



Hearing Transcript

Project:	Byers Gill Solar
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TRANSCRIPT_BYERSGILL_ISH2_SESSION2 _15102024

Wed, Oct 16, 2024 1:51PM • 54:43

00:04

Hello. It's now 12 or five, and it's time to resume this hearing issue specific hearing number two, before we had a recess, we were trying to make contact with Mr. Andy. I believe that now your mic is a muted,

00:28

yes. Can you hear me?

00:30

Yes, we can hear you now. Thank you very much, Mr. Andy. Before we finish the previous item, which was item three, can I just ask if you would like to ask any questions on this specific item.

00:48

If you do, apologies, and if you do to introduce yourself and confirm what organization you're representing, if any. Thank you.

00:58

My name is Andy Anderson, and I'm representing the bishopton villages action group. So it's just a couple of points of clarification from the subjects that you were examining just prior to the break. I won't take up much time, because I know you need to move on. One quick point of clarification. I thought I heard the applicant say that on the issue of technology, that the tracker solar panels would be taller, higher, greater in height than fixed panels. Was that? Is that correct? That I heard that? Because it's sort of new to me. So just like to clarify that.

01:43

Okay, thank you. Can I ask the applicant to confirm that? Please,

01:47

the ones that we proposed at the start of a project were taller, but they you can have tracker panels that are three meters.

01:59

So the ones that, the ones that you proposed, were taller, but there are the technology exists where it is not taller,

02:10

yeah. So the technology exists for, yeah, for three meter Chicago panels. They're fairly they're used across sites in the UK. Yeah. And

02:16

was that technology considered as part of your options for the alternatives. When

02:21

I was referring to the choice between fixed and tracker, that was both on the basis of three meter height.

02:27

Yeah, thank you. Thank you for clarifying that. Mr. Andy Anderson, over to you again, please.

02:33

Yeah. Thank you much for clarifying that. Because the issue, I think is really interesting, the relationship is between technology, land take and viability. So it's quite possible to generate, for example, 180 megawatts with a lot less land, with a different type of technology, but it might touch on the viability, and I think that's the issue here. So the other question was, is about alternatives? It was raised earlier on. So just stepping back a slightly higher level to ask the applicant, I know that these projects are sort of driven by grid connection, because without grid connection, there's no project. So you need your grid connection, then you need willing landowners, and those are your two main drivers. And obviously within that, you're looking at planning constraints. But what I'm asking in terms of the Town and Country planning regulations, I'm referring to schedule, is it schedule four, paragraph two, where it lays out the types of alternatives which should be considered with an EIA, did you consider, for example, other locations you said you haven't. You didn't consider no development. But did you consider other locations, other grid connections achieved the same and within within the location or locations that you may have considered, did you I mean bearing in mind the government's national energy policy, I'm thinking en three, paragraph 1010, and paragraph 1011, about Co Location and the use of given the massive constraints we have and the conflict between agriculture, food and renewable energy, which is happening across the UK. Did you consider terms such as more efficient use of land through agrovoltatics or any, any thing that provided a more efficient use of land? And the reason I'm asked this question in particular to this applicant, there's interesting, if you look on the applicant's website, there's talk about agrovotaics and the advantages of CO locating agriculture and solar because of the because of the conflict between the two. So it would have seemed possibly an interesting. A route, and I'd like to know whether the applicant considered sort of anything in a bit of a high level than just trackers or fixed or two meter puffy zones.

05:11

Thank you, Mr. Anderson, for those questions that veteran considering time constraints and considering the complexity of the issues that you have raised, could I please ask you to actually submit those comments in writing, following from the hearings at next deadline, I will use deadline for and I would prefer to actually have an answer to those questions in writing from the applicant, so if the applicant agrees with that approach as well, so can I ask you to please submit those questions that deadline for

and to also check the information that you have mentioned in terms of the Planning Act 2008 I assume. I'm not really 100% sure that schedule four that you have mentioned actually relates to the issue that you have raised. But if you could actually clarify that before you submit your question, that would be greatly appreciated, so that we have access to all of the context, please.

06:16

Uh, certainly I will do is actually, it was actually the Town and Country Planning EIA regulations. I was referring to, oh, not the 2008 act, but I've certainly, I'd be happy to put this down in paper. Thank you very much for taking the questions. Thank

06:29

you. Thank you very much. Are there any further questions on this topic before we move on to historic environment? I don't see any further questions, therefore, I propose that we move on to Item four, then Historic Environment. So a list of the key written submissions that will inform my questions has been included in the agenda published in dissipation of this hearing as per the previous item. 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? I don't see any hands raised in the room or online, therefore, I assume that there are no comments on this specific item, but I would like to add now to the list that was circulated, and apologies for not adding this to the agenda in advance. Es, figure 7.5, visualizations, and that will be a PP, 073, which was referenced in the exercise question in relation to the historic environment. And therefore it shouldn't actually come as a complete surprise for the applicant that we are going back to this document, and I will refer later on to this specific document as well. So we'd like to first of all start by asking the applicant to set out in broad terms its approach to heritage and historic environment, particularly in relation to the assessment methodology, how the applicant arrived, to the identification of potential, likely, significant effects, and then any proposed mitigating mitigation measures, as set out in Chapter Eight of the Yes. And that will be a PP 031,

08:18

thank you, Sir Andrew Reed, for the applicant. So the assessment methodology used for the cultural heritage and archeology chapter follows the requirements of relevant legislation, national local planning, policy, industry standard and guidance, including those set out by the charter Institute for archeologists and Historic England, and based on professional judgment and experience, the methodology broadly follows the process of identification of heritage assets within the order limits and a defined area around the site, which proportion to the type of asset and the type of impact, for direct impacts, including those on archeological assets, both known and unknown. This area comprises the order limits with a two kilometer study area for context and for identification of effect on other non designated heritage assets for indirect, direct effects on assets through a change in their setting. This for designated assets, sorry, through a change in their setting, this area was extended to five kilometers beyond the order limits. This is set out within es, chapter eight, a, PP 031, Section 8.6, assessment of significance identifies of identified heritage assets in line with the stated interests in NPS en one paragraph five, point 9.3, replicated in Annex two of the National Planning Policy Framework and the contribution, if any, made by the asset setting and the assessment then identified the likely change from the pros defend proposed development on that identified setting, or sorry, significance, taking into consideration significance as a sum of all the identified interests, where some interest may contribute

more to that significance, resulting in a magnitude of change. Excuse me. And then assess the magnitude of change against the identified level of significance of the asset, in line with the matrix presented in Table 8.4, of AP or a PP, 031, in reference to likely significant effects, these have been identified where the proposed development results in a sufficient magnitude of change upon the significance of a heritage asset so as to lead to a loss of that significance, in line with the criteria set out in chapter eight, table, 8.3, document reference a P, P 031, including in relation to the asset setting, where that setting makes a contribution to its significance. Negation in relation to archeology is specifically set out within es, Appendix 8.5, archeological management strategy, aap 149 which has been agreed in consultation with the archeological curators, as per es chapter eight, table 8.1, stakeholder engagement In Document AAP 031 in in relation to mitigation on proposed proposed development, on heritage assets where there may be an impact on change in selling, there are limited measures which can be applied to reduce those impacts. However, changes in changes in setting are not limited by visibility, although this is most, most often the most obvious change in response to this, hedgerows and tree lines in close proximity to to designated heritage assets, which have demonstrable gaps have been highlighted for reinforcement to reduce the visibility of the proposed development.

11:32

Thank you very much for that explanation. The applicant has identified a series of likely effects on cultural heritage and archeology assets is set out in Section Eight point 10 of chapter eight. These are then summarized in Table 8.5 cultural heritage and archeology assessment summary, harm has been identified to cultural heritage and archeology assets. I do note that the applicant has classified that harm is not significant, but significant or not harm has been identified. Can the applicant please explain what work was carried out in order to assess if any of the harm identified negligible or not could be avoided.

12:23

Andrew read for the applicant, in relation to archeological remains, the level of harm that was identified was mitigated through removal of impacts on heritage assets which were deemed to be of sufficient significance. In line with the table set out table 8.4 set out within the yes chapter eight, aap 031, whereby those remains were subject to removal from impact by using ballast foundation so mitigated through design. So where harm or a significant effect was was identified. This was removed in that in that instance, for those assets, by the use of design measures. In the instance of other archeological remains. And these were

13:16

one moment to read. You have mentioned table 8.4 of chapter eight. I believe the table, table 8.4 of Chapter Eight is significance of effects.

13:30

Oh, yes, sorry, in terms of it will be 8.2 sorry, then will be the level of significance applied to designated heritage Assata, and then 8.3 for the magnitude of effect, okay, continuously, yes. So in relation to archeological assets, or potential known or unknown archeological assets, which were which are identified of low or negative significance, the harm to these ways reduced through a program of preservation by record, which is set out within the archeological management strategy, yes, Appendix

8.5, A, P, p1 49 in relation to designated heritage assets, no harm was identified within the Within the assessment.

14:21

So, but in terms of the ones where harm was identified, has the applicant done any work or considered any options that would avoid any harm to any of those heritage assets caused in

14:40

the case of archeological assets of medium or high significance, those which we determined to be reasonably significant. Yes, that harm was avoided through the use of design measures whereby intrusive excavation for the development will not be required and therefore would not affect the archeological means.

14:56

Okay, Mr. Reid, explain then to me something that was not 100 Sent clear so harm is still identified. It's negligible, but it is still harm. When you say that harm was avoided, do you mean harm? Do you mean the avoidance of harm? Or do you mean or do you mean a reduction in the significance of the harm identified

15:22

Andrew for the applicant. In the case of archeology, both is true. So the avoidance of harm through the use of ballast foundations, which don't require any intrusive excavation over areas where significant archeological remains were identified through the geophysical survey and through the evaluation, this was removed through the use of ballast foundations, and in the in the case of other archeological remains, this harm was reduced or offset through the use of preservation by record the

16:21

so if we go, if we go to paragraph eight, point 10.77, of chapter eight. In that paragraph relates and correct me if I am wrong. It relates to the scheduled monument, Milton Bailey Castle, 400 meters south east of bishopton. It states there that proposed development will lead to an eligible magnitude of change on the asset which is of high heritage significance, resulting in a negligible effect which is not significant for the purposes of EIA, my interpretation is that a negligible effect that is not significant for the purpose of the VA is still effect.

17:13

It's not avoided. Andrew read for the applicant, the assessment of a negligible negligible effect is in line with the criteria set out within table 8.2 and table 8.3 which denote that a negligible effect on a heritage asset is limited or no effect, or a limited or no change. So that is the result of the application of the criteria against the level of significance of the Heritage asset and reducing to a negligible effect there is no harm identified on the schedule monument either through physical effects or through a change in its setting.

17:47

I'm sorry to press on this point, but I'm still not 100% clear, because to me, those categories are quite different. One category is no effect and another category is negligible effect. I'm not 100% clear, considering particularly the duties that Secretary of State has in terms of consideration to protection, to decide to protect historic assets. Why those categories are merged together? So is it a negligible effect, or is it no effect? Is my question

18:27

in relation to that sorry, Andrew, for the applicant, in relation to that asset, there is no effect, right? So, the but the the it is reported as as set out within the criteria, okay,

18:38

if there is no effect, where can I find clear reference to no effect, Within chapter eight? Please. Could you point me to a specific area within a chapter?

18:50

Andrew, for that, I'm sorry, in reference to specific reference to the schedule monument, yes. So in reference to that it will be within the ES, chapter eight, particularly paragraph eight, point 10.76, which states that there will be no so there's no no change in relation to the selling of The asset from the proposed development, and there's no physical effects, which is reported in the construction effects, just

19:27

to make sure that I'm on the same paragraph as you, Mr. Reid, paragraph eight, point 10.76, yes, in the version that I'm looking at, reads the primary significance of the asset is defined by psychological interest, which will be entirely unaffected by the proposed development, as will the understanding and appreciation of the vast majority of his historic interest, which is in line with what you have just said. Nevertheless. However, the pre the following paragraph eight, point 10.77, still states that proposed development will lead. To an eligible magnitude of change on the asset, which is of high heritage significance, weak significance, resulting in an eligible effect. I am trying to understand if paragraph eight point 10.76, 10, as you have explained it, according to your assessment, the reason it will be entirely unaffected. Then why does it result in a negligible effect?

20:26

Well, that Andrea for the applicant that is a result of the use of the criteria set out within table 8.2 and table 8.3 and then assessed against the matrix in Table 8.4 and table 8.3 a negligible change to an asset is defined as limited or no change, or limited or no physical effect, negligible.

20:52

That's the okay. So looking at table 8.4 if we can share that table on the screen, please do so significance of effect. So what am I right in interpreting that? What you're saying is that the negligible effect is the lowest category, but it's equivalent as no effect

21:21

Andrea for the applicant, yes. So in the table, or both in terms of the magnitude of change is negligible. So that will be table 8.3 negligible is defined as limited or no physical effect in terms of relation to an archeological asset or something which could be directly impacted by the proposed scheme. Or limited or no set change in setting in relation to indirect impacts on the proposed scheme. And then when we apply that negligible effect, from little or no change to an asset of high significance, we come up with a negligible effect. Okay,

21:54

but that table of magnitude of change, I'm assuming what you saying is based on the assumption that magnitude of change represented represents a change, but that change might cause no effect. Is that, what is what

22:16

Andrew for the applicant, it's based on the amount of change that an asset would experience to its significance based on the presence of the proposed development. Okay?

22:27

Thank you very much. Mr. Reid, can I ask if any of the local authorities would like to comment on this specific point from a heritage perspective, I Nick

22:43

Lisa Hutchinson, Darlington Borough Council from an archeological perspective, Nick baldrini from Durham County archaeologies online whether he would like to comment or defer to him if possible. Thank you.

22:57

Can I ask if we have Mr. Baldwin with us?

23:02

Yeah? Yes, I'm here. I've got no doubt. Comments

23:07

would you like to I would ask the local authorities perspective on this specific point.

23:14

I'm happy with that assessment and that explanation. I can see your point that perhaps they could maybe we separate it out, but in terms of how it's been set out there, I think, I think it's followed an appropriate process.

23:27

Thank you. In can I just check I believe that we have Mr. Cumbers with us as well from Historic England online?

23:39

Yeah, I'm content. Potential difference. Can't say that there's no visual change. Is impossible to say that from the monument, that that is different from there being any harm. And I think that's the negligible there may be a slight amount of change, but it's not we've identified. It's been negligible in terms of its actual impact.

24:10

Thank you. So Mr. Cumbersome Am I to take then that Historic England does not have any issues with the methodology used for this assessment then and are satisfied that the methodology represents a correct assessment,

24:25

and I think for the purposes of so it could have there could have been not a no in there as well, But I think for the satisfied with the outcome.

24:43

Okay, thank you. Going back to the applicant in perhaps Mr. Reid, can you actually then clarify to the xi, why then a no effect, option or scale? You would like or end the table, 8.4 was not considered, was not included. Is that common practice?

25:07

Andrew, for the applicant, yes, that's common practice that's been used across a number of projects that I've worked on, whereby a negligible change, so a change which is so limited or no effect, so as would be again, sorry, would be so limited as to not change the significance of the of a heritage asset or harm that or harm that asset. Okay,

25:28

would would I be able to ask the applicant to please provide confirmation of that in writing, perhaps with one or two examples that the XA could actually looked compared the assessment significance of effect, please. Thank you. Moving on from this point, then

25:59

I would like, I would like us to now look at your responses to EXQ one he and one point 10, which relates to viewpoint 24 in the s figure, 7.9 visualizations, that's a PP, 073, which I am going to ask the applicant to share now.

26:30

You have acknowledged within your assessment that there is an impact from the proposed development on the Conservation Area considering the desirability of preserving the asset or its setting, including considering any harm or loss that may result from development. What work has been done to avoid this?

26:53

Andrew, for the applicant, I'm sorry we've identified no harm to The Conservation Area through a change in its setting. The

27:34

I think that we have a situation similar to the previous one, where where you have actually reported your effect is negligible effect. DX, I assumed that negligible effect was different from no effect. So what you are confirming at moment is there is no effect on the conservation area.

27:55

Andrew read for the applicant, there is no harm to the conservation area through a change in setting from the post development.

28:06

You do, however, agree and correct me if I'm wrong, but this seems to me to be the case from your documents that the setting does play a role in the conservation area.

28:20

Andrew, for the applicant, yes, we've said where that applies within es chapter eight. So in general, for identified views which have which are stated within the Conservation Area appraisal, two views which were identified during the Sangs assessment for the application, and a view identified during consultation with Historic England, okay,

28:42

if that is the case in considering then, as I have mentioned before, viewpoint 24 in DS, figure 7.9 visualizations which we're showing now, I would ask, I believe it's probably going to be the following page where we actually see the panel array, I believe, on year one or year two.

29:06

Andrew, for the app, can guess it's the next page.

29:12

So considering that, can please the applicant. Set out its approach to the consideration of negligible effect in terms of harm or no effect, particularly considering that the solar panels are clearly visible as set out in that specific viewpoint in close proximity to The Conservation Area. I do accept that it's not within the conservation area itself, but it is part of the setting which you have recognized makes a contribution.

29:48

Andrew Reed for the applicant, so I disagree in that respect, that this is not an element of the Conservation Area setting which we have identified as contributing to that significance. So those are set out within the specific viewpoints that we put forward, or specific views and we put forward within es chapter eight, this part of the conservation area is sorry. Go on, Mr.

30:10

Reid, you have mentioned, and I can try and find a reference if needed. But if I'm not mistaken, you have mentioned that although you do recognize that the opposite end of the conservation area makes a

more valid contribution the setting to the conservation area itself, I was not under the impression from your documents that you felt that that that specific viewpoint in that location does not make any contribution to the conservation area. So before, can you clarify just that point, what is your view on that specific side of the conservation area, which I believe is the West, eastern side of the conservation area? Just, just to clarify, Yes,

31:01

Andrew, for the applicant. So within the heritage, within the settings assessment and the assessment of the character and appearance of the conservation area, it was noted that the eastern section in and around church view makes less of a contribution to the significance of the conservation area in respect of the appreciation of its character and appearance, which is principally through its uniform architectural interest and the commonality of materials that this area in the western section makes less of a contribution because of its more modern character as a later extension of the of the settlement. So there is less contribution to made to the significance of the conservation area from this eastern end within the assessment, however, there was a viewpoint identified which allowed for an appreciation of the longevity of the settlement, which was located on church view mill lane, looking to the south towards the bishops and schedule monument, which allowed an appreciation of the settlements development from the medieval period through to the modern you.

32:26

Okay, please continue to read then yes. So if you would like to then my answer, my original question, which is just explain to me, why you have come to the position that you have in terms of no impact considering that image? Is it, then, because, is it based on the assumption, or your assessment that the western side of the conservation area does not contribute to does not contribute credit to the value of the conservation area. And therefore your assessment reflects that Andrew

33:10

read for the applicant, no, it reflects the assessment that the areas of the wider setting of the conservation area are set out within the designed views that have been identified, or they saw the important views, when I say rather than design, which are set out within the assessment so as this section of its setting does not lie with within one of those views, then there's no change in terms of our understanding and appreciation of the character and appearance of the conservation

33:37

area. Okay. Thank you very much for this clarification. Can I ask if Darlington Borough Council would like to comment on this specific point?

33:49

Thank you, sir. Fiona, page for Darlington Borough Council, I think just to kind of give our view on things and not in the comments, in respect to negligible and neutral, there is a visual change close to the character of the close to the core of the conservation area, there is clearly a visual change through the introduction of the panels. We would somewhat disagree with the applicant and that we would equate that to be a less than substantial harm. So we would say that there is an impact on the setting of the conservation area, I would agree that that impact doesn't undermine the wider significance of the

conservation area and the ability to appreciate that from key views. But then Nevertheless, we would say that there is an impact that does have to weigh in the wider balance. Thank

34:37

you. Thank you. Can I ask the applicant if they would like to comment on that

34:44

Andrew read for the applicant? Yes. I'm aware that that's the response that we received, which was the same that was received by Historic England, which we went through with a consult in consultation.

34:58

Apologies. Can I ask. Whose phone is ringing to please turn it to silent. Thank you. I'm sorry, Mr. Reid, could I please ask you to just confirm again your response? Sorry, absolutely.

35:12

Andrea, for the applicant. Yes. The response from Darrington Borough Council is the one that we received and were aware of. I'd say, similar response that we received from Historic England, and we're aware of throughout our consultation, and which is reflected in our statement of common ground with Historic England, which is document R, E, p1, 014, whereby both parties agree that the difference in the level of change in relation to harm is a matter of professional disagreement, and that is accepted. Okay.

35:54

Has the applicant been engaging with those? Both of those organizations, in order to actually come to an agreement on this position and is that likely to be achieved?

36:12

Andrew read for the applicant as part of the consultation process, there was a series of conversations, principally with Historic England, whereby their assessment of harm they believe may be mitigated through the provision of additional enhancement, through interpretation boards, or through other means that was offered up by the applicant as part of an existing enhancement proposal for the First World War landing ground within the bishopton, just outside of bishopton, to include the settlement as a whole, to offset any change there may be from a change in harm identified by Historic England, so that that is Historic England and Darlington. So that is agreed within the statement of common ground with Historic England, and will continue to be discussed with other consultees and

37:05

in terms of Darlington Borough Council.

37:09

Yes, that's something that's going on in conversations.

37:11

Can ask if Darlington Borough Council would like to comment on that, please. Thank you. Thank you.
Lisa

37:15

Hutchinson, Darlington

37:16

Borough Council is mentioned in the statement of common ground between ourselves and the applicant. It's not something we've had specific discussion. Specific discussions on just yet, but we will continue

37:26

to do that. Thank you. Thank you very much. In Darlington Borough Council's opinion, how significant does Darlington Borough Council think that this issue will be in terms of the develop the secretary of state's ability to grant development consent order as requested by the applicant, if there isn't an agreement reached between Darlington Borough Council and the applicant.

38:00

Lisa Hutchinson, Darnton Borough Council, as Mrs. Bay just outlined. You know, there's an element of harm less than substantial harm identified. I guess it's a case, then, of weighing that into the balance with the wider benefits of the scheme. That is obviously something that you will do as part of your considerations of this and

38:18

in terms of the measures that the applicant have has just highlighted to mitigate and to compensate, I should say, rather than mitigate, to compensate for that harm is does Darlington Borough Council agree with those measures and think that they are suitable in terms of compensation.

38:44

If you on a beach, Darlington Borough Council, yes, we would agree that that would be a positive step to help mitigate any impacts.

38:50

Thank you.

39:00

You can I ask if anyone else has any questions on this topic before I move on? I believe that, Mr. Mark Smith, you have raised your hand earlier.

39:18

Yes. Thank you. Mark Smith, on behalf of bishops and villages Action Group, could I ask the applicant if the

39:26

Mr. Max and apologies you're going to have to ask the xi?

39:30

Could ask the EXA if the applicant considered the change in the routing of the cable? When they did, they consider both situations. So the original plan the cable routing was in one location. Now it's changed to another location. The new location is much closer to the heritage assets. Has that negligible effect been considered? Given the change of the routing of the cables? Are

39:57

you just to clarify your question? And is your question relating to the on road route cabling option, or the off road route cabling option? It's

40:06

originally the on road cabling route option was straight through the center of the village. Now the cabling route is around the outskirts of the village, which brings it closer to the heritage asset. I'm just asking, if that's been considered as part of this negligible effect, can

40:26

I ask the applicant to provide clarification that question? Could

40:30

I first clarify Michael Baker for the applicant? Could I just first clarify the actual situation with the cable? So when we made the application, the GCR application, it included an option for an on road cable through bishopton village and an offer cable to the south of bishopton village. So that option has always been part of the proposals, going back to statutory consultation, we've we've now reviewed, removed the the option to go through bishopton village with the cable as a result of land agreements. For the option to the staff. I'll pass over to Andy to cover. Thank

41:03

you, heritage points, Mr. Reid,

41:05

Andrew Reed, for the applicant, yes, the cable route has always been considered within the assessment proposal, principally from an archeological perspective, as that would represent the worst case scenario and for archeological intervention. So yes, it has been included, but also through the killer resource will be concluded through any other assessment on designated heritage assets. And

41:25

following up from that question, I am assuming that, considering its effect on the conservation area, the fact that off road cabling will be in the ground will be again, another factor that will be taken into consideration in terms of its overall

41:41

impact. Andrew, for the applicant, sorry, in respect of the off Route cable and effect on the conservation area, yes, so the buried cable route will not be a visible or appreciable element of the landscape once it is covered. So will not and

41:59

therefore your EES assessment reflects that Yes, that's correct. Thank you. On this specific point, actually, can't I ask Historic England, Mr. Cambers, I noted that on your representation to us on last deadline, you have mentioned that Historic England had not, at that point in time, received final confirmation of the location of cabling. Has this information now been viewed and analyzed by Historic England? So

42:43

I apologies I've been absent. I'd need to discuss that with colleague, but as far as I'm aware, we haven't received it, but I'd need to check that.

42:58

Thank you in that case, then can I get an action please for Historic England to come back to the XA confirming that they are happy with the final location of the off road cabling option is now confirmed this preferred option for the applicant that I have seen in the final location of that Thank you.

43:29

Do I have any further questions from the room? Mr. Sean Anderson,

43:34

thank you. Sean Anderson, Bishop, to the village's Action Group on the subject of the assessment of the cable routes and other areas. Is it the permanent works that have been assessed for Mr. Sean

43:45

Anderson, I'm afraid that you're going to have to look at the xi and direct your question, or the exci, sorry. Thank you.

43:52

In terms of the impact of the cable routes upon the heritage assets, is it the permanent the permanent works effect that's been assessed on the temporary works effect, ie the construction works, because it could be the construction works are more damaging than the permanent effects.

44:13

I believe that in terms of the applicant's assessment, there is a requirement for the applicant to actually do the assessment on construction, operational and decommissioning of the project, and I think that the applicant has made that very clear in its documents. Thank you. Does that answer your question? Mr. Samson, thank you, right. I'm mindful of time, as I have mentioned before, we will very much try to finish latest by one o'clock. But I would like to ask if there is anyone else with us on the room that would like to ask a question on this specific topic, anyone else online that would like to intervene on this specific topic. I.

45:04

Uh, Mr. Andy Anderson, I believe that you have raised your hand.

45:09

Yes. Hello. Thank you very much. Um, yeah. Andy Anderson, bishopton villages Action Group. Just one question following on from the issue with historic England's further assessment of the cable routes which they haven't yet seen. I just had one question to the examiner authority which would be relevant to the applicant. But when I looked at the environmental statement and the chapter on geophysics, geophysical surveys, the unless I've misunderstood it and haven't read it properly. But there are four geophysical survey areas. The one around Bishop turn is geophysical area four. And there's a line that shows the areas that were included in the geophysical surveys. I'm not sure whether that includes the total area within that probably not but the area where the scheduled monument is, which is obviously the highest status asset, is excluded from both geophysical area four to the north and geophysical area three to the north east, south west. Is there a reason for that? Because I would have thought it would be worth including it, given its high status and given that you're planning to construct cables on its doorstep.

46:35

Thank you, Mr. Anderson, to assist this question. I believe that Mr. Andy Anderson is referring to document a, PP 077, and obviously it is in relation to geophysics area four, as it has mentioned, but also geophysics area three, which comes closer to proximity of the engine management, I believe, so it might be also relevant in the applicant's response, and that will be equivalent to panel areas D, E and F. And with that, I would ask the applicant to reply, please,

47:19

and to read for the applicant. So the heritage assessment has been predicated upon a number of sources, of which geophysical survey is only one. In relation to the geophysical survey carried out for this proposed development, the areas focused were the panel areas, as these were fixed, where, whereas the route of the cable was not and so as, as Mr. Baker has pointed out, there was some level of uncertainty in terms of where, whether the cable will go through the road, or where they would go through an off Route section. And so in terms of carrying that out to limit the impact that geophysical survey could have on the landowners, it was decided not to do geophysical survey as part of this application. However, there remains and is in place within the archeological management strategy, A, P, P, 149, the provision for additional and further archeological evaluative works, including geophysical survey on offering cables. And there's a specific section within that which, which, which deals with this.

48:27

Okay, thank you, Mr. Reid, can I ask why the applicant thinks that that position is justified, considering that the cabling option that is going to be closest proximity to the ancient monument is actually going to be in the ground. So it's going to enforce drilling, which obviously, geophysics and the geology of the ground will be important consideration. So how has that been taken into consideration as part of the assessment? Andrew, for

48:56

the applicant, the that has been taken into account in relation to the layout of the scheduled monument, in particular in relation to its southern boundary, which borders bishopton Beck, which is an existing and retained water course. So insofar as our understanding of the monument and the limits of the scheduled area, the bishopton Beck forms a hard border, which is part of the reason that the the mock Bailey was situated there as salad within our assessment within the chapter. So we're relatively confident that there wouldn't be any remains associated with the schedule monument within that cable route. However, in order to ensure that any accidental damage or any additional damage would be could be affected on the schedule monument, a number of measures have been put in place, which which initially further archeological evaluative works to determine the presence extent and significance of any archeological remains within the cable record. Four once the finalized cable route has been identified, the provision of preservation through design, if remains of sufficient significance are identified as set out within the archeological management strategy a PP 149 and if deemed not to be of sufficient significance, these will be preserved by record and also within the construction and environment draft construction and environmental plan, provisions have been made to put in place protective fencing with a buffer around the schedule monument, provision of toolbox talks for construction workers to prevent accidental damage, and The monitoring of the works by a qualified archeologist,

50:42

and in terms of securing that, how is that being done through DCO,

50:53

Sir Alexander, for the applicant, sir, the measures that Mr. Reid is referring to are secured through the DCOs requirements, which appear in schedule two, the construction environmental management plan is secured by requirement four, and the archeological rest and scheme investigation is secured by requirement 17.

51:18

And these are all documents included as part of the documents to be registered within the dcl order.

51:32

Sir alexman hinock, the applicant, yes, those where there are control documents which run with the requirements to control how the development is delivered, they are to be certified under the provisions of the certification article.

51:47

Thank you. Thank you. Thank you. Mr. Munich. I don't have any further questions on this point. I think that we have actually raised lot of questions online. Does anyone else have any final comments to make on this point before we close? Mr. Mark Smith, I will allow but please be brief. We are running out of time, if I may ask. Very brief,

52:14

it's really an overall question on the agenda, rather than specific for the applicant. We've covered chapters 12 and 14 of the environmental statement this morning. For some reason, chapter 13 has

been not included in the agenda, and it's not also included anywhere else in the agendas. Would it be acceptable to bring up the points I had on chapter 13 at the November Mr.

52:43

Mr. Smith, I'm afraid it wouldn't be, as I have explained at the beginning of the hearing, the hearing will, This hearing will be restricted to the topics that the XA, the examining authority, has actually identified that would like to discuss with the applicant. Today, I believe that you are referring to chapter 13 cumulative facts, as I have explained earlier today, you will be up to the examining of what is this question to set out what topics and which chapters it wants to have a hearing on, and we will be making That decision throughout the process based on the evidence that the examining authority needs to get through oral representations from the applicant and from other interested parties as well that cannot be so easily obtained through the written process, which is the primary process through which this examination is conducted. As I have said, we will take into consideration interest from interested parties on specific topics, but any hearings will only be scheduled based on the needs of the examining authority, and it will be at the examining authority's discretion to select which topics he wants to have hearings on so it we may, we will certainly consider having a topic, having a hearing on cumulative effects, but ultimately, that decision, if we need a hearing or not, will be made by the examining authority.

54:19

Okay, thank you for that understanding. Thank you.

54:22

Okay, I don't see any further hands raised. So it is now 1259, and I will and I will close the issue specific hearing number two. Thank you very much all for attending. Applause.