



Planning Inspectorate
Arolygiaeth Gynllunio

Hearing Transcript

Project:	Lime Down Solar Project
Hearing:	Issue Specific Hearing 8 (ISH8) - Part 4
Date:	22 September 2026

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FULL TRANSCRIPT (with timecode)

00:00:11:02 - 00:00:21:21

Okay, I make the time four thirty five and we'll recommence this Asia Pacific hearing. Now I have a minor minor matter to attend to before we commence. So,

00:00:23:07 - 00:00:39:28

Interested party reference GDP R LDS F eleven. If you're still online and intend to speak, could you introduce yourself as GDPR LDSF eleven for GDPR purposes? Thank you very much.

00:00:43:11 - 00:00:49:26

So Thank you to all the ecology experts and witnesses who have stayed the course with us today. I do appreciate it.

00:00:52:29 - 00:00:55:09

Item four point one, avian species.

00:00:57:16 - 00:01:24:23

We did discuss this at issue Pacific hearing three, but just in light of further written submissions, want to. I want to revisit it. Revisited it. Too many it's, so I'm going to ask the applicant to set how out it's arrived at its conclusions of risk to avian species within the cable route corridor based on the current level of information within the ES now within the agenda pack that was issued on Monday, the seventh of September.

00:01:27:15 - 00:01:50:16

Examining authority asked for a table to be completed by the applicant pulling together information which had already been submitted. And it should be a table to contain details of those birds. Bird species assumed to be present in the cable route corridor conservation status and the applicants approach to their protection. The table should be sorted by conservation status. Can I ask the applicant to pop this up on the screen now, please?

00:01:52:18 - 00:01:56:11

And whilst that's up, thank you very much. Now what I want is to Mr

00:01:56:15 - 00:02:03:09

Love, sorry. Case team have just said there's a problem with our captions on our livestream so we just need to pause while it's rectified.

00:02:14:11 - 00:02:15:08

Wonderful, thanks.

00:02:15:10 - 00:02:17:12

Terrific, we'll continue. Thank you.

00:02:19:03 - 00:02:39:05

What I want to better understand is the potential degree of harm associated with the applicant's approach. So can I ask the applicant how they have reached their conclusions of harm in ES Chapter nine, REP four thousand and ten, and how its approach applies both precautionary principle and the avoidance element of the mitigation hierarchy? Over to the applicant, please.

00:02:43:12 - 00:02:59:06

Peter Tims on behalf of the applicant. I realized I haven't introduced myself yet today. Yeah, my name is Peter Tims. I'm an associate director at Clarkson and Woods and Diamond, the lead firm this project on matters relating to ecology and biodiversity.

00:03:01:04 - 00:03:06:15

For instance, I think I pulled the microphone closer to your speaker louder, please. Just struggling to hear you.

00:03:06:17 - 00:03:09:16

Is that better? Okay, Great. Yes.

00:03:11:23 - 00:03:37:10

So to we have prepared the table on screen now to and this is sort of how slightly modified it and how we've interpreted the question and we've got a column for the species and the conservation status and the potential impact and risk avoidance and mitigation and then another column

00:03:38:26 - 00:03:48:16

how we're adopting the mitigation hierarchy and the residual risk. And you're happy to talk about any particular species, but

00:03:50:06 - 00:03:53:15

so we have for the table covered obviously

00:03:55:24 - 00:04:04:00

issue three we spoke about the differences between the survey effort for the SOTA BV sites and the Cabo Corridor.

00:04:05:18 - 00:04:08:07

With respect to birds in the Cabo Corridor,

00:04:09:25 - 00:04:16:27

have the assemblage of birds we assume are present or potentially present have been based on

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destiny data from the Berkshire and Swindon Biological Records Centre and additionally from the British Trust for Ornithology data as well as

00:04:31:29 - 00:04:43:27

surveys undertaken to identify habitats present and the detailed breeding and wintering bird surveys which have been undertaken at the solar PV sites.

00:04:48:28 - 00:04:50:04

Yes, in terms of

00:04:53:10 - 00:05:17:28

how we've arrived at inclusions in our assessment, we have assumed species are present where there is suitable habitat and where they may be present at a particular time of year whether it's birds that only arrive during the winter. We've assumed that they will be present in the winter.

00:05:22:26 - 00:05:28:17

To sort of go on towards how we've approached mitigation,

00:05:30:17 - 00:05:56:08

because the works in the Cape Corridor short are term and habitat will be restored on completion and construction, we assess that there'll be works will be main impacts are direct impacts to birds nesting as well as temporary loss of potential nesting and foraging habitats.

00:06:01:03 - 00:06:08:02

The mitigation approach for breeding birds is primarily based on avoidance and wherever practical

00:06:09:20 - 00:06:13:18

hedgerows will be removed outside of the nesting bird season.

00:06:15:17 - 00:06:28:26

Where that can't be undertaken. Hedgerow will then be cleared once following an inspection by an ecological clerk of works to confirm there are no active nests present in the area to be cleared.

00:06:31:02 - 00:06:35:21

This is all set out in the outline ecological protection and mitigation strategy.

00:06:39:16 - 00:07:06:21

Sticking to nesting birds which may be present in hedgerows, in the event an active nest is identified then to ensure legal compliance the nest would be retained and an appropriate buffer depending on the species would be established and the works will be delayed at that particular area until the Ecological Clerk of Works has confirmed that the nest is no longer in use.

00:07:08:21 - 00:07:28:21

There are similarly for ground nesting birds, it sits to, which may nest in the middle of fields. It's to ideally avoid works, they avoid the initial vegetation clearance during the breeding season. If not then to

00:07:31:05 - 00:07:35:27

again undertake an inspection and identify nests and

00:07:39:04 - 00:07:51:00

there are active and you can only continue if no nests have identified. If there are nests identified then again an appropriate buffer would be adopted around the nest which for ground nesting birds can be a lot larger.

00:07:52:27 - 00:08:04:29

We've said in the outline of Ecological Protection and Mitigation Strategy of fifty meters because they need open sight lines. Again, works would only proceed once

00:08:06:26 - 00:08:11:11

the ecological clock of works is confirmed that no nest would then be impacted.

00:08:16:00 - 00:08:19:04

Yes, I could go on, but so yeah, the

00:08:20:27 - 00:08:24:00

approach is essentially to assume presence,

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avoid through timing of works. Where it can't be avoided through timing of works is to

00:08:34:17 - 00:08:40:05

minimize avoid through identifying nests and avoid delaying works until

00:08:41:21 - 00:08:48:10

there are no nests to the nest that is no longer active and only on that point will works continue.

00:08:48:12 - 00:08:51:24

That's really helpful and thank you for putting this document together.

00:08:53:19 - 00:09:04:08

Peering has some of it now but that's really helpful and presumably I can expect a copy of that at the deadline. Thank you. Before I come around the other parties though, just for my own understanding,

00:09:06:24 - 00:09:14:01

if the ecological clerk of works determines, nope, we're not doing works here, what

00:09:16:03 - 00:09:21:28

control is placed on them as an eco cow? Is it sort of a professional standard?

00:09:24:05 - 00:09:25:09

I'm just wondering,

00:09:27:04 - 00:09:33:09

do they have the final say on it? Fill me in a bit more about their role and

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their say, if you like, in the project and the works?

00:09:42:23 - 00:10:14:22

Peter Sims on behalf of the applicant. Yes, particularly when it comes to nesting birds as well as trying to avoid impacts and adopt mitigation hierarchy. It is a legal issue and you have to be legally compliant. It's against the law destroy an active bird nest. So in that instance yes it's entirely the ecological quack of works has the final say.

00:10:14:27 - 00:10:15:18

Terrific.

00:10:17:12 - 00:10:21:05

That's exactly the answer to my question. Thank you very much.

00:10:25:27 - 00:10:39:11

I'll come on to the council just on first that point before we move on because I also want to explore Natural England's response as well. But before we do so, does the council have anything they want to comment on what they've just heard?

00:10:40:27 - 00:10:53:02

Ismael Abouene, Forwelter Council. The Council's psychology officer is online. I don't understand that she's got anything additional to say that's not been said previously but I'm sure if she disagrees with that she'll put up her

00:10:53:04 - 00:10:59:05

hat. That's fine. If she's relying on the evidence already submitted that's fine but we'll wait perhaps for Fischer Ms to just

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to confirm that.

00:11:07:05 - 00:11:10:16

Emma Fischer for Wiltshire Council yes that's correct thank you.

00:11:14:12 - 00:11:25:07

If I could come to stop line down please. Do you have anything to comment beyond what's been submitted in writing? We will come on to Natural England's response as well.

00:11:25:24 - 00:11:40:06

Siri, when I'll stop lying down. So Mr Valorio has a point that he will make, but just to clarify that the applicant has helpfully also provided this table to us today. So we hope to provide a response to it at deadline seven.

00:11:40:11 - 00:11:52:20

That's handy. Can I also ask the applicant? Have you sent a copy to the council as well? Oh, you have brilliant. So I expect I can expect a response as well from the council on that point. Thank you very much. Mr Valore, please.

00:11:53:08 - 00:12:23:22

Mr Mallory Stop lying down. Yes, I very much like to thank the applicant as well for providing this table. I've had a chance to go over it earlier throughout this hearing. And I do note that a lot of the bird mitigation described across various species implies and relies heavily on seasonal avoidance and where unfeasible precautionary measures. We avoided sort of specific nest identification and avoidance that The applicant has just now reiterated.

00:12:24:06 - 00:13:01:12

Depending on the time of the works are actually carried out so different measures for potential wintering birds, different measures for potential breeding birds. I also note, however, that in the PMS that it mentions a number of other partially overlapping seasonal and weather limitations and considerations. I think a particularly notable one just because it was very sort of clearly laid out was one for reptiles. Where clearance to avoid the species is where measures are included for clearance to be limited to March to October, which overlaps and partly conflicts with some of the met with some of the sort of deterrence and clearance measures associated with birds.

00:13:01:14 - 00:13:36:03

This is in Rep zero six forty point six point nine point four. Where it mentions I just quote in order to avoid inadvertent mortality of reptiles during the process creation works will not take place within the winter months or November to February inclusives or during temperatures below degrees eight Celsius. Other also considerations such as the removal of hedge root balls for requested newts similar considerations, so there's a so it's not exclusively birds that are being taken into account yet there are other sort of seasonal considerations that the applicant has taken on board and flagged up.

00:13:36:13 - 00:14:18:06

So I am the reason why I raised this is because I'm very conscious that the applicant has stated in their past responses, the execute to and, statements of common ground that they cannot formally, however, commit to specific wholesale seasonal restrictions for ecological mitigation. I know that this has also been a point that has caused perhaps some level of confusion with natural England, and I'd be keen to sort of see their comment on them on this, if possible. So I would therefore just want to flag ahead of deadline seven. What the overall avoidance considerations will be throughout the year for wildlife avoidance to determine during conflicts purely with any ecology as I know that there are other considerations outside the scope of this that they've already said in the past that will need to take precedence oftentimes over it.

00:14:19:00 - 00:14:43:24

What seasonal consideration would take precedence whenever there's a conflict between two species such as this, if at all? Otherwise, many of the considerations just listed throughout table the and the OEPMs as part of their mitigation commitments may not apply at all besides a consideration but not

result in anything concrete despite the fact that they might otherwise imply that more concrete avoidance has actually taken place.

00:14:48:24 - 00:15:10:21

Billy ran on the stop line down. It's just to sort of summarize that point which Mr Valoria has very helpfully put. Basically, given number of the competing considerations which go into the construction timetable. Stopline Dam's question is, how can the examining authority rely upon the proposed mitigations in respect of seasonality when they're being taken into account?

00:15:13:24 - 00:15:21:20

Yes, I think it's a good question with respect to competing sensitivities, etc. But I will ask the question then, please.

00:15:24:13 - 00:15:42:21

How will the eco cow, the Ecological Clerk of Works, come to a decision on precedence? Presumably there's an element of pre construction checks and there's a bit of work beforehand before we get to that point but if you could talk me through that please Mr Timms that'd be ideal.

00:15:47:06 - 00:15:54:19

Peter Timms on behalf of the applicant. Yes, this does raise a good point that whatever

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you do, you're not totally out of season for everything. You're always in season for something. So there be,

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by its nature, an element of having to

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decide on the approach. The main driver that will come down to at each location where you have to,

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say, for example, you know, reach a hedgerow. It'll be based on the habitats present. If it may be that,

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at that point

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is most hedgerows you would expect potentially could support nesting birds but similarly you might have hydro at the base reptiles and amphibians which Scott Langdon were referring to. It might be that the habitat isn't, at that point, isn't suitable or is suboptimal for those species. That case the

00:17:05:12 - 00:17:18:01

main driver would be that you're more likely to encounter nesting birds and at that point the seasonality would be driven by the

00:17:19:26 - 00:17:22:18

approach would be driven by the nested bird season and

00:17:26:12 - 00:17:28:17

likely hit on counting nesting birds.

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Is there a potential scenario where you come across two species where it would be illegal to do anything but seasonal avoidance and you have to just back away completely from that area and essentially go somewhere else for the cable recorder.

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Peter Sims on behalf of Applicant. Yes, absolutely.

00:17:55:29 - 00:17:59:10

Yes, there might be scenario where

00:18:01:24 - 00:18:08:13

there's a hedgerow sticking with hedgerows at the minute but a hedgerow which may support nesting birds

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which you've gone in there and identified a nest so you have to leave it but also it's a highly suitable habitat for reptiles.

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In that instance you might have to delay the poach you might take and you have to decide it as you go along but it might be that

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you can

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clear the above ground part of the hedgerow during the winter when there would be no nesting birds, but remove

00:18:42:18 - 00:19:04:25

the stumps and the root balls during the summer months, after subsequent summer months or spring summer when temperatures are warmer temperatures and means that you are not going to risk impacting hibernating reptiles and things like that. So yes, that's the kind of thing that you

00:19:07:00 - 00:19:20:22

might but in that case you can, it's a long linear scheme and you can do works in other parts of cable route until you can come back and do what you need to do at that particular location.

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Are we confident the cable route corridor as it is wide enough you're not going to end up in a situation where

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can't go through a hedgerow for example perhaps at all throughout the year because of what it's been used for. Is the applicant confident enough they have a wide enough area? Presumably the answer is yes but I'm just trying to ask the question.

00:19:56:04 - 00:20:33:01

Patience on behalf of African. Yes absolutely. I'd just highlight that at each point there would be, again if you can't do if you are coming to a hedgerow and you're in nesting bird season, can always you know the option is to search for an active nest and if you can confirm there's no active nest you can continue. If there is an active nest you then delay works until nesting is finished which it can vary by species but we tend to talk talking a matter of weeks rather than months in situation.

00:20:33:18 - 00:20:36:05

Well that's helpful, thank you. I

00:20:37:21 - 00:21:00:07

think it's my last question on this and I'm just looking at what you've got there presumably obviously avoid is your preferred option. I appreciate it can't be done all the time. And then minimize, etcetera, just as I can peer at the screen. Is that captured in the relevant control documents that's specifying that's the hierarchy.

00:21:24:28 - 00:21:31:15

Can we just try to find relevant the reference? There's obviously some information given for certain species in

00:21:33:19 - 00:21:41:22

the individual method statements that are provided for that particular species, but maybe you've have been able to find it whilst I'm in

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talking with I'm actually quite happy if you want to take away as an action point just considering it's piece

00:21:47:19 - 00:22:10:15

in the South African yes, I just found the section at 6.4.1 of the outline EPMS. It states that a clearance of hedgerows, scrub trees, wooden, etc. Should be avoided between the months of March and August. That's first point, but it's however where work to seek power is unavoidable then the nesting bird checks.

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That sort of approach is carried out throughout

00:22:12:26 - 00:22:15:16

the habitat. For several species, yeah.

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Like I said, that approach is carried out for every sort of habitat type you've identified along. Great. Ms. Project was nodding so I'm going to take that as a yes. Thank you very much.

00:22:29:02 - 00:22:37:06

I'm going to move on from that particular line of questioning because I'd like to explore Natural England's response.

00:22:38:26 - 00:23:11:00

In Natural England's response to the XA second round of written questions, EB two point eight, Natural England's Rep five thousand one hundred forty, they highlight that assuming the presence of widespread species within the cable routes corridor and providing generic mitigation designed to avoid impacts. E g through the timing of works or mitigation e g through provision of habitat enhancement measures such as the protection of Skylark nesting plots during the nesting season. Might be acceptable. However, an approach that assumes rarer species are not present.

00:23:11:14 - 00:23:38:21

Space solely on their perceived rarity in the locality and without sufficient survey effort would not be considered precautionary. Now reading Natural England's comments, I understand that the approach could be considered appropriate, but it is dependent on the proportionate baseline survey effort. In this instance, there remains concerns from IPs that survey effort is lacking and the potential to not account for rarer species. Species. Could I ask the applicant to respond to that, please?

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It's Sims on behalf of the applicant. In terms natural of England, have met with them since

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they provided this response and discussed it with them.

00:23:58:27 - 00:24:02:15

I think we confirm with them it's not necessarily the absence of surveys,

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that they are concerned with, but ensuring sufficient safeguards are in place if you do encounter potentially rare species.

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We would say that those safeguards are in place in terms of pre construction inspections of any habitats to be impacted, in which case there's in the outline EPMS the mechanisms are in place for

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identifying where

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you do come across a rare species which is nesting.

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You can then implement an appropriately sized buffer depending on the species and its requirements.
And

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as we've just been discussing delaying works or there is scope to also within the cave root corridor to move the

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microsite the route so it potentially avoids that particular rare bear's nest. Thank you. That's useful

00:25:21:22 - 00:25:44:02

that you've had discussions with them following their submission. Can I ask that the statement of common ground accurately reflects that? Really don't want any nor do you, does anyone, any ambiguity on this matter with respect to Natural England's position. Just an updated position at the Statement of Common Ground for deadline seven, please.

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That one.

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Moving on then,

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is any of the land in the cable route corridor being managed for specific purposes or land adjacent that might encourage particular species? For example, during the examining authorities first at a company site inspection to the solar PV panel areas, we witnessed areas being managed for game birds, so there were lots of blue feeder tubs, for example, and a sign advertising the company put them there.

00:26:21:25 - 00:26:29:27

Is there a potential for something similar within or adjacent the cable route forward order limits, and if so, could this impact on your approach,

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or would the volume of birds not really make a difference?

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Peter Sims on behalf of the applicant.

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So during the habitat surveys of the Cape Corridor, we would have identified it within the order limits whether there was,

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know, game bird cover crop had been established anywhere.

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In terms of

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how that would affect our approach,

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I don't think it does really

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We

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have an approach for avoiding impacts and mitigating for species

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in terms of and that would apply regardless of the number of species. Guess possibly what might be

00:27:47:11 - 00:27:49:16

important to consider is whether

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works in the K Boot corridor perhaps during the winter months may impact fox of game birds.

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But we consider

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our approach for wintering birds in the Cape root Corridor is which to

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the Cabo Corridor will likely have a short term impact on bird populations in the Cabo Corridor with habitat restored. We do specify in the outline EPMS for wintering birds that

00:28:36:16 - 00:28:47:20

before work starts in any new field that inspection is undertaken to identify whether there are any flocks of wintering birds that could be

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susceptible

00:28:52:07 - 00:29:05:11

to disturbance and potentially delay works by approximately a day or two until those birds have moved on, which farmland birds tend to during the winter.

00:29:08:29 - 00:29:13:02

Yes I think that's accounted for within our approach.

00:29:13:21 - 00:29:17:14

No that answers my question. Thank you very much. My

00:29:19:14 - 00:29:54:12

next point. It's also something raised by stop lying down in their deadline six submission Rep six eighty one that there are stretches of the cable route corridor where there are habitats close by that could result in different bird species utilizing the site than those using the solar PV sites. The example they provided in their response to execute to EB two point eight, where they state the elements of the cable corridor are within proximity to Corsham Lake. Equally from my own comments, when you get close to the Milksham substation, for example, the wider habitat changes, something a bit more urban.

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How is this being considered and is there a risk that the applicant's approach has been too narrow to capture all relevant species?

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Peter Sims on behalf of the applicant.

00:30:11:27 - 00:30:27:00

Just to go back a bit, did in terms of establishing the baseline assemblage of birds that may be present, We did also undertake a death study and consulted existing sources of information

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that extends to the Cape Corridor as well as the solar PV sites.

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Yes, it's right to caution Lake is I know it's about I think about five hundred five hundred meters away from. From the Gerber corridor at the closest point. I understand it's an ornamental lake which is quite popular for bird watchers

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Particularly of interest are duck species such as goose under and gadwall.

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These

00:31:13:01 - 00:31:22:04

were known species and did appear in the death study and also many of those ducks species

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were recorded in ponds on-site at the solar PV sites.

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So yes, I think we

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have assumed that those bird species would potentially be present

00:31:44:16 - 00:31:53:07

without going species by species, but perhaps individual those duck species may be present in bonds in the Cape York Corridor.

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We maintain that we

00:31:58:04 - 00:32:02:19

have accounted for them here. Mr Valore, please.

00:32:03:01 - 00:32:36:20

Thank you, Mr Mallory for stop. I'm down. I'm very glad this point was raised since this has been one of my points of concern. Just, point out specific section of the cable route corridor, which has been a particular worry of mine on APP one hundred fourteen, which is the plan of the habitats within the cable corridor on Page nine. There's particular crossing between CRF fifty seven CRF fifty six right below Bath Road and putting Brooke. This section directly is sort of adjacent to sort of a stretch of woodland.

00:32:36:25 - 00:33:07:21

Of course, of the course, Park Corsham Lake associated with it. And it is a section that quite concerns me because looking at it from a satellite point of view, I can see that sort of the fields adjacent to it seemed to have quite a degree of flooding water logging in in it the habitat baseline plan. It shows that there's scrub across half of that field. And the reason why that particularly concerned me is because it's below bath road. It's below a brook crossing, presumably it's going to involve some degree of HDD, I assume.

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And on top of that, the corridor is particularly narrow in that section, you'll see it just covers a single field. The two fields next to it adjacent, also seeing quite waterlogged, to be honest, and this is just from my own satellite use of satellite view and desktop studies. This is a case where, again, just to echo that point that was raised before, I would see quite difficult to reroute just within that own field if you did find, by any chance, any potentially high risk birds within it and be able to avoid impacts entirely. So I'm concerned that the extent to which actual sort of width of that of the cable recorder

within these high risk sections has actually in practice been put in place for features such as this particular bottlenecks.

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I'm happy to hear a response to that, please.

00:33:58:17 - 00:34:00:15

Pete Sims on behalf of the applicant.

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We've been and visited, you know, we've surveyed, we've done a habitat survey at that location

00:34:11:18 - 00:34:23:11

and would have, you know, we've recorded what the habitat is. I don't think it's that particular section is particularly different to other habitats we've recorded.

00:34:24:27 - 00:34:38:11

We do know the proximity to Caution Lake, and Caution Lake is a large water body, which as I said likely supports a number of waterfowl species.

00:34:43:24 - 00:34:50:29

Caution Lake isn't a special protection area or a triple SI which is designated for supporting

00:34:52:14 - 00:34:54:00

nationally important numbers of

00:34:56:07 - 00:34:56:29

bird species.

00:35:01:12 - 00:35:09:10

Where you do have special protection areas in triple SIs and with reference to wintering birds,

00:35:11:17 - 00:35:13:09

What happens at those

00:35:17:26 - 00:35:22:25

areas, there's normally large numbers of wintering birds and what they tend to do is

00:35:25:16 - 00:35:44:22

during the daytime or low tide they will forage on the exposed mudflats and foreshores and then high tide or at night they will return to the same fields, typically the same fields to rest.

00:35:46:17 - 00:35:55:07

And so that would be, if we were close to something like that, would be a concern. Here we're not seeing a caution making isn't the same type

00:35:56:25 - 00:35:57:19

of feature.

00:36:00:06 - 00:36:06:23

Farm and birds generally, which is what we are dealing with here,

00:36:08:26 - 00:36:15:05

They are highly mobile during winter and move around fields regularly,

00:36:22:13 - 00:36:25:14

depending on food availability and foraging conditions.

00:36:29:26 - 00:36:48:17

We just come back to that. That's why we would maintain that our approach to avoiding or mitigating impacts with relation to wintering birds, which would be where we would before starting works in a particular field in the Cape Breton corridor, would

00:36:51:18 - 00:36:55:08

ecological clock of works to identify whether there are flocks of,

00:36:56:24 - 00:37:11:27

know, flock of lapwing, which means that work shouldn't start in that field. But within a day or two, the chances are the birds would have moved on. Then at that point, works can then continue in that field.

00:37:13:20 - 00:37:16:09

Thank you. Mr. Delroy, do you want to come back in?

00:37:17:17 - 00:38:08:18

Mr Malloy for stop time down. Yes This ties also to a second point of concern of mine, and that is that this that while again that there is a basis within the within general methods and recommended methods for avoiding impacts on nesting birds, I was quite struck by sort of the current approach adopted for wintering birds, especially taking into account everything we've even heard earlier in this particular session, so As mentioned, there's sort of an expectation that the flocks will move on either within the day or in multiple days, but in a particular case where you're getting a particularly unlucky streak where you're having unlike with birds fledging where there is a predictable time where you can come back generally a month even if it's very early or within that that you can plan around and you don't have to come back on-site day after day.

00:38:09:09 - 00:38:43:19

This one is quite intensive on both the ECAL and again the work crew themselves who if they are sent off one day, they have to come back the next because again it's a fairly short narrow of time where they might not be there and the ECAL would then again have to make that judgment. I feel that again, there's a certain level of pressures and costs associated with this delay that makes it increasingly difficult for an ECAL even if they are completely justified to make that call for a delay if it goes

beyond, say, a one-two day delay, and that is a point that I'm particularly concerned about this particular commitment mitigation wise that's being taken.

00:38:44:25 - 00:39:21:02

Thank you. The applicant mentioned earlier on, of course, it would be an offence. Is that in itself not you can't stop someone breaking the law, if they want to break the law they're going to do it? But in terms of reasonable approach and behavior and expectation, is it not reasonable to assume? I'm sure we know we shouldn't always assume things, but that the ECOCAL won't be committing an offence and if it is a two, three, four, five day delay that's a risk on the applicant.

00:39:23:08 - 00:39:28:16

Am I right in saying that actually if that's the case that's the case, it's a risk on the applicant, that delay?

00:39:28:18 - 00:40:12:15

Clear project for the applicant. Yes, all of these things are just some of the factors that the person managing the construction programme will need to take into account, both obviously all of these ecological constraints we've talked about, any supply chain constraints, weather constraints, you know, a whole variety of buffers and flexibilities need to be built into the construction program. I think mister has explained a little bit either in in in previous hearings that as well as today that for the cable route corridor, they're sort of you know, teams that sort of work down the corridor and if even if you're not able to do works in a particular field that doesn't necessarily mean that you can't mobilise and do works in another section of the cable route corridor.

00:40:12:22 - 00:40:53:17

It doesn't mean that necessarily all construction activities have to stop. It may be that we can't do that section and you carry on further down the route and then it would need to be factored in that you'd need to come back and do those particular fields when the birds had left that area. Because of the sort of linear nature of this project it is possible to mobilise the team sort of and be sort of responsive to what's happening on the ground. But as you said that you know the DCO doesn't permit all existing legislative requirements relating to protected species and have to still be complied with.

00:40:53:19 - 00:41:36:19

It doesn't mean that the applicant can carry on and do works that are unlawful. So that is a risk on the applicant and you know large scale projects do end up being delayed as a result of finding unexpected constraints along the road whether it's ecological or ground condition. I mean that's a factor of some of these projects. And we did touch on earlier all of the things that the applicant has to balance in terms of the commitments it can make to other types of receptors and and businesses in terms of you know all those factors it's trying to take into account and what might be the optimal time for carrying out works in respect of one particular reason, maybe a suboptimal time for carrying out works for another reason.

00:41:36:21 - 00:41:43:26

But these are all the things the applicant will have to take into account. Yes, the risk is on the applicant and if works have to stop then works have to stop.

00:41:43:28 - 00:41:52:05

Yeah I suppose there is a legal duty here as well. I should say with good birds and with other species there are legal requirements.

00:41:53:07 - 00:41:55:05

Ms Reynolds please. Cecile Randell's

00:41:55:07 - 00:42:44:21

stop lying down. Just commenting in particular on this point about the legal protections. There's no disagreement about the legal protections in respect of nesting birds but we're talking specifically in relation to overwintering which sorry, not wintering birds, which as mister Blorius commented, the it's disturbance that we're talking about about here. So that's where a flock has positioned itself near a field, and the works will cause disturbance. That isn't, as I understand it, necessarily prescribed within statutory the regime and isn't necessarily a crime. As I I can see, there's guidance in respect of this, and usually what is prohibited is intentionally killing, injuring, or taking wild birds, damaging or destroying their nests, destroying a wild bird's egg, possessing, controlling or transporting those birds, obviously without a license, selling birds, using prohibited methods to kill them.

00:42:44:23 - 00:43:38:04

In relation to schedule one birds, the specific the specific additional protection is that it's a crime to disturb them while they're nesting, building a nest in or near a nest or disturb their dependent young. The the point basically arises is that, obviously, within the current method statements, the promise is that when there are birds in a flock near the, say, the cable route corridor that works will be paused and delayed. And I think mister Blurry's point is really how how realistic is that given these birds are highly mobile and may continue to appear near the site and there isn't again on the ground that there may be a lot of commercial incentive for an eco cow to say well we have to proceed anyway because our construction timetable simply doesn't allow us to delay any further.

00:43:38:19 - 00:43:43:13

So the question is sort of about the extent of the mitigation in respect of disturbance to wintering birds.

00:43:44:03 - 00:43:50:23

Okay. Again, I took it from the applicant. I apologize. I conflated the issues of legality, etcetera.

00:43:52:13 - 00:44:06:07

I took it from the applicant's response that actually if there's a delay of the delay is the delay for wintering birds the mitigation measures are written down and that's what they expect to stick to. I do take your point how realistic is it. Don't know, I'm not an eco cow.

00:44:08:00 - 00:44:23:11

That's the mitigation. If there's a way of reviewing the wording on that just to strengthen it I'll leave it with the applicant to consider if that needs to be reviewed but I think the mitigation measure is what it is.

00:44:26:19 - 00:44:53:19

On the point of avian species then, is there anything anyone else wants to raise before we move on? I'll have a look to see if there's any hands online and we can take this document off the screen. Thank you very much to you people controlling that. I don't see any hands online. Anything in the room? Okay, I shall move on then to item four point two, badges.

00:44:56:05 - 00:45:05:23

I'm really looking for an update from the applicant with respect to their discussions in Natural England regarding badges and whether they intend to submit a letter of no impediment.

00:45:07:09 - 00:45:10:29

So can I ask the applicant to update the examining authority, please?

00:45:13:09 - 00:45:20:15

Peter Tims on behalf of the applicant. Yes, again, since deadline six we have met with Nathwing and to discuss badges.

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And they have confirmed that

00:45:26:00 - 00:45:30:05

Natchingen I know they're not here today but

00:45:32:08 - 00:46:07:05

during discussion they confirmed they don't have any sort of fundamental planning concerns relating to badges, but they confirmed that where badgesets should be avoided through design or mitigation measures or where necessarily if you do impact a badger set you will need to manage that through the established licensing process for doing so. And we expect that to be reflected in the Statement of Common Ground submitted at deadline seven.

00:46:08:15 - 00:46:14:25

In terms of a letter of no impediment, I'm just going to call it a loanee here with,

00:46:19:05 - 00:46:20:16

We're not intending to

00:46:22:02 - 00:46:32:08

submit one, and it's not really necessarily appropriate in terms of this scheme. The reason being is in order for Natural Lincoln to

00:46:34:29 - 00:46:36:15

give us a loanee,

00:46:38:08 - 00:46:55:23

we would have to provide a sort of draft license application, essentially stating which set is going be impacted, details of the set and exactly what activities we're proposing to do at that set.

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For the scheme at

00:47:02:14 - 00:47:16:18

this stage we're not intending to impact a set. All the sets at the SODA PV sites which have been identified will be safeguarded and retained and protected through fenced buffers.

00:47:20:14 - 00:47:41:05

There are eight sets we've recorded in the cave route corridor At this stage, before the final cable alignment has been identified, can't say whether works could impact the sets. But in terms of Ohlone, what we can't do, what management won't accept is if we give them a license

00:47:43:24 - 00:47:47:24

application with a hypothetical method statement where they would say,

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in this instance, would you provide us with a loanee? Can't do that. It's only where we identify, we have to specify which sets we're impacting and how. So yes, so it wouldn't be. Okay, so

00:48:04:29 - 00:48:22:03

the licensing regime remains open to you if required. That's fine. I look forward to seeing the updated statement of common ground. Do any parties have anything they would like to add with respect to badgers? I'll come to the council first if Ms Fischer has stayed the course and is still with us.

00:48:26:29 - 00:48:29:02

Beyond what you've already put in writing?

00:48:30:17 - 00:49:11:27

Emma Fischer for Witch Council? No, not really anything beyond what we've already put in writing and the matter that was discussed in issue specific hearing seven last week with respect of the outline operational environmental management plan and our request that the wording of table three be amended to take a more, not precautionary, but approach that's more in line with the mitigation hierarchy. But obviously a resolution was reached on that matter with respect to badgers in that the applicant said that they would look at the wording within that plan and amend it in line with our suggestion.

00:49:12:11 - 00:49:18:28

But in terms of the letter of no impediment, we don't have any specific comments on that point. Thank you.

00:49:19:00 - 00:49:22:28

Thank you very much. Top line down, anything further on badges?

00:49:23:10 - 00:49:25:05

So everyone on top line down now.

00:49:25:20 - 00:49:34:06

Thank you. Okay, I'll move on. I've got a generic question just to bottom this out from my perspective.

00:49:36:01 - 00:49:40:11

You're not looking to submit a letter of no impediment regarding any species then, I'm guessing?

00:49:41:02 - 00:49:44:18

It's interesting to the applicant, no. Want me to elaborate?

00:49:44:20 - 00:49:57:10

No, that's fine. A nice quick response. I'm just get it in there from my point of view. It scratches an itch in the back of my brain. Thank you very much. I'm going to guess that no one has any comments about that.

00:50:00:03 - 00:50:04:12

Objections. Right, I'm going to move on to four point four biodiversity net gain.

00:50:09:14 - 00:50:46:14

Applicant will be asked to provide an update on its B and G position with respect to requirement nine of the draft development consent order. The applicant and Wiltshire Council will also be invited to comment on the applicants approach to PNG considering the recently published government guidance on PNG for developers of NCEP. Now I'd like the applicant to update their position given the most recent assessment set out in Rep six thousand twenty five puts forward a habitat increase in units from puts an increase in habitat units thirty seven point six four percent and an increase in hedgerow units of twelve point seven eight percent.

00:50:46:18 - 00:50:53:13

So does requirement nine of the DCO need to be updated with respect to the minimum B and G the applicant will provide?

00:50:56:21 - 00:51:32:24

Tabuch the applicant. Applicant isn't proposing to amend the drafting of the requirement and that already the minimum levels in there are designed to take into account any fluctuations that might happen between now and the GTEB sign stage and any changes to the metric as it may apply. So there's no proposed changes to requirement nine but mister Tims can explain the second point that you asked about the got the are there any implications as a result of the new guidance coming out for NSIPs?

00:51:34:12 - 00:52:03:26

That would be helpful. But before we do that we haven't had an update on B and G since deadline three and obviously we've had design changes from the change request so shouldn't habitat units be increased in terms of the minimum because that was something tangible that you are providing? Should that not be increased or am I misunderstanding what you're just saying?

00:52:24:13 - 00:52:26:03

Claire project for the applicant.

00:52:27:23 - 00:52:57:22

Obviously, as we discussed before, are different elements here. The obligation to deliver all of the mitigation that we've promised to deliver under the the lamp and the other plan. So the provision of habitat management areas particularly in those areas where we have removed panels since the DCR application was submitted, are committed to as part of the compliance with those particular plans.

00:53:00:13 - 00:53:39:09

However that is separate I suppose for how all of those measures that we're committing to development convert into particular BNG units. And the applicant's position has always been that we do need in terms of minimum commitments for BNG. There does need to be some flexibility because until the detailed design is known we won't know exactly how many units all of those measures that we've committed to delivering will actually equate to. So that's the position at the moment taken obviously noting that the the statutory regime doesn't yet apply to this particular project.

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So we've tried to incorporate a degree of flexibility in terms of the minimum levels just for those habitat units, and we still maintain that thirty percent is an appropriate minimum for habitat units. Obviously we've committed to doing those measures and if they result in greater units then those are all for the benefit of this particular scheme. They don't then become available on the to be utilised for other projects because they are commitments for this particular scheme under other management plan documents.

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So

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I'm just occurs to me, so panels that were removed when you submitted the change request, they're going be wildflower meadows. I'm right to say that's actually going be mitigation, isn't it, so they couldn't count as BNG?

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On behalf of applicant, they can be included with BNG, and we did submit an updated metric, calculations and metric. The most recent one was deadline six, REP six thousand and twenty six.

00:54:50:05 - 00:54:53:26

Okay, thank you very much. No, I understand. Thank you, that's helpful.

00:54:55:18 - 00:55:10:07

The second part of the question, please. Just considering the government's recently submitted guidance, if that alters your approach and if it brings if it brings the council and the applicant any closer together with their discussions.

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Pete Sims on behalf of the applicant.

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We consider that the approach adopted is consistent with the guidance in terms of

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the guidance states that

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pre consent stage an outline biodiversity gain plan, which includes baseline habitat information and strategy for delivering how you're going to deliver biodiversity gain in terms of how it's actually creating, how it's actually retaining, etc, as well as a completed metric. That's what needs to be submitted and we consider those are met through what we've bidden in terms of biodiversity net gain assessment report, PREP six thousand twenty four, and the accompanying metric, PREP six thousand and twenty six.

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One point that we do note in the new guidance is that NSIP schemes

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adopt a BNG boundary which

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where a BNG boundary for an NCIP can be where it means you don't have to include the whole order limits in your BNG calculations and the BNG boundary can apply to only those habitats affected by development, either temporarily or permanently, as well as any areas used to deliver biodiversity enhancements. It doesn't extend to the entirety of the order limits. For Lyme Down, it's particularly relevant for the K route corridor.

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For our BNG assessment metric we've included all of the entire order limits of the K route corridor in our baseline calculation,

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which typically is a fifty meter wide corridor. But within that fifty meters by corridor, typically there is a twenty five meter wide working area. And so what the guidance is now suggesting is that we adopt to that twenty five meter working we adopt a twenty five meter wide area which feeds into the baseline calculations. The main upshot of that is that if we are adopting the new approach for lying down we would likely end up with

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a lower value the development baseline

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units,

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which would result in probably a higher overall outcome seeing as the

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post development biodiversity enhancements are all being delivered at the solar PV sites. So you'd be starting at a lower baseline value but still having the same post development value. You would likely end up with higher

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post development outcome if that all makes sense.

00:58:43:19 - 00:58:57:16

No, that's helpful, please. As part of your post hearing notes, could you submit basically what you just said? That'd be helpful. Thank you. Can I come to the council please if you have any comments on this matter with respect to the new guidance and the applicant's approach to PNG, please?

00:59:04:17 - 00:59:06:08

Emma Fisher for Wiltshire Council.

00:59:10:28 - 00:59:46:28

Obviously we do welcome the projected increases given that the scheme isn't yet subject and won't be subject to mandatory net gain because for NSIPs it's not commencing until November. So obviously we're noting, as you've already mentioned, Mr Love, the projected percentage increases, which, you know, and that that would be obviously meeting our local policy, core policy fifty of the Witcher Core Strategy as it currently is, which we welcome.

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But of course, mentioned, this is notwithstanding the ongoing discussion regarding the general approach to BNG and a number of matters that we have raised,

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and obviously these are being dealt with by means of the statement of common ground your previous at request at the moment.

01:00:08:02 - 01:00:28:08

So that's sort of ongoing, and I don't really think that the guidance has a bearing on that per se, so I don't think I have much more to add until we get to the point with the statement of common ground where we make final position statements and

01:00:29:26 - 01:00:48:27

decide on our final views, respective views. And it might be that, in response to your question regarding whether we are making some headway, that there are some matters that we are, but there may well be some matters that we are not in full agreement on at the end point.

01:00:50:15 - 01:00:59:11

No, that's fine and not entirely surprising if not everything is agreed by the end of statement of common ground submission at deadline seven

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Sorry. Deadline eight, Mr Blurry, please.

01:01:04:24 - 01:01:24:17

Mr Malloy for stop them down. Just to add to this just on the B and G aspect. This is a bit of a, Additional point to the sip guidelines. But it's also something that's already been in place before that it's just regarding the temporary losses along the CRC. So,

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when a loss is considered when losses, considered temporary if that moderate if a moderate or high distinctiveness habitat is restored to its original condition within two years, and the low distinctiveness habitat such as like your modified grasslands, your arable fields is restored within five years. If the N s I p the N s I p guidelines sort of reiterate this and echo this previous sort of guideline. By stating that if this is not achieved, the BMG calculations need to update it to account for the temporary losses and then recreation of new habitat, which generally means a lower score.

01:02:02:22 - 01:02:23:23

Now the reason why I raised this is because putting aside sort of the feasibility of this for like, particularly mature hedgerows and the like, which might be encountered. My real note of concern was that I note that the applicant does not appear to have scheduled sort of habitat condition monitoring along the CRC post development within either that year two or year five window. So to confirm whether those criteria have been met.

01:02:26:08 - 01:02:28:13

Happy to come to the applicant on that point, please.

01:03:01:00 - 01:03:17:08

Just wanted to double check with the query here. Was the query relating to the establishment of hedgerows that we've removed along the cable route in terms of what commitments are there as distinct from how you account for that in the BNG calculations? Obviously,

01:03:19:15 - 01:03:46:29

stop lying down have explained how the guidance has moved on slightly and obviously it differs slightly in respect of what applies to TCPA applications. I just wanted to clarify whether the question was in relation to the maintenance of reinstated hedgerows or whether we're talking about the delivery of new, so that's replacement of existing as opposed to the new hydros that we're applying.

01:03:47:01 - 01:03:52:11

I will come back to set out his point, but I took it as post development monitoring.

01:03:52:16 - 01:04:23:11

If I may, silly round stop lying down. The point, just to be clear, is that SLD understands that there naturally will be losses of particular habitat in the cable route corridor as a consequence of establishing the cable route. And what the BNG guidelines say is that if that habitat isn't returned to its

original, you know, pre intervention status within two years for high distinctiveness habitat, five years for regular. So in the Kibbutz corridor, that's grassland and hedgerow.

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It needs to be treated as a permanent loss and then obviously factored in. Within the monitoring, within the EPMS, the only monitoring specified is in relation to the seller PV sites. So the question is, how is the applicant ensuring that those temporary losses are in fact temporary within the Kiboru corridor.

01:04:45:01 - 01:04:48:19

Thank you. That's that's what I understood but thank you for for clarifying.

01:05:31:22 - 01:05:33:25

Peter Sims on behalf of the applicant. Yes,

01:05:36:00 - 01:06:13:02

Just to elaborate, in terms of habitats within the Kaybrook corridor, in the outlined ecological protection mitigation strategy we do specify generally how we would restore habitat once we've completed, once construction has been completed, we say for grasslands or ditch banks, we say how we would restore it. We are maintaining that following, following those in those good practice measures that the habitat can be returned to its original condition.

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The exception to that is hedgerows, which obviously if you remove the hedgerow, you It won't. It won't achieve the same condition within two years. So those where hedgerows moved,

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terms of B and G we are saying it's going to be a loss of habitat followed by replanting, creation of new habitat. But for

01:06:39:09 - 01:06:48:24

grasslands and arable fields, are maintaining that we can restore those habitats back to their pre

01:06:49:01 - 01:07:12:09

construction condition. Thank you. We are going to come on to the outlined ecological protection mitigation strategy as well, but in terms of post development monitoring then, can you just remind me what measures do you have in place to ensure how the replacement hedgerows for example are taking and they're healthy and they're doing what they're supposed to be

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Claire project for the applicant. So method statement six which is in the outline EPMS deals with temporary habitat removal and reinstatement for their cable route corridors. And then seven point one point three has a sentence on there in terms of habitat reinstatement works will be designed with input and site specific knowledge from the EcoCow and then be monitored for success by them thereafter. Believe that that then allows for

01:08:05:25 - 01:08:13:12

you do the restoration and then somebody would be able to come back and check that it had established in the way that it was meant to.

01:08:19:22 - 01:08:22:23

Thank you very much, Ms Projekt. That's helpful.

01:08:24:13 - 01:08:25:07

Sorry, bear with.

01:08:43:21 - 01:09:02:15

We were talking one of the hearings last week, I can't recall which one, possibly the first one which was on landscape and visual and we were discussing water requirements and maintenance requirements growing periods and so on and how we capture that.

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And the timeframe for replacing

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certain planting. And I think we left an action in relation to the applicant on that. I wonder if this gets caught up with that as well. And so it's not so much just an ecological protection, it's a landscape protection.

01:09:27:00 - 01:09:32:23

It's just whether it overlaps two management plans.

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Collaborate with that kind of colleagues are just discussing there. Think we can definitely consider whether we need to just bolster that particular statement in the EPMS in terms of the establishment and what would happen in terms of going back and reseeded, for example, if that was the if it was a grassland and we're putting back a grassland and that I think that's probably slightly distinct from what we were talking about last week, which is ensuring landscaping that that's providing some form of screening mitigation is established throughout the operation of the

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of the scheme. It just seems to

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me there would be some of the measures that you would do to maintain landscaping for mitigation. You would do to reinstate ecological features. And I just don't want there to be inconsistency across the management plans,

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even though they serve slightly different purposes.

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Yes, that point's noted, and we will have a look and see whether there's any

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cross referencing or consistency that needs to be brought in. But at in terms of packages of work, obviously, what we're doing on the cable route corridor is distinct from what we're doing on within the solar PV sites. So the nature of the activities and the nature of the restoration is separate, but we will check that there isn't something there isn't a gap there between the management plans.

01:11:18:22 - 01:11:52:04

Thank you very much. Right, unless there's anything on else B and G we have actually strayed into the next agenda item so I'll just check. There's nothing else anyone wishes to raise on B and G? Not seeing anything online. Nothing from stop lying down B and G? Okay. Let's move on to four point five on the homestretch. So outline ecological protection mitigation strategy. This is another item we agreed to move from last week to today. I have a couple of questions, and then I will happy to open to the council stop lying down and any others.

01:11:52:16 - 01:12:25:05

So head drone TPO plans deadline six. I know the council raised concerns over the TPO and hedgerow removal plans in Rep six thousand and sixty nine. They stated there is a lack of information between several of the plans, for example, sheets twenty five, twenty six and twenty seven. There's a large element of hedgerow and protected trees that are affected by the cable recorder when no plan has been provided. Happy to come to the council first, please, in case I've not summarised that accurately in which case you're welcome to expand on that.

01:12:34:04 - 01:12:39:05

Kate for Tate Butcher Council. Yeah so the

01:12:44:26 - 01:12:52:14

ecology mitigation and protection strategy. Sorry, because I'm driving. I'm just doing this off the back because Emma just said that this is me.

01:12:54:02 - 01:12:59:24

Identifies the length of hedgerow that is to be removed within the

01:13:02:16 - 01:13:05:12

schedule twelve.

01:13:06:28 - 01:13:15:00

I'm hoping I'm getting this right because I've just I've just picking this up. So we're not we're looking at what parts of the hedgerows are to be are to be removed.

01:13:15:02 - 01:13:44:28

Sorry in your well in your deadline the council's deadline submission. You made reference to TPO and hedgerow removal plans and about a lack of information between several of the plans across sheets twenty five, twenty six and twenty seven, for example. You stated there's a large element of hedgerow and protected trees that are affected by the CRC when no plan has been provided. I suppose what I'm

getting at is because last week you mentioned there'd be a meeting with the applicant. Yeah. To discuss some of these matters. Just wondering if that was raised and has it been resolved ultimately?

01:13:45:05 - 01:14:07:08

Kate Tate, the watch council. No, didn't talk about the headroom and TPO. We so we have because obviously the head rose came under ecology and so we've parked the head rose side for Emma but we've I've spoken to Emma Fisher, Miss Fisher about it. But no, it's not something we discussed on Monday. But it is something we can discuss if necessary.

01:14:07:10 - 01:14:19:04

Well, I'll come to the applicant then. You wouldn't have had a chance to respond to the council's submission from deadline six. Do you have an update for me in response to this that query the council raised?

01:14:22:15 - 01:14:29:18

It's Sims on behalf of the applicant. Yes, we've reviewed the area in question and

01:14:31:22 - 01:14:33:15

Generally, the reason why there aren't,

01:14:35:13 - 01:14:43:13

if there isn't it's not showing on the head removal plan is because, The head row is natural won't won't be removed in that location.

01:14:47:09 - 01:14:56:18

I think there's a I have reviewed the TPO and headway plan in comparison with the headway removal plan.

01:14:58:29 - 01:15:25:02

There are a couple of locations in that particular area where there's a hedgerow marked on the TPO and hedgerow plan. But we know it's actually not a headrove, and so it's a fence line essentially. So there are a couple of places where we will review that scrutinize it and update the make sure the two plans align.

01:15:25:04 - 01:16:06:09

Okay, terrific. That's what I was getting at. I'll note that as an action point to update TPO and hedgerow removal plans. I'm happy to move on then to the next question, which is under method statement thirteen, dormice. Now, I'm a bit confused as to the approach here on dormice because as I've been reading the written submissions, perhaps an apparent inconsistency between the statement of common ground with natural England document Rep four thousand and sixty three regarding dormice, which suggests that the applicant will adopt a seasonal avoidance approach, but yet under method statement thirteen it doesn't seem to correlate.

01:16:08:02 - 01:16:11:29

Can the applicant just clarify for me please the approach to dormice?

01:16:15:06 - 01:16:24:27

Peter Sims on behalf of the applicant. Yes, as we were discussing earlier, would adopt senior avoidance wherever practicable.

01:16:26:17 - 01:16:40:14

With relation to dormice, generally it's in the spring and late summer months. That's the best time to clear, hedgerow when you're least likely to impact dormice.

01:16:43:05 - 01:16:52:01

But as I said, we also do allow in the outline ecological protection mitigation strategy for works outside of those periods.

01:17:00:10 - 01:17:21:01

Basic approach is to in all cases, regardless of timing of works, it will be to have an ECAL, a CCP qualified and licensed ECAL to attend a section and search for dormice nests and only permit works to continue where there are no nests.

01:17:22:07 - 01:17:46:10

Okay. That's helpful. Could I ask the statement of common ground with the natural England that particular item just reviewed just to make that a bit clearer for me please? That would be helpful, thank you. Stop limedown, in your deadline six submission apologies, I haven't written the reference number down you made several comments in relation to the approach to dormice. Do you want to add anything further to dormice and we'll just get this issue resolved now?

01:17:48:18 - 01:18:23:06

Nothing too much further, but again, it was very much a sort of a sticking out point and part of the reason why I echo so much seasonal avoidance and the like is because it in natural England statement, there's very much specific reference to common clearance practice, which does, however, have very narrow seasonal requirements and seasonal restrictions. Even even for sort of and since again, the applicant has specifically mentioned sort of single A single clear a single cut clearance type approach, which again according to standard sort of guideline practice has very narrow periods.

01:18:23:08 - 01:18:49:24

This whole aspect of having an allowance for further time outside of that I was quite keen if natural England had assumed that whether it going was to take place solely within that seasonal period and hadn't taken on board this sort of sort of wiggle room and the implications of that, especially alongside when taking into account everything else that has to be considered that is being put in place regarding seasonal works with amphibians, reptiles and birds.

01:18:51:27 - 01:19:00:29

Okay. Thank you. We touched on natural England's approach earlier, but I'm happy to the applicant must come back at any point. Mr Blairie's made please you welcome to.

01:19:02:17 - 01:19:15:18

Pete Sims on behalf of the applicant. Yes, it's a valid point about the guidelines do specify particularly quite narrow windows for doing this, but what I would point out is that guidance is

01:19:21:18 - 01:19:44:14

the Hazel Dorn Ice Mitigation Handbook published by the Mammal Society. That specifies that type of window for clearance and the approach is suitable for clearance of up to one hundred and fifty ms of a one continuous section of habitat length of hedgerow in a single day, whereas

01:19:46:00 - 01:20:01:00

there's no location where we're moving that extent of hedgerow. Typically in the cable corridor it's a maximum twelve of meters for cable installation, which is why we've also

01:20:02:27 - 01:20:19:13

adopted additional parts of that guidance which says where you are affecting small areas, you can effectively search dormice nests using what's called a fingertip search, which is essentially a thorough search by an ecologist to get

01:20:21:13 - 01:20:26:14

down their knees and check the base of hydros and to ensure there are no

01:20:28:07 - 01:20:43:18

hibernation or winter or summer dormouse nests. That wouldn't be appropriate for a one hundred and fifty meter wide section of hedgerow being removed, but we maintain it is appropriate for much narrower sections of hedgerow, which we will be moving at the scene.

01:20:44:00 - 01:20:50:19

Okay, thank you. Do we have any further comments on Method Statement thirteen before we just go to general comments?

01:20:53:17 - 01:20:54:23

Mr Vallory, please.

01:20:55:10 - 01:21:22:18

Yeah, my query. My response to that point just raised there would be that the in total the amount of hydro loss throughout the cable recorder would far exceed that and On top of that, you would just be doing more frequent cuts at different sections well outside the season, and that would still cause the same disruption that that single stage clearances sort of impending aiming to avoid, so I would still quite have concerns about that, even if it is sort of limited sections scattered across the landscape.

01:21:22:20 - 01:21:25:03

Cumulative effect, smaller sections over.

01:21:25:05 - 01:21:33:28

And it's still, again, I'd still think that it wouldn't change the fact that it would still be out of season in that case when at that scale and along that length across the landscape.

01:21:34:05 - 01:21:42:12

Okay. So that sort of cumulative approach of impact, sorry. Any comment on that please?

01:21:44:03 - 01:21:47:16

Pete Sims on behalf of the applicant. Yes, this has to do with

01:21:49:06 - 01:21:52:00

home ranges of an individual bull mice

01:21:56:16 - 01:21:59:18

because the scheme is linear and

01:22:02:15 - 01:22:06:13

a goes large number of sections of HEDRO, but

01:22:11:11 - 01:22:21:03

within that any individual dormouse home range you be impacting a very small percentage of

01:22:23:01 - 01:22:43:23

the habitat for any individual dormice because dormice wouldn't be its home range wouldn't be anywhere near the entire route of the Cabo Corridor. It would be, let's say, we are assuming their presence and so there would be in terms how much habitat of is spread across the Cabo route, it would be

01:22:45:08 - 01:22:57:02

a number of dormice individuals. So any habitat for one, any individual, as I say, is going to be clearing a small portion of that.

01:22:57:29 - 01:23:01:26

How large is a typical home range?

01:23:03:05 - 01:23:07:05

It turns on the half half. I was hoping you weren't going ask me that at the top of my head.

01:23:08:21 - 01:23:09:10

There

01:23:12:18 - 01:23:14:21

is information out there and I can supply that

01:23:16:14 - 01:23:18:09

patient's permission.

01:23:18:11 - 01:23:21:08

Does anyone else know the typical home range? No.

01:23:23:03 - 01:23:24:05

Miss Reynolds.

01:23:24:24 - 01:23:33:06

See you, Ronald. Stop lying down. It might be that it's best to deal with this remaining point in writing but it's just to respond to one point I heard mentioned by

01:23:36:00 - 01:23:51:25

Mr Tims, sorry, is that he mentioned that the guidance was suitable for up to one hundred and fifty meters and it seems like I I I'm just struggling to understand why that guidance wouldn't also be applicable here even if the cuts being made are smaller.

01:23:51:27 - 01:24:20:25

Yeah, mean if the guidance is up to, suppose that's also what I'd consider with respect to the home range. But it might be, like you say, it's better explored in writing because I think we're probably getting to quite technical elements of that. As an action point if we could perhaps have a response to would be to deadline seven that would be handy please. I don't have any further questions with respect to the OEPMS strategy.

01:24:22:12 - 01:24:33:04

Ecological Protection and Mitigation Strategy. So I will open up to general matters and I'll come to the council first if they have any outstanding concerns with any element of this document.

01:24:38:27 - 01:25:10:08

Emma Fisher for Witch Council. The outstanding concerns that I was going to raise are the ones that you've already raised, Mr Love, and I'd which raised in previous representations about Method Statement thirteen. So I don't have any other comments to make about this document at the moment. Something additional may come to mind when I do my written rep, hopefully not, but that was the main one that I was going to raise which you've kindly covered already now.

01:25:10:10 - 01:25:10:27

Thank you.

01:25:11:12 - 01:25:15:24

Terrific, thank you very much. I will come to Stop Line Down please.

01:25:16:25 - 01:26:08:16

Nicholas Valloy for Stop Line Down. This is a point that was just touched on when our statement of common ground that I would like to see sort of updated within the PMS. Just as concerning the crayfish section, so during our statement of common ground, the applicant quite kindly sort of explained that situation further. And elaborated mentioning that the habitats will be reassessed well ahead of works. Just for their suitability to determine whether a full crayfish survey will be required at I would be quite keen to see this sort of updated and expanded on within the OPMS, the wording of the OPMS to reflect this because as is the it gives the impression that only a physical pre works pre clearance search will be carried out just sort of a physical one was instead what they've stated sort of in the statement of common ground is a lot more involved sort of habitat and determining whether an actual crayfish survey would need to be carried out.

01:26:08:18 - 01:26:12:14

So if that is indeed the case, I would be quite keen to see that updated.

01:26:12:16 - 01:26:22:03

No, thank you for that. That's useful. It reminded me as well that I have a similar question on crayfish but it's obviously moved on. I'll come to the applicant please

01:26:23:21 - 01:26:25:04

to respond. Thank you.

01:26:25:28 - 01:26:31:18

It seems on behalf of the applicant. Yes, happy to expand on that. Just to reiterate the

01:26:34:28 - 01:26:39:10

initial approaches to reinspect where

01:26:40:26 - 01:26:42:12

a water cost might be crossed

01:26:43:28 - 01:26:50:03

and identify whether it's potentially suitable for white cork crayfish, particularly if it

01:26:52:12 - 01:27:02:12

holds water, which is a key habitat requirement for white cork fish. In the watercourse crossing schedule, REP three thousand one hundred thirty nine,

01:27:05:01 - 01:27:21:00

provide a description of a presence where we're expecting to cross watercourses the and majority of them are ephemeral ditches which don't hold water year round which is crucial for white cockroach crayfish but we do except that's not universal.

01:27:23:02 - 01:27:23:17

Yes,

01:27:26:10 - 01:27:52:16

where circumstances where we do inspect and identify as potentially suitable for white then the next steps would kick in there. In terms of, doing a survey, identifying whether we will be impacting white cored crayfish or whether we can micro site the crossing to avoid burrows and individual white cored crayfish, etcetera.

01:27:53:23 - 01:28:00:00

Thank you. So do we need an update to the document to that effect?

01:28:02:12 - 01:28:06:08

Sorry, Mr Valore pointed out with respect to the survey work.

01:28:06:10 - 01:28:09:22

He seems on behalf of the applicant. Yes, we can update the document too.

01:28:10:08 - 01:28:12:04

Thank you very much.

01:28:15:26 - 01:28:24:26

Is there anything else anyone wants to raise with respect to this document before I move on to the next gender item? I'm not seeing any hands in the room. I'm not seeing anything online.

01:28:27:03 - 01:28:50:28

There's a slight change because we no longer require item five, which was any oral representations from additional affected parties or interested parties arising from the change request on matters relating to Issue Pacific hearings one to Issue Pacific hearing four. But what I will do is I will come round and ask, is there anyone else who has registered to speak who wants to comment on any of the matters we have discussed today?

01:28:52:19 - 01:28:56:28

Okay I'm not seeing anyone in the room now is there anyone online who wants to say anything?

01:28:59:06 - 01:29:00:17

I'm not seeing That

01:29:02:26 - 01:29:40:14

being the case, we'll move on to item six, which is review of actions. There are a number of action points arising from SDAE and I need to go and have a review of those before reading them out or anything. So my suggestion is that instead of running through them now. With the Examiner authority will publish them as soon as practicable following this hearing, say I just don't feel confident. Reading out my scribbles and things just now. So are there any questions to that? And obviously we are aware that deadline seven is fast approaching, so there will be some time pressure on the examining authority to get that issued as a priority.

01:29:40:28 - 01:29:48:24

So are there any questions respect with to that? No, I'm not seeing anything in the room or online. So with that being the case,

01:29:50:21 - 01:30:20:23

we'll move on to item seven, which is to close. Now we haven't needed until seven o'clock, I'm sure everyone's happy with. So may I remind everyone that the post hearing notes documents and answers prepared in response to these post hearing actions should be provided by deadline seven on Friday, second of October. I do want to thank all participants in today's hearing for their contributions to the proceedings today and also for those of you who stayed the course for ecology until late in the day. I do appreciate you hanging around and waiting for that.

01:30:21:07 - 01:30:31:14

So I will now proceed to close issue Pacific hearing eight. Thank you for everyone for participating today. The time now is six minutes past six and I close this Issue Pacific Hearing. Thank you.