



## Hearing Transcript

<b>Project:</b>	Byers Gill Solar
<b>Hearing:</b>	Issue Specific Hearing 4 Session 1 (ISH4)
<b>Date:</b>	16 October 2024

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# TRANSCRIPT\_BYERSGILL\_ISH4\_SESSION1 \_16102024

Wed, Oct 16, 2024 4:17PM • 1:22:17

00:05

Good morning. Can I just check everybody can hear me clearly?

00:10

Great. Thank you. And online, if somebody can give me a thumbs up,

00:19

one of the four people there?

00:26

Can anybody online? Hear me? Mr. Anderson,

00:38

let's just make sure that's working before we go on.

00:42

I don't seem to be getting much reaction from the people online production team is, are they hearing me? Okay,

00:52

yeah, okay. And can I just confirm that the live streaming and recording of this event has commenced. Thank you very much, Mr. Shrimpling,

01:03

for those people watching the live stream, can I also advise that we should we at any point adjourn proceedings this morning, we will have to stop the live stream in order to give us clear recording lines. As a result, at that point which we recommence the meeting and restart the live stream, you will need to refresh your browser page to view the restarted item.

01:25

I will remind you of this again. Should we need to adjourn? It's now 10am and it's time to begin this hearing. I'd like to welcome you all to this issue, specific hearing on landscape and visual matters and the development consent order in relation to the applicant made, application made by RWE renewables, UK solar and storage limited, who we will refer to as the applicant for an order granting development consent for buyers. Gill solar, the development proposed consists of a solar farm with

over 50 megawatts capacity, ground mounted solar photovoltaic PV modules and associated mounting structures, inverters, transformers, switch gear and control equipment are substation energy storage equipment and underground on and off site cabling.

02:16

Thank you for attending this hearing. My name is Max Wiltshire. I'm a chartered civil engineer employed by the planning Inspectorate have been appointed by the Secretary of State for Housing Communities and Local Government as a member of the panel of inspectors to examine this application. I'm now going to ask my fellow panel members to introduce themselves. Mr. Pinto, thank you. Mr. Wheelchair. Good morning everyone. My name is Andre Pinto. I am a charter town planner employed by the planning inspectorate, and I have been appointed by the Secretary of State for housing, communities and local government as the lead member of the panel to examine this application.

02:55

Thank you. Mr. Pinto, Mr. Obadi, thank you. Mr. Weisha.

03:00

My name is Alex oyeade. I'm a charter transport planner employed by the planning inspectorate, and I have been appointed by the Secretary of State for housing, communities and local government to be a member of the panel to examine this application.

03:17

Thank you both. Together, we constitute the examining authority, and we will be reporting to the Secretary of State for energy security and net zero with a recommendation as to whether the development consent order should be made.

03:31

The case manager for this project is Jenny savage. Jenny has been supported here today by Ms Rebecca Luxton, Emery Williams from the planning inspectorate is also in attendance. If you have any queries about the examination process or the technology we are using for virtual events, they should be your first point of contact. Their contact details can be found at the top of any letter you have received from us or on the project page of the national infrastructure website.

04:00

I'll now deal with a few housekeeping matters for those attending in person, can everyone please set all devices and phones to silent?

04:10

Thank you very much.

04:13

The closest, inclusive and female toilets are just outside the room on this floor through the same doors you used to enter the room earlier, there are additional toilets just by the snack bar on the first floor.

04:25

There are no fire evacuation tests planned for today. Should the fire alarm sound, please make your way to the nearest fire exit door using the doors marked in this room and head downstairs. Fire evacuation assembly point is in the square outside the main entrance to this building.

04:43

Today is a hybrid event, meaning some of you are present at the hearing venue and some of you are joining us virtually, using Microsoft Teams for those people observing or participating through teams. Can you please make sure you stay muted unless you are speaking, if you are participating?

05:00

Operating virtually and you wish to speak at the relevant point in the proceedings, please use the handout function. Please be patient, as we may not get to you immediately, but we will invite you to speak at the appropriate time. We will make sure that however you have decided to attend today, you will be given a fair opportunity to participate.

05:21

Any questions on that in the room?

05:25

No. Thank you and online.

05:31

Thank you very much.

05:34

In addition to the live stream, a recording of today's hearing will be made available on the buyers gills solar section of national infrastructure planning website. As soon as practicable after the meeting is finished, with this in mind, please ensure that you speak clearly into a microphone stating your name and who are you representing each time before you speak for those at the table, you can do that by pressing the large button at the base of the microphone on the right. If you're not at a table with a microphone, there is a roving microphone, so please wait for one of these to be brought to you before you speak.

06:12

If you're attending virtually and you don't want your image recorded, you can switch off your camera. For those in the room who don't want to be recorded, there is an area at the very back of the room out of the camera shot. Please use that area,

06:27

because the digital recordings that we make are retained and published. They form a public record that contain personal information and to which the general data protection regulations apply only in the rarest of circumstances. Might we ask you to provide personal information of the type that most of us

would prefer to keep private or confidential, therefore, to avoid the need to edit the digital recordings, please try your best not to add information to the public record that you would wish to be kept private or that is confidential.

06:59

If you feel that personal information is necessary, please provide,

07:04

provide this in a written document that we can redact before publication. The planning inspectorates practice is to retain and publish records for a period of five years. From the Secretary of State's decision,

07:17

a link to the planning inspectorates privacy notice was provided in the rule six letter. I assume that everybody here today has familiarized themselves with this document which establishes how the personal data of our customers is handled in accordance with the principles set out in data protection laws. Please speak to Jenny savage if you have any questions about this,

07:40

this meeting will follow the agenda which was published on the buyers Gill solar project information page of the planning Inspectorate website on the fourth of October. It would be helpful if you had a copy of this in front of you. I'm going to ask the agenda to be displayed on the screen now i

08:05

Does everyone? Does anyone not have access to an agenda?

08:12

We plan to deal with landscape and visual matters first and then move on to DCO matters. We will aim to finish the hearing today, by 4pm

08:21

taking lunch around 1pm and a break during the morning session

08:26

and afternoon session, please remember those who are participating virtually to turn their cameras and microphones off during the breaks.

08:35

We will conclude 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, then it may be necessary for me to prioritize matters and defer other matters to written questions. Likewise, if you cannot answer the questions being asked will require time to get the information requested, then please, can you just indicate that you need to respond in writing, and we will tell you when best to submit your response or issue in writing. Thank you.

09:09

Does any one have any questions on what I have just set out in the room?

09:15

No and online,

09:20

no. Thank you very much. I will now hand over to Mr. Obadi, who will do the introductions.

09:30

Thank you, Mr. Witcher,

09:33

I'm going to to now

09:38

as those of you who are participating in today's meeting to introduce yourselves when I state your organization's name, could you please introduce yourself, stating your name and who you represent and which agenda item you wish to speak on if you are not.

10:00

Presenting an organization, please confirm your name, summarize your interest in the application, and confirm the agenda item upon which you wish to speak. Please. Could everybody also state how you wish to be addressed? Either Mr. Mrs. Miss and so on.

10:24

Can we now start with the applicant and then any of the advisors,

10:37

production 17? I think we're having some technology difficulties with, oh, with one of the mics. But if you could use that other mic, then please. Thank you.

10:50

Thank you. Mr. Pinto, good morning to the panel. My name is Mr. Alex Minnick. I'm a solicitor at Burger salmon, and I'm representing the applicant I am joined by a number of the applicants team. To my right we have Miss Laura Bing, who is a planner at Arup and will be responsible for managing the documents which are being presented on screen.

11:18

Immediately to my left is Mrs. Mary Fisher, who is a landscape architect from Absa line, who is also representing the applicant and will be primarily speaking to the landscape and visual agenda. Item to her left is Mr. Michael Baker, who is the project development manager at

11:41

RWE We are also joined online by Mr. Wakar Qureshi, who is a technical analyst at pager power,

11:52

who if we need to bring in to speak to matters of a technical nature in relation to the glinting glare assessment and any questions that have been raised on that here, Mr. Qureshi is available and able to join the conversation. In that regard, the remainder of the applicants team will be speaking on a mixture of the agenda items as required. Thank you.

12:22

Thank you. Mr. Mihinik,

12:25

I will now turn to

12:28

the

12:31

Borough Councils now, starting with Darlington Borough Council.

12:38

Thank you. Good morning. My name is Mrs. Lisa Hutchinson. I'm Development Manager at Darlington Borough Council. I'm joined on my left by Mr. Stephen laws of Glen Kent landscape architects, and he is the council's landscape consultant, and he'll be contributing to matters relating to landscape and visual impact and Agenda Item three to my right is Mrs. Carol Whelan. Carol is the council's Environmental Health Manager, and she will also be speaking on matters relating to glinting. There under Agenda Item three, to my far right is Mr. Geoffrey McCarthy. He's the council's rights of way officer, not intending to speak as such, but will respond to any questions as necessary. I'm also going to be joined later on. I'm sorry couldn't attend from the beginning by Mr. Andrew Casey, who's the council's head of highway network management, and he will be here to answer questions relating to item agenda. Item four, the development consent order.

13:37

Thank you, Mrs. Hodkinson, I'll now go on to Stockton on TS Borough Council. Please

13:47

Good morning. It's Helen Boston, principal planner Stockton Borough Council. And to my right, I got Sarah wood, our landscape architect. And again this afternoon for Agenda Item four, I will have Jacob mode, our valuations assistant, joining us.

14:03

Thank you.

14:05

Thank you. I'll now go on to

14:10

the parish council.

14:13

Coyler,

14:18

good morning. My name is Colin Taylor. I am representing great stained parish meeting this morning, and I'd like to be addressed as Colin. To my left is Mr. Martin Philpott, a resident and member of the of the committee, and also Mrs. Susan knobs, who will also be liking a member of the committee. They'll be speaking on items three and four.

14:45

Thank you.

14:47

Thank you, Mr. Taylor,

14:50

I'll now move on to councilor. Philip Watson. You.

15:07

Sorry, can you sort out the microphone, please? Philip Watson is no longer on the council.

15:15

Sorry, I can you please talk to the microphone? Philip Watson is no longer on the council, okay,

15:23

is present and would like to speak at some point. Okay, thank you.

15:32

Peter wood, Chairman Beaver, thank you.

15:38

And now. Martin feel part.

15:45

Yeah, yeah, I'm sorry we've already been introduced as part of the great state and parish meeting. Okay? Thank you. Carly. Carly Tinkler,

15:59



Good morning, sir. Miss Carly Tinkler, Landscape Architect representing bishopton villages Action Group, okay, thank you, and I wish to speak on Item three, okay, thank you.

16:14

Suzanne, nods,

16:18

oh,

16:20

God, can I ask just a moment, please? Can I ask production 78 to replace the microphone to my right? Please? Thank you.

16:38

I've already been introduced. I'm representing great Stanton parish council, parish meeting. My name is Susan knobs, and I'm a resident, and you can call me Sue, okay. Thank you.

16:52

Next is Alan Pilkington,

16:59

hello. My name is Alan Pilkington. You can call me Mr. I'm a resident of bishopton. I'll be talking on landscape and visual Okay. Thank you.

17:10

Sean Anderson, please.

17:17

Hello. I'm Sean Anderson, representing bishopton village's Action Group, and I will be commenting on agenda item three.

17:29

Melanie Turner, Hi,

17:35

I'm Melanie Turner. I'm part of Bishop, Bishop and villages action group and a local resident I'll be talking on item Three. Okay, thank you.

17:46

Jackie, Gregory,

17:50

now.

17:56

Peter Latham, you

18:03

Hi. My name is Peter Latham. I'm a resident in bishopton, and I want to address the visual

18:10

thing. Thank you.

18:14

Debbie Latham, hello. My

18:19

name is Debbie laden. I'm a resident, and I'd like to speak on the landscape issue. Thank you,

18:29

Stacy going, sorry if I didn't pronounce that right.

18:38

Hello. My name is Stacey Gowen. I'm a resident of fisherton village. I've submitted my questions online. Okay, thank you.

18:45

And

18:47

Norman Melanie,

18:54

good morning. My name is Norman Mullaney. I represent fisherman parish council, and I would like to speak on item four.

19:02

Item four. Okay, thanks, Mr. Milini,

19:09

thank you.

19:15

Is there anyone else in the room who wishes to speak today that I have not called already?

19:21

If yes, could I ask you to introduce yourself and let us know which agenda item you wish to speak on Good morning. My name is Suzanne Springer. I'm a resident of great Stanton. I would like to make comments on landscape and visual Thank you.

19:42

Thank you. Is there anyone else?

19:47

Good morning. I'm Mark Smith, part of the bishopton villages Action Group, and I would like to speak on the specific item about Darlington Borough Council's local impact report. Sorry. Can I take your name again? It's Mark Smith.

20:00

Smart Mark. Mark Smith, okay, thank you.

20:09

Anybody else who wish to speak?

20:12

Okay, thanks.

20:15

Now if I could move on to virtual attendees. Is there anyone else who wishes to speak today that I have not called already? If you are with us on Microsoft Teams, please, could you raise a virtual hand and again, if you could introduce yourself and let us know which agenda item you wish to speak on?

20:42

I don't seem to see any hand raised virtually.

20:51

Okay, thank you.

20:53

I will now hand over to Mr. Wheelchair, who will lead us through agenda item at item two of the agenda.

21:06

Thank you. Apologies. Thank you, Mr. Obadi,

21:10

I move on to item two on the agenda, which is purpose of the issue specific hearing. I'm going to briefly explain the purpose of this hearing. It's twofold. Firstly, for the examining authority to undertake an oral examination of environmental matters in relation to landscape and visual matters, and secondly, for the examining authority to undertake an oral examination of the development consent order,

21:38

as previously mentioned. The agenda for this meeting was published on the buyers gills solar project information page of the planning Inspectorate website on the fourth of October.

21:49

Today's hearing will be a structured discussion led by the examining authority. Please be assured that we are familiar with what you have already submitted to us so you don't have to repeat in length anything that you already put to us in writing, submissions carry equal weight regardless of the format in which they are put to us. If you do refer to any documents this morning, it would be helpful if you could give us the correct examination Library Reference number. Please do try to avoid using any acronyms as people who might be watching in the room might be watching in the room or online, might not be as familiar with those items as you are.

22:29

Are there any comments anyone would like to make on agenda? Item two

22:36

in the room? No

22:39

online.

22:42

Okay, I'll move on. I will then move on to Item three components of buyers, Gill, solar.

22:52

Sorry, that's not quite right. It should say landscape and visual matters. A list of the key written submissions that will inform my questions has been included in the agenda published in anticipation of this hearing.

23:06

As it is a long list, I do not propose going through it in detail now, but can I ask if anyone has any comments they would like to make on the list included in the agenda for this item?

23:20

Anyone in the room?

23:25

Okay, no or online.

23:28

I can't see any hands.

23:35

So I'll move on to the first question I would like to ask the applicant to set out in broad terms its approach to landscape and visual effects, particularly in relation to the assessment methodology, methodology, how the applicant arrived at the identification of potential, likely, significant effects and then any proposed mitigation measures, as set out in Chapter Eight of the environmental statement on landscape and visual AP 030,

24:08

thank you.

24:15

Mary Fisher, for the applicant,

24:18

could I just check because that question wasn't quite the same as the one that was published. So a published question, the first one was about design, and you've just asked about methodology, so just clarify that you do want me to answer it? Yeah, no, I will come to, I will come to that question on design. This was more of a setting the background for people just checking through this before we will come to that question on design. If you could pull the microphone a little closer to you, it's not very loud in the room at the moment. Is that better? Yes, thank you.

24:52

So the assessment of the landscape and visual impact assessment the Lvia.

25:00

As they're commonly known,

25:02

is undertaken to a methodology published by the landscape Institute and the Institute of Environmental Management and assessment, IEMA, and

25:14

it's been an established methodology Since 2013

25:19

it seeks to identify the landscape receptors, character which are character areas and designated areas features,

25:31

the physical features and characteristics of the landscape, and assess effects on those and it also seeks to identify the visual receptors in the study area and identify effects on those setting out conclusions as to whether those effects are significant or not.

25:53

I don't know if you want further detail.

26:01

Yes, it, it is a little quiet. So can we do something about the volume, please?

26:14

What? What I'd ask you to do as well is, is touch on the proposed mitigation measures that have been built into the proposal.

26:25

Yes. So starting from site selection,

26:31

it's useful to set the context in terms of what national policy tells us to prioritize in relation to landscape and visual receptors.

26:41

So MPs en one tells us, at paragraph five, 10.5

26:47

that virtually all nationally significant energy infrastructure projects will have adverse effects on the landscape.

26:56

At Five, 10.7 it tells us that the highest status of protection is afforded to national parks, the broads and aombs, ie nationally designated landscapes.

27:12

Five, 10.8 relates to developments that are outside of those national designations that might have effects on them, and neither of those two clauses apply here. There are no nationally designated landscapes that the

27:28

proposed development would be within as a consequence of the site selection prioritizing that, and there are none nearby either that would be affected.

27:42

The next section of en one at 510 10 discusses development within areas of heritage coast and again, that doesn't apply here. And then we move on to 510, 12, which relates to locally valued landscapes. The services.

28:03

And that notes that where local policy is based on landscape character assessment,

28:10

these should be paid particular attention, however locally valued landscapes should not be used in themselves to refuse consent, as this may unduly restrict acceptable development.

28:23

And again, these local designations were avoided. There are no panel areas within them, or neither is the substitution within one at the site selection stage. However, there are, there is one nearby to the north, which is the

28:39

I stop ALV

28:42

area of high landscape value within Durham.

28:48

And the assessment of effects on that is that they would be at most moderate and not significant, which is during the early operational stage, before mitigation has matured.

29:00

And the approach to that assessment and that finding that effects were not significant has been agreed by Durham County Council in their local impact report.

29:13

And then we move on to the design iterations, as set out in section 4.3 of the energy generation and design evolution document.

29:27

Just bear with me while I turn up that document.

29:31

So

29:33

we touched on this briefly yesterday.

29:37

So if we look at table 4.1 in that document, we see a list of changes that were made prior to scoping in reducing panel areas,

29:49

and I'll just work through those. So first, it might help if we have that up on the screen. Please. Yeah.

30:02

A 4.1

30:16

might help, actually, if you show the drawing while I talk about the items in the table and

30:22

people can see where the areas are.

30:27

So the numbers on the plan, which is shown on screen, reflect the numbers of the items that I'm going to talk about.

30:35

So the area labeled one

30:39

was addition initially identified as a potential panel area, but panels were removed from that area

30:46

due to potential landscape and vision effects on the character and landscape setting of the village of brafferton. Those small fields and site visits were confirmed to very obviously form part of the setting of the village.

31:01

Item two. Area two wasn't removed for landscape and visual reasons. It's close to a triple Si.

31:11

Area three,

31:13

which is to the south of great Stainton, is a

31:18

it's a field which slopes towards the village, and is very visible looking out from the village to the south, and was removed for that reason in order to mitigate effect on great Stainton

31:30

area four lies to the north of the home at car house, which has a main facade With windows facing to the north, and the panels were removed from that area to mitigate effects on visual amenity, as well as mitigating effects on the road which passes to the east. Field very visible from that road.

32:01

Area five is to the east of great Stainton, and was removed again due to potential effects on the character and setting of great Stainton. It's the higher ground closest to the village.



32:18

Area six was removed to mitigate effects on residential visual amenity at hilltop house, which is situated in an elevated location just north of the area shown and has particularly open views.

32:36

And area seven

32:40

was removed as it's a small area of a larger panel area which slopes deeply towards the village of bishopton and would be visible during early operation

32:51

through gaps in the tree cover there,

32:55

and again, to mitigate visual effects on bishopton. So

33:05

area eight is to the north east of bishopton, adjacent to the recreation ground, and was

33:17

removed to set back panels from the recreation ground and school

33:23

and residential properties in that area, including Colby Castle Forge,

33:30

also in response to comments made during co design workshops early in the project development,

33:41

area nine

33:44

is a large area which

33:49

towards its northern edge, particularly slopes steeply towards old stillington and stillington and the road between Those two settlements,

34:00

panels would have been very visible from those areas, also, because it's a steep north facing slope, it wasn't particularly suitable for panels and was used instead for mitigation for birds.

34:16

So that is the early design changes prior to scoping,

34:22

and then in Table 4.2 and again, perhaps if we look at the diagram while I'm talking, rather than the table.

34:42

So this list of changes were made effectively between scoping and the final application

34:51

after statutory consultation.

34:54

So area 10 is two small areas of panel area B.

35:00

One to the east behind oat Hill Farm. That's the

35:06

western most of the two areas labeled 10 and one to the south of Stainton Hill Farm,

35:15

and both of those areas were

35:19

in close open views from residential properties.

35:34

Yesterday, we discussed some changes that were made due to landowner changes. They were

35:47

items. Can

35:52

someone remind me? I think it was 1112, 13 and 17? Yeah, 1112 13 and 17. So we're just moving on to some of those now, in each case,

36:05

or in some of those cases, there were also

36:08

advice relating to landscape and visual impacts,

36:12

not that they will be unacceptable, but that there will be benefits to Removing panel areas in some of those places. So

36:23

area 11 is to

36:27

the west of elstop Lane,

36:32

and

36:33

the higher areas of that are quite visible from areas to the south east because they are on South East facing slopes. The areas closer to the road are particularly visible coming down the hill from great Stainton by the road

36:49

area 12, the same point applies about it being close to the road and being very visible from the road. So

37:03

and the same

37:06

point applies, relating to visibility from the road for

37:11

area 13.

37:18

Area 14

37:21

was an extension

37:23

of the previously discussed change to the south of great Stainton.

37:30

After detailed site visits, we realized that the area we had removed at the previous stage wasn't quite enough to achieve the

37:39

mitigation

37:41

aimed for, and so we increased the area.

37:52

Area 15 are small fields to the north of bishopton, and were removed specifically in relation to consultation responses rather than landscape and visual advice per se.

38:10

Area 16 is north of mill lane, and was removed due to a combination of consultation responses and landscape and visual advice regarding visibility from Mill lane and its local importance for recreation

38:30

and

38:32

area 17 for similar reasons, as well as the landowner issue, and

38:40

it also mitigated views from the properties at downers far.

38:53

Thank you, Miss Fisher for that overview.

38:58

I've got one particular observation I'd just like you to expand on in area 14,

39:07

we conducted an unaccompanied site inspection earlier in the year. We felt that significant effects would be more visible

39:18

from that panel area. Can you expand on your assessment for area 14? A little please.

39:32

I'm not entirely sure area 14 is on that plan. Just the small area shown in pink,

39:43

so the impacts of it weren't assessed because it didn't form part of the final scheme,

39:51

yes, but you remove them from original panel areas, and when we visit that particular um.

40:01

This area, we felt that that panel area, it sits within, and I can't remember what panel area number that is,

40:10

the effects would be significant. I just wondered if you could expand on the assessment that you

40:18

came to to remove those bits of the panel in area 14, if I may. Mr. Wheelchair, I believe that the panel area is Area D. Thank you. And as Mr. Wiltshire has just explained

40:37

in terms of your assessment and reasons that you have talked us through that led to the removal of area 14. I think that our question is having visited the area, as Mr. Wiltshire just explained, we felt that perhaps

40:54

those characteristics that you have identified and led to the removal of that area extended beyond that area. So we are trying to understand why the limit of the plot that you have removed is where you have defined it, and why you haven't considered it taking it further,

41:12

if that makes it any clearer for you, in terms of what our question is,

41:18

yes, the specific aim in that area was

41:24

related to the topography of that particular field, which, if you're looking out from the village, and you'll see this particularly looking out from the homes, rather than from the public areas,

41:36

the fields initially dip away From the village and then turn upwards and then dip away again.

41:45

And the specific placement of the panels was to make sure that none of them came down on the facing slope, so they are actually placed on the top of the ridge, such that planting in front would screen the panels. You see a thin edge, and you can actually see that best in the visualization provided within the residential visual amenity assessment from homes at great Stainton.

42:19

It doesn't show up as well in the public visualizations, just because the angle of view is not quite the same.

42:28

We

42:30

I have further mitigation might potentially have been achieved by setting the panels even further back,

42:37

such that they were on the downslope, but I didn't judge that it would be possible to make them not visible without a very notable offset. And given the proximity of other panel areas to great stangton, that wouldn't have mitigated the significant effects identified in any event. So it was mitigated to the point that it wasn't

43:02

visible on the downslope

43:04

and wasn't the primary contributor to the significant effects,

43:10

if I may. Mr. Wheelchair, thank you. Thank you for that response. However, I noticed that on your response, Mrs. Fisher, you have quoted

43:21

particularly taking into consideration how the panels will be viewed from

43:27

a top floor of a nearby residence or dwelling. However, this assessment was actually done, and question comes from, as we have explained before, our site inspection comes from actually walking. I believe it is the footpath quite stained in three that that has been identified in going through that public footpath, we actually felt that the visual effects to the public right of way

43:58

would have justified, perhaps for the consideration of that, and either it was from that perspective, in terms of public right of way that we're asking the question, thank you. That's really helpful.

44:12

You'll have to remind I don't know the footpath numbers. I don't describe them that way, so you're going to have to tell me which one you mean. If I could ask perhaps for Google maps of the area to be set up. Or perhaps I can find a reference

44:29

if we put up the works plan or the public right of way plans that you have,

44:37

and I believe it would be under sheet eight or 13 of the street works, public rights of way in access plan,

44:48

the reference

44:51

bear with me. Sarah

44:54

alexman, annex from the applicant. I believe the latest reference for those plans is as 01,

45:00

One, four, no, forgive me. Rep, two, zero, 24,

45:05

I haven't reached it yet, so if you have Yes, I'm happy to take that reference. Thank you. Applause.

45:27

Yeah, I've got it.

45:32

So we're talking here about the footpath which heads east from great Stainton,

45:39

rather than the one which heads south,

45:42

yes, yeah. So this is illustrated by viewpoint 17

45:51

in the assessment.

45:54

And again, you can see looking

45:58

at that viewpoint, if we can turn it up that the most visible area of panels is not the one we are discussing to the south of Greg Stanton.

46:14

Apologies, Mrs. Fish, I'm not sure that I follow that.

46:18

Why would it not be the panel area visible? Well, all of panel Area D, but you were specifically asking about area 14 and why it wasn't further mitigated. Area 14 wasn't further mitigated because it isn't the

most visible bit my question was to do in terms of considering the reasons why you have eliminated that specific plot, which would be the plot area 14 that you have mentioned as 14, why would the criteria not extended any further? Because for us, it was not obvious what was the change in the landscape that reflected the boundary that you have assessed from a landscape and visual perspective. So the question is not to do with the 14. It's got to do with the reasoning behind the assessment of landscape and visual effects carried out for plot 14, and why that reasoning was not then expanded to the wider area. Okay, so

47:20

at great Stainton. Obviously there wasn't only the area removed to the south. There was another area removed to the east, which I think was labeled as area 15. So on the view that's being shown on screen, you're looking at the part of the site where mitigation was achieved by removing area 15. And again, the aim was to set panels further down the slope,

47:45

increasing the setback, and particularly in order to retain the open views over the panels to the east, panels closer to the village would have entirely obscured. That would actually be exactly our concern. But can I actually go back to area 15. Then that you have just mentioned that was removed, not to mitigate that. If we could show that on a map, please.

48:10

What you mean by area? Sorry, I mean area five. Area five? Yeah, I think we get area five, please on the map. I

48:26

Right?

48:29

And that was before obvious. And the reason why it's not on the other figure is because it was an assessment that you have done before going out for concentration, is that, yes, okay,

48:41

and in terms of the boundaries of five, then the same question would apply, I'm afraid, in terms of why were the boundaries of plot five set where they were from a landscaping visual perspective? Yeah, so if we return to the visualization, if we can Laura,

49:11

the specific aim

49:14

was to ensure that the landscape could be seen beyond the solar panels above, so that when hedges are mature, the panels would be screened as far as is possible with hedges, but that the views above would continue to the landscape beyond. So it was a question of using the topography to set the panels far enough down that that could be achieved.



49:48

Could we please go a little bit further down on that image

49:52

that we are showing on the screen? Now that's it. So that's the view with mature planting.

50:00

And as you can see, it into mature plenty. And 10 is it 10 years? 15 years? Could you confirm that it's hedging so it's seven to 10 depending rate of growth?

50:12

Yes, compared to year one, which would be the image above, yes.

50:19

Could I please ask for that image again. Please. Sorry, thank you.

50:26

Okay, that's clear. Thank you very much. Mrs. Fisher, over to you. Mr. Wiltshire, thank you.

50:32

Thank you. Mr. Pinto,

50:36

I think in answering that you'd moved into the question we we'd written into the agenda,

50:45

which I'll just repeat it, because there's another bit of it, which does relate to public rights of way and in more general terms.

50:52

So we asked you to set out in broad terms,

51:00

how you develop the design to mitigate significant effects during operation on residents and on users of public rights of way, drawing heavily on the design approach document, and the energy generation and design evolution. Document, so just picking up a little bit more in general on public rights of way. Could you explain how the design evolved and the mitigation that was decided upon for the public rights of way during

51:30

construction and operation. Please.

51:35

Mary Fisher, for the applicant, yes. So

51:40

there is a very extensive network of public rights of way in this area.

51:50

Given the scale of the development

51:53

and

51:55

its extent, it was not going to be possible to mitigate all effects on public rights of ways such that they would not be significant. So mitigation focused on making best use of the existing hedging and screening

52:15

to mitigate effects, and in particular in relation to rights of way that crossed fields where panels would be located, to diverting those rights of way

52:30

around the edges of fields so that they didn't pass between new panel areas with panels to both sides before hedging matured. I it,

52:43

and they were the primary elements of mitigation

52:49

in the context of not being able to remove all significant effects.

52:58

Okay, so I think you're saying that you've not been able to mitigate effects on the public rights of way, either in

53:09

construction or during the operational phase of the of the project,

53:15

not I mean, there is an element of mitigation in that where hedges are gappy, or where new hedges are needed, they will be planted, and those will mitigate some of the effects. So for instance, in some areas where there's already existing hedge to one side, and the views across the open field where the panels would be put are not particularly interesting or open.

53:44

Adding a hedge to both two sides would mitigate effects without, in itself, causing an adverse effect, if you like. It's a neutral outcome. There are other areas where doing that, the panels you know, would obscure views that were previously open, elevated views. So viewpoint five, near braverton is an example of that. And in that case, yes, the hedge would be nicer to look at the Panther and the panels, but the effects would still be significant and averse due to the loss of the open Vista that's currently there. So it's there's a mix. Some effects are mitigated. Some are not, depending on the exact situation. There's quite a wide variety of rights of way in the area with varying degrees of views, and some of them are already hedged to both sides. So it's not an atypical characteristic in certainly in the western part of the study area.

54:43

Okay? So just, just, so I'm clear, are you providing any more planting alongside public rights of way? Or you you're just accepting what's already there? No, there's planting in every in every case. Okay?

55:00

Okay, where needed, if the existing planting is adequate, then no.

55:05

Okay.

55:07

I think before we move beyond this question, it would just help to put things in context, just for you to explain how mitigation you've described is secured

55:19

within the project within the DCO. I know you've done this before, but there's a different audience in the room, perhaps today, and it just sort of brings the whole story to conclusion.

55:40

Sir. Alex from the applicant, the forms of mitigation that Mrs. Fisher is describing is predominantly planting. So vegetation planting, and the way in which that vegetation planting will be secured through the DCO is through one of its requirements. So this is a requirement that would be enforceable by the local planning authority, and the particular reference when we are talking about planting of this nature is to

56:15

requirement

56:21

12, which relates to the landscape and ecological management plan.

56:27

And there is a, there's an outline landscape and economic landscape and ecological management plan, which is amongst the application documents that have been submitted by the applicant. I don't

immediately have the reference, but I'm sure we can turn that up and provide it in a moment. It's also one of the documents that we spoke about in yesterday's hearings, and it will therefore be revisited by the applicant in due course and resubmitted into the examination.

56:58

What requirement 12 provides is that no phase of the authorized development can be commenced until a landscape and ecological management plan covering that phase which accords with the outline plan has been submitted to and approved by the relevant planning authority. There are then specific provisions about the details that must be included within that plan, which I won't read out.

57:25

And then finally, sub paragraph three of that requirement is that the approved landscape and ecological management plan for a phase is to be implemented in the form in which it has been approved so that serves the primary

57:41

mitigation control, or sorry, the primary control on the delivery of the mitigation that Mrs. Fisher is referring to.

57:53

Thank you. Mr. Nick, do you have

57:56

a question? Mr. Pinto, I do. Thank you. Thank you. Thank you. Mr. Wheelchair,

58:03

going back to your point, Mr. Mcinnich, where you have mentioned the landscape in ecological management plan, looking specifically since you have mentioned the development consent order, looking specifically at that article, it does state in two

58:24

that any tree or shrub planted as part of an approved landscape management scheme that within a period of five years after planting is removed, as it becomes, in the opinion of the relevant planting authority, seriously damaged or diseased must much must be replaced, but does does that take into consideration the planting that already exists, or does it only apply to the planting that the applicant has proposed as mitigation? This was

58:56

actually one of the questions that I had for later on for the DCO, but since you have touched on the point, I thought it was appropriate to bring it

59:07

up now, sir, sorry, forgive me. Which Which part of requirement 12 are you referring to?

59:18

I'm referring to schedule two requirements, and it's actually a requirement number

59:26

13, two. Thank you. Yes, 13.

59:32

So, so the drafting of that requirement relates to vegetation which has been planted as part of an approved landscaping management scheme. So it's it's the additional planting that the applicant is delivering as part of the scheme that it relates. In that case, considering Mrs. Fisher response, would we be in a position to reconsider the wording of that specifically article in the DCO in order to ensure that the planting that already.

1:00:00

Exists that is being used and considered as part of the overall impact assessment and mitigation can actually be included as part of the lamp as well, please.

1:00:17

So we're certainly taking that point away and consider it. I'm not in a position to give you a direct response at this time, but we'll take it away and consider it amongst the applicants team, if we may. Thank you. Thank you. Mr. Minnich, over to you. Mr. Wiltshire, thank you. Thank you. Mr. Pinto I'm going to have that mark down as an action from this meeting. Please. You.

1:00:44

So I'll move on to a question I think you received in the agenda, which was referencing MPs en one paragraph, 510, 26, which says reducing the scale of a project can help to mitigate the visual and landscape effects of a proposed project.

1:01:04

The question was to the applicant for its assessment of and this is another quote from that particular paragraph of the National Policy Statement, a small reduction in function, which equates to electricity generation to achieve a very significant benefit mitigation to reduce the landscape and or visual effects.

1:01:29

Mary Fisher for the applicant,

1:01:34

so I think a key point here is to revisit the beginning of that paragraph, 510, 26, of em one, which prefaces that point by there may, however, be exceptional circumstances where

1:01:55

a small reduction in function can can achieve a significant benefit

1:02:02

during the assessment and consultation process, no such exceptional circumstance has been identified in relation to this project, nor have any locations been identified where a small reduction would result in such a very significant benefit. So no suggestions have been made by parties consulted at any stage.

1:02:25

Moving on from that,

1:02:31

making this kind of change to a project is a matter of judgment. There's nothing intrinsically unacceptable about a renewable energy development for which there is a critical national need giving rise to significant landscape and visual effects. Policy asks us to consider rather whether a very significant benefit can be achieved via a small reduction.

1:02:58

As the design of a solar farm is iterated, the degree to which any reduction can be accommodated decreases while there is more land available. At the beginning of the project, areas can be removed while there's still excess, if you like, more land than is needed to deliver the capacity.

1:03:18

Later, as environmental surveys continue and areas are removed for different reasons. That margin narrows

1:03:26

for bios, Gill, solar, this margin narrowed until any further reductions would hinder the ability to deliver to the capacity of the grid connection secured, at which point any further removals would constitute a genuine reduction in function.

1:03:42

In seeking this kind of improvement in the design,

1:03:46

we are not looking just to move panels a bit further away from a visual receptor.

1:03:52

Such a change would only deliver a minor benefit, rather than a very significant benefit. What we are looking for is a step change, something that makes a big, obvious difference for one receptor, or which noticeably benefits several receptors.

1:04:11

So for instance,

1:04:16

actually, we're looking at an example of this on screen. So

1:04:21

the change that's been made was to retain the outward view.

1:04:27

That was

1:04:30

a small removal, quite a big benefit. Any further reductions would simply make the panels a little more recessive,

1:04:41

not entirely remove them from view, entirely prevent significant effects at great Stanton,

1:04:47

so there isn't a further change that can be made that would achieve that step change benefit.

1:04:55

Similarly, it's not necessarily the case that avoiding a significant effect.

1:05:00

Tom one receptor constitutes such a step change reduction. The difference between a major moderate effect and a moderate effect can be relatively small in terms of the experience of people who see it,

1:05:17

and for bioskin in particular, we would also need to prioritize which of the major moderate effects to mitigate. There are several receptors so affected. If we attempted to render all of the significant effects non significant, it would require much more than a small reduction in function.

1:05:41

Thank you. Mr. Fisher, Mr. Mcinnich, thank you, sir. If Mrs. Alex mhinick, for the applicant, Mrs. Fisher has explained,

1:05:52

has provided a response to your question with particular reference to the landscape policy, or the policy on landscape and visual effects within the relevant national policy statement, which is en one

1:06:06

so if I may, I thought it also relevant to flag for your collective attention another section of that policy statement, which I think is relevant to the consideration that we're giving the conversation that we're having at The moment, and that relates to the extent to which alternatives should be considered during the preparation of an application for a development consent order, and then during the Secretary of State's determination of that decision, and obviously your recommendation to the Secretary of State to assist in that process. So the paragraphs start from four, 322,

1:06:46

and

1:06:49

run down to four, 329,

1:06:54

and I was just going to tease out a few snippets from those paragraphs, which I think are particularly relevant to this conversation. So starting with paragraph 22 there, what that provides is that given the level and urgency of the need for new energy infrastructure, the Secretary of State subject to any relevant legal requirements which indicate otherwise, should be guided by the following principles when deciding what weight should be given to alternatives, and the second bullet point principle in that list is, then only alternatives that can meet the objectives of the proposed development need to be considered. Now the objectives of the proposed development, in this case, is obviously the generation of renewable electricity, and included within that objective is the maximization of the export capacity which is available to the applicant to transmit that electricity into the national grid and aid the broader drive towards net zero that we've outlined extensively elsewhere in application documents,

1:08:00

the

1:08:03

policy then goes on to

1:08:06

say that alternatives which are not among the main alternatives studied by the applicant should only be considered to the extent that the Secretary of State thinks they're both important and relevant to that decision. So that's a sub paragraph 25 amongst that list,

1:08:24

it then goes on to say at paragraph 28 that alternative proposals which are vague or immature can be excluded on the ground as though that they are not important and relative relevant to the Secretary of State's decision.

1:08:39

And then in sub paragraph 29 it deals with a situation where an alternative is first put forward by a third party after an application has been made, the Secretary of State may place the onus on the person proposing the alternative to provide the evidence for its suitability as such, and the Secretary of State should not necessarily expect the applicant to have assessed it now. So the reason why I thought it sensible to bring your attentions to these paragraphs is that Mrs. Fisher has explained the approach that the applicant has taken to considering consultation, feedback and detailed landscape advice in the design iterations which have evolved to present and inform the scheme which has been submitted as part of the DCR application, in response to some of your other questions which were raised as part of your first round of written questions, and consistent with what Mrs. Fisher has said. The applicant has



explained that at present, on the modeling which has been carried out, and taking account of the over planting discussion which we had during the course of one of the hearings yesterday, there isn't, there isn't scope to remove.

1:10:00

Additional panel areas from the scheme without starting to prejudice the maximization of the export and grid connection capacity. So I thought it sensible to bring those paragraphs to your attention and just provide that context around the edges.

1:10:23

Thank you. Mr. Mohinik, I think Mr. Pinto wants to

1:10:27

thank you. Mr. Wheelchair, just following from your intervention. Mr. Mcinnich, thank you for that. I believe that although we are aware of that situation, thank you for bringing that specific part of the policy to our attention. There is certainly scope to actually explore effects and mitigating measures that would be adequate. And I think that it is with that in mind that we are asking the questions that we are asking now at the moment. So just to clarify that point as well from our perspective, thank you, sir, absolutely thank you. And I didn't want to give the impression that the applicant is at any stage indicating that mitigation measures and the consideration and exploration of the mitigation measures isn't appropriate. So thank you, sir.

1:11:22

Over to you. Mr. Wiltshire, yes, thank you very much.

1:11:26

We've clearly been looking at these viewpoints in some detail. I've got a technical question about them that you won't have seen in the agenda, but maybe you can answer now.

1:11:39

I'm referencing appendix 741,

1:11:43

viewpoint analysis, which is a PP 135,

1:11:48

if you look at that diagram,

1:11:51

the panel areas on it are different in shape to those on other maps.

1:11:59

So the question we wanted to ask you was how this affects the validity of the viewpoint analysis study. So you probably want to put up a PP 135,

1:12:15

Appendix, 741,

1:12:19

if I've got that right,

1:12:24

yes, that's the right one. This question was in the agenda.

1:12:30

Sorry, this question was in the agenda, was it? And you've got the right okay, thanks.

1:12:38

So this was an error we identified shortly after submission, and it was corrected in the errata, which is rep 2012,

1:12:52

on page four of that document, essentially, these plans shouldn't have been submitted as they're labeled at the bottom

1:13:02

right, they are figures from the preliminary environmental information report the PIA and were incorrectly compiled into this appendix for the ES.

1:13:15

They were needed at the PIA stage because they informed the

1:13:21

discussion of which panel areas would be visible from which viewpoint at that stage, when we reached the ES, they weren't needed, because at that stage, we had the wire lines to tell us which panel areas will be visible from which viewpoint. So it's a simple compilation error. They didn't inform the assessment at all

1:13:42

at the EIA stage.

1:13:46

Thank you for that,

1:13:48

Mrs. Fisher,

1:13:58

so I'm conscious I want to have a break for 1130 so

1:14:06

I've got a question. And I must admit, I can't remember whether you've seen this in the agenda. It's it relates to your response to landscape and visual question, 1.4 in our first written questions,

1:14:24

and relates to ES table seven, one, Appendix 030,

1:14:31

which states that the photo montages provided in the pair have been generated using winter photography. Can the applicant confirm whether the winter views have been used for the basis of photo montages provided in the ES.

1:14:53

Mary Fisher, for the applicant, yes, they have. I mean, hopefully that's fairly evident from looking at the.

1:15:00

Photo montages as well, but yes, all of the photography was winter photography. Thank you. I

1:15:24

Okay, I'm going to move on to

1:15:28

a question which relates to the substation and its mast.

1:15:33

And we note that in response to our first risk in question, reference LSV, 1516

1:15:42

which is rep, two, double o7,

1:15:45

you say where visible, the substation and mast are modeled in photo montages in ES figure, seven, nine, which is a PPO, 71 to 74

1:15:56

Can you

1:15:58

please confirm if the substation and mast are included in those photo montage, in the photo montage, ABP zero, 73, viewpoint 19.

1:16:15

Mary Fisher, for the applicant, hopefully we can put that up on screen so that we can have a look at that.

1:16:33

Could you amend that to show the whole width of the view now

1:16:40

and then move forward to the photo montage.

1:16:49

Now, hang on. You need to write it was the first sheet with the car in it.

1:16:58

So that's the screened view. So

1:17:02

you need to zoom in to see it, but it is there.

1:17:06

So yes,

1:17:09

it's because, partly, it's not very visible, but because it's backdropped by woodland. But if you zoom into the image to where it is, you will see that it's there. Yes, okay, all right, thank you. You've confirmed it's there.

1:17:29

Okay, I've got a short question, and I'm going to take a break, a mid morning break.

1:17:38

It relates to

1:17:41

the question will be asked in our first written questions, LSV 1.8 which uses figures for each of the public rights of way affected by the proposed development and your response that is not carried out any user counts for the public rights of way.

1:17:58

The question is, how have you established the baseline use of these public rights of way.

1:18:11

Mary Fisher, for the applicant,

1:18:14

that's not a matter for landscape and visual impact assessment. It's not something that's required as part of undertaking such a study. We do

1:18:27

look observationally, if you like, during site work to see how well rights of way are used, how many people we meet while we're out walking site. But in general, it's not a consideration for landscape and visual impact. So if any such surveys had been carried out, it would have been to inform

1:18:46

the assessment in relation to

1:18:49

socio economic impacts, covered rights of way use and changes to access. It's not a it's not a matter for LVI. A,

1:19:01

okay, I understand the answer, but we might not deal with it here. But I would like you to take away an action

1:19:11

regarding the uses figures of the public rights of way, and how wherever you've used them, be it socioeconomic or one of the other topic areas, how you've established the baseline,

1:19:30

it just seems surprising

1:19:34

there isn't a knowledge of how used those public rights of way are Within the assessment that's been done for the

1:19:47

project. Can I ask a question as well? Mr. Wiltshire, please, of course, you may. Thank you.

1:19:52

Am I right then in assuming Mrs. Fisher, following your answer, that in that case, if.

1:20:00

There was no study or no work done in order to establish how well used those public rights of way are, then the applicant has done its work from a landscape and visual assessment based on the assumption that they are used, and therefore they will have to be mitigated against,

1:20:21

even though you can't really tell which ones are more used than others. So but, but was the assumption that actually would have to mitigate

1:20:30

against the impact of the proposed development from a landscaper in visual perspective in relation to public rights of way?

1:20:37

Mary Fisher, for the applicant, yes, that's correct. I mean, certainly on site the right I walked most of the rights of way. Most of them are passable. There's a couple that aren't, but I have no reason to believe that they're not well used.

1:20:54

So yes, they've been, all been treated as though they are well used, and effects have been mitigated accordingly. Thank you. Over to you, Mr. Wiltshire, if you'd like to follow up. Thank you. Thank you. Mr. Pinto,

1:21:07

thank you for those answers. I'm aware there's a member of the public who wants to ask a question. I'm going to deal with this in a sort of formal way, and I've noted that you do want to ask a question, presumably about public rights

1:21:20

of way or about something else, we will come to you. I'm going to take a break now for 15 minutes. I'm then going to ask the other members of the panel whether they've got any questions on what we've heard. Then I'm going to go to the local host authorities.

1:21:38

And then I will ask, I will, I will come to the councils and yourselves during this hearing. So be assured you'll get your opportunity. We need to do it in a structured fashion, or else we'll get a bit lost within the agenda. So thank you for your patience. The time is now 1122

1:22:05

I'm going to adjourn this hearing until 1140

1:22:10

Thank you. Applause.