

STOP GREEN HILL SOLAR

SUMMARY OF ORAL SUBMISSIONS TO ISH-2

Introduction

1. This is a summary of the oral submissions by Stop Green Hill Solar (“SGHS”) to ISH-2 presented by Professor Peter Dobson on BESS Safety; Carley Tinkler on matters relating to landscape impact; and Richard Humphreys KC on matters relating to BESS, BMV land; heritage and viability.

Summary of the Oral Submissions of Professor Peter Dobson in Respect of BESS Safety

2. The problem is that the UK has no safety standards or regulations in place for BESS. There is no legislation and nobody is responsible for safety in the installation and operation and particularly what happens in the event of a disaster.
3. There is a potential of fire/explosion of Lithium Ion Batteries. This has happened elsewhere (e.g. Liverpool). At present no standards exist. There are no UK BESS Safety Standards. NFCC Guidance Rev 2024 is non-mandatory. There is a wide range of container types, all produced abroad (so it is very important to have standards in place). There is an imperative to be very careful before we assume that it is satisfactory to leave safety to a future battery storage management plan¹. The full details of layout, spacing, access by Fire Services and details about the flammable liquids in the containers should be specified now.
4. The indicative layouts of the BESS are very vague. There would be in excess of 500 containers that will be arranged in groups of four. The spacing between the containers is not specified. From the drawings² the spacing between each container within a group of four will be about one metre. The spacing between the clusters might be between 5 to 10 metres but there are difficulties measuring off such small scale plans. There is a lack of detail and clarity.
5. Risk arises because each container will contain roughly 4 megawatt hours (“MWH”) of electrical energy. This is a lot. To put it into context this is the equivalent of 3 tonnes of TNT. However, it is worse because the battery containers contain flammable liquid. The electrolyte used in these batteries is an organic fluid which

¹ As assumed in Sunnica decision.

² APP-205 and APP-206

- carries fluorinated compounds, and that is the way they work. nobody seems to be concerned about the danger of that huge amount of flammable material contained on a site.
6. Regarding the bunding of the BESS site is sufficient to take firewater. My question would be, what assumption has been made about the time and the volume of fire water being applied by the firefighters? Is there sufficient capacity? Two hours is recommended by the NFCCC. In reality, 24 hours is much more common, because a lot of that water is being used to cool the other containers to stop them going critical and blowing up.
 7. Depending on the wattage of the panels, people have been worried about over-planting of the solar panels, and this was more my specialty years ago. Solar panels have increased in area. They have not increased in efficiency very much. So what we're finding is that developers are increasing the number of panels of larger area on sites. This increases the potential power output of the overall site. This affects the specification of the connections to the batteries and to the grid, and it is a point which really has to be made very clear at the outset as to what you're planning.
 8. Reference is made by the applicant to fire/plume tests conducted by Wartsila in Ohio in 2023. However, this is not peer reviewed. And it assumed that the fire was contained to one container. Here, the plans show containers very close together so there is a concern that a fire in one (temperatures could reach over 900 degrees C) could spread to other containers. This is where the lack of UK standards really shows up because we don't have any condition for the developer to supply a particular type of BESS container with all these thermal barriers built in between the modules, and between the module and the container itself. So, there's real inadequacies here. It's been left to the supplier of the BESS units.
 9. Regarding emissions from BESS, modelling here has been done for a one kilometre area. This is inadequate. There are much better modelling packages available. For example The Met Office, in particular, is very good at this kind of thing. Irrespective, the PM10 issue is relevant. PM10s are particles of 10 microns diameter. Most of these BESS fires, contain particles all the way down to fractions of a micrometre. So, and they are the ones that are dangerous. The ones that are really dangerous to human health are the ones in the sub-one micron size range. And if you look at the report which has just been published of the big disaster at Moss Landing in California, you will find that there was heavy metal oxides spread for six or seven kilometres from the heart of the fire. These ultrafine particles which cause the

problems of health. A small particle of less than 100 nanometres, that's a tenth of a micrometre, can be absorbed directly into the brain.

10. This issue of these very small particles do not appear to have been addressed in any of the safety considerations for the event of a BESS failure.

Summary of the Oral Submissions of Richard Humphreys KC on matters relating to The BESS

11. [The Health and Safety Executive together with the Environment Agency, are the joint competent authority under both the Planning (Hazardous Substances) Regulations of 2015 and also the COMAH (the Control of Major Accident Hazards Regulations of 2015. There has been no reference to the involvement or, or consultation with, the Health and Safety Executive specifically in relation to these regulations Health and Safety Executive. They, with the Environment Agency, are the joint competent authority under both the Planning Hazardous Substances Regulations of 2015 and also the COMAH, or the Control Major Accident Hazards Regulations of 2015]³.
12. We are only two years away, roughly, from the BESS actually being built. So, we must surely, one asks rhetorically, the applicant one must know pretty much know which battery system will be operated. All that we have to go on is APP-205 and APP-206 which are the layouts, the illustrative BESS layouts.
13. Professor Dobson has referred to Option A, for which the layout there shows some 550-odd containers, some of them being only a metre apart. That does not seem to meet any category of minimum guidance for spacing. So, one has to ask, if in due course, when the HSE or the National Fire and Rescue Service are eventually asked for their views, they require greater spacing between containers, there would not be sufficient space at the Grendon BESS. The option then is also for a BESS site at Site C which appears only to have one access point.
14. Of course an alternative is that the Applicant will have to come back, after the DCO has been granted, to secure more battery storage land, and in which case compromises may then have to be made. Consequently, at this stage it is important to know what the spacing requirements are likely to be, what implications there could be in planning terms, for example the need for/height of bunding, and whether there is sufficient land.

³ The wording is amended from what was said for clarity.

15. No viability evidence has been presented. The Examining Authority rightly query how much of the operating time BESS will be importing electricity from the grid. May well store imported electricity overnight e.g. during the winter months and sell it back to the grid the next morning at day-time rates. No evidence as to whether essential to viability.

Summary of the Oral Submissions of Carly Tinkler on Matters Relating to Landscape Harm

Summary

16. The Applicant's LVIA⁴ is agreed as far as that during construction and the first 15 years of operation, the proposed development would give rise to **significant adverse effects on landscape character and visual amenity**.
17. However, levels of adverse landscape **and** visual effects would be **higher** than assumed in the LVIA.
18. However, after 15 years of operation, apart from at **three** of the numerous viewpoints identified, effects on character and views would continue to be significant adverse.
19. Further, the claim of **significant beneficial** effects for the character of the sites is not agreed.
20. The LVIA **underestimates** levels of adverse landscape and visual effects and **overstates** landscape and visual benefits. The majority of adverse effects on character and views would be **significant adverse** for the duration of the operation.
21. The differences in judgements are partly due to differing interpretations / applications of the published guidance (eg GLVIA3).

Overestimation of landscape and visual benefits

22. The **overestimation of landscape and visual benefits** is explained in the Landscape Statement⁵.
23. In summary, the LVIA concludes that after 15 years of operation, effects on the character of the **sites** would be **significant beneficial**.

⁴ APP-045

⁵ REP1-195, at paras. 2.3.2 – 2.3.13.

24. The main reasons why the LVIA **overestimates** levels of beneficial landscape (and associated visual) effects are as follows:

- I. The LVIA departs from guidance by only assessing effects on the landscape **‘fabric’** of the sites, **not** their overall character.
- II. Landscape ‘fabric’ is **not mentioned** in GLVIA3: by ‘fabric’, the LVIA means landscape ‘elements’ such as hedges and trees.
- III. The LVIA proposes to reduce high levels of adverse effects on landscape character and visual amenity by mitigating measures which comprise reinforcing existing on-site vegetation and planting new hedges and trees.
- IV. It concludes that after 15 years, when the planting has matured, there would be **significant beneficial effects on the site’s landscape ‘fabric’,** or elements.
- V. However, the LVIA assumes that these proposed landscape / visual mitigation measures can be **double counted** as landscape / visual enhancement measures / scheme benefits when GLVIA3 para. 3.39 explains they **cannot**.⁶ The double-counting error is explained in Section 4.2 of my Landscape Statement.
- VI. Therefore, **at best**, the overall effect of the ‘fabric’ when mature would be **Neutral**, and **at worst, significant adverse**, due to the adverse effects arising from the mitigation measures, including uncharacteristically tall hedges, and most importantly, in many cases, a **total loss of view**.

25. The Applicant also claims long-term soil benefits. This is not accepted for the reasons explained below under the heading “soils / agriculture.”

Direct effects on overall character of sites

26. The conclusions about **direct** effects on the overall character of the **sites** are set out in my Landscape Statement⁷.

⁶ The double-counting error is explained in Section 4.2 of the Landscape Statement (**REP1-195**)

⁷ **REP1-195**, at paras. 2.3.2 – 2.3.20.

27. In summary, it is unclear why the LVIA has only considered effects on landscape **‘fabric,’** and not the **overall character of the sites.**
28. At para. 5.4, GLVIA3 explains that LVIA should firstly establish the site’s **overall character**, this being derived from a **combination** of factors of which landscape **elements** (which the LVIA calls **‘fabric’**) are **just a part.**
29. Other factors include aesthetic and perceptual qualities, and natural, cultural, social and visual aspects, features, functions and services, as set out in GLVIA3, and illustrated on page 9 of Natural England’s 2014 publication *An Approach to Landscape Character Assessment*, in *Figure1: What is Landscape?*.
30. The factors of relevance to this project are described in Section 3.1 of the Landscape Statement.
31. Having **established** the site’s overall character, LVIA should then **assess effects on** the site’s overall character, not just on landscape elements, or ‘fabric’⁸.
32. In reality, there would be **significant direct adverse effects on the overall character of the sites from start to finish** due to the change from greenfield to developed land, in this case, from agricultural to industrial use: these direct effects could not be mitigated.

Indirect effects on character up to 1km from sites’ boundaries

33. **Indirect** effects on character usually occur off-site.
34. Importantly, the LVIA assumes that **all** adverse indirect effects on character can be mitigated by screening views, whereas effects on **non-visual experiential landscape qualities** such as **tranquillity** are very difficult if not impossible to mitigate.
35. Also, the LVIA predicts that levels of indirect effects on the overall character of the landscapes lying between the sites and up to 1 kilometre from their boundaries would be **exactly the same**, which of course, they would not.
36. This error is partly due to the LVIA having categorised **all** the landscapes within 5 kilometres of the sites’ boundaries as having the same levels of value and susceptibility to change, despite the notable localised variations.

⁸ See GLVIA3 paras. 5.34 to 5.36

37. It is also due to the LVIA not having factored in that the **highest** levels of indirect effects on character occur **closest** to the site, and **levels reduce gradually with distance** to **Neutral**.
38. It is concluded that **indirect effects on the overall character of the landscapes closest to the sites would be significant adverse for the duration of the operation**, and the industrialising influences would extend for **many kilometres beyond the Order Limits**.

Underestimation of levels of adverse landscape and visual effects

39. The main reasons why the LVIA **underestimates** levels of indirect adverse effects on the character of the landscapes beyond the sites' boundaries, and adverse visual effects generally, include the above and other factors⁹:
1. Use of a four-point scale, which skews the results¹⁰.
 2. Problems with the criteria used for value and susceptibility¹¹.
 3. Many visual receptors were scoped out on the basis of views currently being screened by vegetation¹².
 4. Not all relevant landscape receptors, qualities and functions were identified, nor factored into the baseline studies, so effects on these receptors were not assessed¹³.
 5. Notable localised variations in local landscape character were not recognised and not factored into judgements about landscape and visual value and susceptibility.

⁹ See the Landscape Statement **REP1-195** and Appendices **REP1-193**

¹⁰ Landscape Statement paras. 2.4.9 to 2.4.17

¹¹ Landscape Statement para. 3.1.65 to-3.1.73 and Section 3.2

¹² Landscape Statement para. 7.2.4

¹³ Landscape Statement paras. 2.3.21 to 2.3.31, paras. 3.1.6 to 3.1.64 and sub paragraph (IV) above.

6. Levels of landscape value and susceptibility to change were underestimated due to the lack of granular baseline study and analysis¹⁴.
7. Levels of magnitudes of effect were underestimated, partly due to the LVIA not considering the cause and nature of many of the impacts and effects¹⁵.
8. The LVIA did not differentiate between direct and indirect landscape effects.
9. The LVIA erroneously assumes that all indirect adverse effects on character can be mitigated by screening¹⁶.
10. The adverse effects arising from the proposed mitigation were not considered (tall hedges uncharacteristic, and total loss of view)¹⁷.
11. The LVIA does not report the worst-case visual scenario of effects at winter Year 15, only in summer when trees would be in full leaf¹⁸.
12. There is over-reliance on vegetation to screen views in the longer-term, especially off-site¹⁹.
40. Most importantly, the LVIA does not assess effects on the overall character of the sites, only their 'landscape fabric.'
41. The LVIA has also not assessed the effects arising from the alternative option of BESS on Site C.

¹⁴ Landscape value factors covered in the Landscape Statement paras. 3.1.6 to 3.1.64.
Heritage at paras. 3.1.18 to 3.1.26, and 3.1.44 to 3.1.51
Aesthetic and perceptual qualities at paras. 3.1.27 to 3.1.35
Buffer / gap at paras. 3.1.53 to 3.1.55
Ecology at paras. 3.1.56 and 3.1.57
Recreation / amenity at paras. 3.1.58 to 3.1.64.
Also see landscape susceptibility to change at paras. 3.1.65 to 3.1.73, and landscape sensitivity at paras. 3.1.74 to 3.1.83.

¹⁵ Landscape Statement Section 5, and effects sections

¹⁶ Landscape Statement paras. 6.1.23 to 28

¹⁷ Landscape Statement paras. 9.18 (h) and (i).

¹⁸ Landscape Statement paras. 7.1.5 -to 7.1.11.

¹⁹ Landscape Statement Section 4.4.

Soils / Agriculture

42. Effects on soils generally are set out in REP1-193 Appendices to the Landscape Statement, Appendix CT-E: Effects on Water and Soils.
43. The Applicant claims that the development would result in long-term soil benefits. This is not accepted²⁰. In summary, it is highly unlikely that the land could or would be restored to its current condition and use, as the Applicant proposes and assumes (the LVIA states that 'agricultural fields would be returned to agriculture with all structural landscape mitigation retained'). The soils' ALC grades would almost certainly be lower than they are now.
44. The Applicant appears to assume that 'resting' arable soils for long periods is beneficial for soil health and quality. In fact, it is the complete cessation of arable use that is beneficial for soil health and quality in terms of ecology, because biodiversity increases as fertility reduces.
45. However, here, the intention is to restore the land to arable production. From an agricultural perspective, long periods of resting are not beneficial for soil health and quality, because of the significant reduction in fertility. It is extremely difficult to restore soil fertility and can take decades.
46. Also, any ecological benefits that had accrued over time would be lost when the land was returned to productive arable use.
47. In addition, the Applicant has not considered how the proposed wildflower meadow / pasture would successfully establish on arable fields, given that they require low-fertility soils and the receiving soils are highly fertile²¹.
48. Furthermore, the Applicant claims that continued agricultural use could continue by grazing sheep within the solar array areas. However, this is considered unlikely to happen and so far, very few examples of this practice in the UK have been found²².

²⁰ Landscape Statement at paras. 6.2.22 to 6.2.34

²¹ See REP1-193 Appendices to CT Landscape Statement, Appendix CT-F: Land Restoration, Soil Quality and Fertility

²² The prospects of sheep being grazed is discussed in the Landscape Statement Appendix CT-H [REP1-193].

49. Para. 9.31(v) of the Applicant's Farming Report²³ refers to data from Defra's Land Use statistics for England for 2024. The figures appear to suggest that 50% of solar sites are grazed by sheep. However, this figure excludes large-scale solar farms²⁴.

Design

50. The landscape-related aspects of site selection / scheme design are in the Landscape Statement REP1-195 Section 2.1.
51. Regarding design generally, in ExQ1 [PD-007], at Q3.0.3, the ExA asked the Applicant whether the project should be subject to an independent design review.
52. The Landscape Statement explains that it seemed unlikely that the high levels of adverse landscape and visual effects arising from the Scheme could be mitigated through design measures other than those considered at a much wider landscape scale in terms of location, and perhaps siting, especially as the design of and materials used for the majority of the scheme elements are pre-determined²⁵.
53. However, ExQ1 Q3.0.4 asks the Applicant about the selection of colours for certain scheme elements. The Landscape Statement suggests that an Environmental Colour Assessment could be the best way of integrating built form into its landscape and visual context²⁶.

Glint and Glare

54. This matter is explained in the Landscape Statement, Appendix CT-I: Glint and Glare [REP1-193]. The Applicant's Glint and Glare Assessment ("GGA") is ES Chapter 15 [APP-052].
55. GGAs primarily consider safety. They assess the effects of glint and glare on human receptors who, if affected by the phenomena, could potentially cause a major accident resulting in large numbers of casualties, ie pilots and people in air traffic control towers; train drivers; and people driving vehicles along "major national, national, and regional roads."
56. GGAs usually consider effects on the safety of people using minor roads and lanes, and sometimes PROWs. The Applicant's GGA has done so, along with receptors at horse facilities, and agricultural workers, at the Examiners' request.

²³ APP-571

²⁴ This has been confirmed in email correspondence with Defra.

²⁵ Landscape Statement paras. 2.1.16 to 2.1.18

²⁶ Landscape Statement para. 2.2.20

57. However, as in other GGAs, these people are categorised as Low sensitivity receptors, mainly due to the assumption that only low numbers of people use minor roads and PRoWs, and therefore, any incidents would result in low numbers of casualties²⁷.
58. It is not acceptable to say that because receptor numbers are low, levels of effects would be Low because multiple casualties / fatalities would not occur. Surely just one fatality / serious injury along a local lane or PRoW should be of concern.
59. Also, some of the lanes and PRoWs in the study area are popular and very well used, especially the long-distance trails, and the footpaths and bridleways which connect them to each other, and to the towns and villages. Many users are of High visual sensitivity.
60. GGAs, including this one, also assess effects on residential visual amenity.
61. However, they do not assess effects on public visual (or social / recreational) amenity, in terms of the adverse changes to the experiences of people using local lanes and PRoWs, and visiting heritage assets, equestrian centres, and other attractions. There is no analysis of the effects of glint and glare on visual or other amenity in the LVIA either, or on landscape character.
62. The GGA erroneously assumes that existing and / or proposed vegetation would fully screen views all year round, whereas a) most views would only be filtered in winter; b) elevated views would not be screened; and c) some existing tree belts relied on to fully screen are very thin / gappy.
63. Also, the GGA erroneously assumes (as does the LVIA) that views would be screened by vegetation for the duration of the 60+-year operation, which cannot be guaranteed and is highly unlikely²⁸.
64. In addition, the risks to both aviation and ground-based receptors from bird strike have not been considered. If an issue, a Bird Hazard Management Plan may have to be produced, which could have implications for the landscape, visual, and ecological assessments.

²⁷ The reasons for the Low sensitivity judgement are explained in GGA paras. 15.4.21 and 22; see also the Landscape Statement (REP1-195), Appendix CT-I paras. I1.23 to I1.28, and 49 to 77.

²⁸ See the Landscape Statement (REP1-195) Section 4.4.

65. Importantly, the ExA asked the Applicant to consider the ecological effects of glint and glare. The assessment undertaken by the Applicant is inadequate²⁹. Many receptors could be significantly adversely affected by glint and glare.
66. Note that during ISH-1 the Applicant's landscape expert confirmed that no screen planting is proposed along the PROWs running through solar arrays, so the adverse effects of glint and glare would not be mitigated.

Summary of the Oral Submissions of Richard Humphreys KC on matters relating to BMV Land; Heritage; and Viability

BMV Land

67. Mr Nicholls' submissions address the site search (REP1-230). All of the sites were selected without agricultural surveys having been undertaken to determine which land within the areas of search was Grade 3a and which Grade 3b.
68. By March 2024 Sites A-F and the BESS Site had been identified; May 2024 added Site G; and in June 2024 Site A2 was added. By June 2024, all sites had been identified³⁰. The Scoping report for the ES in July 2024³¹ said that surveys of the selected sites were then being undertaken.³²
69. It cannot be said that it was not possible to avoid the 'best and most versatile' agricultural land (which of course, includes Grade 3a but excludes Grade 3b). This is a serious breach of government policy and is a fatal flaw which clearly points to a refusal of the DCO for this scheme.
70. Figure 7.4 of the Scoping Report³³ shows Provisional Agricultural Land Classifications ("ALC"). Mr Kernon knows and has asserted in his proof of evidence to an inquiry since ISH-1 that such maps, *"are not based on extensive field survey and are not to be relied upon for site specific use, and are of limited accuracy ..."*³⁴
71. Even within the sites selected, there is no evidence that the applicant has sought to avoid BMV land, and there is no explanation why BMV fields have been chosen. For example, in Site A:

²⁹ See the Landscape Statement, Appendix CT-I, paras. I1.32 to I1.39

³⁰ See September 2024 Workshop Summary report [APP-027, PDF pages 4/11].

³¹ APP-066] PDF 328/363 para 21.3.14

³² May to July 2024

³³ APP-067 page 56/93

³⁴ Kernon Proof of Evidence in respect of land south of Kings Newton Lane, Melbourne, South Derbyshire, October 2025, paragraph 7.20. A copy is attached at Appendix A.

- APP-067 page 56/93 shows the area around Walgrave as Grade 3 on the ALC Maps.
 - The ALC Maps suggested that there was no Grade 2 land around Walgrave.
 - The results of 2024 survey³⁵ show that much of Walgrave/Site A is in fact Grade 2 and Grade 3a, with some 3b.
72. The field numbering for Site A is shown on APP-067 (ES Scoping report 2 of 9) - PDF page 18 of 93. As just one example, Field AF29 within Site A is shown to be a mixture of Grades 2 and 3a³⁶, yet solar arrays are still proposed for that field, on the entrance from the north to Walgrave. There is no explanation as to why it was not possible to avoid that field. If it is said to be because Site A would not be viable, no evidence has been produced to demonstrate this. It is wholly inappropriate to present this case without explanation and supporting evidence (if of course such exists at all).
73. The same points apply to all the other sites.
74. The choice of sites was therefore flawed at the outset because no proper agricultural surveys have been undertaken to inform the site selection process, so they need to start again and do a proper site selection exercise which reflects the need to avoid, where possible, BMV land.

Heritage

75. This relates to the discussion at ISH-1 of the heritage impacts on the Conservation Areas of Easton Maudit and Mears Ashby and Listed Buildings in Easton Maudit.
76. The Lead Inspector's (Mr Harrison) first question at ISH-1 queried with Mr Podbury³⁷ whether there were any additional mitigations that could be imposed to reduce the moderate adverse residual effects further in respect of Mears Ashby and Easton Maudit Conservation Areas and 2 particular Listed Buildings in Easton Maudit: the Grade 1 listed church and the Grade 2* building 22 High Street

³⁵ Farming Report APP-571, PDF page 108 of 155

³⁶ See point 4 above APP-571 p.108

³⁷ By reference to Table 12.28 in ES Chapter 12 [APP-049] [(significant residual effects), PDF page 92 of 106.

77. The written summary of Applicant's Oral submissions at ISH-1³⁸ states Mr Podbury's response as being:

"The Applicant believes the mitigation has reduced the level of impact to the lowest practicable level (i.e. less than substantial harm in NPPF terms)." (note those words not stated by Mr Podbury cf EV2-008 Video 4)

78. The Applicant's team has added words. The words "lowest practicable level ... less than substantial harm" have been added and were not said: see Recording 4 of ISH-1, EVA-007 50 minutes 18 seconds to 51 minutes 35 seconds. Should have been made clear.
79. Mr Podbury³⁹ went on to state that no more could be done and then added *"without those areas being unviable."*
80. However, no evidence whatsoever is before the Examination regarding the viability of those or any of the other sites. It is wholly inappropriate for an assertion to be made as to viability, and, with respect, from a heritage witness whose discipline obviously does not include viability. As the ExA has demonstrated through its questions, it has an important inquisitorial role, not to accept assertion.
81. As to the added words "lowest practicable level ... less than substantial harm" the applicants themselves acknowledge in ES Chapter 12 (para 12.4.21) that there is no direct correlation between moderate adverse harm and less than substantial harm.
82. Moreover, the findings of the Heritage chapter regarding the 2 Conservation Areas and 2 important Listed Buildings appear to place the harm in the middle of the spectrum/scale of *less than substantial harm** – the middle of the spectrum/scale of *less than substantial harm* is plainly not the lowest practicable level.
83. **APP-110**, page 9 of 227 (Non-Technical Summary) of Appendix 12.1 and page 85⁴⁰, refer firstly to harm at the upper end of scale (Low Farmhouse), the third paragraph refers to harm at the lower end of the scale (18 designated and non-designated Heritage Assets). The second paragraph refers to 17 designated and non-designated Heritage assets (including the relevant Conservation Areas and the Listed Buildings in Eason Maudit), implicitly in middle of the scale though not expressly stated.

³⁸ REP1-162 (PDF page35 of 61)

³⁹ At 51 minutes 35 seconds of the Recording and as set out in the Summary of Oral submissions

⁴⁰ PDF page 85 of 227, paragraphs 7.1.3 to 7.1.5: the three summary paragraphs

84. Regarding the Grade 1 listed Church of St Peter an St Paul in Easton Maudit, there is no indication of where on the spectrum of *less than substantial harm* the impact is considered to fall⁴¹. Similarly with Easton Maudit Conservation Area⁴² and Mears Ashby Conservation Area⁴³. This is sloppy on such an important point. Grade1 and 2* are assets of the highest significance⁴⁴..
85. There is no viability evidence therefore regarding BMV land, heritage or BESS.
86. Consequently, harm does not appear to have been reduced to the lowest practicable level; and there is no evidence to show that the applicant cannot do more.

⁴¹ APP-110 ES Chapter12, Appendix 12.1 page 60 of 227

⁴² *Ibid*, page 65

⁴³ *Ibid*, page 68

⁴⁴ NPPF para 213(b)