



Planning Inspectorate  
Arolygiaeth Gynllunio

## Hearing Transcript

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| <b>Project:</b> | Lime Down Solar Project                  |
| <b>Hearing:</b> | Issue Specific Hearing 2 (ISH2) - Part 2 |
| <b>Date:</b>    | 1 July 2026                              |

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FULL TRANSCRIPT (with timecode)

00:00:09:05 - 00:00:16:14

Okay, it's now 1135 and it's time to resume this issue specific hearing.

00:00:19:24 - 00:01:07:03

So we will now move to agenda item three, which is the Cotswolds National Landscape. Um, whilst discussing this agenda item, to be clear, if I use the terms the kennel or the national landscape, I am referring to the Cotswolds national landscape. Um, so I'd like to start with some questions around what constitutes the setting of the kennel. I think this is important to have some clarity around. There are, um, some different opinions as to the extent of the setting, um, which and therefore the nature of the development that would be located within the setting of the kernel, which would then have a bearing on how we understand the level of impact that the proposed development has on the CNO and its setting.

00:01:07:27 - 00:01:37:14

So at EXC one, we asked the applicant stop line down which council and the Cotswolds National Landscape Board to define in spatial terms the extent of the area outside the boundary of the Cotswolds national landscape that is considered to form its setting. Can I ask the applicant to display on the screen the plans that it provided at annex C, annex E sorry of its response to ask one.

00:01:47:06 - 00:01:50:24

I think we might be just having a technical difficulty. So at one moment.

00:01:52:26 - 00:01:53:11

We

00:01:55:01 - 00:01:58:23

just need to be back in there. Right. So I think we're good now.

00:01:58:25 - 00:02:01:19

Oh. Back into the teams. Cool.

00:02:12:10 - 00:02:15:20

Is that. Is that a quick thing or should I continue?

00:02:20:26 - 00:02:25:14

I think it would be helpful to have the plans up as a reference.

00:02:26:08 - 00:02:31:12

If that, when we're just seeing if, um, another member of our team can display them. So just whilst.

00:03:39:10 - 00:03:52:07

And whilst we're waiting for that to come up on the screen, if anyone, um, is looking for the document we're referring to on their own. Ah. There we go. It's rep 3128. Um, in the examination library. So what I was going to say,

00:03:54:05 - 00:03:55:29

Um, so

00:03:57:21 - 00:04:36:21

in summary. Um, what is shown on these plans from the applicant is that within lying down a, um, the whole of. Could you zoom into the zoom in a bit so we can see the fields marked yellow and what, what the numbers of those fields are? Yes. Okay. So the entirety of A12 and the northern halves of fields A1 and A 11, could you go to the next page which shows line down B.

00:04:42:14 - 00:04:57:12

So in line down B it's the majority of the field B12 the north east um portion of that field. And then if you go to line, if you go to the next page, then please.

00:05:05:25 - 00:05:54:22

Zoom out a bit. Yes. Great. So. So then in line down say applicant. Your position is that field C1, C8 and the majority of Field C's six, nine and ten are within the setting of the kennel and shown in grey. There is also the fields that were considered within the setting of the kennel, but were removed from the scheme prior to the submission of the application. Um, so I just want to ask the applicant, um, how you explain that field C3 at the top, in the middle, there is considered to be within the setting of the kennel, but other fields closer or the same distance from the Cornell boundary are not.

00:05:54:28 - 00:06:02:16

Is this a function of topography and intervening vegetation preventing into visibility, or is there

00:06:04:09 - 00:06:05:12

other factors?

00:06:08:07 - 00:06:28:00

Chris Jackson, on behalf of the applicant, I'm just going to pull up a public right of way number for you, sir. So just just bear with me for the two moments while I do that. Um, because I think that's

hopefully going to lead to, uh, to inform some of the discussion I'd like to, to go through. So just burning apologies.

00:06:32:15 - 00:07:03:12

Which is, um, which is public right of way. Lock 35. So look, 35, which is a public right of way, which leads along the northern boundary of site C, um, east west. And The reason that we've picked up on C3, C4, and C2 is being in the setting. And as you as you rightly say. So it's not about distance. So setting can't be defined purely by distance.

00:07:03:16 - 00:07:36:26

Um, and I think what we've, what we've looked at and what we've explored on site with officers from the Cotswold Natural Landscape Board and Nhlbi, um, was the visibility from land not within the the Cotswold National Landscape. So land within which that footpath crosses and views back into the Cotswold Natural Landscape itself, particularly the church at Alderton. So from that footpath, you're right. So the landscape falls away to the south rises up.

00:07:37:10 - 00:08:11:09

Um, where, where you have fields? Uh, C1, C2, C3, c4. And then beyond that, when you're looking southwest, you can see the, the tower of the church at Alderson. Now, through discussions with officers from the board whilst on site, we were exploring that that into visibility and how, um, the change of development or land management practices within areas within the vicinity of the Cotswold National Landscape could therefore impact the national landscape itself and therefore fall within the setting.

00:08:11:11 - 00:08:45:12

So the reason that we looked at with was C2, C3, C4 was that it's it's quite it's not directly on the boundary with the Cotswold National Landscape. And so therefore the decision was made to remove those fields from within the scheme, which is a different approach to what we've undertaken along the the boundary that we've just looked at. So where we've got the areas in yellow, then site C, site B and site A, we were faced with really three choices of what to do with that land, recognising that it was within the setting of the Cotswold National Landscape.

00:08:46:25 - 00:09:30:08

So what we looked at was whether to remove those fields from the scheme in its entirety, as we've done at C2, C3 and C4. So to draw back the order limits, to maintain the boundary features within the order limits, but to exclude the actual the middle of the field, the agricultural fields itself, so that we as a scheme, would maintain control of those boundary features so that we could apply the, um, the hedgerow reinforcement, the, um, the, the margins, because we had applied a 15 meter buffers, the hedgerows, the margins, but also therefore they would fall under the maintenance of the um, of the project.

00:09:30:10 - 00:10:01:04

Or lastly was to was to retain those fields within the order limits retained within the scheme and then to use those fields to seek to further the purposes of the CML designation within it. So those areas so as you, as you, as you looked out there, that's the reasons why we've pulled out of C2, C3, C4, but not out of the other areas that we've got there in in C1, C2, 68, C9, C10.

00:10:04:07 - 00:10:06:17

Um, and so

00:10:08:17 - 00:10:25:21

there's inter visibility both from would there would be invisible t both from those field C3 for two back to the CFL and from the CFL to it. The. So the fields just to the south of that is they're not into visibility there.

00:10:26:03 - 00:10:40:21

Chris Jackson half the applicant. Sorry sir. No what I was suggesting is that there was invisible invisibility from the public right of way to the north, back across the valley within which those would sit within the the foreground with the church of Alderton behind.

00:10:40:23 - 00:10:41:08

Okay.

00:10:41:10 - 00:10:56:10

So it's okay. it's that was there deemed in conversations with officers from McConnell because they would development within those fields would change the appreciation of the views of the church that yes came out that that's why they fell within the setting. Yes.

00:10:57:03 - 00:10:57:27

Understood.

00:10:57:29 - 00:11:05:26

But would it be useful for me to, at this point, discuss our appreciation of how we've derived the setting that's shown on screen?

00:11:06:00 - 00:11:08:27

Sorry. Can you repeat that, please? I was just.

00:11:09:14 - 00:11:19:22

Sorry, I apologize. Would it be useful for if I described how we've concluded the the setting as identified on the on the screen within um, rep three 1 to 8 annex?

00:11:20:00 - 00:11:26:02

Yeah, that would be useful. I'd say so. Um, to understand, um.

00:11:27:29 - 00:11:42:19

Oh, yeah. What what defines the setting of the CNL, whether it's primarily into visibility, whether it's it's about experience of moving through the landscape routes in and out without into visibility. Yeah.

00:11:44:28 - 00:12:25:00

Thank you sir. I think the, the starting point then really is to look at the, the Kennel Board's definition of, of setting, noting that they haven't spatially defined the setting of the kennel. There is a definition that is used to explain the setting which I'll, which I'll quote. Um, so the kennel board in its position statement development and the setting of the Cotswolds AoNB, considering that the setting of the Cotswolds AoNB to be the area in which developments and land management proposals by virtue of their size, nature, scale, siting, materials or design can be considered to have an impact, positive or negative on the landscape.

00:12:25:02 - 00:13:01:00

Scenic beauty and special qualities of the Cotswold A and B. The statement clarifies references to setting in the from the Cotswolds AoNB Management Plan, which states that the surroundings of the Cotswolds A and B are also important to its landscape, character and quality. There are views out of the OMB and across back into land within the OMB, and views towards or into it from surrounding areas, all of which can be very significant. Development proposals that affect views into and out of the OMB need to be carefully assessed to ensure that they conserve and enhance the natural beauty and landscape character of OMB.

00:13:02:05 - 00:13:37:07

And it's been through our ongoing consultation with officers from the Cornwall Board, which has included being out on site with them on multiple occasions, and that the reference have used to and from the CNL have impacted on inform. Sorry are our approach to design and our approach to what we implemented along the boundary of the Cotswold National Landscape and have been they've been a key factor in determining what we feel influences the setting. Now we've we've tested, um, indivisibility with sectional work, with Photography.

00:13:37:10 - 00:14:32:03

Um, and what we've, what we've obviously been working towards is to ensure that the coming back to what we discussed this morning is significant effects associated with the landscape, character change of the scheme were mitigated across the CNL itself, through the use of the avoidance areas that we have along that that western boundary, particularly as we as we look at, see that northern boundary, um, up at lime, down a and the area of lime down be up towards Foxley. And again coming back to the uh furthering the purposes point, what we've, what we've then tried to do is to align the, the land management requirements or the, um, proposals within those fields so that they are aligned to the, the Cotswold National Landscape, um, the special qualities as well as um, seeking to further the purposes.

00:14:32:05 - 00:15:15:15

Now, one thing that we've, we've constantly looked at is trying to avoid and or mitigate significant adverse effects, and we feel we've done that on landscape character through the avoidance and then the the application of the mitigation along the what is essentially the the eastern side of the, um, the field parcels in which solar infrastructure has been placed. Um, but we've recognized that there is some significant adverse effects on visual amenity until the establishment of that mitigation, um, which I believe there are a small number of um, receptors that are being identified with significant effects up until the establishment of the, um, the mitigation planting.

00:15:15:20 - 00:15:24:14

Now, what we've also recently submitted is a change application which is sought to remove the, um, the infrastructure.

00:15:24:16 - 00:15:57:04

Sorry, sorry. We are going to come on to the the visual effects of the now and and and mention and talk about, um, changes. The change request. I'll touch on that. I want to, because there are different opinions in the room as to what the setting of the CML is. I want to just start start with that. So if if we could come back to some of those points that you've raised, and if I could come to some of the other parties around what their position is on how we define the setting of the center.

00:15:57:06 - 00:16:08:21

But I think I've understood, um, uh, the applicant's position of the kernel and it's, it's, it's it's heavily around those views into and out of the kernel.

00:16:09:10 - 00:16:36:02

Um, Chris Johnson. Absolutely, sir. Um, not a problem. Um, I think just, just just to conclude from our position then, um, that the, the kernel setting does not extend to, uh, to all of sites A, B, and C, um, but within parts of, as shown on the, the screen, um, and at the setting of the kernel extends as far as to where development or land management processes can be said to have an impact, positive or negative, upon the CNO.

00:16:36:11 - 00:17:10:20

Thank you. Um, so I understand which council, um, you consider that a wider area? Um, I think all the lands between the Fosse Way and the boundary of the canal, um, is considered to be within the setting of the canal. Um, and it's I understand that to be on a basis of shared landscape, character and recreational connection that links the different parts of the canal. Is that a correct understanding? Is there anything you want to add on, um, how we should understand the definition of the canal setting?

00:17:12:05 - 00:17:51:26

Mark Goodwin, Wiltshire Council um, no, sir. I think your interpretation of our, um, definition is correct. Um, we would just like to further out, um, that, um, the setting matters should be informed primarily by the special qualities of the AoNB. So you know the recreational as well as character, but also the intactness of its context. Um, you know, this is deeply rural, unified, coherent setting countryside and the development will encroach and fragment that integrity.

00:17:52:10 - 00:18:11:16

Um, we will elaborate this on this further, sir, during our response to DL four, um, to the submission dates, because obviously we're working through that information at the moment. So I would like to have some time and nuance that properly. We've got draft responses in front of us. That's all we can do. Okay.

00:18:11:24 - 00:18:23:22

Thank you Anderson. Um, if I could come right back to the applicant on, um, I welcome to stop mine down after just on on the point of that the, um,

00:18:25:22 - 00:18:43:07

the shared landscape, character and recreational connection, as well as views into and out of the CNL. Should that should that define what constitutes the setting of the CNL? Because that that then would clearly lead to a larger area than what you've considered.

00:18:46:26 - 00:19:22:09

Half the applicant and I would agree. Yes. And I think if you if you look at the North Wilshire landscape character assessment, the the boundary between the highlands and rolling lowlands and the Cotswold National Landscape, um, is the border of that landscape character area. So it's clearly been defined that the character within the highlands and rolling lowlands and the Cotswold National landscape is different. There has clearly been a defined, um, change in character between the two areas in which the site is located, in which the Cotswold Natural Landscape is located.

00:19:22:12 - 00:19:52:00

Now, again, landscape character, of course, you should inform. Inform setting. I do appreciate that, but I recognize that the character of landscape within the Cotswold National Landscape is markedly different to that. That's within the scheme itself. An easy example of that is the distinct lack of trust on walls within the scheme itself. Whereas within the Cotswold National Landscape, the dry stone walls is. One of its special qualities, is one of its distinguishing characteristics.

00:19:54:03 - 00:20:24:03

Okay. Thank you. And if I could come to stop lying down, I understand that, um, your position is that all parts of lying down A, B, and C are within the setting of the council. Um, and you also cite indivisibility with the council as a reason, do you? It is the indivisibility, the sole or main or sole criteria for understanding the setting of CML or what other criteria are involved?

00:20:24:05 - 00:21:05:05

Thank you sir. Daniel Gazelka. Stop lying down. I'll let Miss Tinkler come onto criteria just as a starting point. One of the reasons we are where we are, and I think we are quite aligned with the council on their position, is the definition that the board uses, which is an impact, positive or negative? Um, as part of the definition of setting. And now obviously you'll have seen we consider the impacts of the scheme to be much higher in the CNL anyway, and that's why we say it should have been avoided and site selection and all of that. But even setting that to one side, there are impacts from areas beyond what is shown on the map on there which do have an impact, which I think the applicant would say is non-significant but is still an effect on the CNL.

00:21:05:07 - 00:21:22:11

And we say, given that definition of what the board applies to, um, you know, the description of its setting, um, we've taken that into account and how we've drawn that line. And with that said, I don't know if Mr. Tinkler has anything else to add, particularly on the point about what we took into account when assessing setting.

00:21:24:21 - 00:21:29:08

Carly Tinkler, stop lying down. Yes, sir. Um.

00:21:31:06 - 00:22:06:28



The starting point has to be. And. And the kennels. The Kennel Board's definition of the criteria for setting and not unique to this national landscape that all national landscapes, when they're considering setting were, as far as I'm aware, and I've worked in quite a few, is that setting is defined as any impact arising from a specific development on the national landscape.

00:22:07:06 - 00:22:28:04

So the first step in assessing where the setting is, you say, right, what's our development? How big is it. What's its scale? Evidently your direct effect is going to extend a long way, but that may not necessarily have an effect on the national landscape. So you say.

00:22:31:10 - 00:23:05:01

What is it about the scheme that would give an effect. So it's going to have an effect on views. So therefore inter visibility is going to be a factor. At some point you're going to go so far away from the national landscape that what you're going to put there because you're just not going to see it. Character associations are slightly different because you may be traveling, say, from the eastern end of Lyme Down. E and the purpose of your journey is to travel towards the national landscape.

00:23:05:13 - 00:23:14:12

And your journey to the landscape, to the national landscape is going to be through a solar development. So

00:23:16:10 - 00:23:50:06

this is why so. So first of all, it's not. Setting is not determined on the level of effect. It's determined on whether there would be an effect. And then once you've established where the setting is, which in my opinion, I've taken a line actually east of the Fosse Way. But that line is nothing to do with the quality of the landscape or the qualities it's about. Could this development have an effect in some way on the national landscape? Yes, it could, in my opinion, because people are using that landscape.

00:23:50:08 - 00:24:29:10

There are views probably go about that far where you would discern the scheme and therefore that is the setting. So the point then becomes what's the level of effect. So you're going to have a much lower level of effect on the CNL further away from it than you will near it. So levels of effect is going to reduce with distance. So what the landscape is like and what its qualities are is irrelevant. When you're looking at setting. its what? Could there be an impact on the CML at this point in the landscape, and if so, what? What's that effect and then how big is the effect?

00:24:42:24 - 00:24:45:28

Sorry, was there something else you wanted to add there? Okay.

00:24:47:23 - 00:24:53:05

Um, so so you mentioned.

00:24:55:06 - 00:25:13:12

You referenced the line parallel to the Fosse Way, but further east, and that there could be views up to that point because you just clarify. Do you mean there could be views from the CNN out to that point?

Are we or are we talking about these sequential views as you move through the landscape on approach to the CNN.

00:25:14:28 - 00:25:25:26

Line down, it would be the. Yes. Whether there are views, either from the Colonel to that point or from that point to the Colonel.

00:25:25:28 - 00:25:26:16

Okay.

00:25:27:24 - 00:25:48:10

Um, could I ask the applicant to respond to that? And, um, I guess if you could just outline how how you have, uh, covered off where it's possible to see to and from the colonel from.

00:25:51:15 - 00:26:28:03

Chris Jackson, on behalf of the applicant. Um, uh, as discussed, we have provided um sections, um, and explored into feasibility between the, the scheme and the Cotswold National Landscape, um, which highlights the areas of avoidance along the, the western side of the scheme that we've applied to the layout, as discussed previously. Um, and then it's, it's been through on site assessment, uh, desktop assessment, as well as undertaking site visits with, with members of the board to assess and identify where that visibility extends to.

00:26:28:10 - 00:26:28:27

Um,

00:26:30:15 - 00:27:03:27

for example, um, taking both um, watch councils and stop lying downs position and particularly what Tinkler has just discussed around indivisibility. Um, if we can see on the on the screen now we have, for example, field C 23, which is um, which is up along with Fosse Way, which is tucked behind a woodland, um, which, according to Miss Tinkler and um Wiltshire Council, is within the setting of the kennel, despite there being no visibility in or out of that, that field parcel to to the kennel.

00:27:03:29 - 00:27:05:01

And then the same with.

00:27:05:03 - 00:27:16:11

Would it be helpful to show the sections that are in this same document? I think it's, Uh, it's one of the later appendix. Appendix F.

00:27:17:13 - 00:27:50:02

Thanks, sir. The points I'm making at the moment haven't been tested by section. The sections tested the areas, um, at the request of the board, along the, um, the eastern extent of the scheme. All I'm drawing attention to is, is the fact that using the the conclusions that Miss Tinkler has just discussed failed C 23 and failed six, C 16 and C17, which is to the east of Pig Lane, um would be within the setting of the CNL where there is no indivisibility between there and and the Cotswold National Landscape.

00:27:50:09 - 00:28:40:12

Um, same with C18. Um, and so I think what I'm getting at is that there's a more nuanced and fine grained, um, assessment required to identify the setting of CML, which is which is what we have undertaken as the applicant alongside the, um, the Cotswold National Landscape Board and tested through through the sectional evidence that I believe it. We probably have to put on screen. Um, and to the point what we've looked at is, is that at the point at which the mitigation is established, which has been the line of discussion that we've been having with um officers from the board, that the the significant effects would be reduced and um, and therefore would be, um, would, would, would be more suitable to um, development within that areas of the scheme.

00:28:40:14 - 00:28:54:23

Now, what we've then looked at, as I said, is using those areas with ordnance, um, to help further the purposes. And so it's, it's that, that we've, we've looked at um, within with, with officers from the um, the board.

00:28:54:29 - 00:29:19:16

So just for clarity of understanding, there's any anywhere that you've identified as the setting of CNL, there's not solar development proposed in those areas, is there? Is it? with the exception, perhaps, which I will come on to, um, a portion of field A1 where there looks like there's an overlap.

00:29:19:20 - 00:29:20:15

Correct. Yes.

00:29:21:07 - 00:29:21:27

Okay.

00:29:22:18 - 00:30:04:24

Um, it's not clear to me from the Cotswold National Landscape Board submissions that we've received, whether it whether it considers the entirety of Lyme down A, B, and C to be in the setting of the kennel or just a portion of the sites as, as per the applicant's position. They're not they're not here today. Um, but can I ask the applicant to take an action point, a way to, um, to communicate and clarify with the kennel board, um, these, these plans which show, um, what you consider the setting and if there is indeed agreement.

00:30:04:26 - 00:30:08:26

And that could be in an update to the statement of common ground.

00:30:12:05 - 00:30:17:20

Yes, sir. We'll take that away as an action point and try and further that that position with the officers.

00:30:19:11 - 00:30:52:14

Um, so I'd like to move on to the layout of the solar PV panels, where parties have raised specific concerns. Um, there is a proposed change request, um, which you, um, mentioned earlier. Um, which was submitted last week, which included a proposed change to remove panels from field C-9. Um,

reflecting ongoing engagement with the CNL board. Um, that that change will be examined if and when the the change application is accepted into the examination.

00:30:52:16 - 00:31:23:12

So we won't discuss that now. But there are a couple of areas, other areas that I would like to discuss. So firstly, um, that the southern half of field A1 the Statement of Common Grounds with the c nl board at deadline two. That's Rep 2029 records that the final iteration of the scheme includes the avoidance of panels in the southern part of field A1.

00:31:23:21 - 00:31:54:09

However, the works plans submitted at deadline three still show the southern part of field A1 to contain solar PV panels. Can you explain what the status of discussions with the Cotswold National Landscape Board is? Um, as it's clear from their response that they they it's clear from their response to our xq lv 1.11 that they're of this understanding that panels will be removed from this field.

00:31:55:15 - 00:32:25:20

Chris Jackson, the applicant and consultations ongoing with officers from the Kennel Board. Um, but I believe the statement as it stands. Um, there's been no direct discussion with officers from the school board to remove panels at this point from the southern half of site A1. However, we believe that the wording within that response is a typographical error and should be referring to the northern half of the old A1, A2, which is why it's.

00:32:25:22 - 00:32:26:14

Consistent, because.

00:32:26:18 - 00:32:27:10

There are plans and.

00:32:27:12 - 00:33:05:12

That if if it's a typographical error, it's a type of graphical error that's been made a few times. So there was a recommendation from the CML boards that it be considered to remove panels from the southern half of A1. And then we've asked the question and received a response, and there hasn't been a correction of that. If that is the case, um, what I, what I wanted to know is, is there another potential change request of those panels being removed, or is that not on the table at all?

00:33:14:04 - 00:33:36:12

I think I think confirmation and communication with the Cornell board that they are that it was the if if it was a typographical error and they only wanted the removal of the northern half, then that can be taken away as an action point to update the statement of common ground after correspondence with them.

00:33:39:06 - 00:34:15:05

A clear project for the applicant, just to confirm that the typographical graphical error is is on the part of the applicant. Um, so what we're not we're not necessarily saying that that's not something that the Cornell have requested in terms of it's the point that's still being discussed. It's not something that the applicant has currently agreed to do, but it is continuing to discuss at that point with the kennel board.

Just on your separate point about if the in the event that the applicant were minded to remove that, would that be a change application? Um, the applicant doesn't necessarily consider it would be a change application.

00:34:15:11 - 00:34:49:07

Um, the reason and typically you removal of panels from certain small areas wouldn't necessarily go through a formal change application. Um request. Um, it's been included as part of a wider that the change that you're referring to just a moment ago has been included with um, as part of a wider change application, just to bring everything together in in one place, because we were doing one change that already triggered the compulsory acquisition regulations and a couple of other changes that required further confirmation in terms of environmental assessments.

00:34:49:09 - 00:35:11:27

So it was about, um, appropriate to put all of those changes together in one change application request. Um, so I just wanted to be clear that in, in the event that there was further removal of panels as a result of ongoing discussions, we wouldn't necessarily we wouldn't suggest that we would need to submit a formal change application. It would be an amendment to the works plans.

00:35:13:12 - 00:35:16:05

Okay. Thank you. Um, so

00:35:17:25 - 00:35:32:24

the CML board's response to ask one, they say the board understands and supports the applicant's position that solar panels will be removed from the southern part of field A1. So I think it is important that, um,

00:35:34:24 - 00:35:40:06

there's some clarity between the applicant and the NL boards and that's communicated back to us.

00:35:41:00 - 00:35:49:18

The applicant. Yes. That's understood. Um, the, the NL board's position as to what they would like is clear. Yeah. Um, we will confirm the applicant's position. Sure.

00:35:49:21 - 00:35:50:13

Understood.

00:35:56:12 - 00:36:49:00

So, Um Wiltshire Council. Um, in your written representation, you recommend removing solar development from the entirety of the area between the Fosse Way and the boundary of the Cotswold Natural Landscape. Um, this clearly seems to be linked to your position on both the impacts, um, on the setting of the kennel and the impacts of the Fosse Way. Can you expand on your reasons for the position that line down A and most of line down, see, would need to be entirely removed from the proposed development, and in doing so, it would be helpful if you could refer to specific adverse effects that you would that you believe would be so damaging that they should be removed from the proposed scheme if it was to be consented.

00:36:58:25 - 00:37:50:15

Will Harley for Wilkes cancel? Um, yeah. The, um. The council's concern is that the, uh, the phosphate route is a approximately five kilometres of route which runs through the, um, DCO site, connecting to um sections of the CNL, and that the, um, the receptors using that that route are using it as a, as a rural route for recreational purposes generally, although it is partially road based and partially, uh, um, by way.

00:37:50:21 - 00:38:22:09

And that Because the key characteristics or the characteristics of that area are similar to those of the CNL, and that almost wash over of that area. And it's a it's a tranquil, rural rural route that the, um, the uses of that area are key key visual receptors as well.

00:38:22:11 - 00:38:53:29

And passing through that area, rather than seeing the rural um setting as they do at the moment, will be actually passing through large areas of um, of solar development. And um, and obviously the, uh, mitigation that has been proposed as well, which will actually alter the character of that area and the character of the experience that receptors have on that area.

00:38:54:01 - 00:39:45:22

So it is it is a key element in connecting two sections of the um of the kennel. And it's a very popular, um, popular route, although it is I think it's part of the Wiltshire Cycleway, although the Fosse Way corridor itself is not a designated strategic route in itself, but it is a well used route. Um, and that um, as we said before, that it is um, that it is an extremely popular area and has connections through off the, um, across way into the kennel and um, and shares a number of the special qualities, um, with the Cotswold National Landscape as well.

00:39:45:24 - 00:40:11:00

So, um, uh, that is the, the key reason behind the council's view that the area to the north west is key to the setting of the NL, and that the Fosse Way being a key recreational route is some and that.

00:40:11:02 - 00:40:22:29

So are you saying that the visual impacts on users of that route are would are so great that that that area of PVE needs to be removed from the scheme?

00:40:23:01 - 00:40:23:16

Yes.

00:40:23:18 - 00:40:26:17

That's good. Mr. Goodwin, you had your hand up.

00:40:26:26 - 00:41:06:13

Yeah. Mark Goodwin, watch your council. I would just like to add further to Will to to Mr. Hawley's comments that, um, it's an unusual boundary. Um, the Cotswold national landscape, it's, um, it's almost it's almost a right angle, um, where A, B and C are located and the Fosse Way transects those two boundaries. But that area of land that brought, I'll call it a broadly triangle area of land is highly

intact, and the edges of, um, the Cotswold National Landscape are are slightly elevated along each of those boundaries, as is the Fosse Way.

00:41:06:15 - 00:41:43:15

They tend to follow rolling ridge lines. And you'll see from Church Road up near uh, I can't remember, um, Church Road, which is a continuum of Alderton Road. It's slightly higher level and and you and you shed right on the edge of the A and B, you know, you see across the whole of that triangle area of land and you see the other part of the AoNB as a, as a, um, as a skyline, you know, and, and the same when you look back on the other side, you see Church Road as the sort of skyline with a, with a higher world in the distance.

00:41:43:17 - 00:42:00:16

But um, and and again, Fosse Way is a is a rolling ridgeline. So all of that, that little area is almost like a sloping little basin, which is overlooked by two boundaries of the A and B, and I would just draw your attention to the conditions of the landscape, rural.

00:42:00:18 - 00:42:10:28

Can you just identify, um, where that view on Church Road? Is it north, further north from where Alderton is, or is it. That's between Alderton and Griffith.

00:42:11:00 - 00:42:12:07

Then it is um.

00:42:14:28 - 00:42:26:00

Whitley's farm. I think it is Whitley's Church Road. But if you're standing on that road and you look across the solar sites, there's a there's a fair bit of separation not far from. So actually.

00:42:26:04 - 00:42:26:25

Effectively.

00:42:27:07 - 00:42:34:04

That that farm up there, um, to the, to the right to say.

00:42:34:12 - 00:42:36:06

Can you see the field numbers?

00:42:39:16 - 00:42:40:01

Uh,

00:42:41:24 - 00:42:44:10

at top left of the image or.

00:42:44:12 - 00:42:48:12

Top left of the image that rode the, um, I think.

00:42:48:14 - 00:42:49:22

Above C1.

00:42:49:24 - 00:42:50:12

Yeah.

00:42:50:23 - 00:42:57:18

So C1 is the top left. So the road that goes north from you see where the.

00:42:57:20 - 00:42:58:05

No no.

00:42:58:07 - 00:42:58:22

No no.

00:42:58:24 - 00:43:01:27

No, I'm talking about um.

00:43:03:23 - 00:43:08:10

Talking about the actual edge of the AoNB.

00:43:08:12 - 00:43:11:04

Yes. So that that the hatched area.

00:43:11:06 - 00:43:15:27

Is beyond the site limits right there seeing this area of the landscape.

00:43:15:29 - 00:43:37:28

Okay. So if you followed that. So the hatched area on the left hand side, that's the CNL. So the, the road that follows that boundary north, it's the view looking back east towards the first way from that road. You is it.

00:43:38:04 - 00:43:39:17

So I can't tell. So.

00:43:42:16 - 00:43:52:08

Okay I see a hand up? Could I have a microphone? If you. If you just wait. If you just wait for the microphone so that it can be on the recording.

00:43:53:14 - 00:43:56:27

I think he means Alderton Road. Going to Witless Farm.

00:43:57:00 - 00:43:58:02

That's correct.



00:43:59:25 - 00:44:03:19

Okay. Okay. Alderton road is going to Witness Farm. Thank you.

00:44:06:12 - 00:44:07:03

Thank you.

00:44:09:27 - 00:44:34:10

Excuse me sir. Don't mind if I just interject. I believe we visited Ridley's farm on the Assi. It was viewpoint ten, which is located on the boundary of the island of Natural Landscape. Apologies to the west of site A and A1, which is where we stopped to, uh, to look from the bus and, and look out and I identified the bus to the locations of the scheme from the bus.

00:44:37:26 - 00:45:00:14

Yes. Thank you. Um, so I'll come to stop lying down. Now, I know that you've expressed agreement with the council that this this area between the boundary and the Fosse Way should be removed. Is there? Is there anything you'd like to add? Um, to support that position before I go back to the applicant.

00:45:00:23 - 00:45:32:17

Thank you. Sir. Daniel Gazelka for, um, stop lying down. Obviously, the stop line dam's primary position is. Is that just. The scheme should be refused. And obviously, you'll know the policy about taking aspects of schemes out. Which is why ultimately, our primary position is just the scheme should be refused if the effects are so significant. Um, from this area, um, our position has set out in our written representation is that this area of land has significant, major, significant adverse effect on the CNL. Um, and so ultimately, those are the effects upon which we rely.

00:45:32:19 - 00:46:02:00

I mean, the they're primarily a set out in the report, but we produced which is the Elvia effects. And so we say if we are correct, which is also only a matter of judgment for you that there are major and major moderate significant adverse effect of these parcels on the CNL. Indirectly than that is sufficient to refuse or indeed remove these. If that was where you were minded to go. But that is our primary position is removal. Sorry. That is our primary position is refusal. Yes.

00:46:03:13 - 00:46:08:05

Yes. Understood. Thank you for clarifying that. Was there something that I think I wanted to add?

00:46:09:22 - 00:46:41:16

Thank you sir. Carly Tinkler for. Stop lying down. Um, I think we've got to remember that there are two parts to the assessment in that. Inter visibility is one thing, but then we've got the non-visual effects. So it's very easy to say well I can't see it now. So there's not a problem um there that you know it's about the experiences and things. And how far do those experiences extend. And also can we do we know that what screams now will still be there in the future.

00:46:41:20 - 00:47:12:22

What I was wondering, you know, if I think it is a really, really important point here that we do try to establish where the setting is and that we agree, or if we can agree that the starting point is the

castles and the national landscapes definition, that we look for any impact, and the point where we're satisfied that there would be no effect. And I think if we can get to agreement on that, then it's going to make life easier.

00:47:12:24 - 00:47:48:19

And what I wondered was the the applicant has produced, um, zones of theoretical visibility plans. And those plans, as far as I can work out, they show the visibility of all the sites. So you know what the extent of visibility of the entire scheme would be around it. But what might be really useful would be if it's possible to have a Z TV from each site, so A, B, C, D and d, and then it would be possible to see how far the visibility of E, for example, would be on the CNN.

00:47:48:24 - 00:48:26:26

There may be no inter visibility. Then we could work back to D, and therefore it would be certain whether there would at least be visual, any visual effect on the CNN and the applicant. What I agree with is that they've produced two different Z TVs. They've produced one with no vegetation and one with with screening. So it would be if they were going to do that exercise, it would be really helpful if we could have the one with existing screening and the one with no vegetation, because that one would tell us in the future this would not be screened by vegetation, but it would be screened by buildings or topography.

00:48:26:28 - 00:48:33:09

So we wouldn't we would know where we weren't worried about into visibility, at least even if not association.

00:48:34:04 - 00:48:40:26

Okay. Thank you. And before I come to the applicant, I think my colleague has a question.

00:48:42:06 - 00:49:13:08

Yes. Directed to Wiltshire Council. It's a follow up from Mr. Northover. Just clarifying. Um, your position is to remove solar development from the entirety of the area between the Fosse Way and the boundary of the canal. Um, and you've explained why. And stop lying down seemingly support that position. But does that not amount to sterilisation of the whole of that land? I'm just trying to understand.

00:49:13:10 - 00:49:23:24

Does that mean no development of any kind by anybody could ever then be entertained in that area? Or is it just this development?

00:49:24:07 - 00:49:59:01

I think what what the issue is with this development is the scale and the magnitude of land use change and how that manifests on the overall character and quality of the A and B setting. So it's one of scale magnitude. And I and I appreciate the applicant has tried to fragment and break up. But what that does then is just sort of, um, going back to some of the other points, you, you encounter it as you're walking through and approaching things.

00:49:59:03 - 00:50:02:25

It's, it's um, it just

00:50:04:18 - 00:50:44:15

in terms of sterilization, it kind of sterilize the countryside within the setting because you're trying to screen all views of the countryside, the fields and everything else. Try and make the development acceptable. Um, so, um, it was it's just the nature and the form of this development being so widespread within, within this area that that the the density of these five different solar farms are, you know, like we haven't got anything like this in Wiltshire at the minute.

00:50:44:17 - 00:50:58:17

We've got some big solar farms, sort of up to 50, maybe even 70MW. But when we've got 500 in such a sensitive, high value landscape, that's that's where the issue is really as far as Wiltshire Council is concerned.

00:50:58:19 - 00:50:59:04

Okay.

00:50:59:06 - 00:50:59:21

Thank you.

00:51:03:27 - 00:51:07:24

Okay. Thank you. So sorry. Stop lying down. Thank you.

00:51:07:26 - 00:51:45:20

Sir. I'm sorry. Apologies. Just because we came up in conversation, so to speak then as well, um, just to say we agree with that. And ultimately, madam, we would say there will be some developments you can cite in this area that won't have significant adverse effects on the C and L. And so our objections, because this scheme so say we will have significant adverse effects. And so if you brought forward development that which had, you know, no impact or a minor adverse effect that would be considered in a different way. And clearly an aspect of that is, as the council were just saying, the the magnitude of this scheme, but also its characteristics, etc..

00:51:45:25 - 00:52:05:28

Um, and then just to clarify the point, in case if it helps, our primary position is to reject primarily because we recognize what someone says about carving out bits of schemes. Um, and so, you know, it may be that you take that view that you can do that based on someone, but that's why our primary position has always been just the scheme should be refused.

00:52:20:14 - 00:52:30:13

With the applicant like to make a response, um, to those comments from which council and stop lying down. Um.

00:52:34:22 - 00:52:37:09

It might be useful if you, uh.

00:52:39:23 - 00:52:54:29

Gave your position on the assessment of the effects from from that viewpoint that Mr. Goodwin pointed out as well. Um, on the on the boundary of the council, looking back towards the Fosse Way.

00:52:57:09 - 00:53:28:20

Of the applicant I just before Mr. Jackson, um, comes in on that, um, just might be helpful to give some context. And I'm not proposing to, um, quote all of the various policies in MPs in one which you are fully aware of. But just to give, um, an indication, my understanding is that if that area of land were to be removed from the scheme that has just been being discussed, that's that's approximately 200MW of the scheme. So it's a significant proportion of the scheme.

00:53:28:22 - 00:54:15:16

So when we're looking at, um, the MPs refers quite, quite consistently to, um, what is proportionate and appropriate in terms of design measures that can be taken in order to reduce um or minimise effects? Um, I just wanted to give you some context there. Um, and also just to, um, reiterate the point about obviously the app the applicant has, um, has explained the design choices it's made and the rationale for why it's considered that the areas that it has selected, um, for being, uh, not suitable for panels, and that is part of it's a case that the design choices it's made have, have been, um, proportionate and appropriate.

00:54:15:22 - 00:54:33:15

Um, bearing in mind that this is, uh, critical national priority infrastructure, um, and that, um, all of the policy support that comes with that applies, but I'll hand it over to Mr. Jackson in respect of the specific point you mentioned about the viewpoints from those particular locations.

00:54:34:24 - 00:55:14:12

Mr. Jackson, on behalf of the applicant, um, I would I'd just start by, um, directing the XO to app 098 of the document library, which which contains figures 898913, which is the augmented Z TVs provided, um, which which includes a site by site z CV that was undertaken. And I would just caveat that that Z TVs are a good tool for, um, understanding potential visibility of a scheme.

00:55:14:14 - 00:55:49:17

They are not a definition of where development could or could not be viewed in its entirety. They used as a good starting point to understand the layout of the landscape, undertake site assessment work, get out on the ground and understand the landscape. You know, typically with the the bare earth, it will it will deliver, um, what we call dead zones where you where you're understanding that you're behind a hill, for example, and the augmented XXV, um, layer across top of it will start to bring in the existing landscape, uh, trees, hedgerows form, etc.,

00:55:49:19 - 00:56:10:06

etc. but it is it's a starting point. It is the a tool to support understanding visual envelopes associated with development. So it is not a binary. Can you or can you not see it? Um, but as discussed, the, uh, it has been taken on a site by site as well as this collective land down and scheme basis. Um,

00:56:12:00 - 00:56:18:18

turning to um, Wrigley's farm, um, which is represented by.

00:56:18:20 - 00:56:19:19

Wiltshire Council.

00:56:19:21 - 00:56:44:28

Viewpoint one in the LBA, of which we have a photo montage that's been undertaken from that location. And as I said earlier, it was also, um, top ten on the company site inspection that we undertook. Um, the receptive in the LDA is identified as a TR 040, which is the road to Alderton north past Ridley's farm to crossroads south of Churston.

00:56:45:04 - 00:56:46:24

Sorry. Can you just give that reference?

00:56:46:26 - 00:56:50:29

Again, it's a TR 0 or 0.

00:56:51:11 - 00:56:51:29

Okay.

00:56:52:13 - 00:57:26:29

Within which the other areas identified a moderate minor adverse effect at construction in year one. Reducing to minor neutral. Following the establishment of the proposed landscape mitigation as shown on the um landscape and ecological mitigation plans that are on screen at the moment. Um, what I'd also like to point out is, is that from that location, um, the the scheme is, is to the, to the east and the, the national landscape is to the west. And there are no views of the the Fosse Way, um, from that position either.

00:57:27:01 - 00:58:10:17

So, um, it's just understanding that coming back to that, what we talked about this morning, that that visual relationship that we've discussed with members of the Cal board, as well as which was discussed at length in our previous session. Um, and so it's coming back to the, uh, to the points we discussed about the, the removal of, of C two, C4 and C3 was because it's that in that hinterland, the views between the, um, the land outside of the Cotswold National Landscape, land within, notably the church Alderton um, whereas what we don't have here is the same where the scheme is sat in between the road and the the Cotswold National Landscape.

00:58:17:08 - 00:58:23:20

Thank you. Um, I'd now like to, uh. Yes, Miss Tinkler.

00:58:25:14 - 00:58:50:09

Um, thank you, sir. Because I'll stop lying down. We just like to say thank you for pointing. Was to that, um, section of the, um, app documents which have ZVS sorry, Z TVs. Um, we just wondered whether the applicant might consider providing them which show particularly, um, Lime dam D and E with the Cotswolds national landscape visible in the map. So basically just some slightly more zoomed out ones.

00:58:52:10 - 00:59:00:06

Because the the Z TVs for D and E do not don't extend the the plans don't extend as far as the canal.

00:59:00:22 - 00:59:02:00

Exactly. So yes.

00:59:02:02 - 00:59:06:19

Is that something that the applicant is happy to provide for that line four.

00:59:08:20 - 00:59:10:08

Or five if it.

00:59:13:06 - 00:59:25:09

Counts on behalf of the applicant. Um, the issue becomes a question of sheet size, sir. Um, so the drawings were already at, uh, I believe an A naught, uh, sorry, on an A3.

00:59:25:18 - 00:59:29:03

Um, can it be shown at a different scale?

00:59:29:23 - 00:59:42:13

It can. We will be losing the detail. Obviously there is an overarching drawing for the entirety of the scheme. Um, but yes, we can we can find a way of getting it on a sheet for you on it.

00:59:43:01 - 00:59:50:14

Rather than be on one sheet, be as you've four lined on D and E across two sheets. So same scale just.

00:59:50:20 - 00:59:57:15

Yeah, absolutely. We'll, we'll um, and we'll do what we can. And I'm sure that we can come to an amenable solution that demonstrates it without losing the detail.

00:59:57:17 - 00:59:58:17

Yeah. Thank you.

01:00:01:11 - 01:00:39:09

Okay. So yes, move on to talk about the special qualities of the CML. So in response to our Q1, the CNL board gave details response on how it considers the various special qualities of the CNL would be affected. Um. The CNL board stated that it disagrees with the applicant's assessment that there would be no direct, significant effects on special qualities of the CNR, um, and that they consider there would be a net adverse effect on the Colonel's special qualities without the CNL board in attendance.

01:00:39:25 - 01:01:19:09

Um, we probably need to explore this matter in more detail through written questions. However, I would like to discuss that the CNL board's comments on special qualities uh, 9 to 12 with the applicant and if either which counts or stop lying down, want to contribute to any point, please just raise a hand. Um, so start with special quality. Nine tranquility. Um, the the CNL board provided in its

comments on submissions received at deadline two, which is rep 315 for a detailed response to the applicant's tranquility.

01:01:19:11 - 01:01:56:09

Note um, and that's under the heading of potential main issues for examination number four in that document rather than go through in detail. Um, in this hearing, without the Cornell board in attendance and myself trying to represent what they're saying, I, I'd like the applicant to respond to that in writing. Um, I'd just like to point out, um, that the Cornell board highlights the visual impact and impact on the landscape character of the construction and decommissioning traffic within the Cornell.

01:01:57:02 - 01:02:23:03

I note that the applicant's assessment of the effects on the Cornell includes an assessment of the effects on vegetation removal from abnormal, indivisible loads on landscape. But, um, can you address either now in or in your written response, how you factored in the visual impact of the amount of construction traffic within the CFL on that special quality of tranquility.

01:02:34:14 - 01:03:06:18

On behalf of the applicant. The LVA has used a series of study areas, as we briefly discussed this morning. And what we've looked at within those study areas are the visual receptors. So what we've looked at and identified are those receptors where they would have a visual effect. And we've looked at that within the one km to the five and ultimately the the ten kilometer cumulative assessment. And that has picked up on the visual change and the visual amenity associated with this game.

01:03:06:26 - 01:03:24:19

So that's that's effect on visual receptors of the proposed development. I'm talking specifically about the the effect, the visual effect of increased construction traffic within the CNN on its special quality of tranquility.

01:03:31:13 - 01:03:32:08

I'm just going to.

01:03:32:26 - 01:03:59:19

And there's there is a noise component to it as well. And you're but I just I didn't see in your note on tranquility and that the, the visual impact of increased traffic was covered. Um, and it is something that the kennel boards have raised. Um.

01:04:02:26 - 01:04:15:04

So I just want to understand how, if and how. the increased amount of traffic and the visual impact that has on tranquility has been assessed.

01:04:28:24 - 01:05:06:24

With the applicant. We are preparing further technical note on tranquility for for deadline five, which will address this point. We have provided obviously the traffic numbers for, um, the anticipated movements using routes within the canals. The actual numbers of the traffic movements. But I think what you're asking for is further detail on how those particular movements themselves, which are sort

of, um, in the 40 HGV movements per day, how that then has been taken into account in terms of whether an additional 40 movements would have an impact on tranquility.

01:05:06:26 - 01:05:19:21

So that that's my understanding of the question. And it was to confirm, I think, that there isn't specific reference to that in the documentation at the moment, but that would be dealt with. Um, in this a further technical note that's being provided.

01:05:19:23 - 01:06:02:25

Exactly. Yes. So I can see that the transport effects of additional movements and noise effects of additional movements are referred to. It's the visual effects. Um, okay. So special quality ten then which is dark skies. Um, so the national landscape boards have stated they'll comment on this once they've reviewed, um, the applicant's responses to ask one, can I ask the applicant to take an action point to discuss and agree directly with the CML board? What further information, if any, they need to confirm their position on, um, this special quality.

01:06:14:00 - 01:06:34:09

Yes, we can take that as an action we've already set out in our response to the first written questions, the position about lighting and what lighting is and isn't required during construction and operation of the scheme, but we will check that the CNL board has located that information and appropriately understands the lighting requirements for this particular scheme.

01:06:34:11 - 01:07:05:04

Yes. So I think the Cornell board set, without a line lighting strategy or words that effect they they were not they they couldn't comment at that stage. And then in response to SSC one, you've um, set out why you don't think alike. So there's not additional information. Um, so I want to be sure that there isn't anything additional that they would want. Um, and then I'm going to. Sorry if you wanted to.

01:07:05:25 - 01:07:13:25

Yes, it was just a. Yeah. We will have that conversation. Just to make it clear that the information is contained in other management plans. And that's why there's not a separate lighting strategy.

01:07:13:27 - 01:07:18:27

So then I want to come to the council on this point then. Um,

01:07:20:15 - 01:07:28:07

so the applicant has set out that they don't believe a, um, a separate

01:07:29:28 - 01:08:04:28

lighting strategy is required. Um, and that the construction and operational lighting would be controlled through the outline camp and the Outline Operational Environmental Management Plan, respectively. Um, are you content that there's enough information contained within the outline camp and outline or sorry, outline operational environmental management Plan and the respective requirements and to ensure that light spill would be appropriately managed.



01:08:07:02 - 01:08:09:09

Sir, I don't know. I'd have to go away and check that. Yeah.

01:08:09:11 - 01:08:27:26

Okay, great. If you take that as an action point, that'd be great. Um, and if there was, um, additional wording that you think should be included in I in either the control documents or the DCO, if you set that out in your response as well. That'd be helpful.

01:08:32:26 - 01:09:20:01

Okay. Special quality 11 is distinctive settlements. Um, so the Cornell board stated that as, um, significant adverse effects have been assessed on the landscape character within the one kilometer, uh, local study area, which is an area including Churston and Alderton, both settlements within the CML. They therefore consider that there would be a moderate Adverse effect on their special quality. Um, I note that the applicant's assessment of effects on the CNL describes that there may be views of the proposed development for a small number of settlement edge visual receptors, but could you comment on whether the assessed significant landscape character effects,

01:09:21:25 - 01:09:32:02

which include the error of those settlements, suggest that there is a greater adverse effect on these distinctive settlements? Uh, on the this special quality of the CNL. Sorry.

01:09:33:06 - 01:10:05:01

Chris Jackson, on behalf of the applicant, um, I think just to bring us back to the the landscape visual impact assessment and the conclusions of that as we spoke about earlier and to discussion through the avoidance areas that we've taken along the North, the sites A, B and the, the western edge of site C, um, so although the significant landscape adverse landscape effects have been recorded in the one kilometre local study area. These effects are primarily primarily related to the change in land use from agriculture to the solar infrastructure.

01:10:05:03 - 01:10:37:11

As we discussed this morning, um, but it's the obvious position that this this change does not directly affect the Cotswold natural landscape, because the buffers to development provided by the avoidance measures and layers of proposed mitigation planting would contain development away from the edge of the kennel, and as such, development will be barely discernible from within the kennel itself. And this is a point that's reiterated in the um, Kennel Board's um, statements, um, reference, uh, 15th of June.

01:10:37:13 - 01:11:14:28

And apologies, I don't have the the app reference to hand is that the, um, the board considers that whilst avoidance of mitigation measures would to a small extent reduce the effect of scheme or landscape character, the scheme will still have, uh, that's the wrong statement. Um, the board acknowledges that this avoidance, combined with mitigation screening should ensure that this that there would be limited to no visibility of the scheme from the viewpoints either within the CNL or on its boundary. Um, and so whilst we've identified a significant adverse effect to landscape character, we've used those avoidance measures to, to pull back and to limit the visibility of the scheme.

01:11:15:00 - 01:11:53:09

And ultimately, as we spoke about landscape characters, it's perceptual. It's not purely visual. We discussed, obviously, a, you know, a visually impaired person, um, and how landscape is appreciated and what we have. What we've done is, um, is to use the mitigation planting and the avoidance to ensure that the, uh, the adverse effects associated with the scheme don't extend into the CNL itself. So to come back to your point on the the position of the settlements, it's not our opinion that the adverse, the significant adverse effect identified to landscape character extends across the settlements within the coastal national landscape.

01:11:53:11 - 01:12:25:22

Okay. So we'll come on to talk about assessment of landscape character under the next agenda item, which we'll probably do after the lunch break. Um, but if a, I guess if effects to landscape character don't apply to the fullness of the one kilometres study area. Um, it it's is that something is the extent that would experience the landscape character effects, something that the applicant could represent either as a drawn plan or a detailed description.

01:12:28:11 - 01:12:49:22

So I guess the what's behind that is what's the use of the one kilometre offset if it uh, having having an effect defined as within the study area, if it doesn't apply to all of the study area. How do we know how much of the study area it does apply to?

01:12:51:28 - 01:13:12:10

The applicant. And I think what we're asking or discussing, rather, is the nuance that exists behind landscape character assessment, landscape character change and its perception, or how a development changes your perception of a landscape as you move within it, as you exist within it, and as you ultimately experience it? Um, the,

01:13:14:06 - 01:13:44:21

the the Elvia has the has a statement within it that I've just read out that we've, we've seek to to limit the significant adverse effects into the, the CNL through the use of the avoidance, the mitigation, um, the without I suppose moving into this afternoon's topic, I would I would suggest that to define it on a, on a figure on a drawing would be very difficult to do because landscape is ultimately experienced differently by different people.

01:13:44:26 - 01:14:20:12

As again, back to my particular points about someone who'd be visually impaired. So it'd be we we always, um, we're always taught to, to avoid the word deal when it comes to landscape. Because feelings are individual. They belong to to us as individuals to understand a landscape. And it's the how the appreciation of it may change and how the landscape would, would shift as a consequence of development or be, um, characterized because of that development. And that, again, can be quite, um, can be quite, uh, emotive and relate to individuals.

01:14:20:14 - 01:14:29:00

So I think to, uh, we've assessed it and we've set out where it is. And again, we'll come on to the, the study areas and the assessment points later this afternoon.

01:14:29:07 - 01:15:13:22

Yeah. Okay. We'll pick that up after lunch. So let's talk about special quality 12 accessible landscape. So firstly the say your assessment um states that there would be a beneficial effect in relation to this special quality as a result of 12.8km of new permissive paths within the setting of the CNR and the new. Permissive paths contained within the area you identified as. This marked the CFL setting in yellow on the figures that were on the screen earlier seem O would only be in field C6, B12, A11 and A12.

01:15:13:24 - 01:15:26:22

This seems unlikely to add up to 12.8km, so I just want to check that that figure is correct for new permissive paths within the setting of the CNR protected path.

01:15:26:24 - 01:15:30:27

The applicant. And we'll take that away, sir, and recalculate that. Looking at point I.

01:15:31:15 - 01:15:37:17

I wonder if it's if that's the figure of new permissive paths across the whole scheme.

01:15:39:01 - 01:15:41:27

Um, I believe it's probably like this review.

01:15:41:29 - 01:16:02:28

In which case, um, if, if provision of new permissive paths within the setting of the CNO is cited as something that benefits the special quality of an accessible landscape. Then, if you confirm the amount of permissive paths that are within the setting of the kernel as you've defined the kernel.

01:16:06:06 - 01:16:06:21

Okay.

01:16:08:28 - 01:16:10:25

Thank you. So.

01:16:13:27 - 01:16:55:00

On the on this point, also the the kernel board state that you use as experiential and or perceptual experience of rural countryside within the setting of the kernel would likely be negatively influenced by the contrasting nature and scale of the proposed environment, and consider there would be an adverse effect on this special quality. And we did hear similar concerns from IPS at the open floor hearing yesterday. Um, so how would the applicant respond to comments that the experience of walking on these permissive paths actually represent an adverse effect on the special quality, rather than a benefit to the special quality.

01:16:56:17 - 01:17:46:04

Of the applicant. And it's unusual within Libya for us to undertake an assessment of permissive paths that have been delivered as a consequence of the scheme. Obviously, there isn't a permissive path there at the moment. The scheme creates that permissive path. It would feel remiss to then identify a significant adverse effect on that path as a result of, say, it was going through a development, for

example, and coming back to the position we were in with regards to the setting and those permissive paths, the permissive paths within the areas of avoidance that we identified as being within the setting of the CML wouldn't be surrounded by the sort of infrastructure they pass for avoidance fields and obviously where we have public rights of way within the infrastructure fields.

01:17:46:06 - 01:18:03:19

We've applied the the offsets. So 50m from the right of way to the fence line, a further four metres from the fence line to the centre of infrastructure. And I believe a request has been made to demonstrate that through sectional work, which we're undertaking at the moment, we submitted, I believe, at um.

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

Uh.

01:18:08:01 - 01:18:22:23

Deadline five. Um, and so hopefully that will help along with some, some visualizations that has also been requested and hopefully that will help demonstrate the, the offsets and the scale of of where the public rights of way past for the scheme.

01:18:27:10 - 01:18:30:13

I um, so in the question

01:18:32:05 - 01:19:02:12

so the applicant is the benefit to accessible landscape special quality because of permissive path the the adverse effect on the experience. Um, of walking through the landscape associated with that special quality. Um, I think it was not limited to permissive paths. So I understand the point about not doing an assessment for permissive part, but the, the, the public rights of way within the setting of the kennel.

01:19:02:28 - 01:19:18:15

Um, and that walking on these public rights of way actually represents an adverse effect. Um, yeah. So I just want to clarify that, but I think you I think you've you've answered that already.

01:19:21:02 - 01:19:36:15

Um, so I just want to check whether Wiltshire Council or stop lying down. Want to add any comments on the special qualities of the kennel before, um, we move on to discuss the duty to seek the to further the purposes of the kennel.

01:19:37:24 - 01:19:41:04

And that'll be for local council. No, we don't have anything to add at this stage?

01:19:41:07 - 01:19:41:24

Okay.

01:19:46:01 - 01:19:51:27

Um, Daniel, because I stop lying down and thank you, sir. We don't have anything to our guests. Just disagreement about the effects, but. Yeah.

01:19:51:29 - 01:20:31:02

Understood. Okay. So we'll move on to duty to seek to further the purposes of the analysis. Section 85 of the Countryside Rights and Way Act 2000 sets out the duty of the Secretary of State as the relevant authority in making the decision on this application, to seek to further the purpose of conserving and enhancing the natural beauty of national landscapes. Uh planning, practice, guidance, natural environments and NPS. Ian one also state that this duty is relevant in considering development proposals that are situated outside of national landscape boundaries, but which might have an impact on their setting or protection.

01:20:33:01 - 01:21:06:20

I note that the Cotswold National Landscape Board states in its deadline three submission that although it objects to the application and recommends that consent should not be granted, it does consider that the applicant has sought to further the natural beauty of the kernel through proposed enhancement measures in the setting of the kernel, and it gives the example of um 60 hectares of wildflower meadow and 63 hectares of of set aside for ground nesting birds.

01:21:06:27 - 01:21:14:00

Um, can I ask Wiltshire Council what your position is on the duty to seek the purposes of the council?

01:21:14:02 - 01:21:45:27

Um, Odette Shelby, Wiltshire Council. So to start with, obviously the duty is on the decision maker. It's not on the applicant, and it's not about whether the applicant or. It's not solely about whether the applicant has sought to mitigate and sort of take parts out of the scheme. It's a much more overarching assessment. And there's the two key cases that the examining authority will no doubt be be well aware, be aware of. So the first one is the Wadhurst Parish Council case, which is clear that conserving, um, the natural beauty means doing no harm.

01:21:46:01 - 01:22:23:09

And in this case, Wiltshire Council's clear position is that there is going to be harm to the Cotswolds national landscape. So we're very much in the section 85 Croat duty case. There would be harm. The question then, um, is whether, notwithstanding the harm, the Secretary of State in granting consent could still comply with the duty to seek to further the purpose of conserving and enhancing. And the relevant case. There is the New Forest National Park Authority case from last year, and the key paragraphs in that are 61 to 63.

01:22:24:01 - 01:22:54:18

And essentially what that invites the Secretary of State to do, um, in a situation which is where we are here, where the development is itself in conflict with the national landscapes purposes to consider whether and to explain why. Permission can justifiably still be granted, so that requires a much broader assessment than simply looking at, um, the nature of the harm. It's a wider assessment.

01:22:54:28 - 01:22:56:14

Um, looking at.

01:22:58:20 - 01:23:36:26

The extent of interference with the purposes. And if there is a and the after assessing the extent of interference, whether the grant of planning permission is still justified. And I mean, Wiltshire Council has not done that assessment. It's not the decision maker here. Um, if it's helpful to the examining authority, Wiltshire Council can put forward its view on whether the Secretary of State could, um, justifiably grant consent, um, while still seeking to further the purposes of the national landscape and I don't have instructions on the overall view of the council.

01:23:36:28 - 01:23:49:16

But of course, the examining authority has seen Wiltshire Council's overall position is that the consent can't be justified and that's that's relevant to to the examining authority's assessment under section 85.

01:23:50:20 - 01:23:57:15

Yes. And in answer to your question, yes, it would be useful for you to set that out against the section 85.

01:23:58:25 - 01:24:03:03

Audette shall be for the Council. We'll, we'll we'll take that away and make sure we do that for you.

01:24:03:06 - 01:24:04:14

Okay. Thank you.

01:24:07:10 - 01:24:20:10

And stop. I'm down. If I come to you, I understand you. You also don't agree that the duty to seek to further the purpose of the conserving and enhancing the natural beauty of the natural landscape could be demonstrated. Would you like to comment?

01:24:20:18 - 01:24:55:29

Of course. Thank you, Sir Daniel, for stop lying down. Um, we agree with the, um, approach to the duty which the councillors just set out, and there's, um, nothing to add, um, on that we would draw attention to, and I'm sure you'll have seen it, but was. There's been a bit of back and forth between us and the applicant about how the section 85 duty engages with the obligation to, um, site assessment alternatives, um, all of that type of analysis, and you'll have seen as being progress in papers produced by both sides on that which you may want to look at further in the future.

01:24:56:01 - 01:25:36:16

But setting that to one side, the the conclusion we come to is that the section 85 duty can't be complied with currently because of our overall view on what the actual effects of the scheme are on the CNL, because we consider that the scheme is so harmful to the CNL, we don't consider it. The section 85 duty can be complied with. And you have all of our views on significance of effect in relation to the CNL. Um, and that sort of as far as we go, we could look at the question as well if it would assist you of, you know, given what the applicant says the effects are, whether those are, you know, we consider becoming compliance with the section 85 duty in light of those effects.

01:25:36:18 - 01:25:43:21

But on on what we think this scheme does to Bicknell, we we do not think section 85 can be complied with by the Secretary of State.

01:25:44:15 - 01:25:52:11

Okay. Thank you. That's that that is understood. Um, can I ask the applicant to respond on those terms?

01:25:52:13 - 01:26:24:05

Uh, Claire, project for the applicant. Um, uh, one point just to flag at the moment is obviously the duty does apply to the secretary of state, which we've been clear. It also applies to statutory undertakers, which includes holders of an Electricity Act license. So the applicant's position is that the applicant itself needed to consider whether it could further the purposes when it was designing its scheme. But also the Secretary of State, um, needs to make um take into account the duty when it makes its decision.

01:26:24:07 - 01:27:02:12

So I just wanted to clarify, um, that particular point. Um, what is also relevant is that obviously, section 85 doesn't act in isolation. It needs to be considered in the context of other statutory obligations that apply to the Secretary of State when making a decision, and that includes the obligations under section 104 of the Planning Act, which is to make a decision in accordance with the National Policy Statements and the Defra guidance on the application of the um of the duty is quite clear that the duty doesn't prevent relevant authorities from undertaking their statutory functions and discharging their legal duties and other responsibilities.

01:27:02:14 - 01:27:52:07

So when you're talking about the duty to seek to further the purposes, you can't disregard the duty of the Secretary of State to issue a decision in accordance with the national policy statements, which do set out quite clearly how the Secretary of State should consider the duty to further and taking into account what is proportionate recognizing the limitations that there are in terms of minimizing harm, that that is caused as a result of renewable energy projects, and then setting out that for critical national priority, um, infrastructure projects, that any tests that require things like exceptions to be satisfied are, are satisfied in respect of critical national priority infrastructure.

01:27:52:09 - 01:28:24:24

So I think it is also relevant, and we've obviously heard reference to a number of court cases that were related to different types of development. Um, but the issue of, um, the setting and how the duty should be considered was recently addressed by the Secretary of State in the context of the North Falls Offshore wind farm project. And there is a section about the application of the duty in the context of um, renewable energy, um, projects in there.

01:28:24:26 - 01:28:35:01

Um, it starts on at paragraph 4.114. I don't believe if it's other decisions we need to submit it into examination, but we can't do if it would be of assistance.

01:28:35:03 - 01:28:37:12

So that that paragraph was that's in the decision.

01:28:37:14 - 01:28:40:15

Later in the decision letter for the North Wales Offshore Wind Farm project.

01:28:40:19 - 01:28:42:27

Sorry. Can you just repeat the paragraph number, uh.

01:28:43:09 - 01:29:19:27

Section 4.114. So 4.114 is the beginning of the section, um, that discusses, um, the application of the duty, um, and, and sort of takes into a, into consideration the idea of what is, um, appropriate, reasonable and proportionate steps that have been taken by the applicant in terms of trying to reduce the the scale and the location of a of a scheme whilst retaining the ability to generate electricity.

01:29:20:09 - 01:29:21:03

Um, so.

01:29:23:26 - 01:29:54:27

The Secretary of State has been, um, I suppose, has given an example of how, um, it considers the duty to be applied to schemes of this, um, this nature. Um, we've obviously heard the comment before about what the implications would be of reducing the scheme entirely in this area. Um, and the MPs again, refers to the fact that there, um, it's recognised that making substantial design changes would, could considerably reduce the generating capacity.

01:29:54:29 - 01:30:24:27

And that's not something that would be considered necessarily proportionate to do in these circumstances. So, um, we can provide further written legal submissions on the point. We've obviously referred to it in various places throughout the application material and our responses, um, to written submissions made by, by other parties. But, um, if it would be assistance, then we can we can set that out all in one combined combined place for you?

01:30:24:29 - 01:30:56:03

Yeah, that. That would be helpful. And if you also offer your view on, um, the cases that Wiltshire Council raise as well and how they apply um, in this situation. Um thank you. I think I, I understand the different, different positions. And with that, with those extra submissions taken as action points away from this meeting. Um, I think that we can move on from this matter.

01:30:56:25 - 01:31:12:15

Um, so that is all the questions that I had planned to ask under the agenda item of the Cotswold National Landscape. Um, I'd like to invite any representations from the room or online. Um.

01:31:16:07 - 01:31:24:09

I'm not seeing any hands. Um. Anyone at the table? top down which cancel? No applicant. Did you have any?

01:31:44:08 - 01:32:03:03



No. Okay. Um, in which case, I think now is a good time to take our break for lunch. Um, so let's round up to ten past and come back at 2:10. Um, so this hearing is now adjourned.