



Hearing Transcript

Project:	Oaklands Farm Solar Project
Hearing:	Issue Specific Hearing 1 (ISH1) - Part 3
Date:	22 October 2024

Please note: This document is intended to assist Interested Parties.

It is not a verbatim text of what was said at the above hearing. The content was produced using artificial intelligence voice to text software. It may, therefore, include errors and should be assumed to be unedited.

The video recording published on the Planning Inspectorate project page is the primary record of the hearing.

Oaklands_ISH1_22 Oct_PT3

Created on: 2024-10-22 16:11:06

Project Length: 00:56:04

File Name: Oaklands_ISH1_22 Oct_PT3

File Length: 00:56:04

FULL TRANSCRIPT (with timecode)

00:00:05:05 - 00:00:07:23

Did everybody take their seats, please? Thank you.

00:00:14:09 - 00:00:14:24

Yes.

00:00:23:27 - 00:00:59:21

I understand that. Um, sorry. Let me start properly. So it's just gone 4:15. So we are resuming. Um, I've just been informed that the additional submissions include in Natural England submission, but there are also submissions from Leicestershire County Council, Staffordshire County Council and the um, the Environment Agency and the draft statement of common ground between the applicant and Derbyshire and South Derbyshire. The submissions, additional submissions have now been published and are available on the website.

00:00:59:23 - 00:01:28:27

Um, so, um, I will refer to some of those this afternoon. Um, it'll probably be tomorrow. Now it will be tomorrow regarding traffic and transport. Um, so a couple of those relate to traffic and transport. Some of them we've covered already, but they have been published. So my thanks to colleagues for expediting that so quickly. Um, let's move on to item six. Um.

00:01:31:03 - 00:01:46:24

And I would like to complete this item today. Um, there are three questions, principally, um, the second question, which is in relation to national forest companies concerns. I would like to take that in writing, please.

00:01:48:22 - 00:01:59:17

Um, so, uh, their representation sets out concerns, including the contributions made to the National Forest as a whole. They they raise some um.

00:02:02:23 - 00:02:45:14

Concerns in relation to the support given to the relevant policy, um, around the national forest. So it would be helpful to, um, get some responses to those concerns from the applicant. But please, in writing for those. So I'd like to concentrate on A and B, A and C. Sorry for item six. I'd like to rephrase item six slightly in terms of the question. Um, so, um, Diane Abbott and thanks to Diane Abbott for the very thoughtful submissions made, um, around landscape and visual impact and glint and glare.

00:02:45:24 - 00:03:25:26

Um, I'd just like to reassure the applicant that, um, those submissions are very much valued. They do strike me as being carefully considered us submissions. Um, they are, um, argued in an appropriate manner. Um, so I think they do raise, um, legitimate issues that I would like to, um, explore, um, thoroughly either today or to continue it, explore them in writing, um, around the visualisations.

00:03:26:11 - 00:04:00:05

Um, the applicant has provided quite a detailed response to the detailed comments made by Diane Abbott. Um, I think my principal concerns are how the modeled levels of the solar panels, how the modeled ground levels based on the various data sources that are quoted, how those levels compare to the actual ground levels.

00:04:02:05 - 00:04:22:12

So it's not the consistency and consistency between the different data sets, not those sorts of issues that I'm feeling particularly concerned about. It's how the model levels compare to actual levels, and what steps have been taken to calibrate the model levels against survey data.

00:04:24:02 - 00:04:26:17

So if we could start on that basis,

00:04:28:16 - 00:04:46:00

I realize it's not something that's specifically identified in the agenda as a question. Um, but I think perhaps that's the heart of my concerns. It may be the applicant wants to go away and consider that separately. Um, it may be that you're able to address that now.

00:04:47:04 - 00:05:12:19

Okay. Sam Oxley, speaking on behalf of the applicant. Um, first of all, uh, the methodology for preparation of the visualizations is set out in app 101. So that's appendix 5.2, z TV Mapping and Mesh Visualization methodology. So much of what I uncover is already in there. Um,

00:05:14:13 - 00:05:47:14

the visualizations follow the industry standard guidance, the guidelines for Landscape and Visual impact assessment. Purple book, which I'm sure you know. Well, um, and there's an introduction in there that says paragraph 8.23, visual representations can never be the same as the real experience of of the change that is taking place. There are tools to design to assist all interested parties, to understand how the change proposed will affect views at particular viewpoints.

00:05:48:21 - 00:06:24:15

Um, there's more information on the more recent Landscape Institute technical guidance Note TTN zero six. Stroke 19. Visual representation of development. Which notes. Paragraph 1.2.9. Visualization should provide the viewer with a fair representation of what is likely to be seen if the proposed development is implemented. It is crucial that visualizations are objective and sufficiently accurate for the task in hand.

00:06:24:23 - 00:06:28:24

In short, visualizations should be fit for purpose.

00:06:30:21 - 00:07:01:26

So turning to your question, which is obviously slightly different from the question in the agenda. Um, first of all, um, visualizations use digital digital terrain models that are published and available. What they don't use is a very detailed topographical survey. So For some instances. For example, in cities where absolute precise ground levels and building lines are really, really important.

00:07:02:09 - 00:07:44:28

Um, a detailed topographical survey will be done in addition to looking at a digital terrain model, but not in this sort of rural instance. Where the landscape is relatively simple, I suppose, in terms of its topography. And given that most of the viewpoints are a bit further away and precise, um, measurements don't matter so much, it would also be, um, disproportionate, disproportionate and very costly for the, uh, for the applicant to to do that detailed topographical of the site and all of the

viewpoints and and surrounding land, it would it would be a mammoth task, um, and not something that would normally be done.

00:07:46:26 - 00:07:48:11

Um, so.

00:07:52:12 - 00:07:53:21

Sorry. Um.

00:07:55:12 - 00:07:59:10

So just, I mean, just going back to the purpose of visualizations, so.

00:07:59:12 - 00:08:00:13

Sorry, can I.

00:08:02:21 - 00:08:04:29

I'm sorry to cut across to you, but, um.

00:08:08:28 - 00:08:15:05

It seems to me that we are relying on the visualizations. Um.

00:08:17:06 - 00:08:23:17

And I think for my own consideration, um, they're important. Um.

00:08:26:03 - 00:08:41:26

You quoted that they should be sufficiently accurate. And that's laid out in the guidance. And obviously sufficiently accurate isn't defined in quantitative terms. So there's a judgment call there. Um.

00:08:45:23 - 00:09:12:22

I think I disagree. I feel uncomfortable with the statement that the topography is simple It's a rolling topography and the elevation of the site. The levels of the site vary quite considerably, and seemed to me an important aspect of understanding the visibility of the panels, the rolling topography. Um.

00:09:18:09 - 00:09:33:12

That rolling topography is picked up, um, very well with the OS terrain five data. What I mean is it doesn't have, for example, cuttings, ditches, um,

00:09:34:27 - 00:09:59:15

you know, pavements, just minor topography that would be very important in a city type environment when you're thinking about, for example, integrating a building into a, a small building plot and having to excavate and all that sort of thing when you would expect a developer to do a detailed topographical survey. Association with the architectural proposals, for example.

00:09:59:17 - 00:10:04:03

Okay. So so thank you. What I'm trying what I'm trying to

00:10:05:21 - 00:10:15:26

have at least some appreciation of is what magnitude of differences they're likely to be between the modeled.

00:10:18:12 - 00:10:49:19

Topography and the actual topography. So are we is there evidence that it is within. It's the expectation. It's within five meters accuracy, one meter accuracy. So it's it is to get some sort of appreciation of that accuracy. And I understand that the comment that it is likely to be disproportionate to have a full topographical survey.

00:10:49:21 - 00:11:24:21

I understand that at this stage. But I also question whether a selective percentage of cross checks of certain spot levels, just to verify the overall accuracy might be a might have been appropriate. So can you understand where I'm. So I'm trying to understand what level of difference we're talking about. Is it. You know I imagine if it was a meter difference, that's if it was ten meter difference.

00:11:24:23 - 00:11:26:24

Yeah. There's very different. Yeah.

00:11:27:07 - 00:11:34:25

I've got information, um, to cover all of those points in front of me so I can carry on through it. So, um,

00:11:36:12 - 00:12:06:18

going back to the original question, the question asks by how many millimeters? Millimeters? The visualized visualizations could vary from 2.7m, but the question can't be answered in that way because the digital terrain data sets has over 2.5 million height points associated with it. So it's not practical to set out possible variations like that. But the sample reference to a single viewpoint would be around 250,000 point heights.

00:12:07:00 - 00:12:37:27

So what we did, um, is we thought about the best way to demonstrate this. Um, and, um, consider that doing a cross-check using a different data set would be a good way to do it. Um, and then, uh, another cross-check using markers that we effectively placed within the landscape. Um, and we did that, uh, by well, having done that, we prepared some visualizations which show lines on them.

00:12:38:02 - 00:12:45:00

Um, showing showing how things could vary using the different data sets for viewpoint one and viewpoint two.

00:12:45:21 - 00:12:48:25

The marker referred to Mark as there's a.

00:12:49:10 - 00:13:26:20

Like a virtual marker in the model. Okay. For example, if you know the height and position of a fence post, um, in the on the ground and you can match it up with something you can see in the photograph and you match it in a three dimensional way because you have various different markers. So you align everything like you would with your compass when you're working out where you are as a Boy Scouts on a hill. Um, so you would you line you line them all up and you effectively then create a digital marker in, in the model and then and then match it all up.

00:13:26:22 - 00:13:59:05

Okay. And inevitably there's going to be, um, some errors because the photograph is, is flat. It doesn't take a fact, the fact account of the fact that, you know, the landscape isn't flat. There are issues associated with, um, with parallax and particular issues around it. You know, the edges of the edges of the photograph, which is why we take a lot of photographs and stitch them more closely together, because you don't get these parallax issues so strongly with the the more central portion of, of the photograph.

00:13:59:11 - 00:14:32:27

But going back to the, um, the errors that are stated within the data. So the visualizations are based on these digital terrain models, um, and the US train five data, which was the data set used here. Um, comes with a kind of limitation, setting out that it has a root mean square error or RMSE um, of up to 2.5m plus or minus. So that's the stated limitation of the data.

00:14:32:29 - 00:15:07:12

That could obviously be in being in any direction in practice. Um, I think that's it's very unlikely in this landscape that they would have been so great because Essentially if you get if you get one point that's a bit high, then they'll balance out with the other points that are around them. So you might see a spike. And then and then it would then balance out with the other points that that are around it. But that's why we considered as appropriate to do a check using an alternative data set, which is called lidar.

00:15:07:25 - 00:15:14:21

And sorry, is that is that a 2.5m variance from actual uh.

00:15:15:17 - 00:15:53:22

Well, not not from well, that's its stated limitation. So in I suppose in the worst case scenario, probably on the top of the mountaintop, where, for example, there might have been a cairn built or in an area where there might be, um, you know, quite abrupt changes in, in topography at a steep mountain slope or something like that. Then, yes, the, the actual point data could be. It says it could be as much as 2.5m out, but very unlikely in this landscape because because of being relatively simple.

00:15:53:28 - 00:16:03:16

So we did this exercise. And um, one image, the first image is on the screen at the moment. And.

00:16:05:20 - 00:16:06:06

I'll just go.

00:16:07:09 - 00:16:08:04

To minus two.

00:16:10:25 - 00:16:11:10

Two, one.

00:16:11:12 - 00:16:11:27

But

00:16:12:28 - 00:16:50:04

it's plus or -2.5. Um, so the image is on the screen and I'm just to talk you through it. So that's an image of the model. Um, you can see that there are three lots of colored lines on it. Dark green. The lowest line is the security fencing. So you can ignore that one. But the green line is the panel height as modeled from the OS terrain five data, and you can see that it steps up and down.

00:16:50:16 - 00:17:18:29

And then the pink line is the panel height as modeled against the lidar data. And again you can see it's slightly different. Um sometimes it's above sometimes it's below. Um, but broadly speaking, given bearing in mind this is a very close viewpoint. Um, and so little differences matter more when you're close by. Uh, broadly speaking, it's in much the same place. So that that was what.

00:17:19:01 - 00:17:21:00

Sort of difference is there between the two.

00:17:21:24 - 00:17:24:24

And can you see the image in numbers?

00:17:25:11 - 00:17:29:20

Um, I've got a screen down here so I can. Yeah. Okay.

00:17:30:10 - 00:17:31:25

I was wondering where you're looking. Yeah.

00:17:32:04 - 00:17:34:00

I don't have eyes in the back of my head, unfortunately.

00:17:35:21 - 00:17:47:01

I mean, in some places it's a little above. Some places it's a little below. We're probably talking at the most, um, 30 40cm, I would imagine.

00:17:49:23 - 00:18:11:11

But that's not in terms of the height of the panel. That's just that the. Yeah, it's a bit like if you were standing on a verge and you were that much higher above the road, it would appear a little lower. Or if you were in a hollow, it would appear a little higher. Or if you stepped one step further forward, um, it would look higher because of the effects of perspective.

00:18:11:15 - 00:18:14:00

And are those different data sets

00:18:15:20 - 00:18:18:20

are established independently of each other?

00:18:20:00 - 00:18:38:11

Yes. I believe they're different suppliers. So one is one is OS Ordnance Survey Terrain five and the LiDAR data, uh, is actually I would have to ask my colleague where that comes from. I can get back to you on that one in a second. Chip in on the on the team score.

00:18:38:15 - 00:18:43:17

It obviously makes a difference if they're derived independently of each other.

00:18:45:27 - 00:18:47:22

The significance of the difference?

00:18:48:10 - 00:18:56:11

It helps. It helps. They then verify one another independently, rather than one take them from the other. Yeah yeah yeah yeah.

00:18:56:24 - 00:18:57:21

So Patrick Robertson.

00:18:58:00 - 00:19:02:23

I think your colleague does want to help. Okay. At least we can see a waving hand.

00:19:04:01 - 00:19:06:03

Okay. Please.

00:19:07:19 - 00:19:36:08

Hi there. James Lennard here on behalf of the applicant. Um, yeah, just just to contribute on the sources of those two terrain data sets. The Osti five, um, is supplied by um OS, and the, uh leader is, um currently available through Defra um Department for environmental, Food and Rural Affairs, uh published by the environmental agency. Um, hopefully that helps.

00:19:37:21 - 00:19:46:27

Yeah. So they currently come from different sources. My question is whether historically they're derived independently.

00:19:48:20 - 00:19:52:17

Sure. Okay. I can look into that a little bit if you like, and I can come back to us.

00:19:53:06 - 00:19:56:22

But we were intended to become very, very academic here. But I think, I.

00:19:57:17 - 00:20:11:28

Think our data is, um, is flown basically. Okay. It's an aerial. It's an aerial survey. Whereas the Earth Terrain five probably um, comes originally from the Ordnance Survey. So. Okay. So so so survey originally.

00:20:12:02 - 00:20:31:18

Thank you. So I think it's an important point because it would give more confidence if they are derived entirely independently of each other and good correlation is found between them, then that gives quite a lot more confident than they in any way originate from the same source.

00:20:32:00 - 00:21:07:09

Yeah. I think the other thing is, is worth noting that the, um, the DTM use data points on a grid. So effectively. It's like a series of tiles with a date with a height point on each corner. So the the exact measurements and a sort of known on the, on the corners. But in between the model, um effectively approximates between the two. So sometimes if you, if you had a very um uneven ground condition again, top of mount and something like that, and you had a big spike in the middle, it might miss something like that.

00:21:07:16 - 00:21:14:23

But again, that's the it does tend to be less of an issue in a, in a smoother type landscape like the one we're in. Okay.

00:21:15:13 - 00:21:21:02

I'm less concerned about local differences as opposed to the overall effect. Yeah. Yeah. Okay.

00:21:22:07 - 00:21:43:25

Um, so we've provided, um, these images for, for all of the views for the, for the two viewpoints, um, that Miss Abbott, uh, highlighted. Um, I just also wanted to draw attention to Um, the guidance which talks about these issues of, um.

00:21:46:06 - 00:22:21:28

Uh, sorts of differences when you're in closer proximity. So, um, the landscape Institute physical reps representation of development proposals. Ellie. Um. 1006 19 um, grapples with this issue on page 56, where it actually has a picture of, um, the war memorial in Trafalgar Square and talks about clearly, a

small shift in location can make a large difference to the apparent location of objects when they are close to you.

00:22:22:00 - 00:22:32:02

This is especially important to important due to the effects of parallax. So there's a bit more information on the sort of thing that we're we're looking at there.

00:22:35:09 - 00:23:08:24

The other thing to note on the on the drawing, on the screen or in front of you. Um, is that what we're actually seeing in terms of those lines is the difference between the horizon. Um, and if, for example, you have, um, solar panels on a curve, the horizon line that you're seeing isn't always in the same place if the curve is slightly different, because, you know, that bit might come up a bit, in which case that looks as though it's. So there might be it might look as though it's much higher, but it's not.

00:23:08:26 - 00:23:19:20

It's just you're seeing a different part of the image. Again, it's a sort of effect of perspective. Um, and again, that tends to make more of a difference when you're very close up.

00:23:21:24 - 00:24:07:02

So having undertaken the the exercises and done the cross checks, we were confident the visualizations, um, have been checked and there are no, um, variations which are unusual or unexpected, no strange spikes, as you mentioned. Um, and none of the differences are appreciable in terms of the landscape and visual effects that they would lead to, or would alter the level of effects that the assessors have reached. So for both of these viewpoints, um, which are very close, uh, we've predicted a significant level effect, um, major, during construction in the early years, dropping to um, moderate once hedgerows have grown in the in the longer term.

00:24:07:04 - 00:24:26:12

So they are both significant effects and effects that you'll consider within your planning balance anyway, and effects that we've highlighted as being significant within the landscape and visual impact assessment. So again, having done this exercise, we do feel, you know, comfortable with what's presented.

00:24:26:14 - 00:24:32:12

Thank you. And thank you for the work that's been done here. That is appreciated. The, um.

00:24:34:24 - 00:24:41:10

Will this work be submitted at the next deadline? Please? Yeah. Yeah. Could I, um.

00:24:43:03 - 00:25:17:12

I'm going to go back to the original question again. So if and I think you've given some reassurance in terms of particularly if those data sets are being derived entirely independently of each other. So it would be very helpful to me to understand that, to have evidence of whether they were derived entirely independently, that would be helpful. It would be very helpful to have a quantification of the difference in levels between the two.

00:25:19:08 - 00:25:26:25

And I'm not meaning at every possible point, um, meaning that typical range of differences between the two. That would be helpful.

00:25:28:03 - 00:25:43:02

I think that's very hard to achieve other than to show you the visualizations because of this issue of it not necessarily being a difference of the panel in the same place, because you're not. You're just looking at a horizon that's behind because you're going up a hill.

00:25:43:08 - 00:25:44:05

Yeah. Okay.

00:25:44:16 - 00:25:45:13

Um, what I mean.

00:25:48:20 - 00:26:04:25

What what what I'm trying to get to is that slightly reframed question today as to understanding the likely variance of the model levels from actual levels and trying to understand how big an issue that might be. So.

00:26:07:05 - 00:26:08:11

What maybe if.

00:26:08:13 - 00:26:39:24

Two independent sets of sort could cross with two independent sets of data correlate within a reasonable quantified amount, then that would give a certain amount of comfort around that issue. So if I could leave you to grapple with that one. Um, hopefully you understand what I'm trying to get to grips with. Um, I also there must be known Ordnance Survey levels at points in the area. There must be spot levels.

00:26:40:17 - 00:26:42:10

With some certainty.

00:26:43:01 - 00:26:49:09

They'll be incorporated into the lost five because they're Ordnance Survey. Yeah. Trig points. Yeah.

00:26:49:11 - 00:26:50:04

So.

00:26:52:27 - 00:27:07:15

Even better. As if if at those known levels there could be a comparison with if they're in the Ordnance Survey. One. What what is the what are the lead are what's the lidar data set at that point.

00:27:11:12 - 00:27:22:06

So it's evidence to try and demonstrate the comparison of the modelled levels, the model digital terrain model levels with actual

00:27:23:28 - 00:27:27:07

any evidence to demonstrate that.

00:27:29:12 - 00:27:34:22

Okay. I wonder if we can overlay the two data sets in some way or other or.

00:27:34:26 - 00:27:40:04

You know, or a series of representative points, a random series of representative points.

00:27:40:06 - 00:27:40:21

Okay.

00:27:41:15 - 00:27:43:04

Because I think, I think my, my

00:27:44:24 - 00:27:55:18

and I will pass to Diane Abbott in a moment, but I think my conclusions come back to the model versus the actual levels. Um.

00:27:58:28 - 00:28:08:27

And is it okay that those points weren't necessarily be in the vicinity of these two viewpoints? Because if there are three points, they're likely to be high points on the site, for example.

00:28:08:29 - 00:28:09:14

Absolutely.

00:28:09:16 - 00:28:11:09

Yeah. Yeah, yeah.

00:28:16:09 - 00:28:23:15

So if I can leave you to just juggle and try and find a way to help me through that understanding, that would be helpful.

00:28:26:15 - 00:28:27:27

Yeah, that should be fine.

00:28:28:15 - 00:28:29:00

Um.

00:28:29:16 - 00:28:34:08

James, have you got any thoughts on how we might do that. Would you want to think about it?

00:28:36:01 - 00:28:37:05

Have a think about it.

00:28:39:04 - 00:28:46:08

Oh, sorry. Yeah. James Leonard here. Um, on behalf of the applicant. Yeah, I'll have a think and can return to you guys with some proposals.

00:28:46:27 - 00:29:19:17

Thank you. Um, so can I press? Can I move to Diane Abbott? So you have set out some. Very. And thank you for the work that you've done with limited resources as well to and I think, um, you very helpfully fleshed out some things that need to be considered. I do think that some of the applicants, the applicant has responded sufficiently to some of your concerns already. Um, I have to say, I'm I'm not an expert in, uh, landscape and visual impact assessments.

00:29:19:24 - 00:29:51:19

Um, I do know a little bit about digital terrain modeling and 3D studio Max and all of those good things. Um, but, um, I'm looking at this from a quantified point of view. So I you know, I have um, I'm not questioning some of the finer points about parallax corrections and that sort of thing. I'm trying to get a, an understanding of how much I can rely on the visualizations. Um, so, um, sorry.

00:29:51:21 - 00:30:27:02

Going back to Diane Abbott, I think what I've just requested would be helpful because I am surprised there hasn't been correlation with topographical survey information and actual data. So I do have a continuing concern about that and whether at least some spot checking should have been carried out. And maybe it still can be, I don't know. I'll leave that with the applicant to decide. It might be a very quick topographical survey with some representative points could be done rather quickly and compared with the model, just.

00:30:27:04 - 00:30:48:07

To say the location of the viewpoints are, um, effectively surveyed in that we use a GPS when we're taking them. Okay. Um, and again identify various points around. So that helps you get a fix in terms of where the tripod is that information set out within the appendix? Um, the method appendix which I pointed.

00:30:48:09 - 00:30:59:24

Yeah. And I'm not questioning that actually. Um, it's more how the levels of the ground vary compared with what's been modeled. So, so actually I would

00:31:01:18 - 00:31:20:26

I think that's possibly a serious consideration as to whether a quick representative topographical survey could be done of a number of points just to compare with those data sets. Um, so if I could leave that to the applicant just to consider at this point.

00:31:20:28 - 00:31:23:09

So I would certainly consider it, I think.

00:31:24:01 - 00:31:34:23

It's, you know, it's for the applicant to decide whether to progress with that or not. But So sorry. Um, would you like to comment on what you've heard? And, um. Yes.

00:31:34:25 - 00:32:08:00

Um, when I first put forward my original sort of concerns about the models and what I was seeing, it was not based on the topography. It was based on obvious features in the landscape, such as that hedge on the top of the hill that is not as tall as the solar panels on the top of the hill. So I'm very simple and I don't have any of these tools. So, you know, it's just from what I could see. And the applicant has said the reason these models differ from what you were expecting is because of the topography.

00:32:08:02 - 00:32:27:26

Well, you've now proven that it's not because of the topography. So we need to go back and look at, well, does it really look like that in real life? And I think there's been a lot of focus on on what the models are providing, but very little sense checking and what we can see on the photos. Thank you. That's where I'm coming from.

00:32:27:28 - 00:32:36:27

Yeah. And indeed, the examples you've given are comparing height of panels with heights of other features. Is it at different locations?

00:32:36:29 - 00:32:41:29

Yeah. And I've not questioned the topography except from that image that I put in. Okay.

00:32:42:23 - 00:32:47:13

Yeah. Thank you. Can I just explore that a little bit? So, um.

00:32:49:16 - 00:32:50:09

Please. Yeah.

00:32:50:16 - 00:33:15:01

The guidance says care should be taken when using software approaches to determine the size of the render within the photograph. Sense check will be will help ensure the overall placement is correct. I think that's the bit that's missed and perhaps not knowing the site like I do. That's why it's been missed. Um, and that's the the next stage I'd like to see taken.

00:33:15:12 - 00:33:26:02

So in very simplistic terms, you're questioning whether the panels are modelled at 2.7m height throughout your question in that.

00:33:26:08 - 00:33:36:21

And whether it really looks like that and whether the fence is 2.4 or 3m, and whether the building in that picture is 2.3m, like the the applicant state.

00:33:37:22 - 00:33:44:20

Okay, so with the heights of the panels and the features in the landscape are modelled at the correct height. Um.

00:33:47:21 - 00:33:57:00

That that was what was checked. Sorry. Sam Oxley here for the applicant. That was what was checked through the placement of the, um, markers. Virtual markers in the landscape.

00:33:57:02 - 00:33:58:05

Okay. So we've.

00:33:58:22 - 00:34:25:10

Um, rigorously checked the scaling in relation to the panels. The reason that you don't see the panels obscuring the hedgerows, for example, is because the panels are set back, um, three metres from the hedgerows. So, um, if you're on rising topography, then the panels are in the foreground. You can still see the hedgerows behind. So that's, that's the, the answer to that question.

00:34:25:12 - 00:34:27:14

And you've included that in your response.

00:34:27:23 - 00:34:28:08

Um.

00:34:28:19 - 00:34:29:06

Have you?

00:34:29:23 - 00:34:38:03

That was included. Well, reference to the digital markers and a description broadly of how that was done is included within the response. Yes.

00:34:38:05 - 00:34:59:00

Okay. Could could you could you review. So the the concerns that have just been expressed about the height of the panels, the heights of features in the landscape. Um, could you review the submissions you've made on that and see whether more can be added on those points? Um.

00:35:00:05 - 00:35:34:01

Can I can I say an example? If you zoom in at the top of the road on that image, you can see that there is a hedge there. It's probably two meters tall. It might be one and a half, it might be 2.5m tall, but you can't see here. But if you really, really zoom in, the solar panels on the right of that shown is less than half the height, and the solar panels that are on the left of that in the image you a bit less than the height, so it's implying that a 2.7m solar panel is is visually less than a two meter hedge.

00:35:34:03 - 00:35:52:10

You know, it just doesn't make sense. And if that goes across the board on all of the models that have been supplied, um, in the landscape assessments, it says you won't see the solar panels. They won't affect the, the skyline. Well, they do across the whole of the site. They affect the skyline. Yeah.

00:35:52:18 - 00:36:23:26

I think I think the points I made earlier do relate to the points you've made because if the if the digital terrain model is showing lower than actual, it would generate the sort of effect that you're talking about I think so. So there are there are two things. There's how the modeled levels compared to actual levels, but then there's the heights of the panels and other features are correct. So it's the height and where they are vertically.

00:36:23:28 - 00:36:28:11

It's those two things, isn't it? I think I think we've probably explored this.

00:36:29:06 - 00:36:34:17

We need to have a chat with Miss Abbott just to show she can tell me which hedgerows she's talking.

00:36:34:19 - 00:36:35:10

By all means.

00:36:35:12 - 00:36:36:03

Then I'd be able to.

00:36:36:05 - 00:36:52:18

Understand by all means. Not. Not at the moment, if that's okay. But, uh, very much welcome to our conversations about these issues. Um, and to be as open and constructive as possible would, would, would really be valued. We're trying to get to the right answer. Okay. Um, as much as possible.

00:36:52:20 - 00:37:02:09

So the fact I suppose it's worth noting that the intention is, in the longer term, that those hedgerows will be allowed to grow higher than they are at the moment as well. Yeah, we can cover that.

00:37:02:13 - 00:37:10:04

If you, if you, if you're able to have that direct conversation. I very much appreciate that. Yeah. Diane Abbott, are you happy to. Are you happy to have that conversation?

00:37:10:10 - 00:37:11:02

Yes.

00:37:11:04 - 00:37:16:00

Um, yeah. I would still like to see the evidence that I've asked for, but very.

00:37:16:02 - 00:37:43:12

Disappointed in the responses I received. Um, because it basically said, no, you're wrong to me. Yeah, you've got it completely wrong, and I don't. I don't believe that's the case. Some instances on different images, you said. Well, that's much further back in the image and therefore it would appear smaller. Well, actually it's not because it's in the same location, so. So I'd like more rigour on that.

00:37:43:14 - 00:38:13:28

Yeah. And I think that's a fair request from what you said. So I appreciate the additional engagement after that. Engage. Would it be possible to have that you made to do that after this session? I don't know. Would it be possible to have an update from each party with with the things that we've just talked through? Um, but also a deadline five if you could each submit where you think any differences remain if possible. Yeah, that.

00:38:14:09 - 00:38:44:12

I mean, that should be fine. But, um, I just want to again make that point that visualisations Asians are approximations of reality, they aren't reality. And so we will never get to a point where the scheme is represented exactly as it as it might look, or the modelled view might look exactly that. That isn't the intention of visualisations. There are there are tool to aid and assessor along with zone of theoretical visibilities, visibility maps and site work. So thank you.

00:38:44:14 - 00:38:47:13

We're not going to iron out every millimetre of difference.

00:38:47:15 - 00:38:56:02

No I understand I understand. But yeah there's a difference. If we're talking about a couple of hundred millimeters of difference versus something more substantial. So

00:38:57:19 - 00:38:59:00

there's a difference in my mind.

00:39:01:07 - 00:39:05:13

I'm afraid I won't be able to do that for deadline five because I'm sure.

00:39:05:15 - 00:39:08:18

Sure. But yes. Thank you very much. Um.

00:39:11:21 - 00:39:41:29

Let's leave that at, um, as we've just discussed, please, um, I'd like to move on to the to item C, which is the Clinton glare assessment. Um, and I'm looking at the time it's 5 to 5. Um, I'm going to highlight some of the particular concerns I have and request responses in writing. So apologies that parties have made the effort to come along today. I do appreciate that.

00:39:42:01 - 00:40:17:14

I hope you understand the time limitations. Um, so again, these are concerns that Diane Abbott has raised. Um, so, um, the ones that particularly resonated, um, were about the difference between modelling reflections from the mid height of the panel rather than the top of the panel. Um, I didn't particularly understand the applicant response to that at deadline for, um.

00:40:20:27 - 00:40:22:04

So about.

00:40:24:15 - 00:40:31:19

The geometric possibility of certain reflections being seen. It seems to me that, um,

00:40:33:06 - 00:40:34:18
it's more likely

00:40:36:06 - 00:40:43:22
to miss geometrically possible reflections if the middle is modelled rather than the top.

00:40:46:10 - 00:41:02:00
So I think if the if it feels to me. So for example, we're looking at, um, mitigation through hedges. If the top of the panel isn't modeled then.

00:41:05:07 - 00:41:36:13
If the reflections from the top of the panel, they're more likely to be seen over the top of the hedge than reflections from the middle of the panel. So if the middle of the panel is just modeled, what about the reflections from the top of the panel, which would go over the hedge when mitigating reflections from the middle wouldn't go over the hedge to a viewpoint, for example. So so I don't I don't quite understand the applicant response on that one. So I ask the applicant just to reconsider that.

00:41:36:26 - 00:41:37:11
Um,

00:41:39:00 - 00:42:00:09
it doesn't appear logical to me. Um, the second point is, um, reflections at the first floor, the receptors at the first floor of buildings. Again, I don't understand the applicant response to that one. It seems to me that, um,

00:42:01:28 - 00:42:18:26
that should be something that's quantifiable if you're just looking at the ground floor. Then again, the first floor would be more visible above hedges and other things which would, um, not allow the reflections to be seen. Um,

00:42:20:21 - 00:42:36:20
a proxy. The ground floor is used as a proxy for the upper floors. It feels to me again, it's something quantifiable. Um, to look at the reflections to the upper floor, so I. I question that, um.

00:42:38:24 - 00:42:40:22
The sensitivity of.

00:42:42:27 - 00:43:22:23
Um, drivers on narrow rural roads. Um, I live in a rural area myself, with narrow roads and bends. And actually, I have to concentrate very hard in terms of, um, the potential for vehicles to come round the corner that I am not expecting. And if I was to go round the corner and then suddenly be confronted by a glare that, you know, it feels to me that perhaps those sorts of Situations might lead to a different consideration of the sensitivity of the viewer.

00:43:23:27 - 00:43:26:03
Um, and then.

00:43:28:29 - 00:43:43:16
The health and safety issue around there was a comparison with horizontal water bodies, which I didn't understand either. Um, appeared to be very negative here, but, um,

00:43:45:08 - 00:44:04:15

the reflections from an elevated and angled solar panel feel to me very different to the reflections from a lower lying horizontal water body. So a comparison between solar panels and reflections from water. Um, I'm sorry to say again, I don't understand. Um,

00:44:06:00 - 00:44:35:07

I think the, um, the consideration of German guidance as opposed to, Um. Uh, the applicant's own guidance raises concerns, and it would be interesting to understand a little bit more detail on that. Um, especially if the other guidance has been used for other applications and is more onerous than the guidance that PJ power of used. Um.

00:44:37:09 - 00:45:00:12

So there are red flags in my mind about why wasn't that more, more onerous. Um, guidance used. Would that not give a more robust assessment? Have page of powers own assessment criteria being validated against observed results in any way? Not seeing any evidence of that?

00:45:01:28 - 00:45:02:13

Um.

00:45:04:16 - 00:45:06:00

The um.

00:45:08:16 - 00:45:23:27

It would be very helpful to see some validation of the criteria against actual observed um, figures, if possible. Um, I don't know whether that is possible. I think the, um.

00:45:27:09 - 00:45:58:05

The quantification of impacts on horse riders. I was on the site. I've been on the site the last couple of days. It's apparent that there are there is horse riding in the area. There are horse rider warning signs in the area. There are tractors under the vehicles with people at higher than a car in the area. I've seen all of that myself. So, um, it's not clear the extent to which those have really been considered.

00:45:59:08 - 00:46:24:22

Um, and it does appear from my own observations that some of those would be above the hedge line, whereas a car driver wouldn't be above the hedge line. That seemed to be quite clear in a number of Locations. So I'm sorry to have to go through through this very, very quickly, but I hope you get a feeling for the concerns that I have and that, um,

00:46:26:18 - 00:46:33:17

um, have been set up by Diane Abbott in which I'm, you know, giving great importance to, um.

00:46:36:02 - 00:46:40:07

It may be that there's a case here for an independent review of the assessment.

00:46:42:16 - 00:46:44:22

I'll leave that for the applicant to decide.

00:46:47:15 - 00:46:52:08

Thanks, sir. Would you like to respond quickly? I'm very sorry about the timing, but I just wanted.

00:46:52:10 - 00:47:03:04

To say thank you for all of those. And they all noted, um, just on the final point, an independent review has been undertaken of the Clinton Glen work and they had no concerns.

00:47:03:09 - 00:47:12:15

So it'd be helpful to understand that assessment. Who carried it out, what the scope of it was, what the findings were, if possible. Um.

00:47:15:01 - 00:47:21:21

So just just to finalize, please do go through this. Concerns. Um, they are serious concerns. Um.

00:47:25:00 - 00:47:50:06

They do feel to me like things that should be quantifiable, very largely, rather than having to rely on experience and rather than having to rely on professional judgment. Um, the matters of geometry as much as anything else. So quantified responses, you know, would give those naturally much more weight than assertions of professional experience.

00:47:53:21 - 00:47:57:24

Okay. Anything to. Yeah, please. At one point.

00:47:58:17 - 00:48:16:22

Please. Um, Ashley Mckinnis, on behalf of the applicant. Um, I believe that, um, the peer review was undertaken on behalf of the council. Is that correct? And my understanding is that they had no concerns with the assessment of Clinton glare.

00:48:17:06 - 00:48:34:11

Okay. Thank you. Let's just so the council have said that they don't have concerns about the Clinton glare assessment. Um, what's the basis of that comment? Has there been an independent assessment? Has the assessment been looked at by an appropriate professional?

00:48:35:00 - 00:48:35:21

Yes.

00:48:35:29 - 00:48:37:28

Um, the council has commissioned.

00:48:38:06 - 00:48:39:03

Uh, a review.

00:48:39:05 - 00:48:52:29

Of the glint and glare assessment. Um, and I ensure the response, uh, to that was that, um, the, um, methodology and the approach in the modelling was felt to be, um, appropriate.

00:48:53:26 - 00:48:58:04

Could that be shared with the examination? Of course, sir.

00:48:58:06 - 00:48:58:26

Thank you.

00:49:00:15 - 00:49:01:28

Okay. Um.

00:49:04:02 - 00:49:04:24

Councillor Wilton.

00:49:05:00 - 00:49:05:16

Just very.

00:49:05:18 - 00:49:22:28

Quickly, I just wondered, did the council did the council's Firm that did this consultant. Sorry. Did they look at Diane Abbott's representations in detail? Because I wondered if, as that's been mainly what this had been centered on. Thank you sir.

00:49:27:03 - 00:49:31:00

That's something we'd have to check on, sir. I'm not okay. Thank you. I'm not entirely sure.

00:49:31:02 - 00:49:49:18

Yeah. Thank you, thank you. Um, let's leave it there. I'm sorry not to have had more time to go through glints and glare. Um, hopefully. Um, it would be very helpful to move this along substantially by deadline. Five, please. Um.

00:49:52:09 - 00:49:55:14

Let's leave it there for now. Um.

00:50:00:02 - 00:50:16:02

Are there any very quickly other points that parties would be, would like to make on landscape and visual and glint and glare looking around the table. Any more points? No. Anybody on Microsoft Teams, please?

00:50:19:03 - 00:50:26:12

No. Right. So that brings, um, item six to a close. Um.

00:50:29:17 - 00:50:31:29

Bear with me a moment, please. Um.

00:50:34:11 - 00:50:38:02

I had hoped to cover item seven today, I think. Um.

00:50:43:03 - 00:50:48:05

So we'll we'll pick up from item seven at 10:00 tomorrow morning. Um.

00:50:51:07 - 00:51:27:16

Perhaps the applicant and other parties could could have a look at the submissions from Staffordshire County Council and Leicestershire County Council. Um, before then, that would be helpful if possible. Um, I'm not proposing to go through. They. They've said that they won't be attending this hearing. So I'm not proposing to go through B and C in any detail. Tomorrow £0.07 and 70. Um, I do think there are some matters in relation to Staffordshire County Council that would merit the applicants consideration in writing.

00:51:27:20 - 00:51:58:05

But I'll make that point again tomorrow. Um, but that will leave the other items into item C for us to work through tomorrow. Um, along with items eight and item nine. Um, I feel content that there will be sufficient time tomorrow to deal with those as necessary, but there will be items to be taken in writing again. Um, I will give some thought as to which ones to concentrate on in tomorrow morning's hearing. The continuation of this hearing.

00:51:59:04 - 00:52:12:12

So, um, we're going to adjourn this hearing for the day. Um, it's 17. Oh 1707. According to 1708, according to, uh, my device here.

00:52:12:29 - 00:52:46:09

We'll just, uh, just before you adjust, please. Yes, please. Yeah. But for by the, um, it's just to put it out to play. Particularly in on the subject of ecology, there was a long list of items to be worked on between the parties as quickly as possible. And it really is a plea. If we can do this openly, please do not want to create a bickering match at the end of a a long day. But we do need, uh, quite close engagement from, uh, District Council and from Natural England if we're going to get those issues closed out.

00:52:46:11 - 00:52:55:15

And I would be remiss if I didn't raise that. I'm not saying council don't want to say anything back again, but, um, from here there needs to be fairly quick engagement.

00:52:55:17 - 00:53:29:14

Yeah. If I can. Um, reading between the lines a little bit, um, it is generally far more helpful to surface issues during the examination and to deal with them during the examination. Um, then afterwards, if there are matters unresolved, then, um, I am one of those examining inspectors who will um, in its report, say that will highlight matters that have not been resolved and will potentially have a list of matters to be consulted on during the decision process.

00:53:30:13 - 00:54:00:27

Um, so they would have to be taken up directly with the Secretary of State and the department at that point, so the matters won't go away. Um, it is very helpful to try and make progress at this stage. Um, otherwise they will just continue and continue and we'll have to get another party involved who knows less about the history. Um, initially. Um, so it's generally easier, in my experience, to resolve things during the examination as much as possible.

00:54:00:29 - 00:54:13:23

And if things can't be resolved, to get a very clear statement about the respective positions of the parties. Obviously, it may not be possible to resolve everything. Um, what I would say as a.

00:54:15:24 - 00:54:47:21

I'll make a close now. Let me mention this now. So my intention is, is I think good progress has been made. There are a number of important issues to bottom out currently, and this isn't a firm commitment. My intention is to close the examination after the final deadline currently. So that will be around the 19th of December. Um, so that is a little earlier than the six month period. It would miss the holiday period, which perhaps parties might be relieved to hear, although it's bad news for me in writing my report.

00:54:47:23 - 00:55:14:10

But there we go. Um, but my intention is to try to close around the 19th of December. Um, I think that would generally be reasonable and beneficial. Um, but please bear that in mind when considering how quickly you need to respond to matters and get together. So I just mentioned it in that context. Really? Um, okay. Um.

00:55:18:10 - 00:55:50:13

So, uh, we're now going to adjourn for the day. We'll recommence with agenda item seven at 10:00 tomorrow. Um, seating tomorrow will be available at the same time as today from 9:30 a.m.. The arrangements conference will start at the same time at 9:30 a.m.. The live stream will start at 10 a.m.. Um, thank you all for all your assistance today. It's been a valuable day. Um, it's helped to shed some light.

00:55:51:02 - 00:55:56:25

Um, I look forward to similar discussions tomorrow. This hearing is now adjourned. Thank you.