

File Name: ISH2 5th Dec 2023 Part 2.mp3
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FULL TRANSCRIPT (with timecode)

00:00:04:19 - 00:00:16:20

Welcome back everyone. Apologies for that slight technical issue. I understand that the live stream is being tested, but we are now recording and the hearing should be able to proceed without any further delays.

00:00:18:26 - 00:00:43:21

Now. 1143 and this issue specific to the Cottam solar project is now resumed. Before we go any further, I am very conscious of time at the moment and so can ask everyone when we ask any questions, that you are as concise as possible with your answers. And Mr. Henley and I have read all the documents, so we don't need you to take us through the background of it. Just focus on the questions themselves, as it is important that we do get through everything on the agenda, if at all possible.

00:00:45:08 - 00:00:45:24

Thank you.

00:00:49:08 - 00:01:05:08

Questions to your county Council, relation to what you've heard and the recent scheme of investigation. I've obviously I'm working on submissions that you have some concerns about that as well. So based in terms of what you've heard, if you can explain to me what your concerns continue to be in that regard.

00:01:06:05 - 00:01:08:07

Stephanie Hall, Lancashire County Council, sir. Thank you.

00:01:08:09 - 00:01:18:12

I'm sorry. I'm just going to jump in there. Got a feeling that I did say at the end of the last one that Ms.. James could come back on her second point. Sorry, Darren. Okay. I think you had another point that you wanted to make with James.

00:01:20:10 - 00:02:05:16

Alice James, on behalf of the applicant, only had two further points that I'd just like to raise very quickly. And first of all, just to highlight that the archaeology in Lincolnshire and Bassetlaw in Nottinghamshire is is from my professional judgement. I wouldn't suggest it's any more special than when we are finding interesting or archaeological deposits elsewhere. Um, and so the approach we've taken, um, it doesn't warrant a different approach to that which we would take elsewhere. Um, and the approach we have taken is, is, um, therefore acceptable? The second point I'd just quickly like to make is, um, um, in terms of trial trenching as a, I guess, a prospecting technique.

00:02:05:18 - 00:02:35:24

Um, um, it's worth noting. So, you know, Lincolnshire have said 2% think um, and. Right. It was 3 to 5% for Nottinghamshire. That basically means that there's still 98%. That's that's not sampled. If we're going with Lincolnshire and um, if take the lower end, um, the 3%, that means it's 97% isn't sampled. Um, and I'd also highlight on the back of that, um, Historic England advice note 13, which admittedly it's about mineral extraction.

00:02:35:26 - 00:03:07:04

So this is where, you know, the highest impact we could have to the archaeological resource. So think it's still valid. In that way we this scheme wouldn't have. Well, it would have considerably less impact than mineral extraction where they highlight that evaluation. Trenching um, is effective in finding large features, particularly linear and arching remains in testing features identified by non-intrusive techniques and establishing the state, the date and state of preservation, and that it's a less reliable technique for identifying the presence of dispersed remains.

00:03:07:17 - 00:03:28:18

Irregularly laid out sites. Small and clustered features such as post built buildings, pits, isolated burials, and lithic scatters. Um, and so, um, what would highlight in that statement is that, you know, the large features which evaluation trenching is very useful at finding. We've already found via the geophysical survey, which has been proven to be really reliable.

00:03:32:07 - 00:03:32:29

Miss James.

00:03:34:28 - 00:03:40:08

Thank you, as I said, interest Lancashire's views in relation to the scheme investigation on bass. What you've heard.

00:03:41:06 - 00:04:12:27

And thank you, Sir Stephanie Hall, Lincolnshire County Council. Good to bring Mr. Adamson again in a second. Um, so just to note that we'll obviously respond in writing to the points raised about the percentages and the utility or not, of referring to other sites and given percentages there, and particularly when, if and when we're given sight of the the research underpinning those submissions, will would wish to comment on that. Um, so just put a pin in in that. So in terms of the written scheme of investigation, I'll ask Mr..

00:04:12:29 - 00:04:21:02

Mr. Adams to address you. I understand from him that his live link is working, but hope that that's right, Mr. Adams.

00:04:24:15 - 00:04:31:09

My understanding is that everyone on teams is able to participate. It's just the live stream that we've been having issues with.

00:04:31:12 - 00:04:32:07

Understand? Thank you sir.

00:04:34:19 - 00:04:38:22

Matthew Adams, Lancashire County Council. Thank you sir. Yes.

00:04:40:17 - 00:05:12:06

Paul, part of the issue with the the WSI for mitigation really, is that there's a lack of information supporting it because 80% of the site hasn't been trialed trenched. I the applicant raised a lot, a lot of points that would like to come back on, but perhaps we'll do that in writing as advised. Um, the the. The areas we can talk about the 17% of the site that has actually been properly evaluated, the applicant has proposed.

00:05:12:16 - 00:05:57:24

Um, as has been described, um, acceptable mitigation strategies for things like the burials with excavation. We do have issues with the concrete shoes. Um, and I know that they are used in other

areas and would be acceptable in certain circumstances, for instance, where there is sufficient cover between the ground level and or the installation level and the archaeology on this site, the, the, the overburden or the depth of soil is very shallow, certainly on most of the most of the trenches that we did see were it was very shallow.

00:05:57:26 - 00:06:20:10

We wouldn't say that that would be acceptable. Um, the impacts from compact, not just compaction from having concrete on top of them, but also from decommissioning where they're removed. Um, there would need to be a, an agreed mitigation strategy for that. Um, also for um.

00:06:22:12 - 00:06:58:12

The site. I'm sure we'll go through several phases of regeneration during its operational lifetime where panels are removed. Ground anchors are removed. Again, all of this will have an impact and in this case, the the shallow depth of the topsoil over the archaeology. We don't feel that the concrete shoes are an acceptable mitigation strategy in that regard. But the main issue really is that the an archaeological mitigation strategy should be based on sufficient evidence.

00:06:58:14 - 00:07:09:21

And so far in our, in our, um, our position is that the applicant has not undertaken sufficient evaluation to inform an appropriate mitigation strategy.

00:07:12:28 - 00:07:43:14

Okay. Thank you. On that point, um, I'd ask that the both main parties continue to have discussions in relation to that document. Um, and also as well, I think would be useful for both ourselves and the Secretary of State would be for the areas of agreement and disagreement, specifically in terms of the investigation to be set out. And if you can give us a progress on those discussions by deadline three and appreciated, that may well continue over the rest of the examination, but we can have some updates on that deadline through that will be helpful.

00:07:46:10 - 00:07:54:01

And thank you. That completes our questions on the historic environment. So we're now going to move on to agriculture and soils.

00:08:16:18 - 00:08:18:29

Project. Can't we just switching over? Fine.

00:08:19:07 - 00:08:34:03

Just mean obviously appreciate there's been discussion between certain parties on this mean before we move on, actually try and solve anything specific in terms of what's been raised that any other party would like to answer in terms of the questions. Anybody else before we move on? Yes.

00:08:36:24 - 00:08:54:20

Thank you, sir. This Garbutt 7000 acres. Um, in terms of the archaeology, obviously the applicant has made very in-depth representations. Obviously, we will respond in writing, as the Lincoln County Council and Notts County Council have also said in detail. But.

00:08:56:18 - 00:09:35:05

To actually compare sites with town and country planning sites we don't see as entirely relevant. The scale of these is, and the potential damage is much more significant and widespread. And and as the applicant has stated, archaeology is very site specific, very, very sensitive. And, you know, in certain areas where you wouldn't expect that to be any archaeology at all. And as one example, Mr. Summers, a member of our team, has an example of of a some archaeology that was found in a farm in Lincolnshire some years ago that wasn't expected at all.

00:09:35:18 - 00:09:36:10

Mr. summers.

00:09:39:15 - 00:09:40:07

Thank you very much.

00:09:42:05 - 00:09:46:00

Jeff Summers and I've been working in agriculture all my life and.

00:09:46:10 - 00:09:56:06

Over the years met and traded with numerous farmers, and one in particular was very interesting. Some probably 25 to 30 years ago.

00:09:57:13 - 00:09:58:00

When?

00:09:59:08 - 00:10:33:04

For some reason. I'm not sure why, but there was an archaeological. Archaeological search carried out on the farm, which found a burial site in one of the arable fields. The site was North Carleton, just outside Lincoln, and what they found was a burial site where the skeletons in the ground had had the tops of their heads shaved off. Some of them with a plow, and a plow, normally operates at about 8in or 20cm in depth.

00:10:34:21 - 00:11:12:08

And yet, I know from my own experience that my parents have planted about five feet deep. And so what I'm trying to make in is that there has to be a significant variance in terms of archaeological depth, depending on the period and the soil type, et cetera of which those remains are being buried. And so on that basis, one has to assume and ensure that we do have an appropriate and thorough investigation as far as archaeological remains are concerned, of all types.

00:11:12:18 - 00:11:17:26

If one is sincere about preserving archaeology. Thank you.

00:11:23:04 - 00:11:32:05

Okay. Thank you. So we're now going to move on to agricultural and soils. Um, so firstly first question is for the applicant. Um.

00:11:34:14 - 00:11:54:06

The guard's best and most versatile cultural land. The applicant's submission does not appear to concerned itself with the written ministerial statement. Planning updates March 2015, where it concerns solar energy, protecting the local and global environment. I just wondered why that wasn't why that was the case, why that document hadn't been considered.

00:11:55:05 - 00:12:45:20

At the applicant as well. Mr. bed settles himself. I can respond to that. So, yes, the written ministerial statement March 2015 hasn't been formally withdrawn yet. However, the applicant's position is that it should be given limited weight on the basis that the MPs in three in particular, that was published in November and is currently laid before Parliament, provides a more up to date position on the government's policy for the site selection process for solar projects, in particular the use of agricultural land and how you undertake the site selection process.

00:12:45:22 - 00:13:05:01

And there is quite a distinct difference between the statement, which was in March 2015, which stated that best and most versatile agricultural land would need to be justified by the most compelling evidence compared to the current statements that are in the published.

00:13:07:12 - 00:13:46:22

And three, which says that while land type should not be the predominating factor determining the suitability of site locations, applicants should, where possible, utilize suitably previous development land and where the proposed use of agricultural land has been shown to be necessary. Poorer quality land should be preferred to higher quality land, avoiding the use of best and most versatile agricultural land where possible. And that's in paragraph two point 10.29. So the applicant's position is that government policy has moved on since the written ministerial statement in March 2015, and that statement does need to be considered in the light of the more recent policy statements.

00:13:46:24 - 00:14:00:18

However, obviously we can then go on if it would be helpful in terms of understanding this, how it applies to this particular scheme, which obviously has a very low percentage of BMV and that's actually affected.

00:14:02:08 - 00:14:26:20

And in relation to the ministerial statement, I think it would be useful in your written submissions. Then to clarify, if you do consider it is of relevance to the development, then you can if you wish. At that stage you can apply, you know, give me an explanation in terms of applying specifically to to proposal. That's before the exam and before us. Understand your points about weight in terms of application of it. I'd suggest that you do that in writing.

00:14:28:18 - 00:14:46:16

Okay. Yes. We can obviously reiterate the amount of land that's included here. Um, yeah. As I said, it is still an extant policy. It hasn't been formally withdrawn, but we feel it's been superseded by more up to date government policy. Thank you.

00:14:51:00 - 00:15:23:20

Okay, I'm now going to move on to the cultural survey and the best, most best and most versatile land. Um, the applicant will be aware that 7000 acres made a number of comments in its written representation on agriculture. Um, if you've got that to hand, I think the references rep zero one 105. And there were comments made on the veracity of the surveys which have been done and obviously appreciate subsequent to that. The applicant did respond to the responses to the first written questions, but I do have a couple of follow up questions from that.

00:15:24:22 - 00:15:35:06

Firstly, I'll be interested in the applicant's views in relation to the climatic data that was used in the surveys and the comments, which 7000 acres made about that.

00:15:37:29 - 00:16:29:06

Daniel Daniel Baird sold consultancy working on behalf of the applicant. Yes for ALC. We use climate data for the interactive factors of soil wetness and soil drought illness. And these are the limitations which are typically most common on lowland arable land in England and Wales. The limitations tend to take place at different times of year. So the soil drought illness limitation is an impact which comes in within the growing season, whereas the soil wetness limitation is an impact where it's a constraint on the farmers ability to get onto the land at an important time in the spring and the autumn for cultivation, sowing, harvest without incurring serious damage to wet and plastic land.

00:16:29:08 - 00:16:38:04

So, for instance, ruts smearing the type of damage to soil, which further impedes drainage and is difficult, time consuming and expensive to remediate.

00:16:40:15 - 00:17:00:06

We use the climate data in terms of rainfall and the warmth during the growing season to assess these limitations, but we are assessing these limitations into the six grades of the index.

00:17:02:23 - 00:17:08:02

We don't see any need to.

00:17:09:20 - 00:17:41:03

Recalibrate where those limitations are. We don't see any need to recalibrate what is considered to be A3B in limitation against what is considered to be A3B wetness limitation. And in fact, if we had a piece of land which was limited to grade three B on drought and wetness, which is commonly the case, we wouldn't grade that worse than an adjacent field, which was only limited to that grade on one factor.

00:17:42:24 - 00:18:13:24

If we started. Be looking at the climate data which is interpolated across the whole country anyway. So it's it is a smooth and average data set. We would then be needing to look and revisit existing survey work, um, to see whether that needed to be reappraised in light of, um, changes to the climate data.

00:18:14:04 - 00:18:51:15

What I would say as well is that what we anticipate with climate change in terms of rainfall and warmth is a move away and move from rainfall to be more skewed towards the winter, spring and autumn and away from the summer and greater warmth in the growing season. So we are going to see heightened soil drought limitations, but we are also going to see heightened soil wetness limitations. Um, I see absolutely no reason at all to renew the climate data at all.

00:18:51:17 - 00:19:11:16

It is an objective climate data set. It will change relatively uniformly across the whole of England and Wales. Um, and I it would have no bearing upon the index of grading of sites where it could be changed.

00:19:15:22 - 00:19:19:10

Thank you. Just 7000 acres. Wish to come back on that.

00:19:26:11 - 00:19:30:25

Oh, so it's Mr. Tony. Court from 7000 acres will be speaking. Thank you.

00:19:33:26 - 00:19:36:00

The Tony Hawk 7000 acres.

00:19:36:12 - 00:20:14:14

Um, I'll admit I'm not an expert, but I have a lot of experience in project management and data management. One of my experiences. Is that the weather, the climate has changed significantly since 1988, when the data was established, and as a result of that, the farmers in this area are noticing a considerable different amount of crop yield because of the changes in the weather and the associated effect on the land.

00:20:15:12 - 00:20:26:18

The question I asked you was, would it have any impact on your assessments if you took into account that change of climate?

00:20:30:12 - 00:20:32:18

And before I move on, do you want to quickly respond to that?

00:20:33:23 - 00:21:20:03

Yes. Not bad. Um, yes. The land is predominantly limited by soil wetness. So this is a limitation on getting equipment onto the land to carry out arable land work in the spring and autumn. Um, when? If the farmer were to take. For instance, a plow onto land when it's in a moist and plastic condition. In addition to needing a considerably more fuel to carrying out a plow work, the plow would also smear the wheels would cause ruts in the soil, and this would further impede drainage and would also be a failure in large areas of the crop to properly establish.

00:21:20:23 - 00:21:42:23

Some farmers may be seeing increased yield where they've managed to get the crop in, but this is a limitation of getting the crop in. And if you can't get the crop in, you're not seeing an improvement from the increased growing season warmth later in the year.

00:21:44:29 - 00:21:54:04

I'm very conscious of time, but think the question that was posed was would the data change or with a change in data change or the outcome? I think that's the question that was posed, wasn't it?

00:21:54:07 - 00:21:55:10

It is a question, yes.

00:21:55:12 - 00:22:29:08

And I'm not sure you answered that point. I would say that the if we were to change the data, what we would see is a widening of the gulf between the grades. So we'd be looking at the soil wetness limitation for three B being harsher because we are getting more rainfall in the spring, autumn and winter. We'd be seeing the soil fruitiness limitation becoming harsher because we're seeing less rainfall and greater warmth in the growing season.

00:22:29:10 - 00:22:43:01

So we wouldn't see a change in grading. We would just be seeing a greater disparity between the limitations and challenges the farmer sees from that limitation. Thank you.

00:22:44:07 - 00:23:00:04

Claire. The applicant, just before we move on, I think it's just worth noting that Natural England, in their response to the first written questions, which was wrapped to 088, confirmed that they didn't have any concerns with the applicants survey methodology. Okay.

00:23:00:23 - 00:23:10:11

Obviously we're aware of that, but we still have questions on it. So, um, okay, they're moving in with 7000 acres response. Have you got that to hand? Um.

00:23:11:26 - 00:23:28:12

Yeah, okay. So on page four, it refers to a number of anomalies in the survey work. Page four. The version I've got is a PDF document. I don't don't believe it's numbered. So again I'm talking about ref one 105.

00:23:30:00 - 00:23:31:06

I'm sorry the references.

00:23:31:08 - 00:23:32:05

Ref they.

00:23:32:18 - 00:23:36:18

Have gone back to. Have they okay. Yeah. Rep 105.

00:23:39:14 - 00:23:43:07

Excuse me. Sorry. I'm. Which document is this? This is.

00:23:43:09 - 00:23:47:11

7000 acres. Written representation on soils and agriculture. So the references.

00:23:49:00 - 00:23:52:21

Sorry. No, don't have that one to hand. Um, kind of kind of.

00:23:52:25 - 00:23:54:12

Document be made available for.

00:23:56:03 - 00:23:59:23

We're talking about rep 1-15 or rep.

00:24:00:06 - 00:24:16:02

I'm sorry. There's been a bit of confusion. Originally, when they were put on the examination library, they were given a reference of a rep, and then at a subsequent update after deadline two, they were changed for some reason to rep one, but now they're back to the original one. So it is rep 105. That is the correct reference.

00:24:18:01 - 00:24:25:00

And if you are seeing rep one on the examination library, you just need to refresh it because think the update might have happened while we were in the hearing this morning.

00:24:40:04 - 00:24:40:22

Oh, yes.

00:24:43:25 - 00:24:44:29

So, um.

00:24:48:09 - 00:25:42:21

An assessment is an interpretation of the grades. We don't simply polka dot the site with a, um, a single grade for each location. There is variation across the site, and so if you find an outlier within one grade, which you consider as a different grade, you make an interpretation based on whether you think that is a, um, a determinable area zone of soils within the site at that assessment scale, or if it is just, um, a variation in a minor variation, um, which I would in terms of the limitation for that land would be smoothed out into a single grade.

00:25:42:23 - 00:26:29:15

So there will be areas where a, um, an area of land was, for instance, grade three A, where you may find an erratic point, which was grade 3BA, for instance, if it had a very high stone content in the top soil. But you may not record that as a island or a complete hectare of grade three B based on that single point. Similarly, if you found an erratic point of grade three A within an area of land, you would not necessarily, um, isolate those points in a wider area of grade three B it will depend on the

surveyor's own assessment of what is happening with the soil and what sort of frequency of variation you're encountering.

00:26:29:23 - 00:27:02:09

Um, for instance, you can't find a variation in soil type which is more frequent than the 100 meter spacing of the sample points. So if that were the case, you wouldn't necessarily be looking at the. The sample points that you were encountering on your systematic and randomized survey of placing a point exactly where the GPS told you was the 100 meter grid intersection.

00:27:03:09 - 00:27:05:28

You would. That may not be.

00:27:08:15 - 00:27:16:28

That may only represent a minor extent of the soil type within that a 100 meter length that you just surveyed.

00:27:19:08 - 00:27:26:04

So does that. Does that explain the anomalies which 77,000 acres of. Pointed out in the. Yes.

00:27:26:25 - 00:27:53:16

Because I've been looking at the soil data and seeing where there are some points in the soil data which have been marked as one limitation to grade, but haven't been mapped as such, because we don't simply look at each of the data points and polka dot a map. With those gradings, we make an assessment of what the actual limitations on land use are from those gradings.

00:27:57:22 - 00:28:00:28

And to 7000 acres. Wish to. Wish to come back on that at all.

00:28:03:20 - 00:28:06:15

Yes, sir. Tony Colt of 7000 acres.

00:28:07:26 - 00:28:23:13

Yes. 27,000 acres. I understand totally what you're saying. My concern is that AOC is a significant weighting in the eyes of everybody that's assessing this project.

00:28:25:02 - 00:28:56:21

What you have attempted to do is to explain that if you were to cherry pick certain pieces of information. Then you could categorize all of the area on that basis. Now my argument is as data management, if you've got an error or an inconsistency in that data, you have to err on the side of reasonableness. Now, in our eyes, you should err on the side of three.

00:28:58:01 - 00:29:29:11

In your eyes. You are looking to make it all three 3D because that way it justifies your sight selection. So we have a difference of opinion. And all I'm suggesting is that to resolve this, there needs to be an independent person who is an expert in AOC, who is not associated with any of the solar developments, to make a judgment of whether your assessment is correct.

00:29:30:04 - 00:29:31:14

And that's what we've asked for.

00:29:38:00 - 00:29:47:21

Thank you. Have no further questions on the survey. So I'm now going to going to move on. Um, in terms of the magnitude of change threshold, um.

00:29:49:24 - 00:30:01:22

Which has been used in the yes chapter in section 19.7. Um. Could the applicant explain whether it is following the EMA guidance as regards agricultural land? Um.

00:30:03:11 - 00:30:08:23

As it seems that that chapter is applying the guidance apart from the magnitude of change threshold.

00:30:13:21 - 00:30:43:17

On your pad for the applicant. Uh, yes. We, um, look at the guidance, but your guidance also notes that professional judgment must come into play. Um, the 20 hectare threshold was derived from back when I was in, um, the survey teams back in the early 90s, where the regional surveyors would use it as a threshold for looking at sites and local plans. Um.

00:30:45:12 - 00:31:16:20

The professional judgment comes into play when we look at a 20 hectare fixed area threshold against the size of this site. When it was normally applied to, for instance, say, housing sites and MDAs, where we'd be looking to a 10th or a fifth of the size for a very large housing site. Um, so it's. Professional judgment comes into play based on that scale.

00:31:17:10 - 00:31:47:01

But also in terms of there is actually no sterilisation of this best and most versatile or any of the land resource as you would find for a housing or built development site. This land will be decommissioned and can return to its current agricultural management options at the end of that period, but also right through the operational period will remain agricultural land. There is no loss of agricultural land resource.

00:31:50:15 - 00:32:11:10

You say it will be? It will remain agricultural land. Do you mean it will remain productive cultural land? Or because it won't be in agricultural, it won't be producing in the same way that it is now? As I understand it, the grade is not a tall dependent on intensity of use or yield. We.

00:32:13:11 - 00:32:47:16

Uh, we came out of, um, area support payments for farms. So we started transitioning out away from that in 2005. Um, and that had 10% of arable land in the UK, which was compulsory set aside where you could not make any agricultural use of that land at all. You couldn't graze it. You couldn't take any emerging volunteer crops off at all. That still remained agricultural land, and it sales grade was entirely unaffected by that restriction.

00:32:47:26 - 00:33:22:21

Um, this land can also be grazed through the operational period. Fattening sheep. Um, it's not as an intense use of the agricultural land as arable production can be, but grade is not, and the status of being agricultural land is not at all dependent on any intensity or actual productive use. It's the point you're making this bed that the quality of the land will remain the same. Is that is that what you're saying? Really? The quality of the land will be totally particular use.

00:33:23:01 - 00:33:31:04

You're not suggesting that the use will remain the same, but the quality of the land. There'll be no loss to agricultural land, resource extent or quality.

00:33:33:15 - 00:34:05:25

So you're saying both. No loss. Yeah. The land will still be there and it will retain its quality. But will it retain its ability to be farmed for agricultural purposes? It can be grazed. And on decommissioning

it can resume its current arable management options. I don't want to jump in because I know Mr. Henley has some other questions around the grazing point, but as you've raised it, you say it can be grazed, but will it be grazed? And how is that skewed in the development consent order?

00:34:07:15 - 00:34:30:10

If they wish to come in on this point on the second part of that as well. It can be grazed and grazing, can be a pragmatic and cost effective means of managing the vegetation, keeping grass down and stopping the establishment of trees and shrubs. It is quite routine to see sheep on solar farms in the UK.

00:34:36:27 - 00:34:40:09

So just to clarify, in this case, grazing is proposed as part of the.

00:34:42:12 - 00:35:00:21

A use of cultural land whilst the development is operational, can be used to clarify in terms of what precisely land will be used for cultural terms whilst it is operational. Is it grazing or is it other things? What agricultural practices will be taking place whilst the solar farm is operational on the land?

00:35:03:08 - 00:35:15:10

And it's not guaranteed that it will be grazed. But grazing remains an option. Just as a farmer at the moment doesn't need to put a crop into a piece of land, they,

00:35:17:03 - 00:35:51:18

a farmer, is not obliged to crop a piece of land, and in fact, farmers are being encouraged to use more fallow periods at the moment. In fact, there's a current Countryside Stewardship payment where a farmer will be given £326 per hectare per year to take a arable field out of arable production and revert it to low input pasture. They're not obliged to graze that. It's just done to a gain.

00:35:51:20 - 00:36:07:18

The environmental benefits that accrue from that restoration of soil health, that avoidance of soil surface and in some cases provide biodiversity connectivity. But it's still agricultural land.

00:36:11:15 - 00:36:21:27

So in which case then is there a reliance or not in the assessment of effects of the land being in productive agricultural use whilst it's operational?

00:36:24:16 - 00:36:57:03

Project for the applicant. And yes, the environmental statement has been undertaken on the basis that it can be used for agricultural land. And there are provisions in the Outline Landscape environmental Management plan, which the latest version was wrapped to dash 026 and paragraph 4.7.8, which refers to the management of grassland being by grazing sheep. Or it would need to take the form of manual cutting of it.

00:36:57:14 - 00:37:06:23

So there are two options that are proposed, but the environmental statement has been prepared on the basis that it would be available for sheep grazing.

00:37:08:13 - 00:37:55:15

Think we need to focus in on this point a little bit, because I'm not sure. I'm not sure Mr. Henley might be able to shed some light on it outside this year and for me, but I'm finding it difficult to understand what the applicant's position is. Are you saying that this is a management tool like mowing grass? And so it's something that might happen? Or are you saying that it's something that could happen and has been relied on in the environmental statement as part of the applicant's case, as

a benefit to? To the scheme. So, for example, are you suggesting that there is no loss of agricultural land because it can still be grazed? Or are you saying, well, there is a loss of agricultural land, but there is also the opportunity to use grazing by sheep as a management tool to keep the grass low, because think they are very different approaches.

00:37:56:28 - 00:38:12:17

At the project for the applicant and performance bid comes on in on this. Think there's a distinction and what that think? That's what Mr. Byrd was trying to explain between um, loss of agricultural land in terms of it being lost as a resource based on

00:38:14:02 - 00:38:58:16

um, land classification and ongoing utilization of, of the land, sort of in practice for agricultural purposes. And his his point was that the land remains agricultural land. It retains its grading throughout operation. And there is currently when you look at planning policy, the land is agricultural land, whether it is farmed or not farmed. So it it is still counts as being agricultural land, whether the farmer chooses that particular year or not, to do any form of agricultural activity with his land, if he chooses for a period of time not to use the land, it doesn't cease to become cease being agricultural land.

00:38:58:18 - 00:39:33:24

It's not a loss. Just because he didn't do any agricultural activity on that land for a period of time. So the point Mr. Byrd is trying to make is that the the agricultural land is not lost as a result of the development, and it is available for use during the operational period for sheep grazing. But it's correct that the applicant is not committing to sheep grazing. Um, it needs to allow for the the ability to use mowing as a management technique for various reasons during during operation.

00:39:33:26 - 00:39:45:27

But there are two distinct points there about what is agriculture, the loss of agricultural land and versus is it being productively, productively used for agricultural purposes at any given point in time?

00:39:46:08 - 00:40:17:01

There are two different issues that one of them is the quality of the land. And think what Mr. Bell has seen is that over the lifetime of the project, the quality of land is covered off, either by the fact that the quality won't reduce or the soil management plan will ensure that the quality of the soil remains as it was now. And we understand that point. But the change of use in terms of the use of the land will change from current agricultural use to solar panel use. So it'll be energy generation. And I think Mr.

00:40:17:03 - 00:40:31:17

Henley and want to be clear on is, is the applicant suggesting that the agricultural use of the land will continue through the operational period, or do you accept there wouldn't be any agricultural use for that period? And at the end of the period, then obviously it could return.

00:40:34:14 - 00:41:08:13

And collaborate with the applicant. And yes. So the the point that Mr. Byrd was making is that because the scheme can be used for the grazing of sheep, that there is, that it can retain its agricultural use throughout operation. But we're not stating that, that we are not including an obligation to use it for that purpose, in the same way that no farmer is obliged to utilize their their land for agricultural production at any given point in time, there is no positive obligation on any farmer to utilize them.

00:41:08:19 - 00:41:21:25

So in terms of environmental statement, are you not relying on that in terms of your environmental statement, in terms of the land being in productive cultural use. So you that it sounds like you're not relying on it what you've just said, but is that the case?

00:41:24:05 - 00:41:31:10

The project, the applicant. We're relying on the fact that it can be used for agricultural purposes because it can be sheep grazed.

00:41:32:11 - 00:41:47:03

But you're not relying on it in terms of your assessment effects, is that. That's what I'm trying to get to the bottom of. Really? Why don't you say you can be? What are you relying on? On the use of agricultural land in terms of your or the applicant's assessment?

00:41:55:05 - 00:42:06:17

At Daniel Baird for the applicant. Um, no, we're not reliant on grazing taking place. As for the application. Um.

00:42:08:12 - 00:42:42:24

But the status of it being agricultural land is not at all dependent on an activity like that taking place. It's quite common to survey a field where it is not currently in management, sometimes several years, where a farmer will get a contractor to come in and top the field, take a flail across it to stop the establishment of plants like brambles, which would interfere with bringing it back into management at a later time.

00:42:42:26 - 00:43:00:26

As noted before as well, we used to have 10% of our arable land in set aside, where again, it was it was our agricultural land. It was just the farmer was forbidden to make any economic use of that land of 10% of their arable area.

00:43:03:04 - 00:43:03:28

The land.

00:43:05:16 - 00:43:37:15

Remains agricultural land in the solar farm simultaneously with there being a solar farm there. The presence of the solar panels does not preclude the use of the land for grazing. In general terms. Understand what you what you're saying. But if I understand this project correctly, in this particular scheme, what we're talking about is the removal of a large area of agricultural land for the lifetime of the project, which could be used for sheep grazing, but there are no guarantees that it would be used for sheep grazing. During the lifetime of the scheme.

00:43:38:12 - 00:44:19:29

Yes. I'm in the, um. The lifetime of the scheme is quite a long time. And the economics of, um, the various means of managing a grass growth below in between the solar panels could change dramatically several times during the life of the scheme. I would be extremely surprised if grazing of small livestock, such as sheep, does not remain a viable and economic cost effective option for managing the grass growth within the solar farm, um, which also has the benefit of providing land for fattening sheep.

00:44:20:13 - 00:44:30:10

So it's another way of mowing. Yes. So it's a management tool rather than something that is being relied on as a potential benefit by the applicant. When we come to sample the planning balance.

00:44:31:18 - 00:45:03:07

If the applicant think it is correct that it's a possible a management tool because the grass will need to be managed, we would say that it's a benefit that we have allowed for the possibility to continue to utilize sheep grazing to keep the land within agricultural use, and that's we feel supported by new

paragraph two point 10.32, which is in N3, which states that when we're sited on agricultural land, consideration may be given as to whether the proposal allows for continued agricultural use.

00:45:03:09 - 00:45:08:24

And we would say that it does in the case of the scheme, it does allow for continued agricultural use.

00:45:09:20 - 00:45:13:27

But that's not secured in the application as at this point.

00:45:14:24 - 00:45:19:19

The applicant, we're not committing to it, but it does allow for the possibility of continued agricultural use.

00:45:21:18 - 00:45:25:11

Okay. Thank you. We may have some follow up questions on that in our second set of written questions.

00:45:30:04 - 00:45:31:23

7000 acres. You should come in.

00:45:32:20 - 00:45:35:02

Thank you, sir. Let's go. It was 7000 acres and.

00:45:36:24 - 00:46:06:25

We're talking reality here. Lincolnshire isn't known for sheep grazing areas and arable landscape. It's used to produce very good quality crops. And in terms of in terms of the character, it's not something that that's that's seen. And also a lot of the ground is very wet in terms of sheep management. Great. Cheap, don't graze in very wet ground. They get a little problems with the feet. They need to be on higher ground where the drainage is much better.

00:46:06:27 - 00:46:31:21

So that's another practical reason why it's not an area for sheep grazing. And also we understand in terms of just practical issues from the solar farms, small scale solar farms around the country, she graze on the cables, cause a lot of damage. And also we've heard from shepherds and shepherds that cannot actually round up the sheep and, you know, basic husbandry

00:46:33:13 - 00:46:51:13

do with their sheep. So there are practical issues with this. And also in terms of character and history of this landscape, this is not something we see on this scale at all. Um, it's an arable landscape, Mr. Summers. I'm sure we'll be able to expand further. Thank you.

00:46:55:06 - 00:47:26:16

Thank you. Jeff Summers, agronomist, farmer. Um, the whole of my life, I've had one point. I had a flock of 300 sheep, um, beautiful animals. There were. And twice a day they were shepherded. In other words, to count them and make sure they were all present and correct and no problems. Um, and on one occasion, I was approached by a policeman at lunch time who had a report that there was a dead sheep in my field.

00:47:26:18 - 00:47:57:25

Would I remove it? I went to have a look again. This was the second time of doing the day. And there it was, lying on, on this line on a public footpath that went through the field almost. And it was dead. Um. And this is one of the vagaries of actually having livestock. You have to be able to manage them

in many different aspects. And as far as everyday shepherding, then you need to be able to count them.

00:47:57:27 - 00:48:29:15

Now if they're living on the panels in rows across the field. Uh, I'd defy anybody to walk in there and count the sheep, and also to be able to actually witness whether there is any casualties, injuries, or even death in the field. And don't believe even my my grandson, who has 500 sheep at the moment, would ever contemplate putting his sheep in a field of panels. Never. Just not practical.

00:48:29:27 - 00:49:06:09

There's no sense at all in it. Um. Under the comments made reference. Set aside. Well, in 1991 we had the Common Agricultural Policy introduced. Initially it was paid pounds per acre for producing crops. It was then decided we needed some environmental improvements bringing in to agriculture, and so they brought in, set aside 10% of the farm was to go down to set aside. After a couple of years that was deemed to be a pointless exercise because nothing was being generated, produced, etcetera.

00:49:06:11 - 00:49:40:08

And the then offered farmers to grow crops on that set aside. Land which went for industrial production or seed right, was a classic, classic crop. When the weight is become as grown into that same category, because that is now distilled in very large scale in this area at all. Um, and so these situations evolve. But I'm afraid it's a question of what is practical and sensical as regards livestock.

00:49:40:24 - 00:49:43:29

There certainly are a moving feast.

00:49:44:20 - 00:49:45:05

Um.

00:49:46:29 - 00:50:02:27

And even today we now have thousands of acres of maize being grown in Lincolnshire, which is being fed into plants to produce electricity or gas. And so in that respect, we are in the agricultural world already.

00:50:05:04 - 00:50:19:19

Providing resource to the nation through growing crops. And that acts as a benefit to agriculture in the sense that allows us to control pernicious weeds which have become resistant to herbicides, etcetera.

00:50:21:18 - 00:50:57:12

And another line of income and a variation and an improvement in the crop rotations which aids fertility, etcetera, and soil conditions. So the whole process is very, very precisely thought out. And there's numerous examples of experiments, et cetera. And technical data produced in the agricultural world to sustain and support exactly what is being done today. But as far as grazing on the panels is concerned, and I don't think anyone would be that interested personally.

00:50:58:18 - 00:51:17:07

And could just also mention a there's been talk about the heavy soil types being wet, too wet to work. Well, we're not producing nuts and bolts in a factory in agriculture. We have to work with the weather conditions. If we don't get a crop sown in the autumn, then.

00:51:18:25 - 00:51:33:10

God willing, that land will be sown with the crop in the spring. It doesn't matter what the soil type is. And as far as moisture is concerned, where we have we have deficits. We have over, over.

00:51:35:03 - 00:52:13:11

Supply of moisture in the soil, which makes life very difficult, especially on the heavier grades. Then there are also benefits because when we get dry seasons as are increasing, now we have a situation where your three a, three b soils growing, a crop of weeds will dry out to the extent that the soil cracks with cracks that wide in the earth, which can go down as far as 2 or 3ft deep, and you finish up with towers of soil in blocks, then you can actually get hold of that tower, even though it's in the soil and it will rock.

00:52:13:24 - 00:52:48:04

But because of the texture of the soil, that soil is able to retain moisture such a level, it will still sustain a reasonable crop. Whereas if you go down the scale to the lighter soils, by that time, a lot of them, the crops are almost dead. And many, many fields have not even been harvested in very dry years. And so there are significant benefits by actually working the heavier soils in the three and three B group, I know which I would prefer to farm.

00:52:49:15 - 00:52:54:27

And you see in terms of the, the grades, etcetera, these grades are.

00:52:56:21 - 00:53:27:06

Buried in individual fields. As mentioned before, because of the ice age. How when the glaciers receded. They actually deposited and it's proven archaeologically. They deposited rocks which had been pushed down from Scotland to southern England and central England. And then as they receded, they deposited those rocks in totally alien positions to where they started. The same applies to the sand and the clay.

00:53:27:08 - 00:53:40:01

And when I was farming in Bedfordshire on an undulating farm. We had some hills with what we call clay cups. And other hills in the next field are the Sandy gap.

00:53:41:03 - 00:53:43:06

And so within.

00:53:43:08 - 00:54:09:10

Those fields had three and three big plays along with Sands. And between that you get a mixture of medium medium soil types. And note it all takes. It's not easy to work all of those soils together in the same field, but it can be done. And we've done it and we continue to do it. And so don't find it.

00:54:11:04 - 00:54:12:07

What? Practically.

00:54:12:26 - 00:54:13:11

Um.

00:54:15:10 - 00:54:17:00

I don't find it very practically.

00:54:18:25 - 00:54:19:28

The right solution.

00:54:21:15 - 00:54:37:21

Well, the problem that we have today facing the solar panels, because whatever's in that field, it can be productive. But the more body there is in the soil, the more productive it is. Believe it or not. Thank you. Thank you, Mr. Sommers.

00:54:37:23 - 00:54:47:19

I'm going to just take a moment to have a quick discussion with my colleagues. I'm very conscious of the time and think we're going to run out of time if we don't change the agenda shortly.

00:55:10:16 - 00:55:45:05

Thank you. In view of the time limitations that we have on the room today, we're not going to be able to run this hearing on further this afternoon because we have another hearing plan for that. So what we'll do with our questions on agricultural culture and soils, the remaining questions that we have on those, we'll follow up as part of our second set of written questions, because they can be dealt with in writing and again, on the landscape and visual. There'll be a few points. Now I'll move on to, to discuss where we would like to explore things in, in the Huron, and then there'll be others that we will follow up with in our second set of written questions.

00:55:45:25 - 00:55:47:12

Miss Broderick can see you want to come in there.

00:55:47:20 - 00:56:16:06

Claire, what if the applicant if we're going to just swap in our experts for that? If it would obviously, if it would assist. And I'm conscious that we obviously want to get through this afternoon's agenda items for that issue specific hearing. But in order to allow for proper discussion on matters, obviously it's within your discretion to, um, roll over that agenda item and include it within issue specific hearing three after lunch, if you would consider that appropriate.

00:56:16:08 - 00:56:37:06

I've already considered that, but unfortunately we've been told we only have the room until 4:00 today, so if we roll that over something else, we'll end up getting bumped from from the third one. So we'll have a discussion at lunchtime and that that might be the case, but we'll see how we get on before we move on. Is there anyone else who wishes to speak on the point around agriculture and soils, perhaps from either of the councils?

00:56:38:13 - 00:56:46:00

Says Stephanie Hall, the kitchen counter counsel. Just to note that we will comment in writing. Think that's going to be more appropriate, just to let you know, to expect that. Thank you. Thank you.

00:56:48:08 - 00:56:48:23

So much.

00:56:48:25 - 00:57:19:21

West Lindsey District Council, yes, at the same point, really would be helpful for her to have confirmation and clarification of the applicant's position in respect of whether any sheep grazing is to be secured and the extent to which that affects reliance in the. Yes, on continued agricultural use, because our position is it's obviously not the same agricultural use, because there will be no ability to use arable farming on the land. And the extent to which, if it's not secured, it can be relied on to suggest that agricultural use continues, I think needs to be clarified and something we can respond in writing. And I think, Ms..

00:57:19:23 - 00:57:53:25

Broderick, is my understanding of what Mr. Broderick said is that sheep grazing isn't being relied on in the sense that it would be secured. Is that correct? So there's no intention to secure it and take the point in that sense, whether or not the applicant can say that there is continued agricultural use is a point that they will no doubt respond to in writing, and there'll be further opportunities during the examination for any written submissions from other parties on that specific point as well. Yes. I'm

grateful. Just two other points which which I want to flag but really relate more to cumulative issues and which we will bring up in ishe fall.

00:57:54:09 - 00:58:28:06

And the first is, just as we noted in our written representations, there is one aspect of agricultural soils which relates to socioeconomic impacts and lack of assessment on agricultural holdings. We'll raise that this afternoon. But just to note that it overlaps in its topics. And the second point is in relation to cumulative issues in our it's our position that better, most versatile land is not a project specific issue, but it may well be a cumulative issue when we take into account the other projects.

00:58:28:08 - 00:58:41:10

So we'll raise it specifically at age four, but it is also relevant for agricultural tools. Thank you. Mr.. Take your point. Does anyone else wish to comment on agriculture and soils before we move on to landscape and visual impact?

00:58:44:05 - 00:58:44:22

Thank you.

00:58:45:28 - 00:59:13:10

Um, before we get started. Have a few preliminary matters, and I'm going to try and get through them quite quickly. And firstly, we were going to ask if the applicant is able to provide some sort of flyover or 3D model in footage of the whole of the order limits, which will give some context to the Secretary of State on the complete extent of the site, has been used in other examinations to quite good effect, and is that's something the applicant is able to provide, perhaps by deadline for.

00:59:21:21 - 00:59:37:10

A clever trick for the applicant. Understand? We already hold drone footage for proportion of the site, but we will clarify how much of that already exists and whether that would be sufficiently representative for those purposes.

00:59:38:03 - 01:00:04:18

Thank you very much. If you could just keep the case team and myself updated on that. And if you are submitting video footage, you might wish to liaise with the case team first on any accessibility requirements that we'd have to include. And think it would also be useful if when you're putting together that footage, if it could also include where there are areas of overlap with the other end projects, where they're in close proximity to the order limits. If they could be shown on there, that would be useful as well.

01:00:07:21 - 01:00:39:10

Um, my second point. There were a number of updates made to chapter eight of the environmental statement and additional summary tables provided at deadlines one and two. A lot of this were matters of clarification and to address various typographical errors and inconsistencies. We were provided with the applicant's explanatory note on this. So that was useful. So thank you for that. But does the applicant anticipate making any further updates to the chapter or supporting documentation at this point? You should be aware of.

01:00:44:04 - 01:00:46:08

When? When do you write pro.

01:00:46:28 - 01:00:48:25

Acting for the applicant?

01:00:48:27 - 01:00:49:28

The intention at this.

01:00:50:00 - 01:00:50:24

Point in time is.

01:00:50:26 - 01:00:51:18

Not to make any.

01:00:51:20 - 01:00:52:09

Further.

01:00:52:11 - 01:01:27:12

Updates to the chapter eight or its associated appendices. Thank you. Just to add, obviously we the interrelationship report is a live document as requested. And so there may well be cumulative updates as and when more information becomes comes into the public domain as a result of cumulative considerations. So there could be updates in relation to that interrelationship report, but no updates in relation to the actual information that's been provided today.

01:01:27:14 - 01:01:29:09

But just wanted to make that distinction clear.

01:01:29:11 - 01:02:09:14

Thank you very much. I wasn't suggesting that we wouldn't accept any updates, it's just that I wanted to know before we start the discussion whether there are any updates we need to be aware of. Now, moving on into some of the main discussion points. Um, in light of the changes and some of the inconsistencies that have been identified, I just want to make sure that we fully understand what's being presented. So wonder if to start things off and think it's going to be a quick canter through it. Really, in terms of the time that we've got available, would the applicant be able to provide a summary just of the significant effects that it's identified in terms of landscape character, not necessarily the visual at the moment, just the landscape character and the mitigation that's been included in an attempt to reduce them.

01:02:12:28 - 01:02:15:12

When do you write the applicant?

01:02:16:20 - 01:02:51:16

Terms of the summary of the landscape effects. The assessment has identified beneficial effects at the broad grain scale. This is in respect to landscape receptor for a on wooded vales. There are also adverse effects predicted at the fine grain scale. These are on the smaller fine grain scale receptors which we took into account, and these effects are predicted to be both adverse and beneficial.

01:02:51:24 - 01:03:08:25

And this relates to the receptors of land use, topography and watercourses, communications and infrastructure. Nationally and locally designated landscapes. There are also significant adverse effects associated with the substation sites.

01:03:10:20 - 01:03:13:12

Terms of cumulative landscape effects.

01:03:14:21 - 01:03:25:01

Not to talk about cumulative landscape effects for the time being, because we do have a hearing on Thursday where we will be discussing cumulative effects more generally, and it's probably best if we could together.

01:03:27:13 - 01:03:58:28

In terms of the mitigation, which is proposed to address both this. This relates to both the beneficial and the adverse effects with regards to the mitigation. We have taken account of the principles of good design. We have looked at several matters that's relating specifically to policy.

01:03:59:13 - 01:04:36:16

So the brief what is deliverable and practical. And this has been set out in our landscape mitigation plans, which is then which are then secured through requirement seven of the DCO. And these mitigation plans are future proofed. And we have set out provision within the outline landscape and environmental ecological Management Plan. We have set out matters where we can look at the future management prescriptions and update those as required at year 15.

01:04:37:28 - 01:05:20:22

So specifically, just referring to the first point about the brief, we have looked at policy. We have specifically looked at the policies relating to green infrastructure and the green Infrastructure Strategy 2011 for Central Lincolnshire. And the key component of that strategy is the Biodiversity Opportunity mapping, which is a follow on from that strategy. And this is set out in the outline ecological and landscape and ecological management plans, but specifically the landscape mitigation plans that form part of the assessment have taken the key aspects.

01:05:21:17 - 01:05:47:21

And we have attempted we have looked at how we can mitigate both visually and from a landscape character perspective. And this mitigation has involved the delivery of certain aspects of the scheme. And so this is relating to the design parameters. These design parameters are set out in the Elvia. And I refer you to table 8.21.

01:05:49:15 - 01:06:23:11

These design parameters. Look at the key aspects of the landscape and areas of value. It looks at how the site sits within a low lying area and within the individual parcels of land. There are separate sites and these parcels of land line the horizontal plane, and the landscape mitigation looks at reinforcing the hedgerows and the watercourses that form buffers between the sites.

01:06:23:23 - 01:06:58:26

We have looked at the existing vegetation network, these intermediary areas between the sites and this is to again boost the structural benefits of the landscape. And these areas act as a strong backdrop for the panels when viewed on a horizontal plane. We've also recognized the particular sensitivities associated with the sites, but also in the context of their the outlying areas, which are some of which are designated as areas of greater landscape.

01:06:58:28 - 01:07:29:11

Are you. We have used both the the character assessments, the underlying published character assessments to draw out those features of value. And take those and apply those to the mitigation elements of mitigation. This is set out in the assessment sheets, the detailed assessment sheets that underpin the assessment, which are contained within 8.2 for the landscape character and within 8.3.

01:07:31:08 - 01:08:15:28

We have also looked at other aspects of watercourse integration. We have tried to fully understand how the character of the landscape changes from being parts of an open area to those which are enclosed. We have looked at public rights of way and how they are integrated into the site in terms of the buffering for these public rights of way, or where we may open up views to distant horizons. So the the parameters set out in table 8.2, one of the have been fully explored in our mitigation plans as part of our process to the design and approach to the project.

01:08:17:27 - 01:08:39:15

Thank me, sir. I'm going to ask you just to pause there for a moment again. Am very conscious of time. So am I correct in my understanding? Think you've summarized the significant effects, and that's roughly what I understand them to be. But am I correct in my understanding that the applicant doesn't predict any significant effects arising during operation on landscape character as a result of the panels themselves?

01:08:42:00 - 01:08:43:20

When you take into account the mitigation.

01:08:44:14 - 01:09:26:23

The mitigation is taken into account at year one and also at year 15. At year one, we refer to that as the primary mitigation. This is relating to how the panels may sit within the landscape. The colors of the panels and the offsets of the panels from certain receptors or the buffer areas. So we apply mitigation at year one. We also apply secondary mitigation at year 15. And that includes the aspects of planting, the buffering and the the works to the existing hedgerows and the provision of new hedgerows for example.

01:09:26:27 - 01:09:43:26

So that is the mitigation at year 15. We consider that for landscape character there will be significant effects at year one, but at year 15 we feel we consider that the effects can be mitigated and the.

01:09:43:28 - 01:09:47:24

Significant effects that you consider on year one that's on communication infrastructure is that.

01:09:47:26 - 01:09:48:28

Yes, yes.

01:09:49:04 - 01:09:50:24

So that takes into account the panels.

01:09:51:04 - 01:09:52:23

Takes into account the panels.

01:09:52:25 - 01:10:20:11

And then the other significant effects that you project are as a result of the substation sites on land use and topography. Yes. And they're at year one and construction. Yes. And they reduce. But the the effect of the panels, as I understand it, they're, they're at year one, there's a significant effect on communication and infrastructure. But they start to reduce then at year one. And by the time you get to year 15 they've reduced to minor adverse, which is not significant in the EIA terms. Yes. Yes. My understanding. Correct.

01:10:20:13 - 01:10:20:28

Yes.

01:10:21:16 - 01:10:29:13

So the applicant's case is that by year 15, the panels themselves will have no significant impact on landscape character.

01:10:29:16 - 01:10:32:04

No that's correct sir. That's that's yes that's correct.

01:10:32:06 - 01:10:42:16

Just wanted to clarify that that. Yeah. And that's as a result of the mitigation planting effectively that that's going in as part of the year one mitigation.

01:10:42:18 - 01:10:57:19

Yes it is. Yes. The year one planting mitigation has been implemented, but then it will have matured by year 15, which we take to be the appropriate year to judge the fullness of mitigation planting as being at that point of maturity.

01:10:58:09 - 01:11:17:01

And then you get to year 15 and there's a mechanism included which will allow a further assessment in case your estimates are wrong, and then further mitigation can be installed. At that point, if it's found that the primary and secondary mitigation isn't as effective as you. Currently.

01:11:17:23 - 01:11:50:09

Yes. So it's not necessarily that the estimates would be wrong. It's more to take account of the changes to landscape that may occur during that time. So when we reach year 15, there may be different pressures or forces for change on the landscape that we would need to take into account and then adapt the mitigation to suit those pressures for change, whether it be changes to farming practices, drainage regimes or in terms of climate change.

01:11:50:11 - 01:11:50:26

So it's.

01:11:50:28 - 01:11:51:13

A reassessment.

01:11:51:15 - 01:11:52:06

It's a reassess.

01:11:52:08 - 01:11:52:26

Happens at.

01:11:52:28 - 01:11:53:13

That point in.

01:11:53:18 - 01:12:29:08

Time. Thank you. Mr.. Just to move things along a little bit, because, again, I'm an increasingly conscious of time. And if I summarize what I understand from the most recent information that's been submitted at deadlines one and two in terms of visual impact. And then perhaps you can correct me if I've misunderstood anything. Um, my understanding is that during construction, significant effects are predicted at up to 33 point receptors, ranging from moderate to major adverse seven residential receptors and 13 or so transport receptors, as well as five public rights of way receptors.

01:12:30:14 - 01:12:37:08

That's correct, sir, although I have 33 viewpoints, would experience significant adverse effects.

01:12:37:28 - 01:12:39:06

33 viewpoints.

01:12:39:08 - 01:12:42:08

There are nine viewpoints with beneficial effects.

01:12:42:15 - 01:13:12:24

Yes. I'm just interested in the significant adverse for the time. Time being. Um, you say 33. I'm going to ask you then to have a quick check of the tables that were submitted at deadline to think in terms of landscape. Yes. It might be my counting, but didn't come 33, so you might just want to check that point to make sure that they're all in there. Um, and then your one, my understanding is that they reduced to around 13, which is just over half, um, zero. Sorry.

01:13:12:26 - 01:13:29:17

They reduced. They're similar at year one, but you're 15. They reduced to around 13 viewpoint receptors. And then we've got no residential receptors at year 15 experiencing significant effects. But there are still 13 transport receptors for public rights of way receptors at that point.

01:13:29:23 - 01:13:45:14

That's correct sir. There are no there are no residential receptor effects at year 15 13 transport receptors. And for public right of way adverse effects and the residual effects for viewpoints.

01:13:45:18 - 01:13:58:11

So in broad terms and correct in saying that the applicant is recognized in the environmental statement that there would be some significant long term temporary adverse effects on both landscape character and visual amenity.

01:13:58:13 - 01:13:59:25

That's correct sir. Yes.

01:14:00:14 - 01:14:08:23

In that case, is there anything else bearing in mind the time that you'd like to add or draw our attention to in terms of landscape or visual impact at this point?

01:14:09:24 - 01:14:14:13

Uh, nothing that comes to mind, sir, unless there was anything specific.

01:14:15:10 - 01:14:18:03

Miss Broadrick can see your hand hovering on the on the.

01:14:18:21 - 01:15:02:21

Clip of the applicant, just in case it makes any difference to your decision about closing this particular hearing rather than carrying it, extending it into this afternoon's session. And we note that socioeconomics is on the agenda for this afternoon. Um, the we don't have our socioeconomic expert, unfortunately, able to join us in person today. We have some notes which other financial consultants who are part of the team are able to respond to. But if there were, if you were going to hold any topic over for written questions that maybe you might wish to consider doing that for socioeconomic rather than, um, landscape and visual, just because the landscape and visual experts are here, if that suits you.

01:15:02:23 - 01:15:21:06

We'll also do our best to to answer the socioeconomic questions. And we can obviously deal with that in the outline skills plan. But it was just in case that influenced your decision about maybe making use of some of this afternoon session. If you did have questions that would be helpful for, um, the experts to answer in person.

01:15:21:09 - 01:15:22:27

That's very helpful. Thank you, Miss Broderick.

01:16:07:21 - 01:16:44:00

The project. I've just had a conversation with a colleague. We do have other people here today who wish to speak on socio economic matters and think if we'd realised in advance that your expert wouldn't have been available, then we may have been able to adjust things. But think it in the interest of being fair to everyone, I think there are other parties who have come along just for that particular point. So what I'm going to suggest that we do instead is that we go for another 15 or so minutes. I'm conscious that people will need lunch before we come back, so I'll go for another 15 minutes and then whatever we haven't covered in that time in terms of landscape and visual, we will deal with written questions as we move forward.

01:16:45:04 - 01:16:55:14

It was if the. Yes. It's fine. I mean, the other option would be to come back to landscape and visual at the end of the cumulative. And again, that would be.

01:16:55:22 - 01:17:07:29

Pendant on whether or not all the parties who have attended today would be available. Is there anyone here present today who would wish to speak on landscape and visual matters, who wouldn't be available on Thursday or sorry on tomorrow morning?

01:17:09:27 - 01:17:17:12

It's. Okay, well, 7000 acres aren't available, so let's let's see what we get done now in the next 15 minutes. And then we'll take it from there.

01:17:26:08 - 01:18:03:13

I don't think we need to necessarily go into the good design point on the agenda, because do we understand everyone's positions on that? And that was just really about seeking a bit of clarification. So unless anyone has anything particular that they wish to raise in terms of good design that can't be dealt with in writing, then I'm going to move past that agenda item. Anything? Nope. In that case, the one that I would like to to to have a quick discussion around is the justification for significant beneficial effects on landscape character. As a number of IPS, including both the host authorities have, they've raised concerns in relation to the judgments that have been undertaken in the area.

01:18:03:19 - 01:18:19:09

And one point that has come up repeatedly is the applicant's prediction of significant beneficial effects on landscape character. Could the applicant explain, in summary, how it's arrived at the conclusion of of significant beneficial effects on landscape character?

01:18:22:13 - 01:18:53:23

When you write for the applicant. So there are five specific points I'd like to raise as to how I've arrived at the beneficial effects. Firstly, in respect to the matter of landscape value, and secondly in respect to the context of the National Planning Policy Statement five. And how we approach the matter of beneficial effects within three.

01:18:55:00 - 01:19:23:03

I'd also like to raise Brent about my professional opinion and my past experience of delivering large scale infrastructure projects, and how. Positive benefits can be derived. And finally, what is set out in the published landscape character assessments in terms of how we understand what benefits can be brought to the landscape through mitigation.

01:19:23:12 - 01:19:46:17

I think if you go through those five points, we will completely run out of time and no one else will have a chance to come in. So what I'm going to ask is perhaps if you could put those in writing after the hearing so that you have the opportunity to put them forward, and perhaps just in a very, very

concise way, summarize how you've arrived at that and if can assist you there. My understanding is that it's about strengthening the key characteristics in the existing landscape.

01:19:46:19 - 01:19:59:19

It is. Yes. And and the key characteristics which is set out in the published landscape. Character assessments apply to each character area or individual receptor that we're assessing.

01:20:00:14 - 01:20:17:22

So for for an example just to make sure understand the bone correctly where you're talking about well defined field boundaries. As you increase the planting along those field boundaries, which increases their definition. And that in my understanding, is that one of the ways in which you arrive at significant beneficial effects on the landscape.

01:20:18:00 - 01:20:59:12

That's correct sir. So it relates to matters of the existing vegetation, and the beneficial effects may relate to matters of appreciating or being able to read the landscape, the time depth associated with the landscape can we appreciate the scale of the landscape has changed because of current practices relating to agriculture? And if so, how is that being? How can we restore that through our mitigation proposals? So that's another example of how the benefits are derived and other benefits relate to the preserving views.

01:20:59:14 - 01:21:36:08

And and and as I mentioned earlier, this appreciation of being in an enclosed landscape, but then being in an open landscape. And that does vary across the study area. And it does vary in the context of relationship between the areas of greater landscape value, which do read very well in in the context of the tale Vale. But what I found was the character in the tale Vale is often being difficult to read because of the changes to the landscape over the last chapter.

01:21:36:10 - 01:22:00:16

You could provide a summary of that after the hearing. That would be would be quite useful. I know the information is there, the but just sort of a broad summary to give us the context to that would be would be useful. There's Brodrick, I've seen the applicant isn't relying on the significant beneficial effects on landscape in terms of planning balance to not in your planning statement as a benefit. So it's not something that you're looking at there. This is just an or point as understand it.

01:22:12:16 - 01:22:19:12

Clever if the applicant haven't got the planning statement immediately to hand. But I've been confirmed that that's correct.

01:22:19:14 - 01:22:24:04

Yes. And if you confirm after the hearing, that's what done as well. So thank you. Um.

01:22:26:03 - 01:22:29:03

Must hold Lincolnshire County Council's position on this.

01:22:30:04 - 01:22:38:16

Okay. So thank you. I'm going to pass to Mr. Brown, who think I'm going to ask you to summarize very succinctly, but so obviously we'll we'll put more in. Right. Sorry. The camera in.

01:22:38:18 - 01:22:42:05

The know, there's a camera of one line of sight and you yourself. But don't worry. Thank you.

01:22:42:10 - 01:22:48:16

I'll lean slightly to the right. I'll just pass to Mr. Brown, but obviously we'll be responding more fully in writing if that would be acceptable.

01:22:50:15 - 01:22:54:00

Thank you. Oliver Brown, Lincolnshire County Council. Um.

01:22:56:09 - 01:23:38:13

So, yeah. Think a lot of this is summarized in our landscape assessment review that's in the local report. Um, and, you know, we acknowledge that the establishment of mountain biking associated with mitigation is going to add a positive element to this landscape. However, you know, this is an extensive change to land use over an extensive area. That's something that is unprecedented in this in the county in terms of its scale and its location. So what we needed to look at, what we looked at is how that mitigation would balance that negative impact of introducing developments in terms of urbanizing elements in a landscape that is very rural, it's very agricultural.

01:23:38:16 - 01:24:12:01

So it's a very definite change to that. And it's basically how the mitigation planting will go some way to reduce that effect. It's our stance that it will be an adverse impact upon that landscape. And we just wanted to draw just your attention to just to calibrate that judgment a little bit. It's not only our opinion. If you look at a very similar scheme in the same landscape in terms of gate Burton. Um, it's, it's shares some of the landscape character areas with cotton.

01:24:12:03 - 01:24:44:04

There are no benefits to the landscape character areas or to the landscape or to the visual amenity that are identified within that report, either. Um, and as a sort of just a final point in terms of another way to calibrate this, if, if, if we're sending a landscape architect to do a character assessment in this area today or not today, with the proposed scheme in place, how would that impact that character assessment? It would feature, in my opinion, very heavily within that.

01:24:44:06 - 01:24:47:21

It would certainly become a defining feature within that landscape.

01:24:50:06 - 01:25:03:09

Thank you, Mr. Brown. And just a quick follow up question. You said that there would be adverse impact. Are you suggesting they'd be significant adverse in terms, or would they fall below the level of significance being used in the methodology?

01:25:03:14 - 01:25:07:11

Think yes, there will be some significant impacts, adverse impacts.

01:25:07:13 - 01:25:18:21

So the difference between the two parties is that the applicant's case is it would be significant beneficial. But the county council cases it would be significant adverse. Correct. That's quite a wide gulf isn't it? Yes.

01:25:28:04 - 01:25:33:29

Everything will be, then it's not a difference in professional judgment. Is there a methodology issue here that needs to be explored further?

01:25:35:05 - 01:26:01:19

Oliver Brown, Lancashire County Council. No mean. We've worked closely with with the applicants on the methodology and a lot of the baseline. And again, we've highlighted this within our report that, you know, we're happy with this very thorough report. I think it's just as we come to these, it's just the

weighting of the mitigation in relation to the the landscape character and how that is being applied. And our opinion is that it's it's it's adverse.

01:26:02:06 - 01:26:22:07

I wonder if there's some benefit in getting together with between the applicant and the local and the county council to try and narrow down some of those issues, that there is a significant gulf between you. And it would be useful for myself, Mr. Henley, and the Secretary of State to understand what the specific points of contention between you are in respect of this.

01:26:22:09 - 01:26:29:12

Yeah, and that's what we are working with with the applicants to do that. And there's been a very good dialogue through the process to, to to try and narrow those down.

01:26:29:21 - 01:26:38:20

If we could perhaps have a joint statement from the parties that specifically identify those particular areas where you were currently in disagreement, that would be very useful.

01:26:40:06 - 01:26:45:03

Thank you. And West Lindsay's position on this, Mr. Shaikh. West Lindsey.

01:26:45:05 - 01:26:45:28

District Council.

01:26:46:02 - 01:27:17:07

Yes, our position aligns with the county's. I don't think we have anything that we need to add at this stage, but we'll respond in writing in more detail and understand if I understand West Lindsay's position on landscape correctly. What the council is saying is it's the change from an agricultural landscape to a solar panel, a landscape containing containing a large number of solar panels and industrial elements. And your concern is that that hasn't been fully considered as part of the EIA. Yes, that's correct. And there needs to be a clear distinction between the impact on landscape and visual impact.

01:27:18:22 - 01:27:19:29

Yes, yes. Yes, sir.

01:27:24:00 - 01:27:31:28

Does anyone else wish to come in on this point around significant benefits on landscape? Could see some hands going up. So Mr. Skelton.

01:27:34:11 - 01:27:57:07

Thanks. So I'm skeleton effective person. Um, my point of view. No matter how many jewels you have and extra trees planted, even in 15 years time, it's not going to screen or soften the fact that you got 2500 acres of four and a half me to panels.

01:27:58:25 - 01:28:37:29

In a rural landscape such as this. Viewed from a busy clifftop road. And the land isn't flat, it's undulating. And another point that I've mentioned in me, and hopefully other people have picked it up as well. The photo montage is show 3.5m. Uh, tilting panels instead of falling off meter panels, which should be the worst case scenario. So they're not really reflecting the intense industrialization of the landscape with 15 foot 4.5m panels.

01:28:39:17 - 01:28:42:17

Thank you, Mr. Skelton. Ms.. Garbutt.

01:28:44:23 - 01:29:21:25

Thank you, sir. Yes, sir. 7000 acres. I just wish to say that we concur with both the West Lindsey District Council and Lancashire County Council, and that we can't see how there's going to be any significant beneficial effects in terms of landscape character. When. Thousands and thousands of. 54. five meter panels and associated equipment are erected and positioned over the landscape. It seems quite incongruous and obviously would appreciate for the applicant to demonstrate how they've come to those findings.

01:29:22:03 - 01:29:30:22

It just seems absurd to us. Obviously we'll put any sort of further details in. Obviously. Where you short of time. Thank you.

01:29:31:21 - 01:29:48:02

Thank you, Mr. Garbutt. Does anyone else wish to come in on this specific point? I'm just going back to one point that Mr. Skelton made. Photo montage is am I correct or is Mr. Skelton correct that they're based on a 3.5m panel rather than a 4.5?

01:29:50:06 - 01:29:56:22

And mocked, hoping for the affluent. The montage is based on a 4.5m panel height, so based on worst case scenario.

01:29:58:11 - 01:30:03:22

If I may so also like to come in some of the comments. Just to add some further.

01:30:04:11 - 01:30:06:05

People can make it reasonably quick.

01:30:06:23 - 01:30:07:08

I'll try.

01:30:07:10 - 01:30:09:19

And anything that that you can't.

01:30:09:21 - 01:30:40:11

Include say my my colleague Mr. commented in terms of the landscape character to restoration of that character, we have assessed very carefully the baseline as well. So it's not the designated site. We've looked at value very carefully in line with Landscape Institute guidance and think. One of the key aspects is also looking at the quantum of what we were restoring. So in terms of figures can take you to app 57 of the mitigation schedule. Just in summary, we're talking about 20km of newly planted native hedgerows.

01:30:40:13 - 01:31:10:27

We're talking about 4.2 hectares of native scattered trees, six hectares of native woodland. I won't go through the full list for 800 hectares of new seeded, diverse grassland. The the quantum of what we're putting back into this landscape is significance. And so we have we have, on balance, thought about that very carefully. And this is where we've come up with beneficial effects. If you look at comparative sites that have come up with adverse effects, such as the gate person site, for instance, they have a different baseline, they have a different starting point in terms of the landscape value.

01:31:10:29 - 01:31:45:00

They are in an area of great landscape value, or rather, part of the site is in an area of great landscape value. See. So we have we have worked very carefully and very closely with, with Mr. Brown from

the council to, to look at this, but we do. It's a difference for professional opinion in essence. But we do feel that the quantum of what we're putting back in line with local landscape character and regional landscape character and regional landscape character, biodiversity objectives is significance. And as a as a closing point, because I'm conscious of time just in terms of the the

01:31:46:15 - 01:32:10:27

associated with this landscape mitigation, we're looking at a 96 over 96% gain provided for habitat, 70% gain provided for hedgerows, and 10.69% gain in ravine. It which which we feel is significant and hence this is what's guided a large percentage of our assessments of beneficial effects.

01:32:12:13 - 01:32:13:08

Thank you very much.

01:32:15:21 - 01:32:33:08

Moving on to the next point, which is proposed hedgerow removal. In terms of that specific requirement, we also have it listed on Friday's five agenda. And I was going to deal with them as slightly different points, but think we can probably move that into Friday's discussion and deal with it there.

01:32:37:05 - 01:32:44:28

In which case, is there anything anyone else wishes to raise in respect of landscape and visual impact under item three before we move on?

01:32:48:01 - 01:32:48:16

No.

01:32:48:19 - 01:32:49:16

Oh, Mr. Scotland.

01:32:52:01 - 01:33:10:16

So I'm a skeleton affected person. Um, I've obviously not looked at all the photo montages, but I've looked at many and they are certainly 3.5m because I've been out there with a 4.5m gauge stake. And they're totally accurate. Thank you.

01:33:11:15 - 01:33:30:02

Thank you, Mr. Skelton. I'm going to ask the applicant to provide written confirmation again now, at the next deadline, or in response to the written submissions that you will provide as part of this year, and that all of the photo montages are 4.5m. I know you have done that verbally today, but I'd like that in writing as well.

01:33:31:10 - 01:33:37:01

The applicant, yes, will provide the cross reference to where we responded to Mr. Skelton's written representation to confirm that point.

01:33:39:21 - 01:33:43:19

Are there any other matters anyone would like to raise in general?

01:33:47:11 - 01:33:50:22

No. Anyone on the Microsoft Teams? Right.

01:33:53:10 - 01:33:54:09

I mean, do you have anything.

01:33:55:03 - 01:34:30:15

In that case? Can I thank you all for your contributions today? I'm sorry the last part of this year and has been a bit rushed. I don't think we were particularly helped by the live stream going down in the adjournment there, but hopefully everyone has had an opportunity to say what they wish to say, and anything else can be followed up at future deadlines in writing. And it may be that one of 1 or 2 of the issues, for example, the proposed schedule we will be dealing with and other hearings as well. Can I just remind you all to provide written submissions that you've committed to and remind the applicant and all those who have contributed today to provide a written summary of their responses by deadline three, which I think is the 19th of December.

01:34:31:01 - 01:35:01:28

The transcript and video recording of the hearing will be published on our website as soon as possible after the hearing, and I think we've covered all the items that we wish to today, even if some of them have been very, very speedy. Um, it's all it remains to me to thank you all for your participation. And it's now. Coming up to 1:20. And this issue specific hearing is now closed. There will be a new hearing issue. Specific hearing three. Think we start registering at half past but we'll be starting at two.

01:35:02:00 - 01:35:07:27

So I'm hoping that you'll all be able to get some lunch as well. Mr. Henry, before we continue. Thank you all very much.