

Mallard Pass_ISH2_12 July_PT3

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FULL TRANSCRIPT (with timecode)

00:00:05:01 - 00:00:11:26

The time is now, 2 p.m., and it's time for the hearing to continue. I'd kind of just confirm that everyone can hear me clearly.

00:00:13:17 - 00:00:21:15

Thank you. Can he also confirm with Mr. Gregory that the live streaming and recording of the event has commenced?

00:00:23:19 - 00:00:24:05

Thank you.

00:00:26:29 - 00:00:37:12

Okay. So moving on to agenda item number five, which relates to ecology and biodiversity matters.

00:00:40:01 - 00:01:00:21

Again, just to stress that there are a number of issues that are to be considered. We may not cover every issue that's been raised with us to date, and we're focusing on those issues that we believe would benefit from discussions today. But there may well be further questions raised at second written questions which will come forward in due course.

00:01:02:29 - 00:01:33:13

In terms of item five A then which relates to biodiversity net gain, and it's noted that the metric biodiversity net gain metric, which is app 064, indicates that there's a possibility for 70% net gain in habitat units and 40% in habitat units. However, requirement seven of the draft development consent order, as currently worded, only commits to a minimum of 10%.

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Can you please explain why the draft

00:01:39:21 - 00:01:44:14

as currently worded, does not commit the full extent of net gain? That could be possible.

00:01:45:13 - 00:02:17:17

And Mr. Foxman, the applicant. The answer to that is at the moment, we didn't think it would be prudent to commit to a specific number. The context for this is that the metric is based on calculation. It's calculations are based on what we've submitted in this application. In terms of areas of habitat proposal, we created the detailed length. And as discussed earlier, the data limits need to be brought forward in accordance with the Olam, which has a green infrastructure plan in it, which informs the metric.

00:02:17:19 - 00:02:59:01

And the requirement requires detailed lengths to be substantially in accordance with that olam. What that means is that essentially we will certainly reach that number, but it might be that we don't reach

exactly that number because depending on detailed design and certain constraints and the appropriate detailed length, it may mean that, you know, a point of a percent might get lost in various places or gains. In fact, once we've got things like the detailed mitigation measures in play, so we put in 10% because that is going to be entitled not currently, but will be after this content is granted, the statutory, the likely statutory position.

00:02:59:23 - 00:03:17:09

So we're committing to that minimum. But at this point, we can't commit to that specific number, not least on the face of it and everything that that means in that context. But the securing of a large number is secured because it's based on the lamp and we have to be in accordance with that.

00:03:19:01 - 00:03:46:29

Thank you. There is quite a significant gap between the minimum 10% and the gain that's expected, though I appreciate there could be some variation in the percentages that can be delivered when the various management plans come forward. But there are seems to be quite significant gap between the two and net gain percentages at the moment. I don't know if there's anything that can be done to address that point at this stage or whether you could think about that.

00:03:51:14 - 00:03:57:26

Oh, let. Sorry. Haven't introduced yet. John Baker College at BSG to expand on that.

00:04:00:03 - 00:04:36:29

Thank you, sir. John Baker from BSG. On behalf of the applicant, yes, there is a substantial chain. Difference between the ten and the 70 odd, and that is probably just speaks volumes to the green infrastructure that is being put in. Um, the metric calculations are area measurements taken from the green infrastructure plan, and the vast majority of this gain is being secured by grass and creation both within the array and outside of the array. So to bring that number back down to anything like 10% would require very major changes to the green infrastructure plan, which are not predicted at all.

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So while we can't give a pretended potential variation or confidence limit, there be nowhere near 10%

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as far as can help. Hope that helps.

00:04:48:18 - 00:05:05:17

It does. I guess my point is it seems to be quite a cautious approach in terms of the wording of the draft. One concern, sort of committing to the 10% when what I think you're saying is that it certainly won't be as low as 10%. It'll be it'll be above that. It's just how far above. It does seem to be a cautious approach that's been adopted.

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Mr. Fox is part of that. We can take this away, but I suppose I'm just very cautious about putting a number on the face of the DCA and what that means. The reassurance comes from the fact that it's based on the and we're centrally in coordinates with that and to that which to that extent I think it can still be relied upon as a benefit that's being secured because it's what the metric is based on. That's the key. And the and the requirement is right on that.

00:05:43:19 - 00:06:07:11

Yeah, interesting point on the benefits in that. One of the issues potentially is that we can't assign as much benefit as weight to the benefit because only 10% is guaranteed through the requirements and whether we can attach as much weight to it to a speculative 70% is a debate to be had, I guess, but something to ponder.

00:06:07:14 - 00:06:27:02

Yes, we can take that away. But I think our position is we would disagree with that contention because what is secured is the ownership and the land shows that's a green infrastructure plan that shows all the habitat that's being created. So that must be created. Um. So therefore you can. Therefore it is secured.

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So think, think, think. It comes down to

00:06:35:07 - 00:06:39:11

the number versus what's shown on the plan and in terms of weight.

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Okay. Thank you for some related questions. Review units are not included at the moment. I think there's uncertainty due to works on the West Glen River with Anglian Water. Um,

00:06:57:25 - 00:07:19:09

clearly that gain is monetary forensics at the moment, but we'll become so in 2025 and believe you've been working with Anglian Water to work through those kind of issues. Have you got any update in terms of when there'll be some clarity on those works and whether there's any potential for river units being cleared at a later date?

00:07:19:11 - 00:07:39:05

And that will let Mr. Baker come in. But think we need to be clear that those works are not part of our scheme. That that is Anglian water scheme that we are leaving room for them to be able to do as they will. So anything that they do we can't count to, to our being because it's their scheme not ours.

00:07:39:23 - 00:07:51:06

Understood. But. My reading there was because of the uncertainty of their work. That was the reasoning why there was no review and it's included in your calculation, is that correct? Let me.

00:07:51:16 - 00:07:52:01

Come in.

00:07:53:20 - 00:08:28:27

Mr. Baker. Sir John Baker from. On behalf of the applicant. Um. The the river units are included, but the the the way the metric works requires substantial uplift to get 10%. You can't just make the value slightly better and get a transferable value increase. It's based on bands, if you like. You either fall within a 1 or 3 categories and it's very difficult to shift, especially when you only have control of a certain part of a very large catchment because it is about silt flowing in and all these kind of things.

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So it was basically it was deemed that we are doing quite a lot of benefit to this river. It might not be measurable in the context of the metric, but removing the pressures of arable farmland immediately adjacent to it and replacing that with scrapes and grassland and wet woodland would inevitably benefit it. Um, again, very difficult to capture via a metric with the small amount of river we do have and without requiring quite substantial changes to profiles and upstream and downstream etcetera.

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Okay. Thank you.

00:09:02:14 - 00:09:21:29

This just add, add to that. Um, if you could just, um, elaborate on, on the extent to which the metric is metric and has a certain way of working, but in terms of our actual, um, the change in the baseline to the water, water, ecological environment and what our impact is on that, which is essentially minimal.

00:09:23:04 - 00:10:02:16

Sorry. John Baker again for the applicant. Um, yeah. So the metric is, is an empirical way of measuring that and it doesn't necessarily capture everything, Um, enhancements like adding opticals and these kind of things are just not considered. Um, we are the, the flows, the surface water runoff from arable is a pretty substantial problem in most rivers and we are doing our best with the land. We can do control in the order limits to help that and reduce that new grassland basically meaning that there is no exposed soil to get, you know, washed off and heavy rains and autumn is one of the benefits we will be delivering via this this design.

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Thank you.

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Um, just staying on the the metric. Um, it's noted that biodiversity metric 3.1 was applied in the submitted metric. Um, but also the Secretary state in the recent Longfield decision amended the wording of the draft of the final developed consent order to refer to the use of the latest currently published version of the metric at the time um that the the lamp would be submitted for approval. Um, just interested to hear the applicant's views on on that particular change that was made and any possible scope in relation to the proposed development here.

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Um, I'll, let me come in. But suppose at the moment we are isn't set up in the same way as Longfield is in terms of referencing the metric. Um, the requirement requires us to show how the measures achieve a minimum of 10% being. Um, and it will be for the discussion with the at the point that we're submitting the detailed account to agree which form of the metric is used to say whether we're achieving that minimum.

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Okay. But it wouldn't be

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unreasonable potentially for it to refer back to the latest published version, potentially.

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Jump back on behalf of the applicant? No. And think the the explanatory notes that are out with DEFRA for or almost removes a grace period if you like. The application was started or logged with you with pins with a 3.1 because that was the valid metric at the time of submission. Not want to say three weeks ago, four weeks ago when that report was released. So yeah, it's it's not beyond the realms of possibility for change to change to it. And indeed it is in the hands of the to request that if they wish to request it via the new metric.

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Um, I would say that from testing the two together, no massively significant value changes have happened. So again, up to the but it won't shape the results of the assessment we've done to date. The weighting of habitats is much the same. There are some nuances in how habitats are recorded, but the condition assessment essentially has in check, which is one of the many multipliers, is essentially unchanged.

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They even look the same for once as opposed to normal change.

00:12:44:07 - 00:12:52:01

Thank you. That's. That's helpful. Um. Would any of the local authorities like to comment on that, please?

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Thank you, sir.

00:12:53:12 - 00:12:55:15

Justin Johnson, Rutland County Council.

00:12:55:26 - 00:13:26:08

And my understanding from some recent training that we were having on the metric was that, um, the metric that should be used would be the most up to date version. And for the purposes of the topic that was on was validating major applications, was that if it wasn't in accordance with the most up to date metrics, then it wouldn't be valid. So from our side of things, we would expect it to be the most up to date one.

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And if they could confirm that, then that would certainly give us the certainty that we'd be looking for.

00:13:33:24 - 00:13:38:04

Thank you. Thank you. Any further comments?

00:13:39:22 - 00:13:41:16

Yes. Dr. Williams.

00:13:43:03 - 00:14:13:16

Thank you very much. Good afternoon, everybody. James Williams, on behalf of Allen Pass Action Group. I've got a number of comments I'd like to make here, if may please. So bear with me if I can. The calculation process is complex and although I've had a look, it's not possible to check all the results without the data to input, and therefore the assessment is not transparent and may be subject to errors. And there are a number of points around that.

00:14:13:18 - 00:14:44:09

So for example, the game crop cover or margins in environmental schemes being changed to Tuskegee grassland is potentially a loss at the start. The hedges, trees and verges which are damaged or removed off site for construction purposes, not actually clear whether that is counted or not. And the tree line, if all the woodland areas are encapsulated within the order limits. But not part of the order limits, then that creates an artificially low baseline.

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And therefore, there are some questions to my mind about exactly how the metric has been applied. There's then some questions about. When the decommissioning happens that the biodiversity net gain from grassland will be lost. There will be a huge release of carbon back into the atmosphere. And similarly, whether all of the hedgerows that have been planted will be retained or not. And that depends, obviously, on what the landowners wish to do when the land reverts to agriculture.

00:15:16:02 - 00:15:48:20

So I'm afraid I feel that the habitat changes are not, again, given the expectation that the land will revert to agriculture again, will then become a loss. And that doesn't help the issues of biodiversity loss that the UK is facing. This is biodiversity churn, not gain. Hydro changes don't require a solar

farm to be achieved, they just require changes by existing landowners. And also want to make some cross reference into the mitigation section, please, and apologize.

00:15:48:22 - 00:15:55:17

This is jumping ahead slightly, but these issues are interrelated and I think it's important that we consider them in the rag.

00:15:57:05 - 00:16:27:11

The establishment and management of the grass and areas is key to achieving any of the ground, any of the gain that the applicant is suggesting. However, the nitrogen status of agricultural land, the seed bank in the soil and what is planted will all have an effect on what is established and therefore the quantity and quality of any gain that might be achieved. And again, looking at the mitigation as a question whether the water area will be no change.

00:16:27:22 - 00:16:39:23

If there are issues of nutrient runoff, then the watercourse will be affected in a negative manner. And I'd like to come back to that point when we come to the mitigation section of the discussion, please. Thank you.

00:16:41:21 - 00:16:53:06

Thank you. Dr. Williams. Any further points from other interested parties on the issue for give the chance to come back? Yes. Mrs. Holloway, this is.

00:16:53:08 - 00:17:18:10

Holloway from Mallard Pass Action Group. Think just the one point I wanted to point out. In support of our position between which biodiversity net gain metric should be used, 3.1 or 4 if they use the most up to date one, that will mean that they have a mandatory legal commitment to to maintain it for 30 years. As I understand it, with the 3.1, there is no commitment.

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Thank you.

00:17:23:17 - 00:17:24:09

Yes.

00:17:25:04 - 00:17:34:11

Just briefly from East Point of view. Yes, we would expect the latest metric to be used for exactly the same reasons. We do have concerns about transparency as well.

00:17:35:16 - 00:17:43:07

Thank you. Noted. Um with the applicant. Like to respond to those points, please?

00:17:43:15 - 00:18:14:11

Yes, I will bring Mr. Baker in, but just a couple of points for context. First of all, natural England has not raised any issues with our approach and its agreed in statement of common ground with them. I think that's important context. As a statutory conservation body and as many other projects, you don't get that far that quickly. So I think it's important that they've agreed to it. I think we can take away the point about the metric.

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I would be reluctant to specifically say it's metric 4.0 just because of the point that that metric has already changed multiple times. So I think we would be referencing whatever is the latest metric at the time of discharge is particularly with the government by the end of this year, soon to decide what

is the statutory metric, so to speak. Um, and I understand within the industry there's some discussion about whether that might be 4.0 or it might be something else.

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Um, the, and then the point about.

00:18:51:25 - 00:19:28:24

The years. That's not a requirement of the metric per se. It's the development of the government policy on this point and not the metric that says 30 years. It's the environment and the government policy. And what I would say on that is that obviously the the government policy on steps is still being developed and the Structure of the Environment Act is that they will produce by biodiversity gain statements that will explain, yes, that 30 years what that means in the context of different types of infrastructure developments, including soda, which isn't itself a permanent.

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But we had suggested that it isn't itself a permanent development in terms of basic concept. So we have committed in the lamp for the measures we committed in for the measures that are in the lamp to be maintained for the entire operational lifetime of the project and in the framework Decommissioning Environmental Management plan. We committed that the woodland planting and other mitigation planting will be handed back to landowners to do what they what they wish.

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But beyond the point that we are there, we are no longer there and the development is no longer there and it's with the landowners.

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Coming on? Yes, on the technical points.

00:20:16:16 - 00:20:56:23

Sorry. Hello, Mr. Baker again. Baker for the applicant. Um, on the metric, we did submit it. It's appendix 7.6. And to this point in the last written representations. That's app 064. And it is there from all the data from the start to finish before or after enhancement creation. ET cetera. Again, this is one of the elements that was reviewed by Stantec and found to be robust in their assessment. Grant That didn't go and double check our findings on the site, but they did look at the metric and assume sorry concluded that assessment is robust and the findings are correct or robust.

00:20:57:18 - 00:21:18:08

Um, and yeah, mirror my colleague's point on the metric. If we requested to move to the 4.0, we can do that or the most up to date. The problem is, is to sometimes just spring out and if it's a couple of days before their final application, we might struggle. That's all I'd say. But again, we'd commit to whatever is requested at the final stage.

00:21:21:12 - 00:21:31:04

Thank you for confirming that. Um, we have Mr. Willis from Lancashire County Council online with his hand up. Would you like to speak, Mr. Willis?

00:21:31:26 - 00:21:45:26

Yeah. Thank you, sir. Just really to say again, really, we support what what I've heard, particularly from Rutland County Council and others with regard to, um, the necessary requirement that they include the latest version of the.

00:21:46:07 - 00:22:11:27

The metric and also the early start of the conversation around the percentage commitment. I suggest that's possibly an issue that I say you can take it outside and welcome a further input. It's also probably a matter that can be discussed tomorrow as part of the drafting agreements for the DCO. But yeah, very much good support wording to the effect that ensures that commitment is there to therefore give credence to the benefit that's being offered as part of the scheme.

00:22:15:06 - 00:22:16:04

Thank you, Mr. Willis.

00:22:17:25 - 00:22:21:27

Any further points before we move on? One final point.

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It was just to ask Mr. Baker of what he speaks next time, if he could just speak up a bit, finding it very hard to hear what he's saying.

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Thank you. So apologize. Think I should have the microphone the other side and when I'm facing the inspector, actually catch it. Sorry.

00:22:38:12 - 00:22:39:00

Thank you.

00:22:39:11 - 00:22:55:09

Okay. Moving on with the with the agenda then to be which is the shadow habitats regulation assessments and particular the Bastion Special area conservation or SAC and the consideration of in combination effects.

00:22:57:05 - 00:23:33:20

The applicant's Shadow Habitats Regulation assessments states that the impact pathway between the proposed development site and the bastion SAC has been assessed in Chapter 11 of the environmental statements. However, the applicant response deadline two two matters raised states that this is not assessed on the basis that the site is beyond the five kilometre study area, although it is acknowledged that the scientists hydraulically connected to the SAC, it is stated that the five kilometre study area has been established based on professional judgement.

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Can you please provide further justification for the five kilometre study area used?

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I'll have the applicant. I'll bring in Mr. Baker.

00:23:53:01 - 00:24:10:19

Yes, Mr. Baker and myself. Mr.. Sorry behalf of the applicant. It's a slight correction there. We have considered it in the shadow within 4.4. I think it might be a hydrology that discounted it on distance rather than ecology.

00:24:12:14 - 00:24:18:29

Which stations 4.4km away. And we do consider it as part of the shadow habitat regulation assessment. Sorry.

00:24:21:18 - 00:24:22:23

Thank you. Noted.

00:24:23:10 - 00:24:31:12

So we should say we do have a water question on the teams. Call Mr. Nevins. And if you wanted to add anything on that.

00:24:32:09 - 00:24:34:08

Yes, please. That'd be helpful if that's possible.

00:24:36:06 - 00:25:04:23

Mr. Evans, on behalf of the applicant. The five kilometre study area has been established over several applications regarding hydrological assessment and it's based on professional judgement whereby the attenuation and settlement of sediment and any polluting chemicals would occur over that particular distance and therefore any receptor beyond five kilometres that's of a surface water nature would not be impacted should any releases occur.

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Thank you.

00:25:19:24 - 00:25:21:27

The comments in this point. Yes. Dr. Williams.

00:25:23:08 - 00:26:03:21

Thank you. If can pick up the impact on the please think the key point here is connectivity. And the issue around dilution, I think actually depends very much on what happens in terms of the establishment and particularly the management of the meadows that are being suggested because the nutrient status of that water and therefore the impact on the habitats of the SAC and the spine loach as the feature for which the is designated will be impacted if there is increased nutrient load into the river.

00:26:04:02 - 00:26:44:23

And the issue I'm seeing here is with respect to the way in which the meadows are suggested to be cut and then storing the arising on site and if cutting meadows every two years and storing the arising on site is likely to lead to a huge quantity of rotting vegetation, just think how slowly the cutting grass cuttings in your compost break down. And therefore this to me raises a big risk of nutrients into the groundwater and into the river and the potential for water, weed growth, eutrophication and decreased oxygen within the water.

00:26:45:03 - 00:27:15:17

And that isn't just at the point that it goes in, but it will be flowing down river. So the issue is actually how the nutrients are managed on site and therefore to avoid that potential impact is critical in terms of how the mitigation may actually be put in place. So I'm afraid I'm not convinced in terms of the way in which the suggestion is that there's no connectivity there.

00:27:16:01 - 00:27:46:18

The other issue is around the sluice gates, and this is a suggestion that it's unlikely that they would both be opened at the same time and therefore there wouldn't be a flood risk issue into Paston Fen. Again, that depends very much on the way in which the water is managed and the runoff that may happen from the solar panels onto potentially compacted ground into the river and the potential that actually both sluice gates may need to be opened at the same time.

00:27:46:20 - 00:27:52:00

So I'm afraid I'm not actually very convinced by the arguments that have been made. Thank you.

00:27:54:24 - 00:28:00:17

Thank you, Dr. Williams. Could the applicant briefly come back on those two points, please?

00:28:01:01 - 00:28:21:03

Yes. I'll first bring in Mr. Evans just to talk about the the flow of water, essentially. And then I'll bring in Mr. Baker just to briefly talk about management of grass cuttings and remembering, of course, that this is comparing to the current baseline situation and everything that happens from farming. Mr..

00:28:22:13 - 00:29:07:14

Thank you. Mr.. Evans On behalf of the applicant, I think we'll probably cover surface water runoff in later session in September 7th. However, there are several documents which outline measures to manage surface water runoff from the document. Sorry, from the DCO order limits specifically the establishment of a vegetation sward which would essentially retain more water on site compared to the baseline scenario. And obviously the enhancement areas have been looked at within the outline surface water management strategy, which is at 087 and are shown to retain water on site, on site with greater density of vegetation.

00:29:07:16 - 00:29:33:29

So water management and runoff is is absolutely covered within the application and would also point to the fact that there are several measures such as swales check dams to control runoff during the construction phase and they may be retained for the operational phase to ensure that surface water runoff from certainly the areas is managed to better than baseline condition.

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Thank you.

00:29:41:07 - 00:29:42:09

Okay. Think we'll, um.

00:29:42:25 - 00:29:48:09

Sorry. We were going to bring on the. On the other point, which is the management of the vegetation.

00:29:48:11 - 00:29:49:19

Yes, please go ahead.

00:29:50:23 - 00:30:21:05

John Baker, on behalf of the applicant. Um, yeah. As my colleague pointed out, there is there's a baseline currently which is arable land where nutrients are added yearly. The grass, the, the crop is cut and plowed yearly shortly before the heavy rains. And it's done specifically in autumn or late summer to avoid having to go in and wet conditions, which leaves the soil exposed during heavy rain. Management or creation of meadows is the exact opposite. We don't add nutrients to the soil.

00:30:21:07 - 00:31:01:06

The grass will establish the grass, the wildflower established on the meadow in a question of a couple of years, whatever it might be. According to the conditions, the grass cuttings will be stored on site. But again, that is baseline levels of nutrients piled in one location as opposed to extra nutrients being added on a yearly basis to keep farmland going. So again, I'll reiterate the point before nutrient flowing downstream from this site will actually decrease and that will be secured by measures in the length about where they're stored and how to store these are and the complete lack of any new fertilizer being added to it.

00:31:01:09 - 00:31:16:22

As background, I'm sure most people who were talking to will be aware, um, high nutrient levels are actually the enemy of creating a biodiverse meadow. You need much lower nutrient levels. So we by all means we'd stop adding nutrients to that murder. Thank you.

00:31:19:20 - 00:31:26:06

Thank you. That's, uh. That's helpful. Um. One final point, and this is really before we.

00:31:26:15 - 00:31:50:29

Just for clarification, think we need to establish whether on the baseline figure, whether those arable fields which do border the river have actually got wide grass margins because know a number a little bit further up the river near where we live have got six metre margins along that river, which would go some way to actually mitigating the inference which has just come from the applicant.

00:31:56:02 - 00:31:58:28

To possibly briefly just respond to that. Thank you.

00:32:00:00 - 00:32:26:28

Yeah. Sorry. Hello, sir. Tony Kernan from Kernan Countryside Consultants for the Applicant. I think those fields do have grass margins. Most fields now do. It's a sort of requirement of the basic pavement level. So those arable fields would tend to have an area around them for exact words. It's a mixture of things. Partly it's the nutrients, partly it's biodiversity, bugs and beetles, etcetera.

00:32:29:02 - 00:32:59:18

I think the point that's being made is that there's a lot of other arable land which is obviously in this catchment area. So we've been talking about the management of particular part of it, but there's a lot of other arable land which will go to grassland cover with the panels on with, with sheep etcetera. So runoff from those areas that might be carrying nutrients is all collected in the grass. So it will overall be a reduction over the situation at the moment.

00:32:59:20 - 00:33:05:11

And the point was raised about soil compaction. I think we'll probably cover that in the next session. So.

00:33:06:10 - 00:33:36:24

Yes, we will. We will come to that. Thank you. And moving on to the next question then. Natural England. Unfortunately, you can't be here today in their deadline to submission their written representation and response to our first written questions suggested that further rationale would be required regarding combination assessment providing the shadow. Given the fact that a pathway exists between the AWD limits and the bus and van sack Deadline three.

00:33:36:26 - 00:33:50:22

The applicant suggested that that would be a necessary and disproportionate update. The Shadow HRA. However, given that it would be the Secretary of State of the competent authority he will need to ultimately determine on this matter and.

00:33:52:15 - 00:33:58:24

Just please be able to reconsider the scope to update that in light of natural advice.

00:34:01:05 - 00:34:19:26

And Mr. Fox. I'll answer first, just. Just to say that we've not heard back in action. You can think about what we've said at deadline three, first of all. So we will need to see what they say to that. But I'll let Mr. Baker just re-emphasize why we think this is not necessary and vastly inappropriate.

00:34:20:23 - 00:34:21:22

Unfortunate

00:34:24:25 - 00:34:57:11

jump back on behalf of the applicant. Yeah. So don't want to waste too much of your time going back on the same points but it was in combination effects is about figuring out how many other things could be having an adverse effect on the projects, for instance, would be having adverse effect on the SAC. If your project or in this case the application for Mallard Pass is not going to add anything to that. The existence of a pathway is absolutely acknowledged, but the level of of the existence of an effect is what we're saying won't occur.

00:34:57:15 - 00:35:22:11

So if you add zero to any number, it's the existing baseline is what there is. So the process of identifying whether this project would in fact in combination with others, have a significant effect. If we can't add an effect to whatever is happening or is proposed to be happening, then it can't be. It's disproportionate to include it in this assessment, which is what we were putting forward.

00:35:25:04 - 00:35:34:08

Thank you. Yes. Think we will seek clarification from from natural England. Their interpretation of your response. Deadline three. Through written questions then. Thank you.

00:35:37:07 - 00:35:37:24

Okay.

00:35:43:00 - 00:35:49:03

Moving on to item C on the agenda. Ecological mitigation.

00:35:50:18 - 00:36:16:20

And there have been concerns raised around the potential impacts of light goods, vehicles and cars, damaging species, rich grasslands on roadside verges during construction. Some roads are too narrow to allow two vehicles to pass. This includes the whole pasture and little Warren Verges, Triple C and Connecticut. Please comment on how this particular issue has been taken into account.

00:36:19:24 - 00:36:20:15

But, Mr. Baker.

00:36:23:18 - 00:36:38:01

Mr. Baker. On behalf of the applicant. We've assessed damage to road verges in the sense that we have in the transport plan. There are identified locations for passing points. The passing points would be what would be used.

00:36:39:16 - 00:37:15:28

None of these are located actually within the triple A small number. And forgive me, I can't remember the number, but it is in our responses would be located in local wildlife sites. But there is a process by which those would be created and then reinstated the reinstatement of biodiverse rich grassland with a sort of calcareous feel, which is what there is a lot of in these verges is quite easy in comparison to other habitats. It is sort of, you know, reversion to the soils and potentially selective planting and seeding that is included, I think in our role or the account

00:37:19:04 - 00:37:23:11

in terms of accidental damage by other vehicles. I'm not sure I can speak to that necessarily.

00:37:24:00 - 00:37:36:12

And I'll just add that because obviously our routing strategy is for HGVs to come in one way and leave another, thus avoiding crossing each other.

00:37:37:26 - 00:38:02:16

Yeah, I think the point here wasn't. It was like squad vehicles and cars and it wasn't the local wildlife to appreciate. There are some passing points that are being provided. It's the triple which believes actually outside the board limits. And what concerns have been raised about the potential for vehicles not being able to pass one another, passing through that and therefore may damage it. I.

00:38:06:19 - 00:38:09:06

I think we can. We can take that away.

00:38:09:08 - 00:38:11:07

So thank you. Okay.

00:38:23:18 - 00:38:24:24

Yes. Dr. Williams.

00:38:25:25 - 00:38:26:15

Thank you.

00:38:28:01 - 00:39:06:12

James Walton, speaking on behalf of my past action group. And I'll try to remember to do it this time. Apologies. Um, so think there's a couple of points I'd like to make here. The first is with respect to the creation of those passing places and then their reinstatement, the underlying soil and geology for doing that is critical. So there are some questions there about the methods that will be used in terms of making sure that the soil, for example, that's removed is the soil that's put back, because otherwise you're in danger of creating a different geological conditions, even on a minor detail.

00:39:06:26 - 00:39:38:02

Um, I wouldn't say that creation of that sort of grassland is easy. I think would say that it requires quite some attention to detail and think that therefore would be concerned about if there is a cutting away and reinstate it. And then on decommissioning, there's also a cutting away and reinstatement. There are some questions about whether that doubles the damage. So I think there are some issues there that need to be resolved in the plans that are put forward and in the DCI.

00:39:38:28 - 00:40:16:02

I think I'd also say about the management of traffic. Um, do have some fairly severe concerns and raised this in my relevant representation as a personal level about the way in which those verges could be damaged, both from light goods, vehicles, personal vehicles, HGVs pulling off the road because they've got a tractor coming towards them or tractor going off the road. So I think there are some real issues about the sorts of vehicles that may be trying to go down, very small country lanes and the damage to actually pretty rare verges that are in place down there.

00:40:16:04 - 00:40:27:26

The local wildlife site has had a lot of attention to get it to the state. It is to be able to have that damaged. Going forwards is not a palatable prospect. Thank you.

00:40:31:20 - 00:40:36:01

Thank you, Dr. Williams. Mrs. Holloway, would you like to add to that?

00:40:36:21 - 00:41:12:01

This is Holloway of Malabar Action Group. Think just to add what James said, that particular road is a cut through for small traffic to the A1. So given that there will be more in, you know, inbound and outbound traffic for the workers, they're going to be coming from somewhere and there won't be any enforceable restrictions on people in cars. I know myself, whenever I come off the A1, I come off and I come right through that particular road because that's going to be the closest way to get to the site from the A1.

00:41:12:14 - 00:41:17:24

So I think that just needs to be a consideration of that kind of traffic as well. Thank you.

00:41:18:09 - 00:41:23:04

Thank you, Mrs. Holloway. Um, would like to respond.

00:41:23:06 - 00:42:03:15

I think just two points I like to make. First of all, is the point around the restoration of the road after the passing places. Um, that is the controls that essentially by requiring it to be to the reasonable satisfaction of the highway authority. Um, and then the second point was just in relation to the, um, the, the need for vehicles to stray onto Chip, as I and our expert, our Transport Minister joins next to me. But I think the starting position is, um, we analysed where passing places were needed on the basis of the traffic movements that we were creating and where passing places were needed.

00:42:03:17 - 00:42:20:27

They've been put in place as agreed with the, with the local authorities. Um. And mindful of the fact, of course, that there are existing agricultural vehicles that use this road at the moment and of the site. But I'll let my Mr. Kirby from Velocity Transport Consultants to just explain that a little bit further.

00:42:21:23 - 00:42:56:00

Good afternoon, Mark Kirby For the applicant think listening to the room, the point that's being made is not necessarily about the heavy goods vehicles and the routes that have been agreed for heavy goods vehicles approaching not just the the primary compound, but the secondary compound. The point that's being made is in relation to light goods vehicles and the fact that they could use any of the surrounding road network to access particularly the primary compound or secondary compounds when those are being used. The outline construction management plan and of course our transport assessments did consider the access routes for light goods vehicles.

00:42:56:02 - 00:43:28:12

Of course, at this stage where staff, particularly staff who would be approaching the site by light goods, vehicles, cars, vans. It's not entirely clear as to where they're going to come from yet. There could be accommodation provided for them in localised facilities. Shuttle bus has been identified. The assessments that have been undertaken identified three routes to access the sites. All three routes have been identified for light goods vehicles and it's been evenly distributed at this stage.

00:43:29:26 - 00:43:43:15

The triple SEC, which I do note is up towards the north of the site. There is the potential. We couldn't say there isn't, but it would be very, very minor levels of traffic that would utilize that potential route and certainly only light goods vehicles.

00:43:45:18 - 00:44:37:24

Thank you. Yes, I think we'd certainly welcome some further input as we have been offered a link into the consideration of that triple incentive, like the vehicles and vehicles aside from heavy goods vehicles, clearly. Okay. Um, possibly straying a bit further away from the agenda, getting into traffic discussions. So I'll, I'll bring this back to ecological mitigation, if I may. And in terms of the mitigation for Skylarks, there are plots proposed as mitigation for for Skylarks and a note from the

applicant response to our first written questions that the decision as to which of the two options that have been identified for the creation of those plots will be determined by the farm contractor and may vary year on year.

00:44:37:26 - 00:44:52:05

Broadly following the the guidance or also with some details in the in the overlap. Um, just interested to hear the extent to which it will be appropriate for the farm contractor to make that decision.

00:44:56:27 - 00:44:57:12

Miss Baker.

00:44:59:22 - 00:45:31:24

John Baker from the applicant. They can make the decision, but it would be very much in the tight definitions and guidance and parameters set within the length. This would follow the guidance and in fact the guidance for before, which is a stewardship and it's on the creation of Skylark plot specifically, they have to be a certain distance from the edges. They have to be away from tramlines and they are of a certain size and at least two per hectare is what we're recommending.

00:45:31:26 - 00:45:56:17

So within that, they have a certain scope. I think the point there is we won't have a location of the exact location year on year, but within that fairly tight scope anyway to two Skylark plots per hectare, there's plenty of decision to be made on where to put them, but that's that's all they will be able to decide. Essentially, the guidance will be followed quite tightly within the length and set out within the length.

00:45:58:29 - 00:46:09:15

And presumably that will be monitored, recorded in line with the provisions so that there is some careful management of that and awareness of what is being provided.

00:46:10:13 - 00:46:21:06

And John, back for the applicant again. Yes, it would be part of the monitoring required in the lamp, which again will also touch on all the other habitats and it will be very much actually probably

00:46:23:18 - 00:46:51:08

rather than being a, you know, it has the grass and established it, chances will be very tight to the condition target conditions set out in the metrics which are very empirical, can be followed year on year. Even if the metric changes, you'd say we go back and monitor against these targets, which were those set out in metric 4.0 and it's supporting condition assessment. And part of that, yes, would be are this kind of like like in Skylark plots in place monthly.

00:46:54:02 - 00:47:26:22

Sorry. If I may just add, and Tony Kernan, on behalf of the applicant farmers, are those mentioned there of stewardship. So that's the countryside stewardship scheme. Farmers are under a lot of different schemes with a lot of different controls. So it's it's quite usual to know you've got to provide margins, you've got to cut before this date, after this date, manage hedges in a certain way, and it's all sort of checked and stratified. So it's not really difficult to ask to to require them to provide a couple of these areas per hectare.

00:47:26:24 - 00:47:31:02

And it's in it's easily monitored. So I think it's a very practical and easy solution.

00:47:32:27 - 00:47:44:02

Understood. Thank you. Um. Do we have any comments from interested parties specifically on the Skylark plot? Mitigation as discussed.

00:47:45:21 - 00:47:46:07

Nope.

00:47:48:15 - 00:47:49:06

Okay.

00:48:02:08 - 00:48:29:08

Points around sheep grazing and possible consequences if chic grazing is not implemented. The Earl suggests that the grassland under the soil raise will be cut twice a year in April, May and September. Concerns have been raised in written representations around that in terms of consequences for ground nesting birds in particular.

00:48:31:15 - 00:48:39:29

Cadets can comment briefly on how that could be avoided. Its rep to 208. I'm referencing the moment.

00:48:43:07 - 00:49:16:16

Now, John Baker, on behalf of the applicant. Well, hey, Meadow, Cuts are a recognized management tool for Hay Meadow Management, specifically for dropping the nutrient levels in the first few years of management. The grass cutting would occur late August, which, you know, after which point most of the flat ground nesting birds are finished. Um, in the context of the solar PV area, as we have set out actually in our landscape or rather in our chapter, we wouldn't expect Skylark to continue nesting.

00:49:16:18 - 00:49:36:24

So the number of ground nesting birds would probably be quite low. And that in, in more specifically, actually they'll probably be using the grassland margins around the hedgerow bases rather than the spaces between the solar array. So the risk to nesting birds is very, very low. And again, that would be set out in the detail of cutting late in August.

00:49:41:07 - 00:49:47:00

Thank you. Any further points on this issue? Yes, Dr. Williams.

00:49:47:24 - 00:50:02:14

So may I quickly check with you, please? I've got some more general comments about mitigation I'd like to raise rather than specifically with respect to Skylarks and so on. And just quickly check. Are you coming back to those or are you moving on to the soils area? Thank you.

00:50:03:21 - 00:50:15:19

I have one further question on mitigation which relates to hedgerows. Um, if you have any more general points, presumably they've been raised in written representations already.

00:50:16:05 - 00:50:25:12

There more? I'm not sure that they've been raised in written representations already. So if can bring them in now, perhaps if that's okay with you.

00:50:26:02 - 00:50:51:15

Um, well, the purpose of the session today is for the examining authority to raise our own particular questions based on current reading. There will be further opportunities to make submissions, particularly in response to our second written questions in August. And there will be further hearings in September. Um, so it's not the purpose of today to have a general discussion about every single issue as highlighted at the start. I'm not.

00:50:51:17 - 00:51:06:22

Not thinking that, sir. It's more about the way in which the mitigation is actually put in place and managed and the implications of that that feel are important in terms of making sure that any gain is actually achieved rather than frittered away.

00:51:08:06 - 00:51:12:04

Is this going back to your point earlier around biodiversity net gain and the connection to that?

00:51:12:07 - 00:51:14:06

It's partly related to that. Yes.

00:51:15:09 - 00:51:18:29

Okay. If you could be brief, please. We do have a lot to get through today.

00:51:19:01 - 00:52:01:09

Thank you. Appreciate that. And thank you for the opportunity. So mitigation requires establishment and annual management and therefore crosses over both into the soils issue in terms of compaction, but also linking with water, flooding and biodiversity. And as has already been stated by the applicant, the nutrient status of agricultural land is likely to be high, and establishing Wildflower meadows, especially calcareous grassland, is likely to be difficult and therefore really concerned about the reality on the ground rather than the proposal made and the seeds that are currently in the soil which are controlled by agricultural operations will grow and are probably highly nutrient tolerant.

00:52:01:11 - 00:52:38:18

For example, pernicious weeds are likely to thrive. So establishing good Wildflower meadows is not straightforward and will require considerable work. The seed mixtures are to be used are important in terms of what may be established and the amount needed for the area proposed is high. So that feels like a risk in terms of what may be available and therefore what is actually planted. In addition, the genetic provenance of the seeds is important in terms of unintended consequences of making sure that we establish species and varieties rather than those from beyond.

00:52:38:20 - 00:53:19:16

And I'd note the work of Flora Lacalle to be worth considering. Cutting grass every two years is asking for the sward to become rank. And I would argue it's essential that the arising and the aftermath are removed. Large piles of rotting vegetation are all going to lead to nutrient runoff and I'm afraid, disagree with the point that the applicant made about this being equivalent to what is currently there. That is not, to my mind, correct. So there is a case recently of a solar farm in Dorchester and Weymouth that had provided adequate forage for bees and other pollinating insects with a basic grassland that have been regularly mowed and removed.

00:53:19:18 - 00:53:40:27

And surprise, surprise, those bees did not survive and therefore the grassland was not botanically diverse. So I think there are some real issues here about the way in which the mitigation areas are actually created and maintained, which is essential to deal with at this stage rather than leaving it too late. Thank you.

00:53:43:22 - 00:53:49:09

Thank you, Dr. Williams. I don't know if that's come back to you now or perhaps in writing.

00:53:49:21 - 00:54:29:09

And I think, as I said before, we can we can respond in writing to data points from the detail. What I wanted to say was that this lamp has been put together by our expert consultants. It's secured through

compliance with the outcomes, as mentioned earlier, secured through the DCA. And I think it's important and know said it before that there's a lot of reference to feeling like things are going to be different and feeling like we're unsure. The point is, is that the things are secured through the DCA. We can respond to detailed evidence on this, but just saying that we feel like it might not work effectively is not is not an evidence mission.

00:54:32:11 - 00:54:43:12

Thank you, Mr. Fox. Any further points on this before we move on? No. Okay. Last question from me on ecological mitigation.

00:54:44:11 - 00:54:44:26

Um.

00:54:45:16 - 00:55:11:03

Can the applicant please clarify the process by which it will be decided whether horizontal directional drilling will be used to root cables underneath hedgerows rather than removing them? Um, your response to our first written questions? 1.0. 13 suggests it will be informed by noise levels to residential properties. Is that the. Determining factor in that decision.

00:55:13:29 - 00:55:19:05

But will it take account of the ecological value of the hedgerow? It could be removed.

00:55:21:27 - 00:55:33:08

Yes. Mean there's going to be the need for surveys of that of that hedgerow to go through the camp and the requirement. And it comes back to the point I made yesterday of all of the different.

00:55:35:08 - 00:55:53:28

Requirements that are secured by the requirements needed to be balanced. So we do we need to measure, we need to balance, um, the noise impacts and the ecological impacts to come up with the, the right solution which will be able to be confirmed pursuant to um. Amendment plans being signed off pursuant to requirements.

00:56:00:21 - 00:56:04:18

Thank you. Any points on that issue before we move on with the agenda?

00:56:06:23 - 00:56:07:10

Okay.

00:56:11:25 - 00:56:24:11

That brings us on to item six. Then land use and soils six A the effects on best and most versatile agricultural land.

00:56:25:29 - 00:56:40:13

Our first question. Noting the view that the impacts on soils may be reversible. To what extent can the effects on best and most versatile land be considered temporary when there's no set time limits to the operational life of the development?

00:56:43:23 - 00:57:07:03

And on behalf of the applicant. I'll let my first news introduce Mr. Kernan as director of Countryside Consultants and as our soils expert for this. And I think there's the we all touch when there's a difference between agricultural land and the classification and soil as a soil resource and its availability to be used once the scheme is gone. Think.

00:57:08:21 - 00:57:20:22

There's the question there of the permanence of effect is what we've assumed in the is. But as we said yesterday, the scheme will need to be removed at some point because that's the nature of the scheme.

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I'll let Mr. Kernan come in, but don't want to repeat the points made yesterday.

00:57:29:17 - 00:58:03:10

And hello to Tony Kernan on behalf of the applicant. Wasn't here yesterday, so I apologize if I do repeat points to yesterday, but it's my understanding that the application is for solar panels and that there will be a requirement when they're no longer required or we've developed other technology, whatever it might be, for those panels to be removed. The issue arises about whether there's a fixed date because a lot of farms say 25 years or 40 years.

00:58:03:24 - 00:58:39:06

But it's my understanding that there is a requirement for those panels to be removed and at that point then there won't be any further land use. It will go back to agriculture and the soils and the existing land quality will be as they are now. So the agricultural land resource is retained and is available at the end of the scheme. And I've been trying to think of sort of similar examples what might be a quarry, which is to be restored to agricultural use, but you haven't specified the year in which it will be restored.

00:58:40:01 - 00:59:11:04

But I was also thinking sort of on a slightly more simpler way. And if, say, I borrowed a fiver off somebody, is that a loan? And then if we don't agree. A repayment date. Does that then become permanent? No. In which case I'll borrow a hundred. But I think it's it seems to me that it's the same sort of thing, that there is a there is an obligation to put the to take the panels away. And at that point, the land is back to agricultural use.

00:59:11:06 - 00:59:18:08

Therefore, it cannot be a permanent loss of BMV because the resource is still there.

00:59:19:12 - 00:59:53:06

So I would just add to that, Mr. Fox and half doubt that we the soil management measures that we've introduced have been, you know, they operate throughout the lifetime of development. So through construction, through the soil management plan requirement, through operation, through the now having been updated to the outline, they weren't being updated to say that they must show how it's going to deal with soil management. And our decommissioning management plan requires soil management to be part of that process as well.

00:59:53:08 - 01:00:02:26

So at all stages the soil will be managed to enable return to agricultural use at speed after the scheme was commissioned.

01:00:05:21 - 01:00:55:25

Thank you, Mr. Fox. We'll come on to that. In terms of the operational lifetime. We discussed this yesterday. Guess the the point is there is a degree of ambiguity about when or if the development will be decommissioned potentially, and and the effects that will have on on that loss of of an asset over a period of time. And how long that may go on for is not defined. Um, appreciate there is the scope to potentially return soils to their original quality in some areas. Um, but just having regard to the national planning policy framework paragraph 174 where there's a requirement to recognize the economic benefits of land, there will be a loss of that assets in terms of land over it, an undefined period of time that will have a negative impact in the economy.

01:00:56:03 - 01:00:58:15

There'll be other benefits arising from it, but there.

01:00:58:17 - 01:00:59:02

Is.

01:00:59:12 - 01:01:06:00

A consequence there at the moment. It's difficult for us to make a judgment on that because of that lack of time frame.

01:01:06:22 - 01:01:14:04

Mr. Foxman of the applicant will bring him. But I think we need to be clear here on the difference between the loss of

01:01:16:02 - 01:01:51:18

the land use as an asset and the loss of the soil, because I think our position is that no matter how long the solar farm is there, the soil would be able to be used for farming. It's the fact that the land currently used for farming is no longer being used for farming. So it's not a question we can say that of is the soil gained or lost? The question is land that's currently is a farming is no longer being able to be used for farming. And if we do not have a time limit, then yes, you may consider that as a permanent loss, although as I say, we do say it will come back to use.

01:01:51:20 - 01:02:08:29

But the soil is not lost because whenever it does come back it will be able to be used for agricultural purposes. So the question is, and one of the land use that gets to food security and whether that is or isn't a planning consideration. Um, just if you want to add anything else.

01:02:10:02 - 01:03:12:07

Yes, sir. Tony Kernan, on behalf of the applicant, I'm absolutely agree with that. Think the suggestion that the land is lost or the resource is lost is the wrong concept because the soil resource is staying there. The land quality will stay there unchanged. And whether it was 25 years, 40 years or some other not defined period, the soil resource will be there. So it's not being lost. And and when do a lot of development sites where we're using the and that's talking about loss if you go to for example as we did in the the EMA guide which came out early last year in there they talk about losses ceiling over or they think they just say ceiling but ceiling over what I'd call it a concrete and and other materials on top of the land and or where there will be some permanent downgrading of the land.

01:03:12:09 - 01:03:56:06

So they are talking about the. Particularly the best of the most fertile, but basically the agricultural land quality resource, whether it's three, A, three B, which is not being unusable as agricultural land. And just as a sort of hopefully a helpful aside, the Welsh is fading in and out of. No, that's okay. And as a as an aside, the the Welsh have a guidance note that talks about which we used to have in England about sometimes soft uses such as golf courses, may be considered as a loss because it effectively is impractical to return them some day, some just basically mow it.

01:03:56:08 - 01:04:18:22

But others tend to put in bunkers and greens and lots of re contouring etcetera. So those think treated therefore as a loss. But what's happening here, there's no grading, there's no changing to the soil, they're just inserting the legs and therefore the resource and the land quality is unchanged with the exception. Obviously we've talked about just the the bits of hard infrastructure.

01:04:20:17 - 01:04:48:16

Thank you. I do appreciate this. Possibly two slightly different issues here in terms of this particular point and just noting and again, unfortunately, they can't be here today, but Natural England's written representation that did express a preference for a time limits given that could potentially reduce the long term impact on agricultural land again with the applicant. Like to respond to that point specifically.

01:04:50:06 - 01:05:07:01

And I'd have to bring up when that natural England said. But I have to say I read that as essentially. It would be nice. I read that saying, if you put a time limit, then we know it. Then we know when it's coming back. Don't that haven't got in front of me. Sorry, but don't think that that was a suggestion.

01:05:08:04 - 01:05:11:12

Rep 2093 if that would assist.

01:05:13:21 - 01:05:30:28

Tony Kernan, on behalf of the applicant, think it doesn't change the soil. So whether it's it doesn't suddenly become a loss again comes down to a a land use question rather than a change to the resource.

01:05:33:05 - 01:06:11:05

Because if there is that requirement built in for the panels to be removed at whatever point they are no longer required, we might have developed new energy sources. Or there may be other reasons why we want farmland more than solar panels. But at that point that they're not required, they are removed and the land is as it is now of the same quality. So it's not lost irrespective of what the final time frame is. The, if you like, the change isn't even in terms of the loss of agricultural use because of course the grazing of the areas is an agricultural use.

01:06:11:07 - 01:06:42:07

So an agricultural use will continue. It is then just the flexibility to go from different things from sheep or chickens or geese or something small to arable crops, which is not going to be changed by the land quality because we're not. The panels will go and that's there. That's a land use consideration, I'd say, rather than anything that you could term a loss of best and most versatile or any other agricultural land quality.

01:06:42:20 - 01:07:10:12

And just add to that, I've found that the reference and that refers back to their relevant rep and in their relevant rep, they say during the life of the proposed development, it's likely there'll be a reduction in agricultural production over the whole development area. Furthermore, if not time limited as described, the proposed development has the potential to lead to a permanent reduction in agricultural production. So again, their focus is on land use, not on soil.

01:07:11:15 - 01:07:46:01

I agree. There are two separate points. Um, the second of which was that one in terms of the time which that may be taken out of production in terms of arable farming and the consequences of that in terms of economic benefits as per the national planning policy framework. So there are two separate points. I agree. Think about at this point if we brought in some. Uh, comments from other interested parties know that we had written representations from Lancashire County Council and Rutland County Council on this issue as well in terms of whether or not the loss should be considered.

01:07:46:25 - 01:07:47:12

Permanence.

01:07:49:03 - 01:07:49:29

Would like to speak.

01:07:50:05 - 01:08:26:17

Thank you, sir. Justin Johnson, Rutland County Council. Um, yeah. I think as we set out in our, um, written reps and local impact assessment and the points that have been discussed are a concern and, and think from, from our, our, our point of view and we think that there should be some certainty in terms of how this is assessed rather than a an open ended date as to when it may be, um, the panels may be removed.

01:08:26:19 - 01:08:37:18

So I think we're in agreement with, um, colleagues, I think at Lincolnshire, at um, natural England as well. In terms of that, it should be a specified date.

01:08:41:15 - 01:08:43:26

Thank you, Mr. Willis.

01:08:47:26 - 01:09:28:29

Yeah. Thank you, sir. Yeah, very much echo what Mr. Johnson said. We've similarly made representation in the local impact report with regard to the impact and loss of agricultural land. Um, I think we've heard yesterday and no doubt we'll hear more often, there's been references to Longfield decision and that being a relevant, important assessment and where there's consideration of impact there. Um, but again, the, you know, that is a time limited concern that DCO, um, recognises a loss of BMV and in the inspectors and the Secretary of State's recommendation, they've effectively balanced that loss on the basis of it being a time limited concern.

01:09:29:20 - 01:10:01:09

Um, our position would be that the Mallard pass isn't proposed to be time limited. The proportion of land that would be lost would actually be greater than that that's been identified in Longfield. Um, in terms of the amount of it. Um, and so very much we would be um, for the inspector to consider that we were saying that there needs to be a temporary time, limited consent. The other, the other thing that's of course for Lincolnshire is it's, it's one thing I know Mr.

01:10:01:11 - 01:10:32:00

Fox references yesterday about, you know, the proportions being relatively small, but I think we have made submission that whilst that percentage may be relatively small, you'll be aware that there's a number of schemes within Lincolnshire across the county for utility scale solar at the moment. And when you combine look at those cumulative effects, then obviously the loss of BMV collectively is a lot larger and that that takes a lot larger area of land out of productive use for a period. And as Mr.

01:10:32:02 - 01:10:42:04

Johnson has alluded to, you know, without confidence about an end date, there's no guarantee about when that may come back into to that level of reproduction. So I think that was the point I really wanted to make.

01:10:47:03 - 01:11:04:11

Thank you, Mr. Wallace. Could the applicant please come back? Particularly on the comparison with with long field and the approach that was taken there in relation to the time limit on the amount of land defined as being in comparison with with the proposed development?

01:11:05:14 - 01:11:05:29

Um.

01:11:06:24 - 01:11:22:09

Yes. Think so. Relating to, to long field. They made that decision and every project makes it, it makes this decision. My understanding was that was meant that the impacts that were able to be considered

01:11:23:28 - 01:12:05:23

a temporary but think that doesn't change the position that we've had for food. The issue of food security is not a planning issue. If if you wanted to make it into a planning issue, then our position is what it is in terms of the amount of land that goes out of agricultural production. Um, even though it would eventually be able to get back to it and just coming back on the cumulative points we did at Appendix II of our deadline, three submissions, but put in a cumulative impact table of the projects in which we had the information within Lincolnshire.

01:12:06:12 - 01:12:13:12

And even if you add all of those together, that would represent 0.5% of the land in Lincolnshire and Rutland.

01:12:15:03 - 01:12:44:06

And that's cumulative. Ours is 0.054%. Um, and appreciate it feels like I'm repeating myself, but it's a really important point that there is a difference between the impact of the land use and the impact of the soils. And if you wanted to consider an impact of land use permanent, then you can balance that accordingly. But the Hamilton appeal that we referenced, which is Appendix A at our appendices, is a good example of how inspectors have considered that point.

01:12:47:14 - 01:12:53:00

Thank you, Mr. Fox. Just turning to some of the other parties in the room. Mrs. Willey, would you like to speak?

01:12:54:08 - 01:13:25:29

Thank you, Mrs. Wallace, speaking on behalf of Mallard Pass. And I should say at this juncture that have a first degree in agricultural science and have a long career in the farming and land based sector. So make those points with that credential. We I would accept the points that have been made by the applicant with with with regard to the fact that the soil remains. That's not in dispute. The soil does remain what we don't know and where we have been unable to find any evidence.

01:13:26:01 - 01:13:54:22

And we have had a letter from natural England that would say similar is that there is no evidence about what the soil condition may be like after it has been under panels for 20, 40 or 60 years. So think would ask the applicant if they can evidence where we can actually consider what the impact may be on BMV as a consequence of having panels on them. And if I can just move on to pick up a number of other points which have been made.

01:13:56:09 - 01:14:33:15

I accept the point that has been made several times by the applicant that this is about soil and I acknowledge the points they have made about soil and not about land use. The point that I would make, though, is that actually removing and being able to reverse if our policy drivers change to actually reverse from a solar farm back to agricultural production, because this isn't a time limited application is really, really difficult and not something which can be done quickly and without impact the the cumulative impact.

01:14:33:17 - 01:15:05:24

We have a list and we did some quite significant research and it's included in our written representations of the cumulative impact of all of the schemes which are now coming forward across Lincolnshire. And it does appear as a county to have a disproportionate number of schemes coming

forward, no doubt reflecting its topography and the applicant makes a very strong case in its in its, in its presentation a number of points about the, the suitability of Lincolnshire.

01:15:05:26 - 01:15:28:03

It's a little ironic, though, that the scheme that they're proposing is actually not in Lincolnshire here, despite the fact that they make a very strong case for solar in Lincolnshire. But our list is extensively longer than the list that the applicant has just made reference to and I think may even omit one of their own. One of the schemes also being supported and sponsored by Canadian Solar.

01:15:33:10 - 01:15:39:00

Thank you, Mrs.. We will be coming on to touch on soil management shortly,

01:15:40:18 - 01:15:45:07

but don't know if we want to briefly respond to those points.

01:15:45:18 - 01:16:02:08

Firstly, the measures in the soil management plan are kind of crap and wrong here, but are pretty standard for not just solar but developments generally in terms of the management of soil across across the country. Um, you know, including presented

01:16:04:10 - 01:16:43:08

the further feedback from natural England. We have updated the S&P twice during the course of examination to uh, provide more commitments around the restoration and seeking to restore back to the quality that it currently is. And you know, those measures are therefore secured through the DTA, so they have to be done. Um, the, obviously the scheme is partly in the question and um, I suppose the question of the impact or the or the, or the cumulative impact on, on food security, uh, is essentially a government decision.

01:16:43:11 - 01:17:13:27

The government is deciding and supporting renewable energy. Um, you would have been aware two years ago there was various rumours about what may or may not have happened and the government has just updated the MPs and it could have mentioned about balancing food security and it hasn't done. And think, think that's, that's quite clear. Um, you know, the government will have to grapple with lots of development coming, coming across in this part of the world and maybe they will change policy. But at the moment that is not the relevant policy. Um, so.

01:17:15:10 - 01:17:16:26

Yeah, I'll finish that.

01:17:18:02 - 01:17:57:06

Okay, Just try Tony Kernan. I just had a few other points. There was there was mentioned there about lots of productive use. The land will still have a productive agricultural use where sheep grazing and over time things change from when I was a boy. Somebody once told me that Stanford was built sort of 400 years ago on sheep. So this was a big sheep area. The Cotswolds used to be a big sheep area. It's mainly now arable, so things change over time and arable areas statistically have been declining since about the 1860s with a sharp uplift during the Second World War and then gradually declining.

01:17:57:08 - 01:18:30:16

But agricultural practices have changed. We've ploughed up a lot of our water meadows, we've changed our grassland management so that we don't do hay. We tending to do silage, which cuts it before the flowers and things. So it's been a facet as an agricultural consultant, it's been fascinating how things have changed since the Ukraine invasion because up until then agriculture was seen as sort

of a bit of the bad boy. We've got water runoff, we've got nutrient eutrophication of rivers, We'd got carbon release when people were ploughing.

01:18:30:18 - 01:19:05:16

We've got use of chemicals, we've got problems with bees, we've got biodiversity. Excessive farming was seen as a bad boy and one of the things we were told to eat less meat and suddenly there's been this sort of sweep of opinion as though farming is great. My point is that. Trends change over time and food and what we need from food changes over time. Agriculture is struggling in many sectors in this country because we don't necessarily buy local.

01:19:05:18 - 01:19:43:09

You know, when we had our breakfast this morning, was it produced in this country or not? We self-sufficient in a great deal of our basic agricultural products. The statistics suggest we're not in some, but that's because in November we buy little washed carrots that come in from Spain rather than buying dirty carrots that we're producing in this country. You know, we've we've changed our buying practices. So the the soil resource and the land quality will be available. I accept that if there was a sudden blockade or something like happened in the Second World War, it's much more difficult to turn this to arable.

01:19:43:11 - 01:20:04:01

But there's no indication, as far as I'm aware, that's the only time in history since sort of the last 250 years since we we started bringing all this land in hand that there's ever been that sudden change, which in sort of the 1935 sorry, 1938 to 45 period. So don't see that there is that risk that we should be.

01:20:05:25 - 01:20:41:01

Preventing panels going on land and putting it onto poorer quality land. Because as I've set out in the is the actual quantity difference between if we are accepting it's got to go on agricultural land, the quantity difference between putting it on BMV and non BMV for this scheme is is about 250 tonnes, which, you know, we actually produce 24 million tonnes of cereals last year in this country. So it's a very small figure and there is nothing to suggest we've got that kind of food security issue that we need to worry about.

01:20:41:09 - 01:21:15:05

And so just just to finish there, sorry, just want to just make the point, especially in that context of. If you put a 46 year requirement in the context of the people's concerns, what difference would that make? I suppose to not having that. If you said in 60 years time you have to return it for food security is the issue that everybody says now. Then that's still the issue. So can we back to your very first question, which was which doesn't matter in terms of a time limit. I've kind of bounced back to you. And why does it matter if there's a time limit in the context of food security? We say there is no issue.

01:21:16:11 - 01:21:20:11

Even if there was, what would it? What would a requirement actually achieve?

01:21:23:10 - 01:21:55:08

Well, in relation to the national planning policy framework, there is an economic benefit of being taken out of farming. Would would suggest over a undefined period of time and also potentially the risk that decommissioning doesn't occur without having that time frame and sets in the in the DCO. Um, interesting question. One that we will we will mull over. Do we have any final points on this before we, we move on, we will be coming on to discuss soil management.

01:21:55:10 - 01:21:56:23

So if there's any points around that.

01:21:58:03 - 01:22:29:29

My point, Mrs. Wally, for the Action Group, my point is around the the policy statements that the applicant is relying on makes a very clear statement that it is preferable that BMV land is not used for solar panels and that we've heard lots of reasons why it does not matter. You know, the policy guidance is is clear that there is a preference against in this scheme is all on agricultural land.

01:22:30:01 - 01:22:51:00

It's not just little pockets, it's all on agricultural land, all of which has 40% of which within the area is going to be BMV. And the rest of it has been proven to be productive agricultural land. You can't use policy where it suits and not respect it where it doesn't quite fit your argument.

01:22:53:25 - 01:22:58:24

Thank you, Mrs. Willey. Would they like to respond to that specific point in national policy?

01:22:59:19 - 01:23:30:07

Yes, I think we discussed that yesterday. Essentially, in terms of policy directs your site selection process that will take into account. I'm not we acknowledge that we are on land and we're not we're not seeking to hide from that. And, you know, the secretary of state and the examiners authority will consider the appropriate appropriateness of our site selection process. So in a way, I don't disagree with you, Mrs. Woody, on on the point that that policy applies.

01:23:31:26 - 01:24:20:06

So, Tony Kernan, on behalf of the applicant, just to point out, though, that policy doesn't require the agricultural land to be used for variable use. So the sort of intensity issue is not policy and said earlier about farmers in countryside stewardship. ET cetera. They know all the letters. I think it's W7 under Countryside Stewardship Page £326 a hectare per year on a five year agreement to put land from arable into grassland. So there are other sectors of government which recognising the benefits from that, even on just a five year agreement, said that just stressing that point policy is not about keeping land for arable use and this land will be in grassland and will be farmable as a grassland use with obviously small animals.

01:24:21:21 - 01:24:29:26

And we'll come on to that at that point and am keen to move on, but we have a few more hands. Um, if I can make a point, I'm not.

01:24:29:28 - 01:25:01:10

Sure cultural expert in any way at all, but my understanding from talking with a person with very deep agricultural background who can't be here today, that whilst the molecules and basic ingredients are still there in the soil, after 40 years, the facility would have been absolutely wrecked and there would be a normal amount of work and effort needed to restore any fertility.

01:25:02:06 - 01:25:08:22

I could just make that statement and I'm sure it will come out in in more detail by the experts.

01:25:10:05 - 01:25:25:09

Thank you, Mr. Granville. We will be coming on to. To soil management in terms of interested parties in line. Thought I saw a hand up from Mr. Willis before Mr. Willis. Would you still like to speak, or is your point been addressed already?

01:25:25:20 - 01:25:53:00

Yeah. No, thank you, sir. It was actually a point of clarification, if I may. I was just looking at the response that the applicants have put in on, um, the interested parties. Deadline two on sort sorry.

Deadline three. Um, Reply And it's about the proportion of agricultural land I think Mr. Fox has referenced. 0.052%. Can I just clarify because that's the elsewhere in the document, it's sited at 0.5%.

01:25:54:21 - 01:26:04:25

So 0.0 sorry, Mr. Fox and half of the applicant 0.054% is our impact. 0.0. 5% is the cumulative impact.

01:26:05:08 - 01:26:08:22

Thank you for that point. Sorry, that was a just a point for myself. Please. Thank you.

01:26:09:08 - 01:26:14:25

No. Yes. All Thank you. Mr.. Ellis Okay. Do we have any further points? Mr.. Mr.. You Sorry.

01:26:15:06 - 01:26:27:27

John Hughes An interested party. Um, just going back to the issue with regards to food security, obviously local residents go shopping, local supermarkets. Um, one.

01:26:27:29 - 01:26:28:17

Of the things we all.

01:26:28:19 - 01:27:00:13

Eat is bread. I'm finding at one local supermarket that has a branch both in Stamford and another one in Bourne. With regards to buying bread, with regards to the supply chain, they are struggling to actually produce it. I've gone in, I've had to actually go to another supermarket to actually buy bread of a specific lifetime, which is wholemeal. But then also with regards to believe it will follow on into the next part with regards to the scope for sheep grazing and in the.

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

Implications.

01:27:02:04 - 01:27:06:04

With the argument that the land accept the soil.

01:27:06:06 - 01:27:06:21

Will not be.

01:27:06:23 - 01:27:15:22

Lost, the agricultural side to the grazing of the land. The question is is there a market for, um.

01:27:17:24 - 01:27:51:05

The continued use of that land for agriculture with regards to the sale of what would possibly be sheep. Where is the market for it and will that actually happen? Because if it doesn't actually happen, the land use will be lost because there will be no food production. But then also going round on the other side to it, there are other local farms that do actually produce wheat that actually sell it to local farmers, that actually rear chickens that actually go into the local community and actually supplied into the food chain.

01:27:51:19 - 01:28:13:18

So. With regard to proposals the applicant is putting together. The sign. Yes, there is still this agricultural land and it will still be used, but there is no confirmation or certainty that sheep will graze this land. And if the sheep don't graze this land, the land will be lost because there will be no production from it.

01:28:15:19 - 01:28:42:10

Thank you, Mr. Hughes. An interesting point. It is a question we will be coming to shortly. If we can hold that thought for the time being placed that be helpful and just making a note of the time, it's approaching 3:30. It's probably time for a quick coffee break and if we could be back at our tables, please, by three, 340. So ten minute break. Thank you.