work costs. You're going to have some delivery partners who are obviously going to be paid. Um, we've mentioned it's a Rochdale envelope.

00:45:07:06 - 00:45:22:02

Have you fully budgeted for the biodiversity park or will that change along with mitigation approaches when if the plans change? Thank you.

00:45:22:04 - 00:45:23:17

Thank you. The applicant.

00:45:26:19 - 00:45:45:16

Thank you sir. Cathedral in Sarajevo for the applicant. Given the Rochdale envelope and the the nature of how the details are developed. The full funding and budget requirements will be determined pre-construction and post consent. Given that, uh, yeah, they are not set out in detail as yet.

00:45:46:06 - 00:45:47:18

Okay. Thank you.

00:46:06:09 - 00:46:34:01

Sorry, just to come back on a specific point that has been made a couple of times about what constitutes enhancement and whether or not, um, that's been, uh, that recognises that the applicant's approach recognises what the, the, um, the landscape assessment guidance says on that point. I recognise that you've acknowledged that that's not within your area of expertise, but it has been raised by a couple of of IP's. I'm just wondering if it's something the applicant can take away as an action point, please. Thank you.

00:46:38:15 - 00:47:04:01

Thank you. So I'd now like to move on to some questions about biodiversity, net gain and the assessment. Um, these these questions are also my understanding about this assessment too. So I could sort of ask the applicant, please, if I could provide a brief summary about the sort of the methodology and assumptions for this assessment. So just, um, essentially, if you're unfamiliar with it, sort of how that, how that works. Okay.

00:47:06:05 - 00:47:16:23

So, Mike, great for the applicant. I provide a quite a general summary, but I understand you may have remarks that want to get into some specifics, so hopefully you have time to address those.

00:47:19:29 - 00:47:41:12

Net gain is an approach to development which makes sure that habitats for wildlife are left in a measurably better state than they were before the development. Mandatory biodiversity net gain was introduced for most major developments in early 2024, but nationally significant infrastructure projects are not yet legally required to deliver biodiversity net gain, and there is no and there is currently no guidance for such projects.

00:47:43:10 - 00:47:59:27

However, by vision net gain being as I may drop into referring to, it is promoted by overarching National Policy Statement, M-1 and National Policy Statement M3. And these policies also encourage environmental and biodiversity gains beyond those embodied in biodiversity net gain.

00:48:02:08 - 00:48:15:28

By which net gain assessment in document Ape 226 follows the current Defra Defra methods and demonstrates a net gain of 60% for habitats, 26% for hedgerows and 11% for watercourses.

00:48:17:16 - 00:48:33:18

These values exceed the minimum 10% net gain required by new controlled district council and for habitats and hedgerows. Exceed the aspirational 20% target set by Nottinghamshire County Council. The department will also secure these benefits over a 40 year period rather than the standard 30.

00:48:36:26 - 00:48:57:17

Biodiversity net gain is calculated by comparing the baseline or pre-development habitats to those that will be present following development. In order to do this, the baseline habitat baseline habitat surveys are undertaken to classify and map habitats and assess their condition. Whereas most development habitat data are derived from landscape plans and the development design.

00:48:59:19 - 00:49:37:01

For the development. The baseline habitat surveys started in 2022, before the now standard UK hab habitat survey method became widely adopted, and before the current Defra biodiversity metric was released in early 2024. That metric also includes habitat condition assessment criteria and a reliance on the UK hab hub method. Consequently, due to the long duration of the development's pre submission phase, the habitat surveys were undertaken against the backdrop of of changing methods and guidance, and considerable and reasonable efforts were taken to adapt the survey so they remained fit for purpose.

00:49:39:18 - 00:49:59:16

The assessment presented includes assumptions arising from the challenges of applying the Defra metric to a very large area, and a complex illustrative design. However, over the large, large extent of the order limits, these are extremely unlikely to substantively alter the effect on the calculations and would not affect the conclusions of chapter eight Ecology and Biodiversity.

00:50:02:15 - 00:50:25:18

Furthermore, the illustrative design will be developed into a final design following consent, and so the biodiversity net gain calculation will be updated at that point to reflect the final design. Additional habitat surveys and condition assessments will also be undertaken. Post consent to provide up to date baseline data for use in the metric. These measures will help ensure that the boundary of net gain assessment accurately reflects the baseline and post development habitats.

00:50:29:15 - 00:51:05:25

The main driver of the net gains and wider beneficial effects is the favorable landscape scale management of large areas of habitats described in the Landscape and Ecological Management Plan. Many of these habitats will replace intensively farmed arable land, which is recognized to be a relatively limited ecological value and one of the key drivers of biodiversity declines in the UK, as well as reducing these adverse effects over a very large area. The wider beneficial effects for biodiversity include landscape scale, habitat creation and connectivity for a wide range of wildlife, offering and connecting valuable retained habitats and sites, and the favourable management of retained features.

00:51:07:02 - 00:51:16:25

These wider benefits are not accurately reflected in the bag calculations, but will make meaningful contributions to local and national biodiversity policies and strategies. Okay.

00:51:17:28 - 00:51:45:15

Thank you. Um, just to pick up on the point that you said there, um, you talked to, obviously, about development of the final design and the calculation essentially being rerun again. Is there a risk? Is there a potential that, you know, between sort of obviously the outline design that you have now and any further design there? Could there be a difference in sort of, um, conclusions of that assessment? You know, the 60% of that game. Is there a risk of that? Is that appreciable or is that something that is minimal.

00:51:47:11 - 00:52:14:03

Like growth for the applicant? We have confidence in the assessment that we have presented. Uh, it's likely that the changes in uh, the development design, uh, or the baseline habitats will be sufficiently small that any changes to the metric would be relatively minor. Uh, and there is flexibility in the design, uh, to provide the necessary tweaks to make sure that we can attain those, attain those Targets.

00:52:14:05 - 00:52:38:20

Okay. Thank you. Um, there's that metric as well. Does that obviously, um, reflect the quality of the delivery of those enhancements? Improvements? Obviously, there can be quite a range and there's quite a period of time for them to establish and be managed. So. Yeah. Do you have any basically any sort of assumptions about that and how that might change over time?

00:52:40:24 - 00:53:06:24

Might grow for the applicant? Uh, the binary net gain metric, uh, specifies, uh, targets for the condition of habitats and the time frame over which those conditions need to be met. So implicit in the calculations is a recognition of, of the, of the complexity of delivering certain habitat. And that is or will be reflected in the, in the landscape and ecological management plan.

00:53:07:09 - 00:53:28:19

Yes. Thank you. And how do you establish those targets? I know they are included obviously in the assessment. I think it's, um, there is a table there. I did have a question about, you know, how have you envisaged what the condition would be, sir, is that through your expertise or selection of criteria, or is it a standardised way of a methodology, if you like.

00:53:30:22 - 00:53:32:23

Might grow for the applicant. Uh,

00:53:34:12 - 00:53:55:09

we have quite a lot of expertise in social development. So a lot of the assumptions we've made are based on experience and expertise. Uh, over a long period, even before biodiversity net gain was implemented, uh, we think the targets that we've set are realistic and implementable based on the experience and available evidence and precedents as well.

00:53:55:11 - 00:53:56:10

Okay. Thank you.

00:53:59:13 - 00:54:26:14

And just considering the assessment itself. And, um, does that include, um, it sort of draws back on something that we were discussing earlier. Does that include the enhancement and mitigation elements of the overall proposed development and, you know, biodiversity and ecology elements of it? Or is it strictly just, um, enhancement or is it sort of split out in that respect?

00:54:30:03 - 00:55:00:04

Like growth of the applicant, uh, includes both elements. And perhaps by way of clarification, the government provides some guidance on, on on how these elements are considered in what can contribute to biodiverse net gain. Uh, the guidance states that mitigation and compensation, uh, can be counted within a development spider net gain calculation, but at least 10% of the units must come from additional activities other than mitigation and compensation, which is the case for the development.

00:55:00:06 - 00:55:23:13

Okay. Thank you. Um, and so would that be then consistent with, um, policy statement? M one there is obviously M One now describes biodiversity net gain needing to be applied after compliance with the mitigation hierarchy. Um, you know, obviously the baseline for an assessment is additional enhancement. Do you consider that, you know, that to be consistent.

00:55:25:18 - 00:55:42:08

Like growth of the applicant? Uh, yes, it is consistent with policy and one. I don't have the specific wording to to hand, but uh, implicit in biodiversity net gain assessment is following the mitigation hierarchy. Um, so, so that's embedded in the approach that we've taken.

00:55:42:26 - 00:55:43:20

Thank you.

00:55:46:25 - 00:56:13:06

Um, I'm just wondering as well if you'd be able to perhaps within the biodiversity net gain assessment document in the environmental statement, perhaps the regime summaries will explain some of this, because I found the document, uh, a little bit difficult to understand in places and sort of see how it'd been done. So would you be able to take that away and potentially provide an update with a bit more context about the assessment and and what we've discussed here?

00:56:16:24 - 00:56:40:00

Great for the applicant. Uh, yes, that that is our intention. And uh, we're aware of, uh, technical issues and queries that have been raised around the metric. And, uh, our aspiration is to, uh, resolve those under discussion, particularly with the district council, and submit a revised version of the net gain assessment at the appropriate deadline.

00:56:40:06 - 00:56:50:03

Okay. Thank you. Yeah. And obviously, if you could update us with the a little bit of a statement of common ground at the next, uh, deadline and, and where you are with those discussions and that progress. And that would be good. Thank you.

00:56:52:04 - 00:57:02:26

Um, I'd now like to turn to others in the room and invite any comments. Does anybody have any comments on what we've been discussing there, please? Uh, okay, Mr. Northcote.

00:57:04:12 - 00:57:06:18

Thank you Sir Anthony Northcote for jade bag.

00:57:08:09 - 00:57:40:02

The applicant has taken us through the various different percentages of biodiversity net gain in the three categories, and I think I'd make the point. Um, whilst they are above what we might all refer to as the statutory minimum, they're not exactly a huge net gains. I've delivered housing sites that have had like 300%, um, biodiversity net gain in hedgerows, but we don't call them a biodiversity park. But this proposal is being badged to you, um, as a solar and a biodiversity park.

00:57:40:04 - 00:58:10:26

So are these, um, increases in biodiversity net gain? Are they really aspirational? If that is the intention of this proposal? We would respectfully say no. And also, is there sufficient buffer within those, um, elements to cater for design changes that's likely to happen if you take the watercourse units at only 11.09% and a bit like we have the budget yesterday. You know, where's the where's the the buffer.

00:58:10:28 - 00:58:41:29

Things change over time. Is there enough of a buffer in that to still achieve above a 10% when final design is done? Um, having looked through the document, um, I am left also with two slight queries. And you'll you'll forgive me, but there's so much documentation, it's very difficult to read everything and digest the detail of everything, but I was left a little unclear as to whether or not there are actually any priority habitats within the order limits or not.

00:58:42:29 - 00:59:26:24

Um, I see reference to paragraph that's outside the order limits, but I never saw categorically a statement clarifying whether there are any existing priority habitats in the existing order limits. Um, and the second point, I think there's still a little bit of uncertainty about is yes, the development is for 40 years. So the monitoring would be for 40 years, which is beyond the 30 we'd have for normal development. And but can we also have some clarity as to what's happening then with all of those biodiversity measures at post decommissioning, are they all remaining or are some of them coming back out? Because if they're coming back out, they're only temporary provisions.

00:59:26:26 - 00:59:38:02

They're not permanent provisions. And if that's the case, if they're only temporary, you may wish to give them different weight in your decision making process than being permanent. Thank you sir.

00:59:39:28 - 00:59:59:15

Thank you. I can see that, Mr. Hangman, the Environment Agency. I think you have your hands up. Well, I do. First, I'll just ask the applicant to come back on those points, and then I'll come to the Environment Agency. Thank you. So, yeah, the applicant, if you could just response on those points, in particular, the idea of the buffer and the point about decommissioning to you as well, please.

01:00:02:25 - 01:00:09:27

I agree with the applicant. There are quite a few points. I tried to make a note of them, but please remind me if I've forgotten

01:00:11:25 - 01:00:21:04

the values that we stated will be secured in DCO. Uh, so, uh. And we're confident in the calculation provided.

01:00:24:09 - 01:00:25:13

The values,

01:00:27:03 - 01:01:01:27

the value of the development to biodiversity shouldn't be judged only by its biodiversity net gain targets. As I stated in my summary earlier, the development provides a number of wider benefits at a landscape scale, and this is what makes this is what contributes to a huge part to the biodiversity value of the project. We've also included habitats that effectively penalises in our biodiversity game. We've included extensive areas of arable land. They contribute very little to our net gain. We've included, you know, extensive woodland planting, which surprisingly doesn't actually contribute as much as other habitats might.

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

So I, I strongly believe that the Benji values are not don't fully reflect the biodiversity benefits of this project. New control district council in their in their representations uh, pointed out a helpful distinction that shouldn't be trying to maximize our biodiversity net gains at the cost of innovative or interesting, uh, genuine other, other biodiversity gains. And that's what we've tried to do.

01:01:33:19 - 01:01:45:18

Thank you. Were there any. Do you have anything to respond in relation to the decommissioning of the development? And what what would happen with those, um, biodiversity net gain measures afterwards like.

01:01:48:09 - 01:01:53:15

Like growth. The applicant being reminded I forgot to mention something about priority habitats as well. So.

01:01:53:17 - 01:01:55:13

Okay. Yeah. Please carry on. Yeah.

01:01:55:19 - 01:02:14:16

Yeah. Uh, priority habitats are, uh, addressed in, uh, Technical Appendix 8.3. I don't have the application document with me, which is the habitat and vegetation baseline and are assessed in chapter eight. Ecology. I'd refer the speaker to to those documents.

01:02:14:18 - 01:02:20:18

Okay. Thank you. And perhaps if you could highlight that again in your your submission or your post hearing submission, that'd be helpful. Thank you.



01:02:22:06 - 01:02:22:21

Uh.

01:02:23:01 - 01:02:25:10

With regards to decommissioning, did you have any. Thank you.

01:02:27:09 - 01:03:00:05

Mike Grove, for the applicant. Yes. Decommissioning is also addressed in chapter eight. Uh, uh, again, I could find the section very quickly for you, but the effects of decommissioning and the assumptions we've made about how that affects habitats is fully dressed in chapter eight. It's assumed that most habitats will return to baseline conditions, but some, particularly those that have a high degree of permanence, such as woodlands, that may remain, and any retained existing habitats will be safeguarded through the Decommissioning and Restoration Plan.

01:03:00:17 - 01:03:05:26

Thank you. Um, could I turn to the Environment Agency, please? Now, Mr. Hangman?

01:03:08:20 - 01:03:43:09

Morgan Harrington here from the Environment Agency. Just to be clear on our approach to biodiversity. And again, we obviously we note that it's not yet mandatory for nationally significant infrastructure projects to pursue it. But when this project does reach its operational lifetime, it is most likely that biodiversity in that game, for instance, will be required. Um, in terms of ordinary watercourses for this development, they're not specifically within the Environment Agency's remit to discuss biodiversity net gain on them.

01:03:43:11 - 01:04:10:06

However, in terms of our advice on that, we noted that the Biodiversity Net Gain report didn't survey and assess the condition for all ditches and field drains for this development, and therefore, we thought that there's a possible risk that unsigned watercourse unit net gains may be calculated incorrectly and opportunities for enhancement may be missed. We strongly recommend that

01:04:11:26 - 01:04:42:20

more of these watercourses are included, so ordinary watercourses are included within the biodiversity net gain assessment, especially as some of them may be considered as WFD conforming watercourses despite being non main rivers. Again, this is just advice as its ordinary watercourses are not the Environment Agency's agreement, but we thought we'd flag that here. Just as we're on the subject of biodiversity net gain. That's all for me.

01:04:43:06 - 01:04:47:12

Okay. Thank you. Did you have any comments to make on that? Um.

01:04:52:09 - 01:05:28:02

The watercourse. Surveys that inform the biodiversity net gain assessment are based on the the River morph survey method, which included sampling 20% of watercourses across the site. Obviously that was a selection of all the watercourses on this site. As I mentioned, that's that's recognised good

practice. As I mentioned earlier, we will be undertaking pre commencement uh sort of baseline of the site. Uh, and we would uh consider surveying other watercourses as part of that, which will be easier because we'll have a more refined development design.

01:05:28:04 - 01:05:32:14

So we'll be able to target the watercourses that are of most relevance to the development design.

01:05:32:28 - 01:05:37:10

Thank you. Are there any other comments from any parties?

01:05:38:27 - 01:05:40:09

Uh, Hayhurst, Newark and.

01:05:40:11 - 01:05:41:17

Sherwood District Council.

01:05:41:26 - 01:05:42:12

Um.

01:05:42:27 - 01:06:15:08

Yeah. I think, um, our relevant representations, we did have a lot of sort of minor technical queries, which I agree with with Mike, rather that we. Are better off discussing those outside of this hearing. Um, but just our main, um, perhaps concerns were perhaps the transparency around the baseline surveys that were undertaken. Do appreciate the scale of the site. And so a sampling approach was taken. But just to know and to understand exactly which areas of the site were subject to detailed condition assessments.

01:06:15:18 - 01:06:45:22

And around the the more surveys, that was quite light on technical details. It's quite a technical element, but just to, you know, understand how many subbranches were surveyed and how how were they were chosen? Um, I think yes, I think there are parts. Um, I think people do get hung up on the percentage gains. Um, biodiversity net gain was never really intended to be applied at this scale. Um, so yeah.

01:06:45:24 - 01:07:23:06

60% is a big number, but at the end of the day, it's looking to generate 2000, 82,500 units, which is a big, um, a big uplift, really. Um, but I think, uh, perhaps are some missed opportunities just in relation to watercourses where their hands are proposed through a reduction and encroachment, um, and an increase in strategic significance. And just to understand whether there was any consideration to do those more challenging, difficult habitat creation in channel, which doesn't necessarily generate a big uplift but would address local priorities.

01:07:23:08 - 01:08:00:26

I think that's that's something that we, uh, would welcome, um, more to focus on local priorities rather than people have said, yeah, maximise the percentage gain. And then just in relation to the outline length, um, we would just like clarification some of the habitats that are proposed to be retained but

not necessarily enhanced there. Surveys have identified some areas of good quality modified grasslands, and what I can see there that seem to have been addressed directly within the lamp, but we would consider important that that is monitored and maintained and ensure that it doesn't decline during the construction period.

01:08:01:06 - 01:08:34:07

Um, and then just another point on priority habitat. Um, we feel that the quality chapter and the relevant um, appendix, which I believe is 8.3, the habitat and vegetation baseline, um, doesn't quite provide enough clarification. Um, my understanding is that only the woodland was considered to represent priority habitat, but there is an area of coastal floodplain grazing march. This has been identified through the death study and that has been subject to detailed um surveys.

01:08:34:09 - 01:08:41:10

But the the appendix simply states that it doesn't meet the criteria without any sort of further explanation or justifications to why.

01:08:43:06 - 01:09:04:17

Okay. Thank you very much. Thank you. I think I'll ask the applicant, perhaps, um, because there's a number of detailed points there. I think specifically with regards to the baseline, um, and the priority habitats, which I have noted as well, there have been representations made into the examination. So if I could ask the applicant, obviously, if you could respond to those in, in your, um, post a note or submission, that'd be helpful. Thank you.

01:09:11:13 - 01:09:19:13

Okay. Are there any other comments? Okay. Um, I'll go to the back first and I'll come to Councillor James, Councillor Gamble.

01:09:21:13 - 01:09:52:02

Lynn Shore, uh, nor shall the farm steering group. It's actually just for clarity. If I heard correctly, I believe it was said that the government guidelines allow for the diversity park to be as much as 90%. Mitigation and only 10% enhancement. And still meet the rules of what's acceptable. If I have understood that correctly, it does sound a little bit like a Black Friday deal.

01:09:53:18 - 01:09:56:19

Okay. Thank you. The applicant could respond, please. Thank you.

01:09:59:26 - 01:10:19:25

Uh, I'm not quite sure what a Black Friday deal is, I'm afraid. Uh, but I think my. I don't mean that. I don't I don't understand the reference to that. Sorry. I think my earlier comment about the government guidance when I, when I which clarifies, uh, how mitigation and enhancement can contribute to vibration again perhaps addresses that question.

01:10:19:27 - 01:10:23:04

Okay. Thank you. Councillor gamble.

01:10:26:03 - 01:11:05:18

Thank you. James Gamble, county councillor for short. Forrest. Uh, two points um, that I'd like to pick up that were raised. Um, one was mentioned that it's just arable land. That's not true. This is the Newark and Sherwood landscape character that's developed over millennia. The wildlife, the biodiversity has evolved with the changing landscape. So I would like the applicant I'd like a question to the applicant is how much of a referred to the habitat enhancement within the Newark and Sherwood landscape character.

01:11:05:20 - 01:11:35:28

Because if it had, I don't think we'd just have the comments about the arable land. And another thing that's been mentioned, obviously, with the rebranded biodiversity park, the BNG assessment, it's just been mentioned that we've not looked at ditches now with this Newark and Sherwood landscape character. A great deal of the land in this area was Dumbo land. Gumballs were ancient forest areas and a lot of the ancient woodland indicator species. The spring, ephemeral, etc.

01:11:36:00 - 01:11:51:01

they've moved on to those boundaries, so you'll find them where the ditches are, where the banks are, where the hedgerows are. So if they've not been assessed, we're missing a huge amount of biodiversity within the Newark and Sherwood landscape character. So two questions. Thank you.

01:11:51:10 - 01:11:54:21

Thank you. Um, with the applicant. Like to respond, please.

01:11:56:21 - 01:12:27:00

Like for the applicant, uh, the landscape character, uh, uh, the speaker refers to it is very interesting, but the, the surveys that we've done are comprehensive across the site. We have surveyed all habitats, including the dumbbells that are on site, the hedgerows, the ground floor underneath the hedgerows, the arable field margins. All of this has been surveyed, their habitat surveys, which gives us an up to date and accurate, uh, baseline for the whole site.

01:12:27:12 - 01:12:47:25

We've also taken account of biodiversity opportunity mapping, which was produced by Newark and Sherwood District Council several years ago. Recently, sort of superseded by the Local Nature Recovery Strategy, which was released just earlier this month. And all these documents were informed our our baseline and our proposals for mitigation and enhancement.

01:12:52:15 - 01:12:53:03

Thank you.

01:12:55:17 - 01:12:57:19

Okay. If you can make that brief, please. Yeah, please.

01:12:57:23 - 01:13:29:29

Okay. Just one more point. And it does relate actually to the conservation grazing. Um, because it's all in draft, we don't know how the density of the sheep grazing, which can impact on being. I wouldn't want to know if it's only going to become sheep wrecks or have huge enrichment of, uh, from, you

know, what comes out the other side of the sheep. So, um, again, I think the measuring of Benji in terms of conservation grazing, if there's no detailed grazing plan, it can't be accurate.

01:13:30:01 - 01:13:30:21

Thank you.

01:13:30:23 - 01:13:34:28

Okay. Thank you. Were there any final comments on that, please?

01:13:39:18 - 01:14:01:05

Thank great for the applicant. The outline proposals in the Outline Landscaping ecological management plan do provide prescription for conservation grazing. The final landscape and ecological management plan will be reviewed and signed off by the York and District Council. Uh. And the lamp is secured as a requirement of the DCO.

01:14:01:26 - 01:14:02:16

Thank you.

01:14:04:06 - 01:14:20:23

Okay. If there are no further questions and I don't see any hands online, I think I'm going to propose now to finish the questions now on this agenda item, and we will take a short break, please, of 20 minutes and come back here at 1135. So would I during this hearing. Thank you.