

Mallard Pass_ISH2_12 July_PT1

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FULL TRANSCRIPT (with timecode)

00:00:05:00 - 00:00:15:12

Good morning. It's now 10 a.m. and time for this hearing in relation to environmental matters to begin. Can I just confirm everybody can hear me clearly?

00:00:18:10 - 00:00:23:17

Thank you. Can I also confirm that the live streaming and recording of this event has commenced?

00:00:25:15 - 00:00:26:02

Thank you.

00:00:27:27 - 00:00:42:15

Would like to welcome you all to this issue. Specific hearing on environmental matters. This is part of the examination of the application by Malpas Solar Farm Limited for an order granting and develop consents for a proposed Malpas solar farm.

00:00:44:12 - 00:00:53:11

My name is Mark James. I've been appointed by the Secretary State as a member of the panel to examine this application. I'd like to ask my colleague to introduce himself.

00:00:54:26 - 00:00:59:09

Good morning, everybody. My name is David Cliff and I'm the lead member of the panel. Thank you.

00:01:00:10 - 00:01:38:02

Thank you. Together, we constitute the examining authority for this application. We're also standing today with Michelle Gregory, who is the acting case manager over to my rights, along with Ben Chan and Josh Waldron from the Planning Inspectorate case team, who'll be able to address any inquiries you have about the process or any matters that arise today. I'll now deal with a few housekeeping matters for those attending in person. Please can everyone set their devices and phones onto silence? It's quite disruptive when devices go off during the hearing.

00:01:38:04 - 00:02:11:01

So please, if we could make an effort to do that in terms of location of toilets, I think most people were here yesterday. So many will be familiar. But for those who aren't and there are toilets out in the foyer over to the to the rear of the room and facilities in terms of tea, coffee, etcetera, at the rear. We are not expecting a fire alarm this morning or any planned tests and the fire exits are to the rear of the room as well. Um, yesterday it was quite warm in here and hopefully we've got some extra funds today that should address that.

00:02:11:03 - 00:02:15:22

But again, if there's any concerns about the temperature, please do address that with the case team.

00:02:18:03 - 00:02:33:01

Moving on to the agenda and logistics for today. The meeting will generally follow the agenda published on the National Infrastructure Planning website last Tuesday, 4th of July. Please can this be displayed on the screen? There we have it.

00:02:34:23 - 00:03:06:12

The agenda is for guidance only and we may add other considerations or issues as we progress. We will complete the hearing as soon as all relevant contributions have been made and all questions asked and responded to. But if the discussions can't be concluded, it may be necessary, necessary for us to prioritize matters and defer other matters to written questions later on in the process. We may also choose to hold further issue specific hearings during the week commencing the 25th of September as per the published timetable.

00:03:10:09 - 00:03:21:19

Likewise, if you can answer the questions being asked today or require time to get the information requested, please can you indicate that you wish to respond at a later point in writing?

00:03:23:05 - 00:03:37:27

Today's hearing is being undertaken in a hybrid way, meaning that some of you will be present in the room and others are attending virtually using Microsoft teams. We will make sure that you decided to turn today. You will all be given a fair opportunity to participate.

00:03:41:02 - 00:03:59:27

People in the room. When you do wish to speak, please raise your hands and we will. We will get to you as soon as we can. Similarly for people attending using Microsoft teams, if you could use the raise the hand function in teams and again, we will come to you as soon as possible so that you can speak.

00:04:02:06 - 00:04:35:18

A recording of today's hearing will be made available on the solar farm section of the National Infrastructure Planning website as soon as possible after the hearing is finished. With this in mind, please ensure that you speak clear into the microphone stating your name and who you represent each time before you speak. If you are not at the table and you wish to speak, there is a roving microphone that can be made available to you. So please wait for one of these people to cross. For those of macarons at a table, please keep them muted when you are not speaking.

00:04:36:08 - 00:04:49:11

Again, most of you are familiar with the technology from yesterday, but if not the button on the front, the silver button, if you press that once, it will turn it on and the light will activate red, that's when it's active. Just press it again and you'll be muted.

00:04:52:22 - 00:05:13:09

A link to the planning inspector's Privacy Notice was provided in advance of this hearing. We assume that everybody here today is familiarize themselves with the details of this in terms of how we manage personal data of customers. So we will not go into detail of that for now. But if there are any queries, again, please do raise them with the with the case team.

00:05:15:15 - 00:05:19:14

Just moving on to the purpose of today's hearing.

00:05:21:08 - 00:05:51:00

Hearing is being held to address matters and questions identified by the examining authority through our reading of submissions to date, along with previous unaccompanied site inspections. The agenda for this meeting identifies a range of environmental matters that we have identified as being helpful to

discuss at this point, basing our reading of written representations, relevant representations, local reports, responses to our first written questions and subsequent responses back to those.

00:05:55:06 - 00:06:19:02

If particular issues raised by interested parties do not appear on the agenda and are not discussed today. This does not mean that the examining authority has not taken into account and will not do so in future, or potentially raise them again later in the process. However, we remind you all that the examination is primarily a written process, and it may be the case that not all issues are discussed orally in a hearing setting.

00:06:21:27 - 00:06:52:28

Given the number of agenda items for issue specific hearing to this session will be held over various parts sessions morning, this afternoon and a separate session tomorrow morning as well. Of the environmental matters to be discussed, weighing up to item ten today which is the socio socio economic matters. Items 11 on cultural heritage 12 in combination and cumulative effects and 13 regarding the accompanied site inspections will be taken tomorrow morning.

00:06:56:06 - 00:07:26:14

I'm now going to ask those of you attending today to introduce yourselves. When? State your organization's name. Could you please introduce yourself stating your name here represents and which agenda item you wish to speak on. If you're not representing an organization, please confirm your name. Summarize your interest in the application and again confirm the agenda item that you wish to speak on. It would be helpful if you could also confirm how you'd like to be addressed, i.e. Miss Mrs.. Mr.

00:07:26:16 - 00:07:32:10

Excetera. Please, can we start with the applicants to introduce themselves and their advisors?

00:07:34:27 - 00:08:09:02

That morning, Sir Matt Fox, the senior associate at Masons, who are the legal advisors for the applicant. Due to the multifaceted nature of the agenda and we think we have quite a few people coming to join the table over the course of the day and we have some members of the team online. But for now I'll introduce people who'll be speaking on the first few items of the agenda. So to my immediate left, we have Peter Duncan, who is director of the ATS design. To her left, we have Ben Crute, an associate and landscape visual master planning, design, design.

00:08:09:24 - 00:08:16:29

And to his left, Mark Kirby, sorry. John Baker, principal ecologist at Ecology.

00:08:18:21 - 00:08:19:06

Thank you.

00:08:26:05 - 00:08:35:12

Moving on to the local authorities and starting to my rights. Can they representatives from Rutland County Council please introduce themselves? Thank you, sir.

00:08:35:22 - 00:08:37:08

Justin Johnson and

00:08:39:05 - 00:09:01:00

respond to Mr. Johnson with me. To my right, I've got Nicholas Thrower, our principal planning officer. And then online, I have Robin Green and Julie Smith from our highways and lead local flood authority teams. And we will respond to any questions as relevant.

00:09:01:15 - 00:09:06:08

Thank you. And moving around the table with South Kesteven District Council.

00:09:08:19 - 00:09:30:03

Good morning. Phil Jordan, development Management and enforcement manager at Steve and District Council. We don't have any specific technical advisors with this today, so if there are questions of a technical nature, we might have to defer those and respond in writing. But I'll do my best to answer any other questions. Thank you.

00:09:33:12 - 00:09:46:19

Good morning. David Kent is chair of Greater and will Talk Parish Council. Mr. Kent. She's fine. Um, I'll be answering and making comments to any or all of the articles in the agenda.

00:09:49:27 - 00:09:50:15

Thank you.

00:09:53:09 - 00:10:01:26

Um, I believe Mr. Birchfield from Standing Parish Council is in attendance, but does not wish to speak today. Is that correct?

00:10:06:02 - 00:10:10:09

I believe that's correct. Thank you. Um.

00:10:15:09 - 00:10:18:29

And do we have a Sarah Christie from Rachel Parish Council?

00:10:22:22 - 00:10:24:15

Yes, I'm on. I'm online.

00:10:26:18 - 00:10:36:18

I'm just observing today for on behalf of the parish council and myself as a concerned resident.

00:10:38:17 - 00:10:46:08

Thank you. And they Andrew Hoyle from Formby and Holywell Parish.

00:10:47:23 - 00:10:55:21

They may not be in attendance. Okay. Um, can I ask the Malpas Action group to introduce themselves as well, please?

00:10:57:24 - 00:11:04:17

But, Mrs. Holloway, I'm the chair of the Malpass Action Group, and I'd like to pass over to my colleagues to introduce themselves.

00:11:07:11 - 00:11:19:03

Good morning. My name is Carly Tinkler. I'm an independent chartered landscape architect acting on behalf of the Mallard Pass Action Group, and I'll be dealing with landscape and visual matters.

00:11:20:03 - 00:11:20:18

Thank you.

00:11:22:22 - 00:11:30:00

I'm Helen Woolley. I'm happy with Mrs. Woolley in terms of address, and I'm here representing Mallard Pass Action Group today.

00:11:32:05 - 00:11:32:22

Thank you.

00:11:33:10 - 00:12:09:28

Good morning, Dr. James Williams. I'm here in a personal capacity supporting the group, but I have over 30 years of professional experience working for the statutory nature conservation sector, including experience of development, of guidance of for common standards, monitoring of protected areas, work under the Berne Convention. Since we left the EU, I'm currently the Scientific Council of Conventional Migratory Species and Co-Chair for the Indicators Adult Technical Expert Group, and I will be providing support on biodiversity and soil sections.

00:12:10:00 - 00:12:10:15

Thank you.

00:12:12:03 - 00:12:16:28

Thank you, Dr. Williams. And moving around to your rights with the other interested parties.

00:12:17:13 - 00:12:28:02

Good morning. It's Mr. Simpson, chair of Rutland and representing National Office. I'll respond to questions where appropriate.

00:12:29:15 - 00:12:30:16

Thank you, Mr. Simpson.

00:12:33:01 - 00:12:55:15

Chris Granville wide from offered. I've. I've been a resident there for over 40 years and I've been the flood warden for the past ten years. And so talk about flood risk and issues associated with that, but also footpaths and countryside and agricultural land as associated topics.

00:12:57:25 - 00:13:01:17

Thank you, Mr. Granville. Lights. And Mr. Hughes, I believe.

00:13:02:02 - 00:13:02:19

Good morning.

00:13:02:21 - 00:13:06:20

Yes, I'm John Hughes. I'm an interested party with regards.

00:13:06:22 - 00:13:16:27

To my mother's property, which is in Glen Crescent, Essendon. And I'll be speaking depending on what matters are actually brought forward.

00:13:18:14 - 00:13:27:29

Thank you, Mr. Hughes. And now turning to those attending online, you an increase in so so far I believe we have Lincolnshire County Council's representative.

00:13:29:15 - 00:13:30:12

Mr. Willis?

00:13:30:26 - 00:13:59:12

Yeah. Good morning, sir. My name is Mark Willis. I'm the applications manager at Lincolnshire County Council. I've got a number of colleagues also on the call today. I won't necessarily introduce them at this stage. I think given what you've said about the agenda, some of those individuals are probably best suited for tomorrow. And I will, however, introduce Kevin Gillespie, who's a landscape consultant working on behalf of Lincolnshire. So if I could ask Kevin, perhaps introduce himself to the floor.

00:14:00:28 - 00:14:01:13

Thank you.

00:14:03:15 - 00:14:11:09

Good morning. My name's Kevin Gillespie. I'm a landscape architect working for RH Consultants in your representing RCC.

00:14:14:19 - 00:14:15:24

Thank you, Mr. Gillespie.

00:14:17:23 - 00:14:25:22

Is there anyone else attending online who isn't a member of the various support teams that are with us today who haven't yet introduce themselves?

00:14:30:03 - 00:14:31:04

No. Oh.

00:14:33:21 - 00:14:36:25

Uh, initials. Ellen. If you'd like to turn your camera on.

00:14:37:10 - 00:14:44:14

Good morning, sir. Liam Nevins, on behalf of the applicant. I'll be speaking on water and fibrous matters later on in the hearing.

00:14:45:26 - 00:14:47:18

I'm sorry. What was your surname again?

00:14:48:11 - 00:14:49:02

Nevins.

00:14:50:18 - 00:14:51:11

Thank you very much.

00:14:51:24 - 00:14:52:10

Thank you, sir.

00:15:06:10 - 00:15:29:14

Okay. Um. In terms of the running order, will be seeking to have a mid-morning break around the same time as yesterday around 1130 and aim to break for for lunch around 1 p.m. again. And as per yesterday, we don't intend to continue beyond 5 p.m. today, if at all possible. Um,

00:15:31:00 - 00:15:49:24

so please do better in mind. Um. Please can everybody who wishes to speak and who addresses the point today provide a written summary of all representations by deadline for which is Tuesday the 25th of July? So a summary of your written representations today.

00:15:51:19 - 00:15:58:24

Before we move on to the substance of the agenda. Does anyone have any questions about the gender or how the hearing will be conducted?

00:16:04:02 - 00:16:11:25

No. Okay. So we'll move on to agenda item number three regarding statements of common Ground. And I'll hand over to my colleague, David Cliff.

00:16:14:25 - 00:16:16:15

Thank you. And.

00:16:18:17 - 00:16:51:13

Just wanted to touch fairly briefly on an update on where the various parties are with statements of common ground and draft statements of common ground. I think the deadline for these was deadline two, and I think they've been provided with some limited success, but there's quite a few that are still missing and there's quite a few which appear to still require a little bit of work on. And Mr. Fox, would you like to just do a overview, a quick overview? Yes.

00:16:51:15 - 00:17:13:21

Where where you are with statements of common ground. And then I'll ask for comments from any of the parties. And I'll want to deal specifically with my large action group, which we can come on to as well. So you can just do a little review of where we are on the update. And since since then, since the last submissions please settings there.

00:17:13:28 - 00:17:53:02

Um, so I would say that our hope is that by deadline for the SDGs would meet um, moved on quite substantially from where they were at the 90. So we have been having specific meetings with all of the councils. We have been sending out updated drafts to the historic England and Natural England and similarly with Anglian Water, which we think is essentially done. Um, and then for Wildlife Trust, Um, so we are continuing to engage with all the parties, Um, and we're cognizant that the deadline two versions were fairly high level.

00:17:53:04 - 00:17:57:16

So we are aiming for deadline for, for them to be more extensive as much as we can.

00:17:59:09 - 00:18:18:21

And where the ones were submitted for deadline two. For example, the one with Lancashire County Council was the version that was sent to us, just the version which the applicant has put forward as a proposal or has that version actually had, albeit it's only a draft version, it's still emerging.

00:18:18:26 - 00:18:34:11

I would call it an agreed work in progress version. Right. Um, so we've not been submitting stages where we've not had some discussion with them. They're not the applicants proposal for the they are where we've got to with the with each of those parties.

00:18:34:24 - 00:18:44:16

Okay. And in the case of the two local planning authorities, Whitland County Council and South Kesteven, what's the. I don't think we have yet drafts.

00:18:44:26 - 00:18:47:08

So we're we're aiming to submit drafts at that time for.

00:18:47:12 - 00:19:18:19

Okay. And are they moving along? Yes. Okay. I'll that's for comments from the councils because those are very important for us principally to understand obviously what areas are in agreement will also, perhaps most importantly, which areas are in disagreement and what the reasons are for those disagreements. So a summary of what the reasons are. And it's also helpful to know whether or not the parties consider it's going to be possible to get to a point of agreement or or not.

00:19:18:22 - 00:19:19:16

So.

00:19:21:06 - 00:19:45:07

I know quite a bit. It's talked about about the documents called principle areas of disagreement these days. But effectively, I think the statements of common ground should include within them, perhaps most importantly, those principle areas of disagreement and the the justification for that. That's the bit think that we get the most use out of the primary stuff is helpful, but actually there's about 4 or 5 core pages where where where they're most understood.

00:19:45:09 - 00:20:09:19

I mean, I would just say that our general philosophy, if something is in a not agreed category, table or column, then that means that that's a recognition by both parties that the issue is not agreed and will not be agreed. Whereas under discussion is where we're still under discussion, hope to be able to put it in either the agreed or not the grid column. Okay. So some questions.

00:20:10:01 - 00:20:18:15

And we talked a little bit about Network Rail. Uh, what's progress with those.

00:20:18:26 - 00:20:52:25

With the position? Well, is we are hopeful that protective provisions will be able to be agreed very soon. Um, I think we're literally talking about 1 or 2 paragraphs within the whole set that are under discussion. Um, we are in emails with them this week, so I'm hoping that by tomorrow or Friday maybe I'll have further updates. Um, but um, if not my deadline for then certainly I would imagine my deadline five We all have agreed protective provisions and flowing from that and we're hopeful that then that will rail would withdraw their representations.

00:20:53:10 - 00:21:04:05

Okay. And I assume that will also include the matters that we touched on yesterday regarding the cable options. Yeah. And progress on on those.

00:21:04:07 - 00:21:17:05

Obviously can't speak for them, but because I would say that net morale protection provisions include provision for them consenting to the works. So, so essentially that would give them the protection they need for us to continue our wider discussions.

00:21:17:14 - 00:21:42:29

Okay. So deadline for is when we will get the next iterations of these. I understand with the exception possibly of my past action group, which will come on to. Yes. Okay. Any comments from the local authorities or Lincolnshire County or Lancashire County Council on State and Progress with statements of Common ground?

00:21:45:02 - 00:21:47:29

Or have you agreed with what Mr. Fox has said, which is absolutely fine.

00:21:48:07 - 00:21:59:12

Morning, sir. It's Mark. We're listening to County Council. Yeah. No, there's not enough. There's not been a further discussion since the draft, that deadline too. So we've obviously continue that dialogue.

00:22:01:11 - 00:22:05:17

Okay. With a view to submitting at deadline for.

00:22:08:09 - 00:22:11:07

And. Where we can. Yes.

00:22:11:20 - 00:22:28:28

Yeah. Okay. Okay. Whereas are not agreed. That's absolutely, absolutely fine. Of course, you know, I doubt that every single issue will be agreed by the end of examination anyway. But where it's, as I say, where it's not agreed a justification of the reasons for that and the party's position is very useful for us going forward.

00:22:29:04 - 00:23:01:24

Yeah. I mean, if I may, sir, one of the questions I've got, I guess was did raise with in your initial think it was the Rule eight letter, you did give an indication of the kind of topic in areas that the the statement of common ground would look to cover. And I presume that was an indication of the main things that your cells are looking for in terms of clarity on note that the structure of the statement common grounds don't quite align with that. So if if that was more helpful than guess, that's something we can consider to be a bit more clearer for.

00:23:02:11 - 00:23:37:05

Think the things that we raised in the Rule eight letter are the things that we felt important at that time. It's not necessarily limited to things such as that. I mean, one of the things I think is important as well is matters relating to the draft development consent order. I think this is the same for all the local authorities that matters, such as the requirements or anything in the draft consent order that's not agreed. And also we touched on this yesterday matters in relation to the various, if you like, the suite of outline management plans.

00:23:38:23 - 00:23:49:05

So helpful for things to be included regarding those as well. But think that list in the eight letter that certainly stands and those are the things that we'll be looking at. But it's not completely just limited to those those matters.

00:23:49:22 - 00:23:58:05

And what about the applicant should say that the idea of the same common ground is that they do cover those topics. Just the words might be slightly different. Yeah.

00:23:58:29 - 00:24:03:06

Okay. Okay. Thank you, Mr. Willis. Uh.

00:24:04:25 - 00:24:19:12

So we move that on to the past Action Group Statement of Common Ground. Uh, Mrs. Holloway, do you want to go first on this one as to where where discussions are in this regard from the actual group's point of view, And I'll come back to Mr. Fox.

00:24:21:08 - 00:25:02:13

Mrs. Holloway speaking on behalf of Class Action Group. I did make a submission at D3 Rep 3040. Really? Which was just giving an update on the status. I was very conscious that that was a deadline that was set for us. And on the 26th of June I sent an email to the applicant because hadn't received

anything and was concerned that we were likely to miss the deadline. And they responded on the 28th and said that they would get an initial template out to me, which arrived on the 5th of July.

00:25:02:15 - 00:25:21:03

So last Wednesday afternoon I received it. But think the thinking was then because obviously we're mid D3 and D4 that it would be useful to take account of the hearings, things that might come out on either side and then can submit for D4 if that's okay with yourself.

00:25:22:16 - 00:26:08:28

I think that would be helpful because they are helpful when we come to first of all, for hearings. We've not had them obviously for this hearing in in full. But when we come to do the second round of written questions, which is due in around about mid-August, and look at the data in front of me, and then of course, moving forward to the second, second round of any hearings that we choose to have in September. So deadline for would be helpful. And obviously you've heard what I've said about what group found really important. Whilst it's quite interesting to read pages and pages of details of consultations and previous meetings and this happened or that that happened, it is those effectively it's in a way it is the principal areas of disagreement and the reasons for that that are the most the most critical things, but also also matters of agreement on things where they're relevant on policy interpretation, or there might be a matter about the actual detail of the site, etcetera.

00:26:09:00 - 00:26:16:27

That is still that is still helpful. But it is it is the areas of the disagreement that's probably the most the most helpful and a justification for that.

00:26:19:15 - 00:26:52:05

And yes, just say I agree with everything Holloway has said. Um, think it's suffice to say that the areas of disagreement with impact will be more than than others. Um, but what I would just say is I'm very conscious of creating more big documents. And our approach generally had been to try and discussion with stakeholders to kind of cross-reference to where people's parties positions are set out, because otherwise you start to get as big as your other documents.

00:26:52:07 - 00:27:00:17

So where there is disagreement, for example, with the councils, we council would say our set out in paragraph X rather than repeating the point.

00:27:01:06 - 00:27:32:12

That's that's fine. From our point of view, we don't want to read great big long documents. And you know, there is there is inevitably some repetition in written materials in this process which all parties probably find and think, you know, we struggle as much as anybody else with the sheer volume of stuff. So rather than. Yeah. So cross-referencing some signposting is fine, but also just an over a summary overview. And the simple old fashioned traffic lighting system too is quite helpful to us and the use of tables just to clearly set things out.

00:27:32:14 - 00:27:47:14

So in a way, the shorter documents the better from our point of view. And also I'm aware of the time that these things can take, so don't want them to become an industry in them in themselves. And no, there are resource implications for parties as well in that regard.

00:27:49:15 - 00:27:57:22

Okay. Is that everything? On statements of common ground for now. Okay. Thank you for that that update. So.

00:27:59:18 - 00:28:01:14

Agenda. Item four is.

00:28:03:05 - 00:28:15:23

Landscape and visual effects. Which. I'm anticipating will take us up to lunchtime.

00:28:18:11 - 00:28:53:05

And I'd rather it didn't go beyond lunchtime. Uh, and this is again, as I said yesterday, it's not about every single issue having to be sort of discussed in detail. It's not about repeating representations that have already been made or there can be clarification of those. We may have questions or some of those, but generally I'll sort of lead through with the questions that I've got. And these questions arise from the written materials from site inspections that we've done in the company basis local impact reports. Obviously the application documents themselves and but will ask at various points views from parties on the relevant matters raised.

00:28:53:07 - 00:29:28:25

And I'm hoping that the matters that I raise will be sort of chime in with what the parties principally want to raise as well. And at the end, if there is some time before lunch where they might move on to some other matters in that regard, then that that might be able to be raised as well. But I certainly don't want to go beyond lunchtime. Right. So if if and we'll follow it in the order of the, uh, agenda starts at B. Sorry about that. Um, beta J and there will be some slight moving around. I mean, obviously methodology covers several things as well, so there will be some movement around there, but we'll generally try and keep to those.

00:29:28:27 - 00:29:44:04

So just very quickly, in terms of the parties who want to sort of engage in sort of, you know, the general discussion in dealing with my questions, think I'm clear from the applicant's point of view and clear from the from Lincolnshire County Council. Uh.

00:29:51:08 - 00:30:00:08

The Lancashire County Council. We have got. Sorry, we've got Mr. Willis and Mr. Gillespie who are presumably want to contribute.

00:30:03:18 - 00:30:05:22

Yes, sir. To any questions that you may have.

00:30:05:27 - 00:30:33:14

Yeah. Okay. Thank you. And then also from Rutland and South Kesteven. Uh, you're you've already indicated you have to ask questions on matters, etcetera. So. Yeah, I've got several questions to, to ask you during the course of proceedings, if there's anything you can't particularly answer now or anything that needs to look in more detail and let me let me know. Uh, and then my last action group, um.

00:30:35:04 - 00:30:37:18

This. What's the best way to to to address you?

00:30:38:03 - 00:30:40:19

Oh, Miss, Please, Miss.

00:30:40:21 - 00:30:41:06

Miss.

00:30:41:08 - 00:31:00:13

Thank you. I was just wondering, since I'm new to the day, whether it would be helpful to begin with, to set out or to try and establish the main areas of agreement and disagreement at a relatively high level so that we can avoid spending time on technical matters that we wouldn't need to.

00:31:00:15 - 00:31:22:23

That is sort of what I was thinking. So will come back. Yeah. Will come back to to that that point. Uh, because also when it gets these hearings, sometimes there've been discussions, sometimes things are moved on. So it's useful for the panel to get an indication of that. So yeah, I was hoping to go sort of down that direction as well. But thank you. Thank you for noting that. Uh. And then, um.

00:31:24:15 - 00:31:35:07

Who else would like to contribute or expects they want to contribute to the discussion. Mr. Simpson from the CPR. I'm expecting you want to.

00:31:38:06 - 00:31:50:26

Perhaps particularly we are joint commissioners with class action group of the study that our professional colleagues here to represent. So it may be if I'm silent, if she's saying needs to be said, that's fine.

00:31:50:28 - 00:32:05:28

And I think I think it goes without saying that there's no need to repeat points that have been already said. They don't really attract more weight by being said 12 to twice. It's the if you like, it's the quality of it rather than the quantitative is in that in that respect. Uh, okay. And anybody else who wishes to.

00:32:06:10 - 00:32:16:27

Yeah, I'd like to speak on, on that particular subject, put in a written representation about it of the scenery, countryside, etcetera. Yeah.

00:32:17:06 - 00:32:25:00

Okay. We'll put your hand up if you want to speak at any time or I'll bring you in. I've got any particular questions, but thank you Mr.. Mr. Granville White. Yeah. Okay.

00:32:25:02 - 00:32:36:00

Perhaps I could just make the point. I've got a major hearing problem, so I'm getting about 20% of what's being said at the moment. Right. You'll have to bear with me.

00:32:36:05 - 00:32:37:07

Okay.

00:32:37:09 - 00:32:45:06

Well, that's important. So we need to speak probably louder and probably more clearer. So it's not.

00:32:45:08 - 00:32:50:00

It's not volume. That's fine. Right? It's just clarity of the words at all.

00:32:50:07 - 00:33:08:16

Okay. Thank you. Well, any point you want, anything reiterating or explaining because you've not heard it, then we can go over it again. So again, just put your your your hand up. I mean, is it a case of actually speaking slower? Does that help or is there anything we can do to help in that regard?

00:33:09:00 - 00:33:22:05

Yes, it does help, actually, because I've just heard everything you said, but previously, up till now, haven't really heard anything at all. I could hear the chairman okay. But I couldn't really hear much of what you've said. Right. But that's my problem.

00:33:22:13 - 00:33:42:00

Okay. It's probably my problem too, because I probably speak too fast. So I think Will is a helpful reminder for me. So if everyone can take be aware of that that, um, to ensure that Mr.. Mr. Granville White can can can hear adequately. Okay. Thank you. Anybody else who.

00:33:44:22 - 00:33:45:18

This Kentish?

00:33:46:13 - 00:33:56:29

Yes. Anything on any of the items that happen to trigger something that is relative to our parishioners? It's.

00:33:58:16 - 00:33:59:28

Okay. Thank you.

00:34:02:03 - 00:34:02:24

Mr. Hughes.

00:34:04:10 - 00:34:23:07

Yes. Should have been to rep to 172. Sorry. One seventh. Sorry. Yeah. 172 in relation to sort of landscape and visual effects. So with regards to what submitted previously and what he's actually brought in by yourself. Okay. At this stage, yes. Would like to comment.

00:34:23:16 - 00:34:41:03

Okay. Thank you. And anybody, no one else in the room. But I don't think anybody online who particularly wishes to. Join the discussion and engage on landscape and visual matters other than obviously Lancashire County Council.

00:34:45:05 - 00:35:15:25

Okay. Okay. I was going to start by asking Mr. Fox or one of the team to just update on the position as far as the applicants concerned in terms of any further discussions that have taken place and any updates since the the last round of written material. Uh, we don't need to go into sort of detail in every single matter because as was indicated, would be helpful to get from the parties what their main issues of concerns are.

00:35:15:27 - 00:35:27:22

So we can try and sort of focus discussions as much as possible. And I've got a list of questions too, but is there any update you wish to provide Mr. Fox at this point? And anything that's moved from where we were at Deadline three?

00:35:28:19 - 00:36:01:29

Um, Mr. Fox, in behalf of the applicant. Um, no, nothing to update. Um, in that mean I would say there's not, not really been discussions on that in terms of discussions with the local planning authorities in light of the Stantec review which they submitted at 339, which essentially said that their the, the methodology and the way we carried out the assessment was acceptable. Um, you know, we, we're going to reflect that in the, um, and there hasn't been any discussion with them on this.

00:36:02:22 - 00:36:07:19

Okay. Thank you. Now that's clear. If I can just move to,

00:36:09:15 - 00:36:18:26

uh, Rutland County Council and. Self esteem and district council. Obviously I've read the Stantec review and.

00:36:20:25 - 00:36:28:23

Which was commissioned by both councils, wasn't it. That's that's it's a, it's a, it's a joint document in that respect and.

00:36:30:19 - 00:37:04:09

In terms of the council's positions other than what's in that review, which. Think about wanting to paraphrase sort of generally agreed in principle with. What was in the environmental statement. Is that the is that is that the position. That in terms of for example, one of the questions I wanted to ask in terms of the conclusions of the environmental statement on landscape and visual matters. And does that review indicate that the council's lack of on to, to to Lancashire County Council? Because I know they've got some separate issues generally agree with the contents of the environment.

00:37:04:11 - 00:37:14:17

The applicant's environmental statement. Mr. Johnson, do you want to go first for. Thank you for Rutland Rutland County Council. I think generally, um.

00:37:15:01 - 00:37:20:09

Rutland County Council, where, um, we asked to do a review of the.

00:37:20:11 - 00:37:21:09

Methodology.

00:37:21:11 - 00:37:50:05

And of the way the assessment had been carried out for the whole year as well as the landscaping side of things. So we were happy with that. Um, I think there, there are potentially some points in terms of the conclusions of some elements of that where we may disagree with with that and we'll probably pick those up through some of your questioning on landscape overall. But the general methodology and and how it was carried out, we had no objections to it.

00:37:52:02 - 00:37:59:19

Okay. So some of the results of the assessment in terms of actual think effects and impacts, you're saying.

00:37:59:27 - 00:38:26:24

Well, think it's the in terms of the impacts as we set out in our in our written our our overall concern with regards to it is the impact that it has on the enjoyment of the countryside in and around the village. And it's not so much that from one particular viewpoint it would have an adverse impact, but it's the wider enjoyment of that area because of the solar farm.

00:38:27:12 - 00:38:41:28

Okay. But does Rutland County count? Does Rutland County Council, do you agree with the actual in terms of the results of the environmental statements, in terms of the conclusions on, for example, landscape character and the visual effects where there were some significant effects that were.

00:38:45:03 - 00:38:51:21

And would result obviously at different stages Is the council as a result of the Stantec review in agreement with with those.

00:38:51:23 - 00:38:55:24

Yes. Think think in terms of those points. Yes.

00:39:01:03 - 00:39:11:14

Okay. Thank you. That's that's helpful. And the same question. For Mr. Jordan. For second. Steve Industry Council.

00:39:12:09 - 00:39:17:01

Thank you. Phil Jordan for Steve District Council. Yeah, I'd.

00:39:17:03 - 00:39:17:18

Largely.

00:39:17:20 - 00:39:21:18

Agree with Mr. Johnson said. Mean the

00:39:23:07 - 00:39:49:05

Stantec review is a review of the entire environmental statement and it does start at the beginning the what the limitations of that review were. It's a fairly high level review of the methodologies. Um, but equally we haven't commissioned a in-depth or independent review of any topic areas.

00:39:51:21 - 00:39:56:01

I think one of the points we sort of highlighted within our statements of common ground.

00:39:56:03 - 00:39:56:18

Is.

00:39:57:14 - 00:40:04:12

We are aware there are other independent experts representing past Action Group and Lincolnshire County Council.

00:40:04:14 - 00:40:04:29

And I.

00:40:05:16 - 00:40:12:04

Think, you know, we wanted to sort of hear and understand the, you know.

00:40:13:23 - 00:40:31:18

What sort of questions come out through the hearing process? Um, but essentially, we're not in a position or not intending to challenge the methodology or the, um, the actual outcomes of the, of the review that were carried out in the environmental statement.

00:40:33:16 - 00:40:41:23

Okay. Thank you. And in terms of the limitations. Of the Stantec review. Just so everyone was aware. Could you just briefly summarize what those.

00:40:41:25 - 00:41:07:10

Yeah. Haven't got in front of me, but think largely it's a it's a dust based review. So whoever carried out the assessment hadn't been site and so they wouldn't have had that full understanding of the baseline conditions, for example. Um, and you know therefore the sort of the limitations flow from that really. So I think, you know, that's the main.

00:41:10:17 - 00:41:12:18

You know, the main limitation with it.

00:41:12:21 - 00:41:20:03

So it's more on methodology and procedure because obviously they've not been to the site and not being able to stand at viewpoints and things that must be quite difficult to actually.

00:41:22:17 - 00:41:26:01

Visual effects are from a professional judgment involved in that.

00:41:26:05 - 00:41:27:07

Exactly that.

00:41:28:14 - 00:41:59:04

Okay. Okay. Think. Think. Understand what those limitations are. Can just come back to you in just want to go through the the various councils first. Okay? Thank you Mr.. Jordan That's helpful. And think the position of Lancashire County Council. Differs a little bit from the other two councils in that you've had your own separate review done on landscape and visual effects.

00:41:59:16 - 00:42:10:02

And Mr. Willis, would you like to just summarize what the councils, the County Council's position is, please? Well, Mr. Gillespie, whoever wants to speak on this matter.

00:42:10:07 - 00:42:40:25

Yeah. Good morning. It's Mark Willis, Lincoln County Council. Yeah, I'll defer some of the detail. Perhaps questions to Kevin Gillespie, if that's okay. But in terms of the overview, then yes, you will see within the local impact report we have submitted and the statement of common ground, we've identified where there's a difference of opinion with regard to perhaps the application of significant. I see from your agenda you've got some of these items identified anyway, so we'll probably get on to that.

00:42:40:27 - 00:43:12:10

But we've it's fair to say we've commissioned a consultant to review the has been involved with the project from the outset. Um, and in terms of the assessment, say we've, we've set out clearly where we feel that whilst there's been a conversation going on, there's been differences of opinions about perhaps the acceptability of the level of significance, the viewpoint locations, the quality of photo montages.

00:43:12:12 - 00:43:17:29

But so perhaps the detail of that, given your agenda item we can come into later.

00:43:19:03 - 00:43:41:01

Okay. Thank you. Yes, we'll come on to those. And in terms of the other than those matters that have been raised and appear in the agenda, is there any other is the County Council generally in agreement with the methodology other than things such as, you know, sort of like photo montages, study area, etcetera? But the general methodology is the County Council in agreement with that?

00:43:42:08 - 00:43:48:24

Yeah. Kevin, would you mind. Think, think. We think we've been clear in that in the local impact report. But if I can defer to Kevin but.

00:43:50:08 - 00:44:04:00

Hello? Yes. Kevin Gillespie for LCC. Yes, we we are generally happy with the methodology and this compliance with three.

00:44:09:18 - 00:44:11:26

Yes. Carry on. Sorry. Have I lost you there?

00:44:13:03 - 00:44:14:08

No, I've stopped.

00:44:15:00 - 00:44:18:21

Okay. Thank you. No, that's. That's fine. Thank you. And that's it.

00:44:19:10 - 00:44:22:00

With the exception of the matters that we're going to go on to later.

00:44:22:08 - 00:44:27:23

Absolutely. Yeah. We can pick things up as we go through the agenda. Okay. Thank you. And.

00:44:31:29 - 00:44:59:27

Mrs. Holloway, In terms of my action group. Obviously, you've got more concerns over over these matters. And I want to say what you're going to say when you put your hand up before and be if you want to give sort of a very high level summary of what those concerns, because obviously we can drill down in the detail during the during the morning. So the main areas of perhaps disagreement with the with the applicant would be helpful to hear. Just to set the set the scene for the discussions.

00:45:01:27 - 00:45:16:25

Mrs. Holloway for Marlow past action group was just to say, I do have the wording here for the limitations of the Stantec report. If you wanted that shared with the room, I could read that out. It may not be relevant now. We may have passed on, I think.

00:45:16:27 - 00:45:33:13

Because it's a document already in the examination library. We've got we've got all those. It is an examination library for people to have a have a have a look at. Obviously, if there's anything that's particularly relevant to any party wants to bring in the discussions and they can highlight anything but probably best, probably no need to actually go through those in any detail of what's being said at the moment.

00:45:33:22 - 00:45:49:27

Suffice. Suffice to say that obviously, you know, what Phil Jordan said in respect of it being a very, very high level report and it's 12 pages long, It's got limitations in terms of the scope of what it can actually do. But I'll pass over to Tinkler and.

00:45:49:29 - 00:45:58:16

We've also got a copy of that report and the limitations. So we take that as read that we've, we've read that and understanding Understood that. Thank you, Miss Tinkler.

00:46:00:10 - 00:46:10:19

Thank you, sir. So should I just very quickly summarize what my opinion is about the matters about which we agree and disagree from landscape and visual terms? Because I think it's quite quick.

00:46:11:02 - 00:46:16:04

That it's fine when you say your opinion, but I'm presuming you're speaking on behalf of the action group. So the view of the action group.

00:46:16:06 - 00:46:34:14

Yes, absolutely. So. It seems to me that we agree that in terms of effects on the landscape character of the site, that this is the main site where the arrays will be and the other equipment and the.

00:46:36:24 - 00:46:47:17

Immediate surrounds. Think think it's described at. Is that we agree that those effects would be significant adverse at year years. Zero.

00:46:50:27 - 00:46:56:18

And then we also agree that they would remain significant adverse at year 15.

00:47:00:28 - 00:47:08:25

We simply disagree about the fact that the level may reduce slightly at year 15 in terms of effects on landscape character.

00:47:14:24 - 00:47:30:26

And the reason for that is that I don't agree that. Planting which is proposed to screen. Sorry, this isn't great. Planting proposed to screen views can mitigate effects on landscape character, which is as per the guidance.

00:47:32:17 - 00:47:38:22

And then we also agree in terms of visual effects that there would be significant adverse effects on views.

00:47:40:23 - 00:47:46:07

On receptors crossing the site and in the immediate vicinity of the site at. Naught.

00:47:58:22 - 00:48:20:12

And think. Recall that we agree that they will remain significant adverse at year 15, but that may be in dispute simply because there are differences of opinion about the effectiveness of the mitigation. What we disagree about is beyond the site and its immediate surrounds the levels of effects on character and views.

00:48:28:12 - 00:48:52:25

And the concludes that beyond that limit, both effects on character and views would reduce quite rapidly. Whereas my opinion is that effects on both landscape character and views would decrease more gradually with distance and therefore they would be higher than reported near the order limits and then they would decrease to slight.

00:48:55:17 - 00:49:17:08

And then there are minor matters which we we may not need to deal with, but I'll just give you the headlines, which is about the relevance of matters such as quality of life to landscape, which the applicant has said is not relevant. But all we need to do there is go to the Landscape Institute's policy on health.

00:49:20:01 - 00:49:37:11

And the document, which is called Public Health in Landscape. And that will explain in a lot of detail why quality of life and the matters that I've raised are relevant to landscape. I think we need to talk about security, fencing, but we can do that at the end.

00:49:39:27 - 00:49:51:23

We disagree about construction effects. But again, I think we agree that there is significant. Well, during the duration. Um, so I think that's that's about it. I hope that helps to focus.

00:49:51:27 - 00:50:01:16

Okay. That's helpful. Thank you. Security fencing, we touched on quite a bit yesterday and the scope of the hearing. But if there is time and for any discussion about specific, I.

00:50:01:18 - 00:50:05:12

Have some updates on my position, my previous.

00:50:05:21 - 00:50:35:29

Position. We'll hold that for till and hopefully we can fit that in before lunchtime. Uh, and obviously you mentioned health and obviously your, your your submissions in that regard. And health is something will probably come on to probably tomorrow in some respects in terms of in combination effects is something we wanted to discuss at that point. But if there's anything particularly relevant to landscape and visual and obviously do raise that on methodology other than the points which are actually obviously in the agenda.

00:50:36:01 - 00:50:40:22

Is there anything on methodology that there is fundamental disagreement with?

00:50:40:27 - 00:50:52:13

We agree that the guidance has been followed in principle. But we disagree about the process and the application fundamentally.

00:50:56:00 - 00:50:58:15

So the guidance has been followed in principle, but.

00:50:58:17 - 00:51:13:07

We disagree about the process and the steps which have been the application, if you like, of the method. In other words, they've used three. But we disagree about the application of the guidance, how it's actually been used in the assessment.

00:51:18:06 - 00:51:49:08

Okay, well, I'll give you an opportunity to explain that in further detail as we go on. But thank you. That's very helpful. These microphones, by the way, I find you can actually be quite a way back from them. And they still they still work. That's that's helpful. Just about. Yeah. Okay. Thank you. Right. Before we move down the list of items in terms of what the applicant has heard, those quite helpful clarifications from the other parties. Sorry, Mr..

00:51:49:10 - 00:51:52:12

Who did you want to say something as well before? Sorry.

00:51:52:14 - 00:52:02:24

Yes. John Hughes, An interested party. All that would like to say with regards to the methodology is, as was mentioned by our colleague, the council desk based.

00:52:04:12 - 00:52:07:07

What did you say? That last sentence again, please.

00:52:07:15 - 00:52:23:01

Regards to the methodology, as has been stated by the council. It is desk based. So actually, nobody is physically. The whole of the methodology has been done with somebody sat in a room like this.

00:52:23:06 - 00:52:30:18

No. See the point about the council's Stantec review? Yes. Yeah. Okay. Now understand that. Yeah, I think that's. That's. That's clear. Yeah. Thank you.

00:52:33:05 - 00:52:33:24

Okay.

00:52:35:11 - 00:52:36:16

Yes. Mr. Granville White.

00:52:37:07 - 00:53:23:18

Thanks very much. May be going off the tangent because I've followed very, very little of the debate so far on this topic. But and obviously, you know, or you've seen what's in my personal written presentation on the on the footpaths, countryside and things like that. I think the one word I'd just like to bring out is devastation because we live quite close to the drive away that cuts right across the centre of the of the proposed site that has been a haven to us and our family walking talking over family problems, just walking and enjoying ourselves and the and and I say the photograph I included of 100 plus deer that live in the area free roaming.

00:53:24:00 - 00:53:29:03

They've been there for goodness knows how long. So certainly more than the 40 years we've been there.

00:53:29:12 - 00:53:31:10

Okay. Thank you. I've read your representation.

00:53:31:12 - 00:53:41:16

Devastation is the word because no one would ever want to go there and walk ever again because the scenery would be gone and it would be a distressing thing to.

00:53:41:18 - 00:53:42:09

Do, I think.

00:53:42:11 - 00:54:09:25

When we get onto item H. Thank you for that, for that. When we get on to item H, which is the assessment of landscape and visual effects during operation, that's probably the time to sort of consider that in in more detail. So we will come on to to those, to those effects. But thank you for noting that that's something you wanted to explore and okay. Mr.. Mr. Fox, is anything you want to come back to before we go on to the the more detailed discussion?

00:54:11:14 - 00:54:54:13

Um, Mr. Fox, in behalf of the applicant, I'll just make two initial points. So the firstly, it's just to note that the, that Stantec review was just a review of the methodology. So you don't need to go on site to review the methodology because it's the consideration of the application of the relevant guidance. Um, appreciate the points that made about there might be some disagreement with the conclusions and Mr. Crick will go on to explain our methodology in the amount of site visits that we did do. Um, but think the limitations of that Stantec report need to be in the context of what they were seeking to do, which was to review the methodology, not to consider, um, the conclusions which understandably there is a matter of debate on that.

00:54:55:02 - 00:55:20:12

Um, the second point I would just make is, um, obviously we, a lot of the points that have been made already this morning were in deadline two submissions of interested parties and rep 332 table um, response to them in detail. Um, I won't yet come back to impact points and imagine you're about to deal with them as part of the agenda items. So unless you want us to, we'll wait. No, let's.

00:55:20:14 - 00:55:29:15

Wait and go through. Okay? Okay. I guess that's Mr. Jordan. Mr. Johnson, was there anything you wanted to come back on? The what Mr. Fox had just said about the Stantec report?

00:55:31:03 - 00:55:32:01

Yeah, Mr. Jordan.

00:55:33:29 - 00:55:45:27

Thank you, Jordan, for. Yeah, I've got the limitations open and think it is correct to say it was a review of the methodology and therefore

00:55:48:05 - 00:56:12:00

it wouldn't have been necessary to go on site to, um, you know, review the sort of conclusions of the outcomes. But it does set out that the limitation around being desk based is in relation to the assumption that the baseline conditions in the existing site description and context were correct. So think. You know, that is a relevant point around.

00:56:14:04 - 00:56:15:29

The limitation of being dust based.

00:56:16:24 - 00:56:17:09

Okay.

00:56:19:17 - 00:56:21:06

Okay. Thank you.

00:56:25:21 - 00:56:58:05

Now I want to go on to discuss the study area and the definition of significant effects. And there's also a point that I want to raise questions about the visual receptor groups. I'm not sure that actually, given the points that have been raised in terms of sort of having a review of what the actual overall methodology is, is that necessary at this point, given that that's clear in all the documents? I'd rather focus in on what the actual concerns were about the methodology rather than sort of a a review of that.

00:56:58:12 - 00:57:11:13

Is there anything in particular without going on to the. The separate items that are methodology you want to raise without going into a long sort of details, sort of review of what that methodology was, because people have read that already.

00:57:11:18 - 00:57:20:21

Yes. Sorry. I will bring in Mr. Crute just to do that briefly. And also, I think just to touch on that quality of life point as well, because it does go to assessment.

00:57:22:21 - 00:57:56:26

Good morning, sir. Thank you for the. Good morning. Yes, sir. I think that was very helpful from Mr. Tinkler in terms of just clarifying the areas of disagreement and agreement which broadly agree with. I think just in terms of some of the methodology, as you say. So you would have read read the

methodology, but to give you the references to hand should you wish to go, go back into the detail. It's the provides sets out that methodology that's at 036. There's also the appendix 6.2, which is at 055.

00:57:57:19 - 00:58:16:09

Should you wish to say go into some of the technical detail of that assessment. And then so I would just also make the reference to the correspondence between the parties, the local authorities. In terms of the agreement. As we've discussed, that's 001.

00:58:18:10 - 00:58:48:09

And then just finally, if I may, sir, in terms of the the quality of life and health comments, I would agree entirely. Landscape when we talk about landscape, obviously has a very important role to play in that. But Glover three is very clear that in terms of landscape and visual assessment, that's a separate, separate issue that is covered elsewhere in the in the process. Thank you, sir. Okay.

00:58:48:15 - 00:59:22:28

Thank you. That is helpful. I've got a question on. The visual receptor groups have may, which I think probably broadly comes into methodology anyway. I'll ask you to in any case, at this point, I just wanted to get some clarification on how the visual receptor groups were. Identified and in particular have those visual receptor groups being consulted upon with the local planning authorities and Lancashire County Council.

00:59:25:28 - 00:59:59:12

Yes, sir. Thank you, sir. Ben for the applicant. So the visual receptor groups are shown. If I just give you a reference at 139 is the plan where the visual receptor. Sorry, one. Yes. No, it is 1139 in terms of viewpoints and visual receptor groups. So that's that's the plan that one should turn to if looking to establish where those groups are spatially and they're based on essentially a collection of receptors in that particular area.

00:59:59:14 - 01:00:22:13

So they would include a number of receptors, be it footpaths, local roads, settlements grouped together as a collective rather than assessed individually under the guidance of three and back to the previous point. So that was all kind of discussed and agreed as part of the correspondence with with local authorities. Okay.

01:00:22:24 - 01:00:30:10

On that point, can just do any other local authorities in Lincolnshire happy with that point that the visual receptor groups have been agreed?

01:00:33:17 - 01:00:34:16

Sorry, sir.

01:00:34:18 - 01:00:56:28

Justin Johnson, Rutland County Council. And I don't recall that it was a point that we were specifically directly asked about. I think we directly responded to visual viewpoints throughout the site, individual viewpoints. But I don't recall the the actual groups being discussed in any any detail at any point.

01:00:57:09 - 01:01:01:15

But you agree with the one do you actually agree with the final choice.

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

The methodology? Yeah, I think and as we've said that that was was the overview. So the methodology we were agreed with and I'm not saying that we have have an issue with those that have

been put forward. Just don't recall that there was any specific discussion or questions about where those locations were going to be. They were what was put forward by the applicant.

01:01:23:09 - 01:01:56:10

Okay. Thank you. And you may refer to the to them being carried out in accordance with the relevant guidance just in terms of a visual receptor group. For example, for a one of one of the villages, for example, which covers sort of a reasonably sort of wide area in terms of the sort of because the visual receptor group there are at the table, forget what it is now, table 6.1. Is it with the results of the visual of the effects on visual receptor groups? And that's all clearly laid out in terms of the actual effects on particular points within those receptor groups.

01:01:56:12 - 01:02:27:00

That's not clear in terms of is there a significant effect, but is there a danger that for for example, let's choose S and dine as a visual receptor group, that there are some points within that where there might be a significant effect. But overall, because of the overall balance, there's not an overall significant effect on the receptor group as a whole. Just just talk through how that actually process works in terms of because obviously they're lumping together a sort of fair amount of different different viewpoints.

01:02:27:29 - 01:02:35:03

And how that works in terms of coming to the conclusion for each one. And is there any danger of any particular ones being being left?

01:02:36:20 - 01:03:11:15

Yes. Thank you, sir. Ben, Group for the for the applicant. The short answer is, is no, sir. There will obviously be variation within receptor groups given their extents and coverage. And the receptor groups have been identified to to as say, identify areas where where broadly the impact will be similar from a range of receptors. And the the assessment essentially, as you say, kind of looks at all of those receptors within that acknowledging that there will be variances between them.

01:03:11:17 - 01:03:41:19

But if there is significant variance or the likelihood of significant impacts within a receptor group, that would obviously be the highest impact recorded in the assessment. I think in particular, just to pick up on the thread in terms of particular settlements and dwellings, there is also subsidy to the residential and visual amenity assessment that looks in more detail at at specific residential properties, which I'm sure will come on to later.

01:03:41:21 - 01:03:52:07

So there's a combination tearing almost of assessment to make sure that any significant impacts are okay, are duly identified and and highlighted.

01:03:53:04 - 01:03:56:20

Okay. That's helpful clarification. Thank you.

01:03:59:17 - 01:04:00:02

And

01:04:02:08 - 01:04:15:01

I've just wanted to add that the the the receptor groups were referenced in the peer that was in the statutory consultation materials as well. So people had chance to express their views on that at the time, the statutory consultation.

01:04:15:06 - 01:04:23:17

Was there any movement or they changed at all between what was in the information and the peer to what information was in the actual application, or did they remain consistent?

01:04:25:01 - 01:04:37:06

Think they're the same? Um, and I've just also wanted to add to Mr. Chris point in there at the end there about the, the residential visual assessment. And of course we also had the amenity and recreation assessment for impact specifically from price.

01:04:37:08 - 01:04:40:07

Yeah, I think we understand that. Yeah. Thank you. Um.

01:04:43:00 - 01:04:44:02

Yes, Mr. Hughes.

01:04:45:05 - 01:04:59:27

John Hughes. An interested party. For clarity then, with regards to the receptor groups and the selection of those receptor groups. It is multiple solar farm that have actually selected those.

01:05:04:01 - 01:05:06:20

Would you like to come back at that point briefly, please?

01:05:08:05 - 01:05:21:21

At the applicant. The point is that it's part of the assessment process as any. Assessment would be done. Um, it was consulted on and people had the chance to, to implement it. But yes, it's part of our assessment process.

01:05:22:02 - 01:05:23:29

You say people had the chance to.

01:05:24:07 - 01:05:26:28

Address can you dress me, please, rather than the applicant? Sorry.

01:05:28:00 - 01:05:54:15

Uh, the applicant says, um, we were able to address the receptor groups. Where I'm trying to go to the point of these receptor groups were submitted by the applicant With regards to the council's local authorities and ourselves, we haven't actually been able to address them and consider whether actually they are representative of what we as the community feel are representative.

01:05:54:26 - 01:06:18:01

As I understand it, they were in some of the pre-application materials, but you have got the chance to address it through the examination of course, as well. But think that's understand that there were parts of the pre-application materials. But any, you know, any comments on those? That's what we're here for, to examine comments during examination. So any written representations, we can take those into account. If anybody feels that they are incorrect or whatever it might be. So that's what we're here to.

01:06:18:12 - 01:06:35:06

So. Okay, so perhaps my misunderstanding then that with regards to the actual application that has been submitted, um. Not The parties with regards to these racial receptors have just accepted what was submitted by the applicant. Well, I'm not hearing there's any.

01:06:35:08 - 01:06:53:22

Objections and objections to them. No, no. From the evidence before me, from the various parties. There's been objections to various other things, but not particularly in particular that. But. Okay. Okay. Can we move on to the next item in the agenda? Let's move on to the study area. There's a.

01:06:57:09 - 01:06:59:01

All right. Thanks for reminding me, Mrs. Holloway.

01:07:01:24 - 01:07:38:26

This is all Holloway from a low pass action group goes goes back in time a bit. And I do recall when we first saw the receptor groups in the pier and have a feeling that we responded in the stage two consultation. But you won't have seen the the inputs from the stage two consultation, not in terms of the full details, but think the comment you made at the beginning resonated in that you looked at a receptor group and then the assessment that was made was trying to understand it's such a big area that it didn't actually look at the pertinent areas within that receptor group.

01:07:38:28 - 01:08:11:07

So take one and don't know the number of it. Apologize along Kolb Road and it would make reference to, you know brace for a would in the background. Well the site faces south from Colby Road it doesn't face north so points were made in the assessment that just seemed irrelevant. But yet the significant points were not being drawn out. Um, as I say, that sort of echoes with what you mentioned at the beginning about trying to understand the purpose of what they were saying.

01:08:11:15 - 01:08:35:21

Okay, thank you. And we'll take that into account. I think that point has been sort of addressed by your clarification. But take I understand what you say and obviously the application documents, what's in there is what's before us to go and consider swimming. It's one of those issues where we'll have to come to a to whether you on in our overall assessment or examination, there's a hand up on line as well and it's one of the hands from which hasn't got an initial Is there somebody who's got their hand up on line who wishes to to speak?

01:08:36:17 - 01:08:48:27

Yes. Kevin Gillespie from the LCC. Um, just wanted to say that we provided comments on the visual the receptor groups, but we were not provided a definitive list.

01:08:52:12 - 01:08:54:16

Okay. You said you didn't have a definitive list.

01:08:55:05 - 01:08:57:12

Yeah, we weren't provided a definitive list.

01:08:59:04 - 01:09:04:00

And what's your view on the actual ones that have been submitted with the application?

01:09:05:04 - 01:09:24:29

Well, in our review, we we did raise the question of how the ones how any receptor group that extends beyond the the study area, how they were assessed, whether it was just stopped at the study area boundary or whether it was looked into beyond clarity and.

01:09:26:14 - 01:10:03:24

Okay, thank you. Well, let's lead let's let's let that lead us into item on the agenda, which is actually the study area. Thank you for that comment, Mr. Gillespie. So your initials didn't come up when? Because you're one of the not all the people's names are on the screen. So sometimes I'll just have to look at hand and ask that person to to comment. And so in terms of the study area, I know there have

been some concerns around this. I think principally from Malpass Action Group about the two kilometre range for landscape and visual effects that's been decided upon in the environmental statement and.

01:10:05:28 - 01:10:18:06

Mrs. Holloway, distinctly, would you like to just briefly sort of set out your concern in that regard, please? And I'll get the applicant to respond and also pick on the point that's being raised by Mr. Gillespie about the receptor points in the study area.

01:10:18:12 - 01:10:51:00

Thank you, sir. My main concern is that a two kilometre study area from the boundary of the order limits is inadequate because the site measures approximately eight kilometres from west to east and approximately 5.5km from north to south. And therefore it seems obvious to me that there is the potential for significant effects to arise at a greater distance, both in terms of landscape and views.

01:10:51:11 - 01:11:24:28

And I think my main concern was that it appeared that the study area boundary had been agreed with the authorities prior to the on the ground assessments having been carried out. And I think in this case, it's very, very difficult to understand the full scale and extent of the development, especially when you're looking at looking at it on a plan. And it may have been thought that two kilometres was plenty, but in my opinion it simply isn't.

01:11:25:00 - 01:11:59:22

I've identified viewpoints, um, probably up to five six kilometres away from which the site would be visible. My difficulty is that sometimes you think you would see the developed site, but without the GIs to determine whether or not you would see the developed site, especially with the mast. I've gone off the applicant zone of theoretical visibility, the Z plan. So I've only visited areas where there is theoretical visibility.

01:11:59:24 - 01:12:10:00

And so you then move on to the zone of visual influence plan, which is the checked. I can see it from here. I can't see it from there. So that's my reason why I think it's inadequate.

01:12:10:18 - 01:12:40:21

And you've provided to think I'm right in saying suggested viewpoints beyond two kilometres. Yes. In your submission and just say that when we do our. This is probably our next unaccompanied site visit rather than the actual. We've got to decide to test this tomorrow. But anyway, it's one of our next site visits. We will go and look at those suggested viewpoints beyond the two kilometres. Obviously, bearing in mind your caveat that you put there as well. But thank you for that clarification. Thank you. Would you like to respond to that, those points that have been raised, please?

01:12:40:23 - 01:12:49:15

Yes. Thank you, sir. Ben, group for the for the applicant may just pick up Mr. Gillespie's points. First of all, in terms of

01:12:51:02 - 01:13:28:22

receptor groups and viewpoints, obviously referring back to the correspondence and said we engaged with with his company. And in terms of the Green agreeing those viewpoints and indeed those were incorporated in the assessment. So that was through a number of meetings, but also an accompanied site visit that the other attended. So there's been a course of dialogue over the course of the application in terms of incorporating viewpoints and seeking agreement where possible.

01:13:29:15 - 01:14:14:04

Just turning to Miss Tinker's point in terms of the two kilometres study area. Again, if I could give you a reference which I've given you before, but our response is in rep 3032. In terms of some of the key issues that that raised, but just to summarize for the purposes of the examination here today, in terms of the study area, we we started out with a three kilometre study area as part of the scoping opinion. As a result of that, that first initial phase analysis, that that went down to a two kilometre study area, which again was agreed through, through the scoping opinion and various consultation on that.

01:14:14:10 - 01:14:48:01

I would just draw attention to the fact that a two kilometre study, it has been used for other applications, including Long Field, Little Crow and and indeed others. So there is an established precedent that two kilometres is a suitable study area to pick up any significant impact and think that's the kind of key, key point here. And again, going back to Gloria three, there will be a number of view points and views from where the proposed development is visible.

01:14:48:03 - 01:15:22:18

I don't don't dispute that. What the focus of the assessment and three is very clear on is a proportionate, proportional approach and where significant impacts will be. So that's not to say that non-significant impact should be disregarded from the decision making process, but the focus is very much on where the significant impacts will be. So and then just one final point. In my view, the the inference was drawn in terms of just the size of the site warranting a bigger study area.

01:15:23:14 - 01:15:58:15

My view is I don't believe there's a direct correlation between the size of the site and the study area. I mean, just because a site is bigger doesn't necessarily mean it's going be more visible depending on a number of factors. And think that's kind of been shown in the city areas have been used for other applications. So yes, these are large sites. There's there's no denying that. But that doesn't necessarily mean that the impact will be further afield or large scale study areas are required to understand where significant impacts may or may not occur.

01:16:00:10 - 01:16:22:02

Excuse me. In terms of the two kilometre. Study area. And you mentioned the echoes, but it must come down to a degree that doesn't take to the actual topography of the site and where there might be views from over two kilometres where on a maybe, I don't know, maybe on a flatter site, there might not be. It depends on the topography, doesn't it, That but in terms of one of the toes

01:16:23:29 - 01:16:59:03

which had two kilometres you know are the site specifics of those the same. Probably unlikely because every site's got different specifics. And and also the two kilometre sort of point having a two kilometre point. You look at it and you think why two kilometres, why not 2.05km Because, because there could be sort of topography which, which influences that. And when you see something that say two kilometres, you think it sounds very two kilometres wide. How has that been now? So how has that been, How did, how did the technical assessments there result in that two kilometres being being chosen? Is there a risk that there are actually viewpoints beyond that that have been have been missed?

01:17:01:04 - 01:17:48:06

Thank you, sir. Thank you for the applicant. You're right. So in any study boundary threshold that you draw that you could always ask the questions. Why? Why not a little bit a bit further? So a study limit has to be drawn somewhere. And again. Exactly right. So in terms of that, that study area needs to be drawn on the basis of the specifics of the project and the context in question. So we've looked at the site closely. We started off quite rightly, in my view, taking a precautionary approach at the three kilometres, the three kilometres, based on theoretical analysis and site visits, demonstrated to us that a two kilometre study area was appropriate and proportionate to identify the significant points.

01:17:48:28 - 01:18:17:07

The final point on that, so there were kind of sensitive receptors or areas that that warranted inclusion within the study area. It shouldn't be seen as a kind of solely limiting factor. So there are specific sensitive receptors that that should be included. That line just beyond we looked at that and there was there was nothing to suggest that in our view, that we needed to kind of incorporate a specific area or receptor because it lay just on on that border.

01:18:22:20 - 01:18:28:24

Okay. Thank you, Mr. Gillespie. Is that your hand up online?

01:18:30:18 - 01:19:06:15

This is. Yeah. Hi. Kevin Gillespie. Um, I just wanted to say that we at the peer at the peer review, we we identified that from a site visit that there is areas where beyond the two kilometre zone, that visibility would be would be evident. Um, and that we were hoping that there'd be almost like scoping out a few points within the, within the. So you acknowledge that from a certain point there was a view but it wasn't significant and stuff like that.

01:19:06:17 - 01:19:21:19

So it was, it wasn't at a point where it was a representative viewpoint, but it was commented that it had been assessed and then scoped out. Um, and we also asked that there would be a clear statement on the justification of the extent of the study area.

01:19:23:22 - 01:19:51:05

Okay. Thank you. Um, if I could ask the applicant in terms of the extra viewpoints that actually put forward and in terms of how obviously we need to come to a view on whether or not the two kilometers is a is appropriate or not? How would you suggest that we would do that, given there's actually no visual material that we can use and sort of obviously go to those viewpoints and assess it the best we can from those viewpoints. Is there anything you can assist us with in that in that regard?

01:19:54:22 - 01:20:28:12

Thank thank you to that. Thank thank you to the applicant. I think from the scoping report may assist in terms of that wider area. But think in terms of the impact identified viewpoints. My understanding was they were all within a kilometer of the order limits that were identified. So the viewpoints that have identified were considered as part of the assessment. And my understanding is it's missed. Since Miss Tinker's involvement, we don't have these additional viewpoints beyond the study areas.

01:20:28:14 - 01:20:29:00

So.

01:20:31:27 - 01:21:02:17

If perhaps you don't know if you've done this already in response at deadline three. But if you could provide a specific response to those viewpoints to help us when we do our site inspection, that might be quite helpful in providing the clarity from your point of view on those additional viewpoints. And we can obviously consider that when we when we go there and we'll go and have to have obviously all these things, we have to go and have a look and make assessments out ourselves. So thank you. Uh.

01:21:03:29 - 01:21:25:01

Okay. Think we've heard what we need to hear on that. Uh, the next item is the definition of significant effects, which. I'm not sure there's going to be an agreement on this. This obviously relates to the landscape and visual assessment in the is categorizing moderate effects as.

01:21:26:24 - 01:21:47:16

Nonsignificant. Whereas in the generally moderate effects are classed as significant. Just in terms of the as a whole, it just seem a bit of an inconsistency to have some moderate effects that are insignificant and some effects that are significant. And why create this general inconsistency in the in the ease?

01:21:54:02 - 01:21:55:09

Let's point for the applicant.

01:21:59:24 - 01:22:06:27

I'm sorry about that. What I will do is explain. Think In our methodology chapter, we make clear that

01:22:08:24 - 01:22:46:29

this chapter sets a general approach than each topic then considers it in reference to their guidance and their best practice as an example. As the ecology does things in a slightly different way from the from the general methodology chapter as well in line with same guidance. So in that in that context, I'll explain why the approach has been taken to specifically the general context is the kind of the methodology and the methodology chapter as a kind of a catchall essentially for then each of the topics and then confirm whether or not they've taken that approach or not.

01:22:47:01 - 01:23:32:19

I think I'm clear on that because I've read that methodology. So in a way, probably no need to repeat that methodology and I've read the representations from other parties as well. So in some respects I'm not quite sure where the discussion will get us. But again, I'm going to have to go there and assess things ourselves, assess the information, and, you know, we might disagree with the or might disagree with parties on overall effects. That's that's the job that we that's the job that we have to do. Is there a. Is there a danger that with moderate effects not being counted as significant, that obviously you'd argue they have less weight, but they still need to be considered, don't they, In overall assessments of landscape and visual, they don't just fall away.

01:23:32:21 - 01:23:46:01

And similarly, when it comes to we'll come on tomorrow to in combination of, you know, assessment and health and well-being effect, just because something's not significant, that doesn't mean to say it shouldn't be taken into account. Is that is that right?

01:23:47:15 - 01:24:12:21

Yes, but this applicant. Yes, but think it does. It does go to weight. Um, and everything that you consider in this assessment will, will be you will account for in the planning balance, but you will make a judgment on the weight that you decide to give to it. Um, and as part of that, you will take your view and our on our assessment and assign weights accordingly.

01:24:14:14 - 01:24:15:01

As you might.

01:24:16:03 - 01:24:19:02

And in terms of the overall methodology.

01:24:20:09 - 01:24:21:18

Is there a is.

01:24:21:20 - 01:24:51:21

It true that compared to the other environment of chapters where moderates is significant, it's for some reason that sort of the way the way the methodology works results in a moderate effect for landscape

visual being a lesser effect. Just take away significance, just forget about significance, but a lesser effect than a moderate effect for noise, for example. But it seems to me that very confusing. And that was the case. But that's not. That's not that you're saying, is it? You're saying that it's still a moderate effect.

01:24:53:27 - 01:24:54:26

And yes.

01:24:54:28 - 01:25:26:03

So suppose moderate is what moderate moderate is. And then it's a question of whether it's significant. Sorry, And it's in the context of the regulations. So we can say that we consider it moderate when you take the sensitivity and the magnitude, but the focus of the regulations and you always get that wrong and is focused on on the significant effects. So. We have said what we've said in terms of when we think something significant or not. But that doesn't take away from the fact that we've also said that it's moderate and think it will help.

01:25:26:05 - 01:25:30:15

If I can bring in Mr. Crook, just to explain specifically why it's done, what it's done.

01:25:30:17 - 01:25:42:00

Okay. Just briefly, because I don't want to spend too long labouring this because it may well be that I've got all the understanding need from all parties and we just need to take it away and consider it briefly. You want to explain?

01:25:42:19 - 01:26:19:11

Yes. Thank you. Thank you, sir. Thank you for the applicant tonight. I sympathize with you. You're having to wrestle with this particular issue. But in terms of landscape and and visual, Glover is very clear. Paragraph 3.32. There are no hard, hard and fast rules about what affects should be deemed significant. That's a specific, specific quote. So it is a matter for the assessor to assign the level of threshold. And the final point we make in terms of our methodology, it also been reviewed by Stantec and found to be sound and carefully calibrated.

01:26:19:13 - 01:26:39:13

So the various that wishing to get into the detail, the various components that go into the assessment scale, magnitude, susceptibility value, those components are all carefully calibrated within the methodology to to derive that at an outcome that is significant in our view in terms of landscape and visual impact.

01:26:39:17 - 01:26:57:03

Okay. Think it's something we're going to have to obviously consider and come to our own view on. Is there just one further question When we move forward tomorrow to discussing accommodation effects and the applicant's consideration of in combination effects, does that include nonsignificant effects?

01:26:59:28 - 01:27:07:15

So the things that go towards health and wellbeing, for example, which we'll discuss tomorrow, do nonsignificant effects, have they been carried forward in the towards that that assessment?

01:27:07:17 - 01:27:11:12

Yes, they've been they've been considered in that referenced in that. Yes.

01:27:11:15 - 01:27:20:14

We'll explore that more tomorrow. Thank you. Miss Tinkler. Before we move on from this to the next point, Thanks. Don't want to sort of repeat things. I've already been said so very briefly.

01:27:20:22 - 01:27:54:24

No, agree with what three says. It is entirely up to the assessor to set their own levels, their own threshold for significance. I think the important thing to note is where effects are significant anyway, whether they're moderate to major, which is significant or major. So we have significant effects anyway. I'd also point out that a number of moderate effects can combine to become significant in themselves and other smaller levels of effects.

01:27:54:26 - 01:28:20:09

If, for example, they're experienced sequentially along a route, they can combine to become significant. And then the third point, I think it's simply a question of consistency of whether the assessors always use moderate for their landscape and visual impact assessments or whether they've whether they vary between moderate and moderate to large. But in my experience, moderate is normally significant.

01:28:25:08 - 01:28:46:12

No, no, sir. That's a helpful observation for me, Miss Tinkler, in terms of the combining of effects, I agree. You know, if there are enough of them cumulatively, they can become significant and that should be taken into the balance. That's I'd agree with that statement. But in in terms of the question. So sorry.

01:28:48:07 - 01:28:49:10

In terms of.

01:28:51:00 - 01:28:51:20

That's gone, sir.

01:28:53:24 - 01:28:56:13

Have you have the same same approach in other instances?

01:28:56:15 - 01:29:19:03

So forgive me, sir. Yeah. In terms of consistency, no. This is a methodology that we we've used across the practice repeatedly, across projects, has been tested at appeal, including those as well, and other large utility scale infrastructure projects. So it is a standard methodology that we use across, across our practice for assessment.

01:29:19:16 - 01:29:46:25

Yeah. And if I can just add sorry, that is just think we need to be careful in terms of consistency within the is that of course every topic is doing looking at things differently. Some topics are more quantitative compared to others which are more qualitative, such as via. And so there will to an extent be a value judgment that is made for qualitative assessments based on professional judgment. Um, and so we do recognize that

01:29:48:17 - 01:29:57:10

interested parties may disagree and you and yourself may disagree. Um, but that explains why there is a difference in methodology between some chapters and others.

01:29:59:26 - 01:30:18:10

Thank you. I think probably it's a good time to take a short break. And if we adjourn until this has to be a shorter break in 15 minutes, so we'll adjourn at 2212 on that clock, please think that clock is two minutes slow, but we'll go on that clock. Thank you.

