

# AUDIO\_gateburton\_ish3\_session1\_2\_23082023 (1080p)

Thu, Aug 24, 2023 9:20AM • 41:47

00:00

Thank you very much it is 922 Five and the hearing is resumed.

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You can just share the

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agenda so that people can follow that where we are We're on Item four which is best and most versatile land.

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I have had a number of concerns raised by IPs.

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LCC have submitted a substantive assessment on the effect and best and most versatile land with their lair.

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Deadline one and the applicant has provided a response to the New Year's deadline to

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wherever Natural England had made comments on the matter and the applicant Natural England are progressing a statement of common ground in which matters related to BMP are also addressed.

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i There have, therefore have a significant amount of information before me on which to base my consideration of the issue of the effect on BMV.

01:07

There are, however, a couple of points in which I would wish some further clarification. So I don't intend to have a substantive session but I will hear any comments on BMV that you have but I just wanted to pick up one or two other matters.

01:24

So I wanted to understand the latest position on sampling and the potential identification of BMV land. And then when this is going to be undertaken on where and hi this is secured statement of common

ground with Natural England at point one point 11 deals with additional survey work required in the grid connection corridor to provide decision makers with the information to make informed decisions.

01:52

The applicants position is that an ALC survey within the grid connection corridor will be provided pre consent

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within Nura within the statement of common ground.

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I didn't see that there's any reference to additional surveys in the outline soil management plan.

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There is nothing in the mitigation shedule

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the framework construction Environmental Management Plan table three seven on page 37 says ALC survey in the grid connection corridor will be undertaken prior to construction and will inform the SMP. So we've got a tension between pre pre consent and pre construction.

02:43

So I want to understand when are the surveys to be undertaken?

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What will happen to the results from the surveys?

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will those be shared

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with other parties? Will they be agreed with other parties so that we've got an agreed baseline with the other parties? And how will they inform the baseline so that you can ensure that the land is restored to its pre construction state.

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Mr. Sterling on behalf of the African I'll pass to miss Ali leader to respond in the first instance.

03:28

Thank you ally leader for the applicant. And so in terms of the conversations we've had with Natural England, we have been having ongoing conversations about what survey requirements are required when the applicant's intention has always been for those surveys in the grid connection corridor to be pre construction rather than pre consent. And that's because we don't see those surveys as being

necessary for the environmental assessment of the scheme. They are more as you say, for assessing the value of the of the soils to inform the the outline to inform the soils management plan.

04:10

We are nevertheless intending to carry out surveys within the grid connections corridor this autumn. And they those are scheduled in and that's because that's a good time for those surveys to be carried out because the the crops will be taken from the fields. And when that information is available. We will be very happy to share that. And if it's in time for the examination. We can submit that to the examination. But we do don't consider it's necessary to be assessing the scheme.

04:41

If I may add to Tony Kernan for the applicants the

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the importance of the ALC in terms of the land classification

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isn't dramatic because the land is going to be lifted up and pulled back says it's going to be no

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downgrading

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of the land. So what's particularly important for the cable route is that the soils are treated well. And if you can treat the soil as well, then you land quality won't be affected.

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Additionally, just in terms of the context, whilst we have within the order limits 172 hectares in that area, of course, the actual construction section is very much smaller. So

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within the expressed construction, there is a 25 metre construction corridor.

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Summit summer topsoil removal for construction only will take place within that, but the trench itself is less than 1.5 meters, I think the description is 1.42 meters for the cable trench. So, if it's a five mile

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corridor, that 8000 meters times 1.4, and you're only looking at just over a hectare, in total, we're actually you're picking up the soil. So it looks on plan, like a very big area that's being affected. But of course, that's to give the flexibility within that corridor for them to be able to move around when they know the engineering of going under the roads, etc. So I think that that's why I'm very comfortable that

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it's estimated ALC. And they are endeavoring to get the information. But I think it wouldn't be critical. If that will come before construction rather than before decision. No, I get that.

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That may well be the point that you put it to me. But the minute there's a bit of tension and ambiguity in the papers that I have, which don't give me a finite position. And I need a position so that I can then make a judgment based on that. So I the statement of common ground from Natural England isn't signed and isn't submitted. So I need to understand, are they happy?

07:01

Is it pre construction or pre consent, because at the minute in the draft that I have seen, it says pre consent.

07:09

Now, if you get to a position with them, that they're happy with it to be pre construction, that's fine. And just make sure that the statement of common ground is updated. And when that comes in that update comes with the other matters, then it's about how you then deal with those matters. So if it is going to be moved to pre construction, but post consent, then, if that's the way in which you're proposing to adopt that, then I need to understand which document that secured through. And where that secured and how that is then dealt with and processed. So you actually undertake the surveys, you go to the consoles, you agree with the constants, this is our findings. X, they say yet we agree with that, that provides you your baseline for you to then provide back the appropriate land or whether that is that you share that with Natural England. And you agree with them that that's what the classification is for that land. And then you got that I just need that mechanism and an understanding of where that mechanism is in the documentation.

08:20

So Tony Kernan on behalf of the applicants, my understanding that will be through the smbd outline or the through the soil management plan, because that will explain when the handling is I mean, the main the main thing when you're putting cables is just to handle the soils, when so yeah, I would have expected that probably is not an unreasonable location for it, but it's not there at the minute. And I think so if I may just also add in terms of any feeling that they've been a bit dilatory in doing the survey, because it's a linear one, you really want to have two people walking along and at the moment, there's been a late harvest. So there's been lots of crops, you can't go walk across people's crops, etc. So the survey has physically been held back really until everything's off and then then you can do a good run through the corridor.

09:07

I think so me starting out again, I think we understand your point, we are working hard to say in their statement of common ground with Natural England.

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The firm position is that the soil sampling will be carried out pre construction, not P pre consensus, we will make sure that is appropriately reflected in the documentation and that the commitment to carry out that soil sampling pre construction is also appropriately secured.

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That helps me deserve

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any of the controls. Do any of the consoles wish to comment on that?

09:42

Nope, nope.

09:44

Okay, good. Nothing else from here, Mr. Johnson, you indicated that you wish to speak on BMV.

09:58

Feel free that

10:00

Thank you, Andy Johnson local resident, the applicants just stated that there'll be no damage to the soil

10:08

does the effect of 1000s of volts over 60 years or the proposed length of the solar panels?

10:17

They're going to have no effect on the soil?

10:22

My understanding that's correct. I don't think there is any leakage. I do have an issue on session three on EMF, which we will deal with advisor in the garden do apologize. So we can we can pick that up a little bit at that stage.

10:49

Anybody else in the room have any comments on BMV? Nope. Oh, yes. All right. Thank you.

11:02

If you just like to introduce yourself, I certainly will turn the court on behalf of 7000 acres this afternoon.

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A question I have is with regard to the surveying that you've carried out on the main site.

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Your description is that you've carried out one borehole per two hectares of surveying.

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The best standard surveying requirements is that it's one borehole per hectare acre.

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And as a result, you only done

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the minimum survey of the site and not a regular standard survey of the site.

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I'd also ask a question of God, with regard to the data that you've been using.

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I'm fully aware of the AOC basis 1988. It's very well known in the in the country as being questionable as being whether it's realistic, or whether it's correct. I'm not getting into that. I want to know,

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what date of climate data have you utilized when you have applied the calculations of wetness and draft this to your assessments of the results.

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Because as we all clearly know, the climate since 1989 to 2023 is significantly different. Not only here, but in the whole country, in fact, in the whole world. So you can't apply

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30 year old data

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to generate your results.

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It is not fair.

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For anybody, for you to do that.

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Thank you.

13:05

You said attorney Kerman for the applicant, and just for a point of clarity. And right at the outset, the the agricultural land classification was done by a firm called Ifra. I'm from going and countryside consultants. So it wasn't me physically that did the survey. But in terms of the first

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point there so which was whether or not the sampling density meant that it was a proper agricultural land classification.

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Interestingly enough, the details 1988 guidelines don't anywhere, specify a sampling density. So when agricultural land classification came in, it didn't say the methodology requires one per hectare, etc.

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And back in 1988, and when it was written down, were more thinking in acres anyway. So that that has come in as a sort of good practice, rather than being specified. It is referenced, as I think sent out to makes made in the representations it's referenced in natural England's technical information Nope. 49 is normally doing it at at one to one point per hectare, but it's not

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breaking the methodology to do otherwise. There are lots of surveys which are done at a lesser density. And I think the important point is that the sampling density is suitable for the use that you're making of the information. So in this case, Natural England have confirmed

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I think it was our old 193 But their original comments said that they were happy with the sampling density

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and land scope. They were commissioned by Lincolnshire county

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to council have also there's it's Appendix B, I think of their rep 43.

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They also commented on the sampling density and said it's less than one per hectare. However, it's in line with what's expected.

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What

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land research associates have done? So if you look at the

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term, we're going to fastly, okay, we know, if you look at the auger point plan

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on their ALC,

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which I think two three AP 233, the auger point plan at the back,

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they've added a few extra points, wherever they found best and most versatile. And I know Natural England have said that two as on other schemes that they're quite happy with a semi detail. In fact, on other schemes, we tend to do one every 200 hectares, so half as many. But they would like wherever you'd like putting fixed infrastructure, so where you're going to physically move it, and they'd like a bit more data so that that process and that methodology has been followed. And I think I would

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fully support that the level of detail they've done, given that there is agreement that putting the legs in the ground and taking the legs out doesn't

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affect the land quality. So doing twice as many auger points, might give you a slightly different mix, but it's not going to change, really overall percentages in any significant way that would help the assessment process.

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Thank you very much.

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In respect to the second point, which was the climate data? Yeah, I think the short answer is you have to use the climate data that the ALC system points you to. So it is and I quite understand the frustration. But the

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data set when they brought in the revised guidelines, in October 1988, they referenced the data set, which is between 1950 and 1980. I know that's getting old. But that's the data set that you have to use for agricultural land classification.

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The reason that there is one set of data is that that way, then it should be that another surveyor could come along

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at a similar time and get the same results, we're not changing the climate data, there may come a time when the ALC system has to be updated, and we change the climate set. But at that point in time, every ALC survey that's been done prior to that, then go straight out of date. So resetting the data set means completely resetting the,



18:07

the ALC system. And we start again with no information on anything across the country. And there are difficulties I think one of the areas I've particularly noticed, is sandy soils, which coincidentally happens to be where the subgrade three A's on this land. Those sandy soils don't have restrictions for

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roots, got roots to grow down. But they do depend upon even rainfall, especially through May. And recently, we've been tending to have quite dry maize, which means you've got sandy soil, which grades higher than a clay soil, but actually, in reality tends to crop less because it just doesn't get the rainfall and that there are a number of changes that climate will have and has brought about that. I think when they revamped the, the system, LM I need to take account of but as we sit here, there is no indication from government that they're going to

19:07

strip it. So coming right back to the beginning, I'm afraid to you do have to rely upon that that data set because it says in the the ALC rules. That's the data set, unless you use something that government have said they're not intending at this point in time to reclassify ALC and the appropriate day view that the appropriate mechanism is to use ALC as it is yes sir.

19:43

Okay, thank you very much.

19:46

Just one observation, then can I ask, in your opinion, why is it that kottam and Westburn have done their surveying on one borehole per

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Tony Kernan on behalf of the applicant? I don't know, sir, I'd have to look at their reports. I know on other sites, we've agreed at a lesser density

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approached it in a particular way Natural England have accepted that as a reasonable survey density, whether or not another party in comes in. And they agree that that's another party that's not necessarily for

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this party to deal with, it's a question of whether or not what they have submitted is acceptable.

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Thank you very much.

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I've written nobody else in the room who wants to make any reference to the

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best, most versatile, and I'll turn to the virtual room.

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As you know, hands there.

21:00

That concludes item four.

21:07

So I then turn to item five. Again, I've got a very relatively might narrow matter here, just seeking some clarification on sheep grazing, and agricultural production. So there's a number of statements in the essay in respect to various matters, a part of the mitigation of effects of loss of productive agricultural land, is that agricultural production could be maintained to some extent. And in this regard, sheep grazing is mentioned on a number of occasions.

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But there's no detail on that.

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I

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don't mean to be pejorative, but it's a sort of an almost a throwaway statement, in news,

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Bs without any detail around that. So I would like to understand

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what the detail is around that, and what wit I can give to the retention of some form of agricultural production land, either in the loss of agricultural production and weighing that off here and saying, yes, there is something here. So

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I don't know.

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Are you getting licensed as a way to

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farming enterprises? Around? Would you set up a formal company? Would you have your own herd? Would you bring it out on how would you do that? And there's just no level of detail. So it's just a sort of a common that yet. We see

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forms of

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sheep roaming around and grazing underneath

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solar panels. Yes, we've all seen that Divi waltzing around the place, but I've got no indication anywhere within the documentation that says, Yes, you need to give weight to the fact that we will do this.

23:14

How how's that controlled?

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And what what sort of level? Is that likely to be up? In is doing on behalf of the applicant? Yes, just just to be clear shot, there is no commitment to graze sheep anywhere within the solar and energy storage park site. So you're correct in identifying that that does not exist as a commitment within any of the documents that are secured. Nevertheless, in response to the frustrating questions, we did provide some high level information as to how that mechanism works on other schemes, which are operated by low carbon in response to this, we can perhaps look to flesh out that detail. But the fact remains that it is not a commitment. And there will be no intention for it to be a commitment. That's correct. So there's no intention for not being committed. And well, if you if you could give me a little bit of detail on that, but also make that point.

24:06

Yes, sir.

24:13

Okay, does anybody else have any

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comments? Definitely holding into account because I think just on this, it goes to for us to wait really to be afforded to that as a mitigation strategy rather than anything else. So I think our view is that given Lincoln tourism non so sorry. So it's just said there'd be no commitment. So yes, it Yes, exactly. But no commitment definitely goes to wait. But there's obviously a potential. I think that's the point, isn't it, that there is a potential for the site to remain in some sort of agricultural use. So insofar as you're going to afford weight to that as it is as a potential

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that in Lincolnshire, we find that vote to be very unlikely given the predominance of land use is

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arable and not cheap. So it would be an unusual feature and wouldn't be particularly compelling mitigation here for loss of arable, which is really what's important rather than agriculture in a wide sense. Yes, I must admit that in driving around, I hadn't seen many sheep around here.

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So, Tony Kernan on behalf of the African just been born and bred in Lincolnshire, and having worked in the sheep market that used to be there in Britain. So we did house, she was, I mean, it's close now, but very cheap market was, was there she were part of the rotation. And I think we will see as a nation, that grassland management is coming back into the rotation, because we've really messed ourselves up through continuous arable use over the years. And in respect of

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sheep grazing under solar panels make solar panels are relatively new, I'm increasingly seeing grazing taking place, provided that people can make money out of the sheep. And there's no reason why they can't, then I think it's a perfectly practical and it's very easy management position to take. So I think it's more than it's not a commitment, but it's more than just a sort of throwaway line as it is it goes to what what can I afford or attend to that without a commitment within it, because although somebody may say they've got best intentions to do that. If there's no structure or no mechanism or anything, then you get to the end. And you said to resent well, how do you actually do that? Do you do it by licensing, then you've got the practicalities of how do you get people on and off? And then do I need to give consideration to hazards for people coming on to the site? Or those sorts of issues? And how is that dealt with? And is it in particular locations on the site? Because this is such a wide and extensive area? Is it focused in particular areas? Or would you get a wide ranging across the whole of the site and it it opens up a number of issues that if there is a commitment there that I just, I want more detail. But if there isn't a commitment there, then that's to certain extent, reduces the weight that I afford to but it would still be

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potentially some

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albeit limited, if I could understand what the nature of that potential could be. So Tony Conant will, we will discuss that I think I was just keen to say it's not just a fanciful idea, which I think was the implication that was coming out, and probably much more than that came across from me.

27:54

Sorry, yes, sure. Michelle was then to District Council very simply. So I agree with what's been said by Lincolnshire county council in that if there is no commitment, no weight should be given, recognizing that some very limited degree of weight might be given us at some potential but without any firm commitment, we would agree that no weight should be given.

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Okay, thank you very much.

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nutcase, if we've got nothing from the virtual room, we've got nothing here.

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That draws item five to a close

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that takes me to

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item six, which is really just a

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mopping up session to deal with the the issues that have come review of issues and actions. I haven't identified any specific issues or actions during the session. So there's nothing that comes out of that.

28:57

Anybody got any other matters about what they've heard about in this morning in session, one at all?

29:04

Stephanie Hall, Lincolnshire county council said just to reiterate a request made to you at the preliminary meeting about procedure and the potential for joint or sort of consecutive or joined up meeting hearings between this examining authority and other examining authorities looking at other projects in relation to which there will be cumulative effect that we and I think the applicants so extended considered it would be beneficial for there to be a bit of joined up thinking between the different examining authorities looking at projects that do have overlapping effects. And that's a correspondence that has been taken up between the council and the planning inspectorate, but hasn't quite yielded the results that we wanted. So we just wanted to press that point. So it is something that we said we would revisit further down the line. And so it's something that continues

30:00

used to be on. Certainly our agenda and we consider would be a valuable addition to use as examining authority for this, or that, but also for examining authorities looking at the other

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orders, or similar words at the preliminary meetings for the other schemes have been set. And that will be your opportunity to raise those matters about how their timetables are focused on how their

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examinations are to be conducted. Obviously, in terms of this, we're moving along. We're reasonably far into this examination, we've been through a series of issues specific hearings, we've dealt with a number of principle issues

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as to whether or not there is the potential for coordination on particular matters, it would be likely that that would be around landscaping, which was just dealt with. But again, that also depends on where their hearings are likely to be, because if their preliminary meetings are going to be in September,

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then their first round of substantive hearings are likely to be much further into this examination, when we will potentially be coming

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close to

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a conclusion on the examination. So it may not afford that. It may be that there's more opportunity in the other hearings, but those are matters that you would need to raise in those preliminary meetings.

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Thank you sir.

31:42

Yes,

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thank you very much less gathered 7000 acres, just add a couple more points. And one in relation to land use.

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In terms of land use,

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previously developed brownfield land contaminated land or industrial land needs to be utilized. As we all know, the gate Burton energy plant uses none of these.

32:07

Regardless of whether land is three a or three B, the land in the region is productive as we know, food animal feed crops for biofuels have grown on land earmarked for the gate Burton will be displaced and the needs to be grown elsewhere in the UK or impure imported will be then be needed.

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Also, crucially, the applicant has failed to consider the need for agricultural land to be used for direct decarbonisation.

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The UK climate change committee has stated that some farmland will need to last accommodate direct carbon reduction measures through planting 30 to 70,000 trees per year for decades, and re establishing peatlands schemes such as gate Burton amplify the pressure on land use and could undermine direct decarbonisation measures the future.

33:02

Thank you.

33:15

Thank you.

33:17

Anybody else any other business note and in the

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near virtual room?

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I see new hands. Okay. I shall then return to the applicant for a final response to any other matters. Sorry. So just before the applicant closes Somerset Westland District Council, just on the back of

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missiles comments, in relation to further issue specific hearings, it's probably sensible to raise the point now, albeit we hadn't tended to at the close of tomorrow. And there are there are two potential further issues specific hearings, which we think might be helpful to you. The first is a cumulative one for the same reasons we've previously stated. And for the same reasons, Lincolnshire county council have suggested the other one, which in some way is also cumulative is on traffic impact, in part because we think that the cumulative traffic impact if all of the projects are can are granted consent, and they all occur at similar all the same times would be a significant impact that needs to be properly assessed in that light. And so in that respect, we we would respectfully propose that you consider further issues specific hearings, either one which deals with all the cumulative effects or to one which has deals with cumulative effects. And the second which deals with traffic.

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When you're referring to the cumulative impact, I sh, what issues do you expect to draw from that?

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added or not drawn out in other issues specific hearing. So, for instance, landscaping today and we've touched on cumulative impact.

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Tomorrow, I'm talking about various environmental matters, where I assume there will be some reference to cumulative impacts, as assessed in those matters.

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We're also talking about carbon savings, which will be specific to this site. But there may well be some reference, I'm sure to some of the other issues in terms of assessing effect on cumulative impact. So once you say an issue specific hearing on cumulative impact,

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that of itself is like saying an issue specific hearing on the whole scheme. It's

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show Westland Lindsey, District Council. Yes, sir. The primary purpose really would be in light of the the cumulative effects of the different projects to consider. Most importantly, most significantly, traffic and landscape, which could be dealt with, obviously, landscape has been dealt with by an issue specific hearing, traffic may or may not be. And if it isn't, it could perhaps just be dealt with in a cumulative impact, I sh. The only other topic area, which has been raised by Westland District Council is that of tourism, and the impact on tourism, if all of the schemes all of the projects are granted consent, because it may not be so significant in relation to one or a combination of that that's probably the only topic which hasn't currently, as well as traffic been specifically, assessing nice and we haven't identified traffic as or I haven't identified traffic as a particular is age because of the nature of the responses. And the matters of agreement that are there between people in many instances, on the environmental effects. On session three, there is a construction aspect of it, which deals with construction traffic and the cumulative impact on the

37:15

the ongoing effect between those on the cumulative impact who I would have expected adapts where we pick that matter up in terms of construction traffic, and the degree to which the schemes are communicating with each other in terms of how they're going to assess that. And they can how the construction traffic management plan

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is shared across all of the schemes or contained within all of the schemes or some mechanism within the DCO for having that. But that's already sheduled within

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session three, yes. So it's a Westland District Council. Yes, that's understood and recognized. So it may be that we review the position and perhaps update you at the close of tomorrow's Isa, yes.

38:09

Okay.

38:12



Thank you for those

38:15

drawing this one to a conclusion, then just give the applicant the final rate of reply. And those last few matters that they heard in terms of a OB me Sterling on behalf of the applicant? Yes, sir, just to confirm that we remain open and would be supportive if it were felt appropriate to have some sort of conjoined or coordinated hearing. In terms of information that we've provided on cumulative effects to ensure that it can be considered in particular in the written submissions, I would point given the topic has arisen in the context of BMV. I would also point the council's to a submission that was made at deadline to rep to dash 046, which is a technical note assessing the causes of impact on BMV agricultural land. And as an example of that, we're going to deal with periods of issues within its written submissions.

39:13

I would reiterate what I said right at the very start, which is well that the entered processes are primarily written process. And just because we don't hold hearings on particular matters doesn't mean to say that they're important and relevant.

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It's just a question of whether or not is appropriate time or reason to have those and it doesn't prevent

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parties from putting in written statement or news effects. So if you think that there is more information or math that you wish to put in on on tourism, then

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do so at the next deadline. And we can deal with that by way of written response as much as anything. So there are ways in which we can deal with the matters that you're raising. I

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Through the written process, we're still reasonably sufficient time within the examination timetable to have further information submitted and dealt with. So I'm quite comfortable that there's time within that, to deal with those matters.

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I think that takes me to a conclusion of this session.

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As I say, there's no issues and actions that directly derived from this.

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I would say that

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rather than just leaving it until tomorrow, but results of today's hearings, there will be

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updated documents, which will be submitted a deadline three. So that'll be Friday, the first of September. Also any written summaries of submissions that have been put orally today, again, can those be put in and identified as to which session that they are, are referred to and again, by deadline three, which is Friday, the first of September.

41:06

I don't have any other matters that I wish to raise.

41:12

Don't see that anybody else has any other matters. So thank you, everybody, who's joined us in the room and who's joined us virtually. Thank you all for your contributions. And I draw this session to a close which then adjourned the session, which will be resumed tomorrow morning at 10 o'clock, and we will deal with session two, which will deal with carbon savings. Thank you very much.