



## Hearing Transcript

<b>Project:</b>	Helios Renewable Energy Project
<b>Hearing:</b>	Issue Specific Hearing 1 Session 1 (ISH1)
<b>Date:</b>	4 December 2024

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FULL TRANSCRIPT (with timecode)

00:00:05:09 - 00:00:39:13

Good morning, everybody. Um, it's now 10:00, and it's time for this hearing to begin. Um, I would like to welcome all of you to this issue specific hearing for the Helios renewable energy project. I just want to confirm that everybody can hear me clearly. Thank you. Also, we'd like to confirm the case manager and the audio visual team that the live stream and the recording is working. Brilliant. Thank you. So my name is Ken Taylor, and I've been appointed by the Secretary of State as a single examining inspector to examine this application.

00:00:39:15 - 00:01:17:17

You may also hear me referred to as the Examining Authority or the EXR for short. Assisting me today is Mr. Sheard, who is our case manager, and Mr. Coles, who's a case officer. And online we have Miss Whitlock, um, who is assisting us, and she's also a case officer, just to deal with a few housekeeping Keeping matters. Um, in terms of fire alarms, we're not expecting any any drills or testing. So if the fire alarm does go off, then the exits off or through the doors and then the, um, the rally point is on the lawn out, out beyond the doors.

00:01:19:28 - 00:02:00:01

So I've prepared an agenda for this, um, hearing. Um, and then between myself and the case manager, we're going to try to capture any action points that may arise. But I would also ask if the applicant can capture action points as well, and then any other interested parties where action points may may fall on them, can capture them and at the end of the hearing, or ideally at the end of each substantive agenda item, we'll try to to, to, to catch up with each other, to make sure that we understand what action points are arising and when any actions Uh, we're seeking to be fulfilled.

00:02:00:28 - 00:02:31:12

So today's hearing is being undertaken in a hybrid manner, which means some of us are in the room here together, and some people are joining online virtually from Microsoft Teams. And I'm going to do my best to ensure that everybody, um, is able to participate and properly. Um, a recording of today's hearing is being made, and that will then be uploaded to the project page on the on the planning inspector's website as soon as practicable after this hearing.

00:02:31:14 - 00:03:07:24

So with this in mind, can everybody speak clearly into a microphone when you are speaking and when you do speak, can you state your name and who you are representing? If you are representing anybody, and can you do that each time you speak? And I know that feels a bit tedious when we're in this room together, but when people are looking back over the hearings and the the recordings of the hearings or looking at the transcripts, it's very, very helpful that we just understand who is saying what. So every time you you speak, if you could reintroduce yourself, who you are and who you're who you're speaking for, that that's very helpful.

00:03:09:18 - 00:03:40:04

A link to the planning Inspectorate's Privacy Notice was provided in the notification for this hearing, and I assume everyone has familiarize themselves with that. Um, and that just establishes how how we treat personal data for our customers and how that's handled in accordance with the principles set out in the data protection laws. If you've got any queries about that, if you could speak to the case manager, um, about that. So in terms of the purpose of today's hearing.

00:03:40:06 - 00:04:14:28

So this is an issue specific hearing, and that is into quiet inquiry into the principle and scope of the proposed development. And it's for me to explore some initial questions relating to these matters, including energy output, battery storage and those relating to the operational phase, and any repowering or replacement of the panels and securing of the decommissioning at the end of the lifetime of the proposed development. In addition, some of the socio economic and environmental and environmental matters will be explored in this hearing.

00:04:15:11 - 00:04:55:06

Other socio economic and environmental matters not covered in this agenda can, when necessary, be dealt with in future issue specific hearings. Matters relating to the Draft Development Consent Order and the related control documents will also be discussed as discussed today, including any potential updates, alterations and additions arising as a result of this hearing or other ongoing work that is being undertaken by the applicant between the the relevant interested parties to the Draft Development Consent Order is an important document and this hearing is being held on a without prejudice basis.

00:04:55:08 - 00:05:26:07

So in essence, if your position is that the development consent should not be granted and therefore the Secretary of State ultimately should not make the development consent order, you can still make representations in this hearing on the drafting of the development consent order, without conceding your wider position that the order should not be made. This is important because I'm under a duty to provide to the Secretary of State the the best drafted development consultant consent order that I can.

00:05:26:09 - 00:06:03:07

Even if I ended up recommending to the Secretary of State that the order should not be made. And this is because I do not decide this application. But I make a recommendation to the Secretary of State, which in this case is the Secretary of State for Energy Security and net zero, and they make the final decision. So if my report to the Secretary of State were to recommend that development consent should not be granted. I still must append a draft development Consent order, ensuring that the Secretary of State can decide to make the order if they wish to, ultimately.

00:06:10:16 - 00:06:41:28

So I'm now going to turn to introductions. Um, for those who are participating at this hearing, and when I state your organization's name, could you introduce yourself stating your name, who and who you represent, and then which agenda items you wish to speak on? Um, if you're part of a team, the person who's leading the team, if they could speak first. But if you anticipate other members of your team speaking, it would be really helpful to me if they could introduce themselves just so that I can put a face to a name. And any other members of your team need to speak later.

00:06:42:00 - 00:07:02:06

We can introduce them later on, but the people you're expecting to speak, if I could hear from them in the first instance, that would be great. And if you could also just let me know how you'd like to be referred to such as Mr., Mrs., miss, etc. that would be helpful too. So if I could turn to the applicant first. Thank you, Miss Tracy.

00:07:02:27 - 00:07:37:25

Good morning sir. Um, Catherine Tracy, Mrs. Tracy of Burgess directorate Burgess. Salman. I'll be leading, um, the case of the applicant today. I have a number of people throughout the day that will be speaking if, um, I'll run through them all. And then maybe as people come to the table, they can introduce themselves. Uh, on my right, I've got, uh, Mrs. Lodge of Enzo, the applicant who will be speaking, um, to agenda item four. And then, um, agenda item five will be, um, Mr.

00:07:37:27 - 00:08:00:07

Kiernan on socio economic matters, Mr. Fern on biodiversity and ecology, Mr. Snowden on transport and access and Mr. Fox on water and environment. And then agenda item six sir will be predominantly myself but with.

00:08:02:19 - 00:08:14:06

Mr. young assisting potentially on the related control documents. I think that probably takes us through. So would you like the people to speak introduce themselves now or when they first?

00:08:14:11 - 00:08:22:21

I think because you've got a very large team as as we introduce them, I think everybody else around the table and in virtual room, I would like them to, to introduce themselves.

00:08:22:23 - 00:08:23:08

Thank you sir.

00:08:23:11 - 00:08:26:13

If I could go next to, to the council please.

00:08:29:08 - 00:08:43:24

Good morning Michael Reynolds, Mr. Reynolds and North Yorkshire Council. Um, I'll let my other colleagues introduce themselves, except to say that we also have, uh, Paul Roberts from the Highways Authority who are expected to speak, who isn't here yet.

00:08:44:00 - 00:08:46:17

Okay. Well, he'll be joining us in person or online?

00:08:46:19 - 00:08:47:26

In person, I believe. Yeah.

00:08:48:22 - 00:08:49:12

Okay. Thank you.

00:08:52:00 - 00:08:59:02

Good morning, sir Linda Drake, North Yorkshire council. Mrs. Linda Drake, principal planning officer. Thank you. Thank you.

00:09:01:01 - 00:09:08:01

Good morning. I'm Mrs. Julia Casterton, principal ecologist from North Yorkshire Council, speaking on the ecology and biodiversity.

00:09:13:03 - 00:09:16:27

So could you turn your microphone. Thank you. Hello.

00:09:16:29 - 00:09:22:11

Are you Mark Henderson, North Yorkshire Council. And I'll be speaking on item five. Water environment.

00:09:27:10 - 00:09:35:19

Okay. So in the room we have the the Bernd Gliding Club. Are you intending to speak today or are you just observing.

00:09:36:26 - 00:09:43:10

Good morning sir. And Bartleby, on behalf of the Bern Gliding Club, we're not proposing to speak today, so thank you.

00:09:43:12 - 00:09:58:26

Thank you. And then in the virtual room. I understand we've got a number of people from the Environment Agency, so if you could put your cameras on and come on, come on screen, and if the person who's leading the discussion today can start and then introduce the the other members of your team.

00:10:01:03 - 00:10:12:06

Yes. Good morning sir. Um, I'm Mrs. Liz Locke, and, um, I'm here with a team from the Environment Agency.

00:10:15:16 - 00:10:23:12

Thank you. Our other members of your team likely to speak today. And if so, if they could individually introduce themselves, that would be helpful to me.

00:10:26:03 - 00:10:41:19

There's a there's a chance they may need to speak. Um, but I can introduce them when those technical matters occur. Um, and I forgot to say we'll be speaking on agenda item five, the water environment and agenda item six.

00:10:42:20 - 00:10:44:19

Okay. Thank you.

00:10:46:15 - 00:10:53:25

Can I just check if there's anybody else, either in the physical room here or in the virtual room who thinks they're going to speak today? That.

00:10:56:11 - 00:11:29:04

I am not seeing anybody. Okay. Thank you. So like so my intention is we are going to go through the agenda as I, as I put it, as I put it out. However, just because I've noted that we have the Environment Agency with us, I my initial view is that I might move agenda item five D up before agenda item 5AI still want to deal with agenda item for first because that deals with some quite strategic matters.

00:11:29:08 - 00:11:53:24

But then we might move agenda item five A sorry five D up before a before 5AI appreciate the Environment Agency may wish to stay to to contribute to agenda item six. And we're looking at the draft development consent order and the related control documents. But I just wondered if that would be helpful to everybody that we move, that if I could ask the applicant if that's acceptable for them.

00:11:54:01 - 00:12:18:03

That's fine for us, sir. And it might be that we can deal with the draft development consent order points for the Environment Agency. At the same time, I'm not wishing to prejudge what they might want to raise, but having had discussions, I think we're probably fairly close in that it's some requirements and protective provisions rather than anything else. So again, quite self-contained. So if that helps.

00:12:18:05 - 00:12:27:03

Yeah. Yes I'm content. So yes if we could hear from the Environment Agency are you, are you happy that if we deal with it on that basis.

00:12:27:08 - 00:12:30:11

Yes, the Environment Agency, that would be fine.

00:12:30:24 - 00:12:31:11

Thank you.

00:12:34:24 - 00:12:41:25

Okay. So thank you. So in which case, if we move on now to the substantive agenda items.

00:12:44:05 - 00:13:19:02

And first of all, um, I want to deal with agenda item four, which is. And the first, the first matter is just dealing with the, the, the principle and scope of the proposed development. And the first matter I wish to discuss is the scale of the proposed development and the generating capacity. And I have I've listed three individual items, but I appreciate that it might well be that we take them all collectively. So I'm happy to have somewhat of a free flow discussion in terms of these, these these individual items.

00:13:19:04 - 00:13:54:08

And I and I think on this particular item, I'd like to ask the applicant to speak on the matters first, and then I want to see if anybody else wishes to raise any matters. And then I've probably got some, some

questions. So if I could ask the applicant to address their overall rationale for the scale of the proposed development and how they have essentially landed at the project that we, we, we see before us in terms of the need case, associated benefits. And as I say, I'm happy that I appreciate that the other items in this agenda are probably interlinked.

00:13:54:10 - 00:14:00:12

So if we if we need to kind of address some collectively, I'm fine. So if I could move to the applicant first please.

00:14:02:12 - 00:14:46:26

Thank you, sir. Catherine Tracy, on behalf of the applicant, um, the scale of and size of the development, it's 190 megawatt, um, export capacity for the solar, um, development. And the same for the battery element. Uh, the the solar the size of the solar farm is limited by the, the grid capacity, the export agreement. So that's that's how you reach the 190. We are, um, a little bit bigger than that, uh, in terms of the maximum generating, which is And 35MW, um, which allows for degradation of panels over the lifetime of the wind of the of the solar project.

00:14:46:28 - 00:15:11:27

And it's a 40 year development. So I think just acknowledging that there are overlap in this area, um, this isn't uh, it is time limited for 40 years. And it is there is no repowering expected either or so. This is the size of the development and is expected to last and generate that 190, uh, megawatts for the lifetime of the, of the development.

00:15:15:10 - 00:15:25:20

Oh, okay. Thank you. So just so I've understood. So it is essentially over capacity is initially and then at the end of its lifetime.

00:15:27:21 - 00:15:31:08

Yes. The bottom the kind of the bottom end of that.

00:15:31:17 - 00:16:11:00

Yes, sir. That's right. There is a, there's an element of um there is an element of over planting which is accepted in the NPS. The National Policy statements N1 and N3 in particular for solar um and within within their they do give a a range for over of the size of a development. They think um in terms of acreage or hectares, uh, for the generation of, of megawatts, uh, we can present the calculation in, in writing, but we fall squarely within that 2 to 4 acres per, per megawatt.

00:16:11:25 - 00:16:12:11

Um, now.

00:16:12:21 - 00:16:13:20

If I could have.

00:16:13:22 - 00:16:15:24

I think that's something that's much better to show you in.

00:16:15:26 - 00:16:17:02

Writing. Quite technical. Yeah.

00:16:17:04 - 00:16:28:17

Yes, but but that's that's where you land. So we there is a limited amount of overlap. It isn't a significant at all. And it is to deal with the degradation of panels, um, at a, at a rate of.

00:16:30:21 - 00:16:55:18

There is a again we can follow up in writing because it gets quite technical, sir, But it's, um, it's a no more than 2% degradation for the first year, and then it drops to 0.45% in subsequent years. So if you take that into account over the lifetime of the wind for the solar farm, sorry, you get to, um, the right, the right megawatts for the export agreement.

00:16:57:11 - 00:16:57:26

Okay.

00:17:00:00 - 00:17:07:25

So and so ultimately this is driven by the limitations for the grid connection. And so. Yes, sir. Yes 190. That is so.

00:17:07:27 - 00:17:27:08

So the grid connection was secured and that's that's your maximum. And then you you look to developer, uh, a project to maximize the export of electricity over the lifetime. And that's how you then get to the size, obviously acknowledging all the other constraints that you that you have. Okay.

00:17:31:00 - 00:17:31:17

And then.

00:17:33:29 - 00:17:41:12

So I appreciate you've said this. There's no repowering. Yeah. That's right. So. So no wholesale replacement?

00:17:41:14 - 00:18:13:08

No, no, there's no wholesale replacement. Um, the panels are designed to last for 40 years. The permission is for a 40 year consent. Decommissioning is required after that point. So it's not. Some of the schemes have gone for 60 years. At which point you would expect during the lifetime of the of the solar farm to, um, uh, to come along and need to replace panels in order to, to maintain the life span. But that's not the case here. It will be very much construction. They're all installed and then they are maintained throughout.

00:18:13:10 - 00:18:22:01

There may be the need to replace the odd panel, uh, if it fails, but it will not be a wholesale, um, replacement of panels. Okay.

00:18:22:21 - 00:18:34:21



And this might be a matter we pick up at the end. But in terms of the development consent order, if I can just be clear as to how this is secured that we have the the 40 year lifespan. Mhm.

00:18:36:16 - 00:19:15:14

Not wholesale repowering replacement and then the decommissioning which I think I've understood how that works in the development consent order. But if, if we could pick that up. Yeah. Later. Just so that that that is clear. Mhm. And so then my understanding is it is almost inevitable that there will be some replacement of panels that it's, you know, it's likely that some will will fail and, and need to be replaced. And so we just have a discussion as to how that works and the kind of the likelihood and any and the understanding of your kind of numbers of, of, of this that's likely to happen.

00:19:21:16 - 00:19:23:08

So could you introduce yourself.

00:19:24:28 - 00:20:04:21

So Kirsty Lodge and the energy the applicant. Um, So it's quite a hard thing to answer. I'm being perfectly honest. So the the 40 year lifetime of the solar panels is a 40 year lifetime says warranty on those. Um, we can definitely take that away and have a look, um, to see if there is any, any figures that we can provide on roughly, you know, what that maintenance would look like. Um, I wouldn't want to throw a figure out here, um, without sort of looking at that, but but just for context, it's not a repowering, so it won't be replacement of of everything.

00:20:04:23 - 00:20:20:11

It would just be general maintenance. And if one of the panels is shown to not be, um, doing what it needs to do, then it'll be removed and replaced at at that time during the general sort of maintenance of the site. Um, but we can definitely take that away and come back to you.

00:20:20:28 - 00:20:52:27

Okay. Thank you. That'd be helpful. So I think in general terms that, um, that deals with agenda item A I just want to look around the room and see if anyone wishes to raise any queries on that matter. I'm not seeing any hands either in the physical room or the virtual. Oh, I do have a hand at the back. Would you just like to just come forward and sit at the microphone if you could introduce yourself? I appreciate we met last night, but if you could reintroduce yourself.

00:20:55:00 - 00:21:24:14

Yeah. Pumps correctly. Um. Concerned resident. I'd just like to ask the most the puddles that are going to be used. My understanding is they've not been used in the UK before. So have they been tested at all and what tests have been done? Also, surely they can give an indication of what the lifetime of these panels are and also what what is the exit strategy for these panels in terms of how they're going to be replaced and disposed of?

00:21:27:25 - 00:22:00:26

Thank you. Some of those matters you've raised where we are going to move on to a little bit later in this first agenda item in terms of decommissioning. So I, I'm not going to ask the applicant to respond to that. In particular, what I've heard from the applicant in terms of the lifespan, they are telling us that these have a 40 year lifespan and short of some failures. That is my understanding. So if I'd like the

applicant to come back on that particular point. But if you can leave decommissioning to later, because we will deal with that a little later.

00:22:02:13 - 00:22:34:28

Catherine Tracy for the applicant. Yes, sir. That's, um, that's entirely right. The lifespan is a 40 year lifespan on the panels. There isn't any expectation that they should need to be replaced regularly. Uh, there will be inevitably a number of, um, maintenance requirements. Either or or failures. Um, That's entirely expected with a development of this size. The panels have been used in the UK before. Um, but in any event.

00:22:35:00 - 00:22:47:21

So even if they hadn't been used in in the UK specifically, specifically, they are tried and tested technology. Um, so unless there's a specific concern about that, uh, I.

00:22:47:28 - 00:23:23:09

I think from my perspective, what I would like is for you to in the, in the post hearing note to respond to that specific point. But my understanding is also at the currently the development consent order would not tie you down to a specific type of panel. And if it might be worth just having that conversation. Now as to why that is the case is how the development consent order is currently drafted and then the implications of that going forward.

00:23:23:16 - 00:23:53:17

Yes, sir. Catherine Treacy for the applicant. No, the DCO does not, uh, specify a type of panel because it's not possible at this stage. Um, to do that. Uh, we could pick a panel, but if technology changes, you're then in a position of not having the best available technology available to you to install. Um, and sometimes technology can move more quickly. We've got a five year implementation period, and consent is at least another year away. Potentially.

00:23:53:19 - 00:24:27:03

So, um, looking at six years down the line, technology could look very different. However, the way that that is controlled is we have assessed maximum parameters in the environmental statement of layout, height, um, uh, spacing. We're not spacing between panels, but landscaping and buffers around the edge. And therefore the, the ultimate um, design, which is secured in requirement 2 or 3 um detailed design will be signed off by the local planning authority.

00:24:27:05 - 00:24:41:08

It must comply with the parameters set out in the environmental statement, which is a reasonable worst case assessment. So whatever panel the applicant does choose, it is restricted by that those parameters.

00:24:42:01 - 00:24:46:25

Okay. Thank you. If you could confirm that in your your written up to the hearing.

00:24:46:27 - 00:24:47:12

Certainly, sir.

00:24:50:12 - 00:25:05:04

Strictly concerned resident again. Um can I I'd be very interested to know where abouts in the UK that these panels have been used, and also other the panels that do actually rotate like these are proposing to do, because I certainly haven't come across any of those that type.

00:25:05:21 - 00:25:11:06

I mean, if the applicant can respond immediately, but if not, again, in your written note after.

00:25:12:01 - 00:25:26:00

We will respond in writing. Sir Catherine Treacy for the applicant, in terms of, um, the tracker panels, that is something we are committed to in this location. Um, in terms of the rotation, the rotation of the panels, uh, rather than fixed panels. So.

00:25:30:01 - 00:25:52:18

Sorry. Um, Kirsty Lodge and so energy for the applicant. Um, yeah. Just I can come back on one point on that in terms of, um, other sites that have tracker technology. Um, so there are, there are a few across the UK, uh, one of which is nearest our ancestor. Um, but again, we can come back in writing to kind of point those out.

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

I think it'd be helpful if you could, if you could, you could point point out the examples and provide some information on that. Thank you. No problem. Okay. Thank you.

00:26:01:29 - 00:27:01:28

So in which case I'd like to move on to item for B. So the battery energy storage system. And again I think in this case I will go to the applicant first just to set out the kind of principles But behind this, this part of the the proposal. And again I appreciate that the my three individual items might kind of be kind of intertwined. So I just want to have an understanding of the capacity of, of the, um, of the storage system, its relationship with the generating station, so that essentially the solar panels and the connection limitation to the grid, and then probably as a separate matter, just understanding how it works in terms of grid balancing, which might be slightly separate to the the overarching position of how you've reached the capacity and the size and the scale of that storage system.

00:27:03:19 - 00:27:06:15

So Mrs. Lodge is going to answer that for you. Thank you.

00:27:08:09 - 00:27:38:23

Kirsty Lodge and so Energy, the applicant. Um, so in a similar sense to the solar farm. So it's 190MW. Um, It's a four hour system, so 760 megawatt hours. Um, the battery is located adjacent to the 132 substation on site. It has the same grid connection as the solar farm. So it's part of the same grid connection agreement that we have with National Grid.

00:27:39:21 - 00:28:17:02

Um, it it absolutely does do grid balancing services. So the way that that works is that at times of demand on the national grid network, it can import from the national grid, um, electricity network into the batteries. It can then store that electricity within the batteries and then release it at a later time.

Um, where the national grid system requires it. Um, that's, that's really sort of the relationship of, of that battery to, to the scheme is obviously situated within the middle of the site.

00:28:17:12 - 00:28:20:24

But the two do work separately. Okay.

00:28:25:18 - 00:28:59:14

Does anybody, either in the virtual room or the physical room have any queries on that particular matter? Mr. I will call you forward. I just want to be clear at this stage, I don't want to discuss matters relating to safety issues around battery storage. I'm deliberately holding that off because I want the written process of this examination to progress. More on that matter, but if you have got queries about the kind of general principles of the scale of the battery storage, I'm happy to hear from you.

00:28:59:16 - 00:29:05:13

But I'm just holding off safety issues, which I appreciate is a concern of many people.

00:29:07:16 - 00:29:48:01

Thank you chairman. I do understand strictly concern resident. There was talk about the bin 100 battery storage units that was then taken away from the discussion. Can I just clarify that this megawatt. Because to me it doesn't make any and doesn't make any sense to me as to what it's going to look like and how many. But I just want to ask, Will this mean 100 container sized battery storage systems that is going to be located 605 50m away from a property? Is that number correct? I have 100.

00:29:49:03 - 00:30:26:12

Okay. Thank you. I'm going to ask the applicant to respond just on the general the general scale. And I think I might ask an additional question just in terms of the overall lifetime. And it's similar to the discussion we've had about the panels is as technology improves, does does it mean that it potentially shrinks? And would you be looking at replacing battery storage recommissioning them, etc.. And and just to understand why we're at the scale right now, could this potentially shrink because presumably it can't increase.

00:30:26:19 - 00:30:28:24

So if you could just talk to that point.

00:30:30:09 - 00:31:04:04

Yeah. So um, Kirsty Argento energy, um, the applicant it's it's again a very tricky question because over time technology evolves. Um, as we discussed on the solar panels, you know, that that will alter over time that that does mean that we may end up with batteries that can have more capacity, so requires less of them. Um, in terms of units, what what we have done on this is provided a worst case, um, based on the situation as we know it now.

00:31:04:06 - 00:31:07:06

And that's on the for our systems.

00:31:07:08 - 00:31:12:12

Could you just explain what you mean by four hours? I think that might be helpful just to understand that.

00:31:12:14 - 00:31:45:12

Yeah, sure. So so it's how long a battery can, can sort of release what time period. They can release the, the electricity back into the grid. So it can give four hours worth of, of that energy back into the national grid connection. Um, I think it's probably one that we can go away with them and put in writing again. It's it's getting quite technical. Um, and I think it's probably best in writing for us to, to put that together and explain that a little bit about how batteries, you know, the principle of batteries and how how they work.

00:31:45:14 - 00:32:03:08

We can also then come back on the points around the scale of the site. But but you are correct, it will not get bigger. If anything, it will get smaller within that compound. But what we have done is is designed it appropriately at this time to provide the maximum parameters for the DCO. Okay.

00:32:03:19 - 00:32:05:01

Thank you, thank you.

00:32:09:14 - 00:32:13:13

Just quickly look around the room if anyone has any. Yes. Yes, please. From the council.

00:32:13:21 - 00:32:28:24

Introduce yourself. Michael Reynolds, North Yorkshire council. I was a little bit confused about the answer in terms of I would have thought that the applicant would have known how many containers it might be at this point in terms of.

00:32:28:26 - 00:32:29:18

The physical, in.

00:32:29:20 - 00:32:39:21

Terms of I think, I think the member of the public was concerned about how many actual physical containers they could possibly be, and I would have thought the applicant would know that.

00:32:39:23 - 00:32:57:14

Yeah. So my understanding is that what we've presented with is a larger scale, but I will ask the applicant to come confirm that. So we've got indicative plans of how that battery storage system will be set out. So if you could just respond to that point please.

00:32:58:12 - 00:33:18:27

Kirsty large and so energy the applicant. So I don't have the exact figures in front of me as to how many containers are in the scheme at the moment. That that is absolutely something we can confirm on the basis of the plans that we've submitted at this time, and we can provide that in writing. I wouldn't want to speculate at this point without having that information to hand right in front.

00:33:18:29 - 00:33:22:08

Of me, but it's essentially the answer you're going to give is the maximum.

00:33:22:10 - 00:33:24:08

Yes, absolutely. And then the maximum.

00:33:24:10 - 00:33:26:04

Potentially could come down from there.

00:33:26:06 - 00:33:56:27

It's unlikely to shrink because unless something changes dramatically in battery technology, you know, from now until when we're procuring those systems. Um, but absolutely, it is based on the maximum. Okay. Um, the way I expect to be able to put into that compound to, to reach the grid connection agreement of one 90MW. Um, but I can absolutely come back to you and, and give you some confirmation in writing on how many units there are within the plan at this time. I just don't have it to hand with me right now.

00:33:57:01 - 00:34:15:24

That's fine. I don't want to put you under pressure to give an inaccurate answer. Okay. Thank you. Um, so in which case I'll move on to item C. So looking at the operational lifetime of the proposed development um

00:34:17:18 - 00:34:53:13

the the lifespan and we've, we've, we've discussed some of these matters already in terms of repowering replacement of panels. Appreciate we've had that discussion. Um, and then the implications of improving technology. So again I'll go to the applicant first to to discuss that. And I think, I think probably given what we've already discussed, the first two items you can quickly deal with and then and then on the third item, I am interested, even though you're telling me that these panels are there for 40 years, they've got they've got a guarantee for 40 years.

00:34:53:15 - 00:35:22:23

I do still want to understand any implications of improving technology, and I just want to know how that's if it is tied back to the the development consent order. Because even though you're saying these panels have a 40 year lifespan, they've got a guarantee. What happens if things change and does the DCO prohibit or does it have any controls in terms of replacement if that becomes feasible in the future?

00:35:27:06 - 00:35:28:03

Um, so.

00:35:29:24 - 00:36:25:29

I'd need to come back to you on, on the DCO and whether or not that physically restricts once you've installed that, that's it. You then can't come along and take them all off and put them back on. I'm I'm going to hazard a guess that the answer is that, yes, that is prohibited by the development consent order, if not by the development consent order, in its words, it will be by what we have assessed in the environmental statement, which very much assesses one construction phase, which is the build out and then 40 years of operational maintenance Tenants of repowering of panels on the on the scale I

think that we're talking about is tantamount to another construction phase, because it's not just a case necessarily of taking panels off the top and putting new panels on the panels could be different dimensions, which would require a whole scale, new piles, um, and new cabling as well.

00:36:26:01 - 00:37:07:20

So, so the reality is that the way this scheme is designed and, um, secured and has been assessed in the environmental statement is, is that it is um, a single construction phase, panels are installed. If there is a need for replacement of panels, it is they will be like for like replacements. Um, not not changing, um, for new, um, different sizes of panels because the when the technology develops, a higher wattage panel won't necessarily have the same dimensions as as a panel that we install as part of this project.

00:37:07:22 - 00:37:28:16

So I can certainly reflect on whether or not the DCO expressly prohibits that, if that is a concern. But, um, the way the environmental statement has been carried out is we would not be able to go on and repower because that has not been assessed and we are constrained by the maximum parameters in the assessment.

00:37:28:29 - 00:37:58:08

Okay. I think it would be helpful if, if you can come back in writing and and either either whether it is expressly prohibited in the DCO or not, and then and then the other conversation and we might have it later, later today when we deal with the development consent order, or more likely, at a future issue specific hearing as to whether that is necessary, it should be a matter and it's probably not something we might bottom out totally today. But but it is. It is something that I think we need to reflect on.

00:38:04:06 - 00:38:23:15

So I just want to turn to the room both virtually and and in person. If anyone else has queries. And just in terms of the overall operational lifespan and related controls at this stage, and like I say, I think this is a matter we might return to in the future. Okay. Thank you.

00:38:25:09 - 00:39:01:00

In which case, if we move on to item D in terms of decommissioning and again I with this one I want to start with the applicant. I want to understand the general principles and controls of that. First of all, in the more logistical sense. And then I think as a separate matter, I want to move on to funding to and how that's controlled. And some of this is going to slightly bleed over into the what we will discuss tomorrow at the compulsory acquisition hearing. So I appreciate that there's a slight overlap with planning issues and compulsory acquisition issues.

00:39:01:02 - 00:39:08:25

But if we could first of all, just deal with the general principles of decommissioning and how that is secured. So I go to the applicant first, please.

00:39:09:09 - 00:39:39:20

Yes, sir. Catherine Treacy, on behalf of the applicant. Uh, decommissioning is secured in the um in the development consent order. It is a 40 year time limited order, and there is a requirement on the applicant, uh, to provide a decommissioning plan in advance of decommissioning and then to carry

out decommissioning in accordance with that plan. It is requirement five, sir. Um, that that will be, um.

00:39:41:18 - 00:40:06:17

Agreed. Um, no. Sorry. Yes, it is requirement five. It will be agreed with the local planning authority. Um, and they will approve that. And it's also accompanied by a decommissioning traffic management plan for that, that part of the development as well. So, um, it is suitably secured that the development cannot certainly under this development consent order, uh, continue to operate for more than 40 years. Okay.

00:40:08:04 - 00:40:14:13

And in terms of how the DCO is currently structured, is that equivalent to other

00:40:16:11 - 00:40:22:25

discos that relate to solar farms or broadly and equivalent lifespan? Uh.

00:40:23:08 - 00:40:35:18

Catherine Tracy for the applicant? Uh, yes, sir. For those DCS where they are time limited, there are some that are not purporting to be time limited. But in terms of those that are. Yes.

00:40:35:20 - 00:41:10:22

Okay. I think I think in in your post hearing note, I think if, if, if I could have some examples, reference to examples and how you have your current drafting compared to and particularly made orders would be helpful. But, but, but but even those that are currently not made as well the reference to them. in terms of the general principles of decommissioning. Is there anyone else who wants to raise any queries before I move on to just securing a funding related to that? I'm not seeing any any hands.

00:41:10:24 - 00:41:25:26

And so if I can go back to the applicant and if you could, at a fairly high level, talk me through how that is going to be secured. And as I say, we might need to pick this up tomorrow and the compulsory acquisition hearing. And when we talk about the funding of the project.

00:41:27:14 - 00:42:04:24

Yes, sir. In terms of decommissioning at the end of the lifetime of the project, um, the undertaker will have, um, they know they need to decommission um, and that is provided for through the controls in the DCO in terms of a plan coming forward at the appropriate time, in terms of funding availability, um, the landowners, um, it is a requirement, actually, of the um, Agreements that the applicant has with the landowners to ensure that the landowners have sufficient funds to decommission in the event that, um, they, they didn't and they reneged on their obligations.

00:42:05:01 - 00:42:39:12

Um, I think it's it is worth um, in the question actually suggests that in the event that the operating company ceased to exist, uh, and just just to square that circle. So, um, we struggle to think of any scenario where once this, um, solar farm is operational, that there wouldn't be an operator running it,



um, once it's operational, it is an asset generating, um, and exporting, and therefore there is a commercial income.

00:42:39:14 - 00:43:11:03

So even if this undertaker, um, ceased to exist, it would be sold as a, as an asset to another, um operator. So there will there will always be. Um. There is. It is highly unlikely that this scheme will not exist to this 40 year lifespan. In terms of an undertaker able to generate income and therefore have funds to decommission should it need to.

00:43:14:11 - 00:43:33:03

Okay. Thank you. Like I say, I think we may need to pick this up a little bit more tomorrow. Um, we're going to discuss some matters relating to the funding statement, but thank you for now. I just want to look around the room. Is anyone got any specific queries on that matter? Okay.

00:43:35:12 - 00:44:05:18

Uh, so I mean, that broadly brings me to the end of that first overarching agenda item. I do now want to move on to agenda item five, which covers a wide range of matters socioeconomic and environmental matters. I just want to check is is everyone content that I move water environment up first and and I think what we'll do if if particularly the Environment Agency are happy we deal with that. I think we'll deal with water environment now.

00:44:06:05 - 00:44:23:15

Then we'll probably take a break, have a 15 minute break and then we'll come back and then we'll move on with the rest of agenda item five. So if I could just check with the Environment Agency, are we content to move on to that agenda item please.

00:44:23:17 - 00:44:27:15

Lovely. Environment agency. Yes, we're we're happy for that. Thank you.

00:44:27:26 - 00:45:01:09

Thank you okay. Thank you. In which case and I've I've, I've had this agenda item at this stage at a fairly high level. Um, and I expect this will be a matter we'll have to explore in written questions going forward and then potentially at a further issue specific hearing. And I think in this case, if I, if I could hear from the Environment Agency first, just in terms of where you are at in terms of the applicant's approach to flood risk and drainage, their surveys and mitigation.

00:45:01:24 - 00:45:34:26

And then I think I will then ask the applicant to respond if I can. So I could hear from Environment Agency first. Then I'm going to ask the council to come in, and then I will go to the applicant. And then finally then I want to address where we're at in terms of statements of common grounds and, and what needs to happen, if anything, to move matters forward and if we're able to. I'm happy to have the discussion around any changes to the development consent order. If we can kind of square that circle at this stage, that's fine too. So if I could hear from the Environment Agency first, and then I would like to hear from the council next.

00:45:37:27 - 00:46:10:06

Yes. Thank you sir. So Liz Lucke from the Environment Agency, um, the to to set the scene we've had good, um, long pre-application conversations with the applicant. Um, they submitted a hydraulic, um, flood model for the River Aire and the River OES that's been reviewed. And it's been approved by the Environment Agency with several updates and amendments by the applicant.

00:46:10:19 - 00:46:48:10

Um, the modeling considers both the flood risk from the fluvial and from tidal sources, which is the Humber. Um, it incorporates the latest guidance on climate change allowances, and we're satisfied that the hydraulic modeling undertaken provides a suitable basis for the flood risk assessment. So we're happy with that of my colleague. Um, Philip Sail is here. Um, if in the future, you know, there was some detailed questions required of the flood model his his here on the line and can respond to those as required.

00:46:48:27 - 00:47:15:05

Um, but moving forwards, we've got a draft statement of common ground, um, with the applicant. There are some matters that are still requiring some attention on that. Um, we'll go through those in detail now, if that's how you would like to or just summarize them at this stage, would that be helpful, sir, if.

00:47:15:07 - 00:47:37:04

You could summarize them at this stage, I've read the statement of Common Ground and I've read your principle as principle areas of disagreement, which I am very grateful for you participating in that process, because that's very helpful to me. But if we could summarize them at this point, and then ultimately I'd like the applicant to respond where so I can understand what progress we're going to see.

00:47:37:25 - 00:47:41:10

Okay. Yeah. So listen up Environment Agency. Um,

00:47:43:02 - 00:48:16:09

we've got some outstanding concerns. Um, which are on the, um. Statement of common ground regarding the volumetric assessment of the solar infrastructure. So that is the impact of the physical structures as they are placed in the flood zone. Um, so the the solar arrays are located in flood zone. There is a risk that they may displace floodwaters and increase the risk of flooding off site.

00:48:16:22 - 00:48:47:13

Um, we'd like to see a volumetric calculation that demonstrates whether this displacement is negligible, um, and can be discounted or whether it does have a significance and requires compensation mitigation. So in the form of compensatory storage. Um, so this issue is the subject of ongoing discussion with the applicant. Um, and Updates will no doubt be submitted as the examination progresses.

00:48:48:08 - 00:49:28:26

Um, so that's. That's to do with the the volumetric displacement of the cores by the physical, um, solar infrastructure. Um, linked to that is, um, concern regarding the, um, potential need for fluid compensatory storage. Um, so the compound that houses the bears and the substation have been

located sequentially to an area of reduced risk of flooding, but they are protected or intended to be protected by a bund that will serve two purposes.

00:49:28:28 - 00:50:13:29

It will provide, um, pollution prevention well and it will provide, um, flood risk protection. Um, the compound is at risk of flooding in the credible maximum design flood. So this is an extreme scenario, but it is at risk of flooding in that scenario. Um, and the flood risk assessment that was provided with the application shows a floodplain compensation scheme, which would compensate for flood storage lost by the presence of this compound with its funds that will exclude the flood waters.

00:50:14:13 - 00:50:30:14

Um, our concern is that this hasn't been taken forward into the designs submitted as part of the DCO application. So it was highlighted in the Fra, but it's not been taken forward. Um,

00:50:32:10 - 00:51:10:29

the floodplain compensation scheme may be required as the decommissioning of the scheme is currently being To taken within the 2080s epoch. So this is with a view to climate change impacts. Looking to the future, um, if there were any delays in the the start of the development, um, the risk of these more extreme climate change impacts increases and the, the need for um, compensatory storage to accommodate that increases.

00:51:11:01 - 00:51:19:09

So again, this issue is the subject of ongoing discussion, um, with the applicant as the application develops.

00:51:21:21 - 00:51:57:15

Other items, um, regarding the um finished floor levels of the um infrastructure. So not this solar arrays, but the, the, the compound and the, the, the base Storage. We would like to see that they are set at a suitable level above the design flood level, rather than above the ground level. So that's that would just provide another layer of protection against flood risk.

00:51:57:28 - 00:52:05:09

Um, notwithstanding the fact that they will be in the compound, um, behind the the flood Bund. Okay.

00:52:05:16 - 00:52:12:24

Just on on that point, could I just just to clarify how how would you like to see that secured

00:52:14:13 - 00:52:23:29

like in one of the control documents presumably that that is amended. We have amended wording to to secure that.

00:52:24:01 - 00:52:35:06

Yes. I think it could be just shown in, in any one of the plans which, which shows the, the compound and the, the infrastructure, it could be secured through one of those.

00:52:37:15 - 00:52:38:00

Okay.

00:52:38:02 - 00:52:49:07

Thank you. I don't think it requires a specific requirement at this stage. I think it can just be clearly shown on the supporting plans that that go with the application.

00:52:49:23 - 00:52:59:08

Okay. Thank you. I'll ask the applicant. Just reflect on that. And then when I bring them in later that I'll get that. Comments. Sorry if you could carry on though please.

00:52:59:24 - 00:53:05:02

So yeah. Thank you. Um, so Liz Lucke environment agency um,

00:53:06:27 - 00:53:50:25

the the solar solar arrays are located in areas at risk of flooding. And as has been just discussed, they're designed to tilt, um, upwards to a stow position to avoid flood water. Um, we'd like to see an assessment of any potential impacts that in the event that this this is a remote operation. Um, we have concern. Um, should this remote operation fail? Um, we'd like to see some assessment as to what the impacts of these solar panels being stuck in the down position would be so that any impact of floodwaters is understood.

00:53:51:25 - 00:54:19:27

Um, so so you could have a scenario, worst case scenario, where the panels that are located in the flood zone during a time of flood, the tilt mechanism fails, the panels are stuck in the down position. And I would like to see some assessment as to how that will affect the the movement of flood water and what impact that would have on the panels. Um.

00:54:20:13 - 00:54:32:11

Again, sorry, sorry to interject. Um, so your query here is, is that you you feel that needs to be assessed first?

00:54:34:26 - 00:54:36:01

But then.

00:54:38:03 - 00:55:05:15

Is a is there something that you think needs to be secured in terms of a control, not necessarily a direct requirement in the DCO, but somewhere in a control document? As to that? Well, first of all, that's assess and then we'll see where and I'll get the applicant response later. See where that leaves us. But then if there is a failure to tilt failure then what. So I just want to understand what what like where that leads us?

00:55:06:07 - 00:55:40:06

Yes, I think it's it's primarily an understanding of what that impact could be. And it may be that the impact isn't, um, severe. And in which case, you know, that's that's okay. Um, but certainly some kind of maintenance plan we'd like to see so that there is a commitment to obviously testing the tilt

Mechanisms and making sure that there they remain fully operational throughout the life's lifespan of the development.

00:55:40:11 - 00:56:11:23

And additionally, some form of commitment to a maintenance plan that includes debris clearance should a flood event occur. There will obviously be debris that that brings with it, which, if left in place, could have a detrimental impact on movement of flood waters and, um, on the flood plant, on the solar arrays themselves. So a commitment to clearing flood debris.

00:56:13:08 - 00:56:19:17

And so again, presumably that's something you'd like to see in the relevant control document.

00:56:21:11 - 00:56:26:29

Yes, sir. That would be that. That is this is just part of the operational management.

00:56:27:01 - 00:56:28:13

Yes. Thank you sir.

00:56:28:27 - 00:56:30:19

Okay. Thank you, thank you.

00:56:35:20 - 00:57:05:04

So so those are the main concerns that are, um, outstanding regarding concerns with flood risk. Um, we've we've prepared our statement of common ground. And, um, as I said before, we're working with the applicant as as these progress. Would you like me, sir, to continue to topics beyond flood risk or with this bigger point, to pause at this stage?

00:57:07:07 - 00:57:11:04

So beyond flood risk, what, like what other matters are you.

00:57:13:11 - 00:57:14:03

Wanting? Um.

00:57:17:00 - 00:57:22:03

Um, concerns. Well, um, matters regarding the, um.

00:57:25:03 - 00:58:02:20

With the the Sep. So scheduled to requirement for of the draft DCO um concerns the Construction Environmental Management Plan, or Simp. Um, at the moment, the wording in the requirements states that, um, no phase of the authorized development may commence until a Simp for that phase has been approved. However, in part one, article two of the draft DCO interpretation, it states that the word commence excludes site preparation works.

00:58:02:22 - 00:58:27:28

So we have a scenario here where the site preparation works will not benefit from a Simp. So we would just like to see an amendment somehow within the the wording of the DCO to ensure that the construction works, the site preparation works so will be covered and benefit from a simp. Okay.

00:58:28:14 - 00:58:59:27

So that essentially that, that, that that is triggered earlier than. Yes. Current. Okay. That's correct. Again I'll, I'll leave that with the applicant for now. And then in a moment ask them to respond. So in terms of other matters that are in either directly in the DC or or the other, the other control documents. Is there any other without going into like massive detail because that's much more appropriately done in writing and through the statement of common ground process. But at a high level, are there any other major concerns that you you have at this stage?

00:59:00:25 - 00:59:28:16

Um, can we can come to this later in the, in the hearing. So when we talk about, um, additional requirements, but there are a couple of additional requirements that we would like to see secured regarding, um, the protection of groundwater resources so we could pick those up under additional requirements if you would prefer. Or I could just outline them now.

00:59:28:23 - 01:00:08:18

Well, the reason I wanted to bring this item forward is I don't I don't necessarily want yourself and your colleagues to be in this hearing all day to then just come back to to 1 or 2 items. So if there's anything else related, then I'm I am I am content to deal with that now and then we can square that circle. And I appreciate that that you may want to to kind of be on line for the hearing. But but I would, I would rather just to, to benefit your time that we deal with matters that are relevant to you now and then I say I'll draw the council in and then we'll come back to the applicant.

01:00:08:20 - 01:00:16:15

So I am content that we we move forward with your specific concerns in terms of additional requirements and other related matters now.

01:00:17:28 - 01:01:03:06

Okay. Thank you sir. So yes Liz Lok for the Environment Agency, there are two additional Requirements we would like to see specifically for the protection of groundwater. Um, one is regarding the the underground cable which connects the the proposed development to the national grid will cross underneath the railway line using trenching techniques. Um, and in the submitted fra um document app 232, paragraph 3.52, it proposes that this is supported by a hydrogeological risk assessment.

01:01:03:21 - 01:01:14:04

Um, to to ensure that this work won't have any impact on the groundwater resources in the aquifer.

01:01:15:22 - 01:01:21:07

Um, so we would like to see that that proposal is secured through a requirement.

01:01:23:20 - 01:01:25:06

Okay. The other.

01:01:25:08 - 01:01:55:29

The other element is, um, to do with the, the piling that will support the solar arrays. There is a risk that the piling could cause physical disturbance to, or it could create a potential pathway for contamination to reach the underlying aquifer or source protection zone. So the submitted Fra does propose a piling risk assessment.

01:01:56:12 - 01:02:16:18

Um, I would like to see that that is secured by a requirement. The purpose of which to to ensure the protection of the aquifer, um, to ensure that there is no contamination pathway opened up, um, down to the aquifer and the source protection zone.

01:02:18:07 - 01:02:54:18

Okay. Thank you. I will ask that the applicant respond to that. I just think my my question to to you, and this might be something you need to reflect upon and then come back in writing and post hearing and your post hearing note to me is, does that need to be an explicit requirement, or is it something that is better controlled through one of the other control documents? And I ask that as a at this stage is fairly open question and I like I say I'll get the applicant's response on that.

01:02:54:21 - 01:03:09:21

But just just want to understand whether you're saying this in your view, this really needs to be an actual requirement in the DCO, or is it just a matter that you, you want to see secured and the manner in which it's secured is not as important?

01:03:12:02 - 01:03:33:14

I think ultimately. Sorry, sir. Less luck for the Environment Agency. Um, ultimately, we just want to be certain that the piling associated with the arrays isn't going to have a damaging impact on the the groundwater. Um, we understand that

01:03:35:10 - 01:04:00:22

that that knowledge won't. It's early days yet in the process of designing the development. Um, so it may be that it's better placed as a requirement so that it can come in further down the line as the design is, is fine tuned, but it might be that the applicant is better placed to, um.

01:04:02:24 - 01:04:12:29

To be able to to demonstrate how they could demonstrate to us that the aquifer is, is not going to be impacted by any piling.

01:04:14:23 - 01:04:28:10

Okay. Thank you. I'll. Yeah, I'll wait to hear the applicant's response and how they consider that that if it should be controlled. How is there any other matters from you at this stage? Um.

01:04:29:03 - 01:04:59:12

Two more minor matters. So if I can just briefly go through those. So Liz Locke, Environment Agency, um, an outstanding matter regarding the risk of, um, operational pollution from the

compound, um, could potentially through surface water drainage, um, reach the, the aquifer, um, below.

01:04:59:14 - 01:05:37:08

So we are confident that this can be controlled through standard pollution prevention techniques. And I'm thinking things like oil traps and and interceptors. So, um, we will be discussing those with the applicant as it goes forward, but that's just a minor concern. So that's just making sure that any operational, um, pollution that might arise through operational purposes, you know, um, impacts doesn't reach the, the underlying aquifer.

01:05:37:25 - 01:06:09:10

Um, and then the other minor thing is that does having to do with water abstraction, um, during construction there is likely need for water for um, things like dust suppression, wheel washing, that sort of thing. Um, if the intention is for this water to be, um, gained through abstraction, then that will require a license.

01:06:09:12 - 01:06:18:11

And we'd just like to see some acknowledgement that, um, a strategy is in place that will be considering this.

01:06:25:00 - 01:06:34:04

So I'm just making some notes. Yeah. Okay. Thank you sir. Thank you sir. Is that the Environment Agency's case at the current time?

01:06:35:21 - 01:06:37:11

Yes it is.

01:06:37:13 - 01:06:55:14

Okay. I think what I'd like to do next is if I go to the council and then hear any, any queries from them in terms of everything we've heard in terms of the water environment. And then I'll open up to the wider room before I come to the applicant. So if you move to the council, please.

01:06:55:29 - 01:07:01:27

Michael Knowles, North Yorkshire Council I would ask if my colleague Mark had anything to to add to that.

01:07:02:03 - 01:07:02:18

Thank you.

01:07:04:06 - 01:07:15:03

Yes. Thank you. Um, Mr. Mark Henderson, um, lead local flood authority at North Yorkshire Council. Um, so as a general rule, um, solar farms are um,

01:07:16:22 - 01:08:01:06

uh, in terms of flood risk, they're looked at as fairly benign. Um, should I say, insofar as the solar panels themselves don't generally increase the impermeable area, um, notwithstanding, they need to



obviously, the solar farms need to be designed in such a way that, uh, you know, you've got gaps around them. And the land management below the panels is such that it can enhance and provide betterment, in fact, in some cases. Um, so I know that suggesting, um, such that it's going to be rough pasture land, you're going to wildflowers, um, there's going to be some buffer strips around the sides and the edges, particularly in the low points to capture the water that flows off the land, albeit there.

01:08:01:08 - 01:08:49:15

They've done an assessment of, um, how much, notwithstanding the fact that I've said that they are, as a general rule, solar panels aren't seen as an impermeable area because there's gaps around them and allowed the water to land on the ground and flow in a natural sense. Having said that, they are still impermeable in themselves and I know the applicant has looked at that and tried to mitigate that in terms of the the small increase that would appear. So it looks in general terms, they've taken account of the fact that whilst it's fairly negligible, the increase in thermal area, they have, notwithstanding that they've acknowledged that there is a little bit and they have put in suggested some swales, um, sort of depressions in the ground to capture any additional um, discharge.

01:08:49:24 - 01:09:22:26

And we don't always see that with applicants from solar farms. But notwithstanding that, that's a it's a good, good starting point. Um, so the general premise of a solar farm in, in the right context, with the right land management techniques, um, as a rule that looks like they've, you know, general principles, I think that's what we're kind of looking at is, is this okay? Yeah. Um, yeah. And we're fairly comfortable with that aspect of it, as in terms of a solar farm, particularly because the land is generally not, um, it's, it's reasonably flat as well.

01:09:22:28 - 01:09:55:16

So there's not going to be a significant, you know, um, in the and that's, um, uh, that's that's reflected in when you look at the risk of surface water flood maps that the Environment Agency produced. When you buy a house, you'll look at that in terms of seeing your house and whether it's in a flood risk area. So you look at this location here and there aren't any flow paths of such no continuous flow past that. We can see nothing significant that runs from one length of a field or one across a significant distance is more.

01:09:55:21 - 01:10:28:23

It's more ponding, which is blobs of water on the ground. Um, and that's um, so that blob excuse the technical term, but just for those that are to help everyone understand that which reflects the fact that the topography. Topography is such that you haven't got a significant slope for water to flow down. So that's kind of that's why I'm saying it's a reasonably flat area. There is ponding but not not significant. So for sort of risk it's a low risk. I think again, that's been acknowledged in the, in the Phra that I've been looking at.

01:10:29:16 - 01:10:51:18

Um, so in terms of general principle of a solar farm. Yes. In terms of looking at mitigating impacts from the negligible, um, area of impermeable area. Yes. They have looked that that's a bit of a tick, albeit some detail may have to come forward later, but, um, but nothing that would, uh, would cause it to be a deal breaker if that's the right way of putting it.

01:10:51:20 - 01:11:25:29

Okay. I think what I, I would need from you. Not necessarily immediately now, but yeah, in the written follow up is, is an understanding of where the applicant's at in terms of the draft development consent order. But, but but actually probably much more importantly the relevant control documents and on. Are you content with the with the wording? Because and this is something we are going to move on to later today when we talk about the the draft development consent order is a lot of burden in terms of discharging requirements rests with the council.

01:11:26:20 - 01:12:05:15

And so what I, I need to understand from the council is that you are content. So so if you're broadly content with the applicant strategy for mitigation with swales etc., is that your content with the wording in the DCL and the control documents that sit behind it, and if not, what needs to change and and the the quicker we can get to that point the better for every everyone. So so if you can respond briefly now, but I think because it's quite detailed, you might pick it up later this afternoon and then we'll pick it up in writing.

01:12:07:05 - 01:12:33:04

Michael Reynolds, North Yorkshire Council. As a general rule, when we ask people to look at the Local Impact report, which obviously our offices are in the process of drafting now, we would ask whether or not they think that the DCO and the supporting documents are sufficient to mitigate any impact that we're identifying. So as part of that process, we'd be responding to the items that you've just raised there. Is that sufficient.

01:12:33:07 - 01:13:04:25

That that's probably sufficient. If it if it I, I'm not too concerned how it comes in. I so if it forms part of your local impact report then then great. But because it's quite a detailed matter in terms of if you want a requirement tweaked or altered or you want one of the the wording in the relevant control documents changed, I need to know about that and the applicant does to respond to. But if that comes in the ally are Fine.

01:13:05:04 - 01:13:17:16

But if if it's more appropriate to do it in another, in another form, in just just a pull sharing note to this. So I'm not too concerned how that comes in. It just needs to come in and the sooner the better.

01:13:17:18 - 01:13:33:08

As about my uh, sorry, my comment is not council and my my concern is that obviously our officers will have carved out time to look at the application at certain times and whether or not I can bring that forward to a post hearing note, or whether I can ask them to do it as part of that.

01:13:33:14 - 01:14:04:29

Okay, at this stage, because we are early in the examination, I'm content to leave it with you. And and if your post hearing notes simply says this matter will be addressed in the in the law, then that that is fine. Okay. Thank you. So so whatever works best in that sense. Before I move on, if I could, if I could stay with, with the council. So I, I just want to understand your, your view on the battery energy storage system because that's slightly different to the that. You've talked about the panels.

01:14:05:01 - 01:14:21:19

Yeah. But, but but we're talking about more physical infrastructure that sits on the ground. We've heard from the Environment Agency. They want some some changes or at least some clarification about finished floor levels. And so I just want to understand the council's view of this at this stage.

01:14:21:25 - 01:14:22:15

Um, yeah.

01:14:22:17 - 01:15:03:03

In terms of the site that as I talked about, the the major risk to the site from flood risk is obviously from fluvial and tidal. So, um, in terms of, um, the impact on storage areas that might be affected by flooding, that's going to be the main one and that's the Environment Agency responsibility. So Liz has obviously communicated that to you as what she would require in terms of our role. Um, obviously if there was a surface risk associated with the battery. Now, I must admit I don't know exactly where it's going to be located, but I have a feeling based on what the, um, there's ponding and rather than flow past, it's from a risk point of view, it's the flu view.

01:15:03:05 - 01:15:39:00

So we would look at more of the drainage aspects in terms of draining the um, the impermeable area. Now I can see I think they've suggested, um, discharging at a rate required by the IDB. So that's the bit that we would be looking at. Um, and again, we're quite comfortable with that. Um, insofar as they've got an area, they've got a location to discharge their surface water from. That's the key criteria for us. Um, notwithstanding that they possibly would need to do some infiltration testing, which is a which is one above on the Suds hierarchy in terms of discharging their surface water.

01:15:39:02 - 01:15:56:29

But as long as they've got a plan B, um, and the plan should be reviewed, but the plan B, if they've got plan B, then we're comfortable with that again. And that that's the same. And yeah, so I don't if you want to touch on anything on that particular one because I know there's the access roads as well, which is the other bit to it. Okay.

01:15:58:03 - 01:16:21:14

I think Then what I would like clarified. And again, whether that's in a post hearing note, or if you just simply say this is going to come local impact report is those matters. So in terms of the battery energy storage system and then and indeed the the access tracks, if there are concerns.

01:16:23:16 - 01:16:56:29

Where what you would like to see changed in terms of either the the DCO itself or likely actually the control documents and the wording you would like to see. And so I don't want to hear that now because I appreciate this very, very detailed matter. But if we can have that either in the flyer or a post hearing note. But, but if that can come forward and then in the background the discussions with, with the applicant on those matters progressing in terms of your statements of common ground and principles of disagreement, matters, that would be very helpful if we can progress that.

01:16:57:04 - 01:17:02:09

Okay. Thank you. Is there anything else from the council on this matter of water environment?

01:17:05:29 - 01:17:14:04

No. The only other one we would touch on is sequential interception test. But again, that's that would be for the Navy, the local planning authority to look at.

01:17:14:11 - 01:17:40:17

I think on that particular matter I would like to I want to wait till I've got the local impact report, and then we might need to pick that up at a later hearing, or probably written questions first and then potentially later hearing. So I don't want to open that to today particularly because that's like you say, it's a more planning policy test. I want to look at the more kind of technical matters today. Thank you. I think, um, I just.

01:17:43:14 - 01:18:06:01

Want to get a feel from the applicant. We're just after 11:15. I want to have a break. Roughly half past. Are you do you think you're roughly able to respond now and then we'll break half past or a little after. And then if I can move on to the applicant, you can do it in this time, roughly.

01:18:06:10 - 01:18:39:11

Catherine Tracy, for the applicant, I think we can probably move quite swiftly through the points raised if it takes longer. So then we can we can pick it up after the adjournment. Um, in terms of and I might take it a little out of order, but the Environment Agency, there are a lot of dialogues going on and it is constructive. And, um, I noted your comment about whether or not they needed to be requirements. Some of the additional, um, points that the Environment Agency wanted secured.

01:18:39:13 - 01:19:04:13

Uh, our view today actually has been said that the hydrological risk assessment and the piling risk assessment, we're more than happy to secure those in requirements. Um, and we were proposing to, uh, submit some draft requirement wording to the Environment Agency agree that and then once it's agreed, update the DCO accordingly. I don't think we should be, um, too far apart on those in principle.

01:19:04:15 - 01:19:26:08

And I think from my perspective, I would I would rather not see an early draft and then keep keep seeing iterations. If it's possible to reach a broad agreement with the Environment Agency and the council on them. I'd rather that happens first, and then I see as close to the finished form as possible, so that we just don't have endless iterations of the.

01:19:26:14 - 01:20:01:29

That is my preference as well, sir. Um, there's nothing worse than drafting, um, in public per se. Um, the other, um, point, I think that, uh, there is a we had noticed as well through negotiation, through conversations with the Environment Agency, a disconnect between there's a requirement, um, requiring something in the camp, but it hasn't actually made its way into the camp. So we will update the camp to secure that. I will take away the point on commencement and it excluding site preparation.

01:20:02:12 - 01:20:37:06

Um, in respect of the camp, I think that's something we can discuss with the Environment Agency. But my about what what exactly site preparation they're concerned about because site preparation is not a material operation. It is. So it shouldn't affect anything. But I think that's best to have that discussion offline. So and if we need to tweak the requirements or the DCO to make it clear which way it should work, um, site preparation is very much usually clearing the site, putting up some Harris fencing.

01:20:37:08 - 01:20:44:23

It's no physical works. Um, that would trigger the whole suite of the camp needing to be provided.

01:20:44:27 - 01:21:15:24

I think on that. What what I would like to see as you have those ongoing discussions and then either in a post hearing note or if it's not sufficiently moved on by then, we've got we've got deadline to till then understand where you're at. Because if it is simply that the Environment Agency and needs more comfort as to what site preparation means and more importantly, what it does not mean, then fine. And if that and then that's nailed down.

01:21:15:26 - 01:21:26:11

And so at this stage, I'm content to kind of leave it with you and the Environment Agency to yes point, but I think by deadline too, I would like to know where you're at on that issue.

01:21:26:14 - 01:21:31:25

Certainly we can provide an update at deadline to regardless of of where we might have got to. Um.

01:21:38:22 - 01:22:10:28

In terms of volumetric assessment, um, I believe that's something I might ask Mr. Fox to address as well as, um, the operational pollution of the best compound and water abstraction during construction, because those are beyond my sphere of knowledge, sir. Um, but I do have, um, in terms of, um, we'll put it in the post hearing note and pick it up separately with the Environment Agency as well.

01:22:11:00 - 01:22:50:01

But in terms of finished floor levels, uh, um, the, the best will be, um, at least 0.3 above ground level, uh, potentially up to 0.6. That's um, being assessed for the floor levels are raised at least 0.3 above ground level. Um, and um, they are also the best compound is in an area that is already at least and it will be 0.3 above the design flood. So I think again through it, we'll put it in writing as our post hearing note, but we will pick it up separately with the Environment Agency and come to an agreed position on that as well.

01:22:50:12 - 01:22:51:01

Okay. Thank you.

01:22:52:02 - 01:22:58:09

If we deal with the environment agencies points, and then maybe we'll pick up North Yorkshire Council's points separately.

01:22:58:11 - 01:22:59:08

Okay. Thank you. Yeah. Yeah.

01:23:01:16 - 01:23:36:06

And Fox and PFA consulting on behalf of the applicant. Um, so yeah I was involved with the drafting of the flood risk assessment. Um, so the points raised by Liz is completely consistent with the relevant representations. We have had these offline discussions with them. Um, and those matters are presented in the statement of common Ground as. So there's no, no surprises there. Um, regarding the volume. So there's two key points on sort of fluvial and tidal flooding I need to pick up. So the site specific flood model, which has been gone through the Environment Agency review process signed off, is affected.

01:23:36:08 - 01:24:15:12

The evidence for the flood risk assessment now establishes the design flood. So what we're designing to and also a sensitivity test for the maximum credible climate change scenario. So the design flood in effect it's the effect of the overtopping of the flood defences along the River Aire. How that water then spreads across the low lying floodplains. It spreads out and is relatively shallow. So that's quite a key point. And it only affects the southern area of the site. So this is the the fluvial design flood. So on the volumetric um response, we are proposing that the control equipment, so the containers distributed around the sites of the central inverters will be sequentially located outside of those areas.

01:24:15:15 - 01:24:50:06

So there's enough space within development to achieve that. So they won't be displaced in flood waters because they'll be outside. They'll be in the low flood risk areas. So it is just the panel supports and also the security fencing which encloses the panel areas. So yeah, our view is it is negligible. They are sort of h h piles. So yeah that still still supports ploughed into the ground. It's the same as yeah planting trees or putting a farmer putting up a fence in the floodplain, we wouldn't typically go to that level of detail.

01:24:50:15 - 01:24:51:27

Which is what?

01:24:53:29 - 01:25:17:29

They are. And the flood depth as well is low in those areas. So predominantly less than 300 mil. In the in the design flood. So it's it's it's only the volume displaced by these small discrete panel supports in a low low depth of flooding in these areas, which is or which is negligible. If you did the calculation it would.

01:25:20:03 - 01:25:23:04

Yeah, it would basically prove prove that point in my opinion.

01:25:25:14 - 01:25:29:22

You said if you did the calculation, have you done the calculation?

01:25:30:24 - 01:25:40:05

I have not done the calculation on this site. I have done it on other sites and it did effectively prove prove that point. That is the effect of the panel support is negligible.

01:25:42:23 - 01:25:58:01

Is it a is it a difficult task for you to do the calculation for this site. I appreciate your saying and your experience, your content that it's going to come out negligible. But but is it possible to just do that and say definitively.

01:25:59:04 - 01:26:03:04

Yeah, it is. It is possible to do it is a spreadsheet driven calculation.

01:26:03:06 - 01:26:19:28

I mean, that is something that like essentially as an action, if it is if it's possible to do if that just kind of bottoms this issue out, then to have that in. And again, I won't be under pressure to do that as opposed to saying no but but for deadline two would be helpful. If that's.

01:26:21:06 - 01:26:22:06

Yeah that's. Yeah.

01:26:26:23 - 01:26:27:09

Um.

01:26:30:14 - 01:26:31:07

What was the question?

01:26:34:21 - 01:26:41:04

Oh, yeah. So, um, the next Ben Fox and PFA consulting again, the next points raised was the operational

01:26:42:20 - 01:27:13:02

air pollution, pollution control measures. So in the best compound is we are proposing it to be lined. So any sort of pollution would be captured by the drainage system. So it's stone compounds under drained by actually filter drains. So porous pipes within the crushed stone. So the water is then collected and taken to three different detention basins around the perimeter of the site, within the banded area, within those detention basins as well, though, we designed in accordance with the best practice of the soils manual. So include sediment for bays.

01:27:13:04 - 01:27:35:18

So basically an area where sediment could collect and pollution include low flow channels where the pollutants can drop out and have the effect of UV degradation, sedimentation and all the other such processes to remove it. We as a precaution as well, we are proposing pen stocks in the outfalls. So if there was a pollution event, they could be closed and prevent any.

01:27:36:24 - 01:27:37:15

Runoff.

01:27:37:20 - 01:27:42:00

To the surrounding, um watercourses so the ordinary watercourses across the site.

01:27:44:08 - 01:28:16:11

We so we have a high level well within the within the compound area. We have a high level of treatment. We call it a treatment terrain. So when the when the rainfall falls on, on the, on the areas or if there is a pollution event, it will be first be captured in the stone stone compound itself, then within the filter drains, then within the detention basins, and then that can be captured as well within the operational control of the site. So if there is a pollution incident, obviously that will need to be some reporting. And yeah, I'm sorry, clean up as well.

01:28:16:13 - 01:28:19:25

And that's how that is secured within the operational management plan. Really. Okay.

01:28:20:28 - 01:28:43:22

Okay. I think even in the post, in the post hearing and with your ongoing discussions with Environment Agency, just to clarify exactly how that is secured in the operational management plan. Just so I've got absolute clarity on that. And and then ideally, if that is agreed with the Environment Agency and that content then and then that, that that would deal with that matter, I think.

01:28:44:21 - 01:28:54:04

Yes, sir. Catherine Tracy for the applicant, I think that's, um, that's probably going to be an addition to the, um, and the requirement, but it's not controversial. So.

01:28:54:06 - 01:29:27:20

Okay. Thank you. Yeah. I think in the Post-training note, if you can just point me to that, and if it doesn't actually come into a little later on, that's fine. But but just so that I know that that's that's how that that's going to be addressed. Okay. I think I'm just conscious of the time and I don't I, I really don't want to like keep, keep pressing on. So I think, I think we're essentially 1130. I'd like to take a 15 minute break now, come back 11:45, and then I will come back to the applicant to keep keep going with these with your response to the Environment Agency and then, then, then the council.

01:29:27:22 - 01:29:33:08

So I'm going to adjourn now. So it's 1130 and we'll be back at 1145. Thank you everybody.