



## Hearing Transcript

<b>Project:</b>	Helios Renewable Energy Project
<b>Hearing:</b>	Issue Specific Hearing 1 Session 3 (ISH1)
<b>Date:</b>	4 December 2024

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FULL TRANSCRIPT (with timecode)

00:00:17:23 - 00:00:51:15

Everybody. It's now 2:00, so I'm going to resume the hearing. Um, so where we left off, we were dealing with, um, agenda item five a and now moving on to we dealt with the, the first part of that. And now moving on to the cumulative effects of um BMV land to proposed proposed to be taken out for agricultural production in the region. So again, I want to turn to the applicant. And just in terms of the general approach to this, and then I'll hear from the the councils and the council and any others who wish to speak.

00:00:51:17 - 00:00:52:03

Thank you.

00:00:54:15 - 00:01:17:29

Good afternoon, Sir Catherine Tracy for the applicant. Um, I think, in terms of how the applicant has approached this. Um, we have we've set that out in our site selection, uh, in terms of the in terms of our site, in terms of cumulative effects, that is dealt with in the environmental statement. And so I will pass to Mr. Kernan.

00:01:21:09 - 00:01:34:08

Yes, sir. Is it easiest if I just sort of say what the impacts of this proposal are, so that then that can be seen in the cumulative, um, assessment very quickly. Yes. Yeah, yeah.

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So outline it briefly. Yes, sir.

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So, um, as has set out in the environmental statements, I think they've got that as app 34, um, which is chapter 14. Um, table 14.7 of that has estimated the soil disturbance For the particular bits of fixed equipment. So the the tracks. So we've measured all the tracks times the width where the odd container bits of fixed equipment go.

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I won't try and get the right electrical term. And then and then the whole of the substation and best area so that the, those all add up to ten hectares. Um, so that is the only land where there's going to be movement of soil effectively. So that's the only place where you could impact the land quality. Um, the intention is that all of that will be restored and back to the same grade.

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And I think one of the outstanding points with Natural England is said they just want confirmation that the intention is to return it back to the same grade, which we're happy to confirm. So temporarily, there is ten hectares that will be disturbed, that will be restored. Therefore the the Impact

um, following decommissioning is basically zero. So in terms of the cumulative impact of land loss, um, we don't add to that.

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Um,

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the other consideration. So it really is sort of embedded in the the food production bit that is in your question, um, what we've done in the environmental statement is try to estimate the implications for food production. Um, and because the question is asked and because and the way we've looked at it in the environmental statement, it's nobody's suggesting that panels don't go on agricultural land. So it's really the best and most versatile element that we're considering.

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Um, so what we've tried to do is say, well, if panels didn't go on, best and most versatile, they went on, um, subgrade three B land. What would be the impacts of what? Effectively, what is the benefit of the BMV component? There isn't any research that says this is what BMV grows and this is what poorer quality land grows. So a bit like the land quality thing. There's a number of estimates you have to make in there and a number of assumptions.

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And what we took, we took the, um, the John Nix Farm Management pocket book, which is what all sort of agricultural consultants look at, and that has budget books and that has a, an average and a high. And we said the difference between that in last year's, it was 1.4 tons between average and high per hectare. In this year it's gone down to 1.2. But we've taken if you took the whole of the application site for the panel area, plus all of the environmental, that is basically the site line excluding the cable route.

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Then that's around about 500 tons per year. If you were growing wheat, which would be the incremental difference.

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That is, as I say. So it's a crude estimate because we know, for example, that the some of the sands grow very poor cereal crops because they dry out and but they with irrigation, they do grow some other crops there. So it's all set out in the environmental statement. So in I think um, 4577 through to 14 five paragraph 96. So that's, that's saying that that incremental if you said you can't put it on BMV, you need to put it on poorer quality land would be about 500 tonnes per year.

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And that's in terms of, um, national production. The last figures that UK wide that were available were 2023, which is about 22 million tonnes of cereals. That is also stated in there. Sir, I think 2024 will be lower. We've got England figures but we haven't got UK equivalent yet. They tend to come out, um, just before Christmas. So in terms of the

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additions to other schemes, we haven't got all those other schemes to to measure them up. But the actual implication on top of everything else is quite limited.

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Okay, so just to clarify a few points. So when you referred to the ten hectare figure. So this is once the solar farms solar farm becomes operational. That that is the land that is totally out of agricultural production because it's where the bee base tracks, etc.. So land that isn't, Um, but then outwith that where the panels are, which is really my next question, and I might ask this the applicant first, before I then open it up to the wider room, because I think we're slightly overlapping with, with issues, which is probably my fault for how I kind of ordered the agenda.

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So so the ten hectares is I'm correct that that that is land that. And you're saying temporary but temporary means 40 years in this case out of agricultural production. But then you're saying that the rest of it,

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at least in theory, could be an agricultural production.

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Tony Kernan for the applicant said, no, I have I'll, I'll clarify, um, the position. I think I'm separating land loss. So impact on best and most fertile land. I'm separating that from land use. Okay. So in terms of land loss, There is ten hectares across the site where machinery will move the soil, excluding the cable and any of the internal cables where where soil will go to storage for the tracks, for the compound, etc..

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I think six hectares of that is the substation and best area. So in those areas there is the potential for there to be a loss of agricultural land permanently or a downgrading if you don't restore it back to the same quality. Um, so in terms of land loss, that is only ten hectares, and the rest of the site where the panels go in or the landscaping goes, etc., you're not changing the soil profile, so you're not losing the land quality or you're not affecting it, you're using it differently, but you're not downgrading it so that that's the land loss.

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That's separate, sir. To then land use. So it will be more than ten hectares which will be going to wildlife and and other factors. Um, I don't think I've got the figure in front of me, but I can't say it's everything. Baa ten hectares. That is not going to have another use on it, but that's a land use consideration, not a land loss, if I've hopefully clarified that.

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Yeah, I think I think I've understood the clarification. I think perhaps that it would be helpful in due course to just have the figure of

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when you include other land that's taken out of agricultural production, for example, you know, to deal with biodiversity matters, flood mitigation or etc., to have an understanding of, of the position. And then I think, I think I will, I will move on then to my next point because, because I think in until I've kind of understood this, it's probably a little bit difficult to, to kind of. Circle. Then we probably need to circle back to the kind of overall overall impact is.

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So outside of those areas of where the the best is and biodiversity mitigation and so on, the position is that where essentially where the panels are, this can still remain as agricultural land alongside being an operational solar farm. So just in that general principle, have I understood this correctly?

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Yes, sir. Tony Kernan um. Yes, sir. So the effectively the area, um, inside the the deer fencing where the panels are is available for grazing so it can be used for grazing. Um, so that would be um, in obviously in parallel with the panels.

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Okay.

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Uh, there's a number of factors here. I just want to understand it. So I had understood it to be grazing and by grazing it. Can you just explain what that is likely to be? I'm presuming it's sheep grazing. But. But is it other forms of livestock? Potentially is is the first question. And then my second question and is in the current structure of the DCO related control documents, is it required that the land is used essentially for the dual purpose of solar panels and agricultural use, or is it a theoretical position? And I, I want to understand that for so I want the kind of the

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that kind of like basic answer and that because, because then then I've got some kind of follow up questions about them, what that means, just in terms of considering the impact of the application. So if you can kind of deal with those kind of practical things first.

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Yes, sir. Tony Kernan, I'll start. And then I think I'll hand over in terms of the control mechanisms, but in terms of, um, type of animal, then sheep is the most usual. Um, I have seen them where chickens and geese, but they tend to be because those are they need a lot more to um, daily and management. So they tend to be in much smaller areas. So sheep is the likely and probable one. Um, and in terms of its realism that very recently um government Defra have published their land use figures for agriculture from the 1st of June, and they've recorded that half of the solar farms, it's the first year they've ever put solar farms in.

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They've got, I think it's 3600 hectares, which are in agricultural use, and 3700 that are just panels without agricultural use or apologies if I've done it the other way around. Um, but basically they the first time they've looked at it. Half of it is being used for agriculture. So sheep is the problem because it's you can't put cattle in. They're just too big I think in terms of damaging panels etc.. Um, in terms

of the second question about commitment, I'm always very nervous suggesting that it's required or obligated because sheep is a it's a business, they're animals.

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We get problems coming in like Bluetooth etc. plus there's market trends. Plus, you know, the whole world might go vegan in ten years time or something. So there's all sorts of implications in there. It is a business use. It makes huge sense to if you to keep sheep in there because they keep the grass down and savour a lot of mowing, but I don't. I'm always very nervous about saying it has to be done, or it has to be done at any particular density, because agriculture is not really controlled in that way in terms of food security, which we haven't covered yet.

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But there's no need for it either. But, um, I think I would always be very nervous about it being obliged to be captivated. But any particular way.

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I think, I think what I need first is just to be really clear as to what the the current position in the drafting of the DCO and other documents is because my understanding, having read it, is, well, it is the scenario you're putting forward as likely that that it's available and potentially used for agriculture, probably grazing that that is not actually and I just want to be really clear before I then move on to my next questions about this.

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Catherine Tracy for the applicant. Uh, so currently in the draft DCO, it is not secured. It it would, um, fall under the landscape and environmental management plan. The outline limp and would, would fall into the maintenance and management of of the planting and the um, the pasture land under the panels and how that was managed. Um, at the moment I it is not a, um, there is no requirement and we wouldn't obviously want an obligation, but it is something we are considering as an alternative to mechanical mowing.

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Mhm. Okay.

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I think there's yeah there's two things I want to explore. Like first of all I just quite like to understand and I think this is probably something you won't be able to give me a necessarily an immediate answer to. But I would like to understand that in the scenario where the land was used for grazing alongside the panels, what, if any, reduction in in agricultural production that would result in compared to the scenario where the land didn't have panels on it? Because while I appreciate they they only have relatively modest impact in terms of land take Undertake for that.

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You know, that's the sporting structure. I just want to understand the mere fact that they're there. Does that mean you could, grace? You know, in simple terms. Slightly less sheep than than if they weren't there just just as a kind of a baseline. And I suspect you can't give me an immediate answer to that. But the more that the more important question and this this really goes down to the kind of overall

planning considerations of the case is, is I just need to want to have an understanding is in terms of assessing the overall impact and then ultimately in considering a planning balance, if the scenario is that the impact on agricultural land, BMV in particular, but and and food production in a in a general sense that this is not particularly significant because the land is going to be used for agriculture, albeit different to what it seems to currently be used for.

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If that's the argument, but then there is no mechanism to secure that. Then where does that leave us in terms of considering the overall planning balance of the positives versus the negatives? If if that situation isn't secured. And so so that's really kind of the nub of where I kind of want to get to if this question is just if it isn't secure and I understand your reasons hesitance for that, but then where does it leave me in terms of considering the overall planning balance ultimately?

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Sir Tony Kernan, for the applicant, in terms of the first question, um, what we can provide will be the the areas available for grazing versus um, plus the biodiversity. And then we could compare that to the areas for arable plus the biodiversity that's already embedded in the current farming. We could do that comparison fairly quickly. I haven't I haven't done it yet, so I could easily do that. Um, in terms of the second question, I've just me, I've tried I tried to look at sort of calories per hectare, etc.

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between sheep versus arable crops. I think we all just assume that arable crops means that we're producing a lot more overall, but a lot of arable crops and a lot of arable crops here go for animal feed, so they go through another animal before we get the calories in sheep direct, etc.. I've, I've tried I'll have I'll have another go there. But I think it's very near impossible to work out a sort of calories per hectare from production comparison. So, um, it's we just assume that if it's growing arable crops, it's doing much more than producing sheep.

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But it isn't. It's much more complicated than that in terms of the, um, if you like I say, calories. It's the best way of of looking at it. Um, I can Certainly try on that. I think the figure I gave you earlier, though, so, is that it's probably the comparison. I think we're saying we're not saying that the impact is small because you're going to have sheep there afterwards. I think the food figures I gave you with the difference between, um, the best and most versatile land and non best and most versatile with all those assumptions in terms of cereal production or something, which you obviously won't be able to do if you've got panels on it.

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But I think the incremental calculation is the correct one, because if the decision is that you can't put panels on best and most versatile, it has to go on to subgrade three B land. Almost certainly that will be land that's growing cereals and arable break crops. So it would be that difference between what they can grow and what the BMV grows, which is is the the Factor that makes the BMV more important. And I say across this area, it's about 500 tons on the best way we can estimate it.

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Okay, but I'd love to have another go. I did spend hours trying to work out calories per sheet and I can't find it.

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I think, I think, I think that would be more than I'm what I'm trying to achieve. I'm just trying to understand really what difference it makes and that. But then my, my last question, which is the more fundamental one is if there is no control to ensure that some form of agricultural use, like grazing of sheep takes place, is where does that leave us in terms of the overall balance in terms of or is it actually essentially we are on the kind of worst case scenario, saying all the land may not be used for agricultural production for the full 40 years plus plus construction, plus decommissioning.

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And is that is that ultimately where we where we get to.

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Catherine Treacy for the applicant. Uh, yes, it is the the planning statement, um, in section 5.10 which summarizes, um, where we've where we come out it the and the environmental assessment is actually carried out on a worst case scenario of this land is not being used for agricultural production, um, for the temporary, albeit long term, 40 year lifetime of the um development. Um, and therefore that that's the basis upon which we've, um, taken forwards the assessment and done our planning balance there.

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It's, it is a, it's a benefit so that we can potentially graze sheep on it, which means there would be some agricultural production of use of that land during that, that time. Um, we are um, we're willing to formalize that into the limp with the caveats that if we can't find sheep or sheep, um, then we wouldn't be doing that because there are animal welfare concerns as well. But we can build in notifications for that.

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But I think because it cannot be guaranteed where where you land on a, on a planning balance point is that, um, it's aspirational. It's something we are interested in. We are aware that there are sheep available to us. Um, now, we don't know if they'll be there in 35 years, so it can't be secured in the same way that our planting could be secured. Um, but putting that into against the planning balancer, um, in three, um, an m one, we're a critical national priority.

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Significant weight is given to that. There is no sequential test for BMV. There is no requirement on farm on BMV land to be used for arable cropping for human consumption. Um, and that all has to play into the weight that you you give to that. The fact that it is BMV land.

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Sorry, Tony. Colonel, if I may add to that. So just sort of putting it in context. Um, some figures which have recently come out, I just mentioned the agricultural land use in England at 1st of June 2024 figures, which I think we'll we'll provide to you. Um, and I'm quoting here from that, the area of uncropped arable land increased by 107% to 581,000 hectares. Of this area, 276,000 hectares were left as bare fallow, and the remaining 305,000 hectares were used for environmental benefit.



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So the government's funding over 300,000 hectares of arable land not to be cropped for food production, but for its biodiversity. I think the figure might pop down a little bit next year, partly because government hasn't got that kind of money, but partly we did have bare fallow was bad last year because the the autumn was so wet, but it is showing that government's clearly not concerned about food production. In fact, the focus of all the agri environmental schemes are on biodiversity enhancements and not on food production.

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So I think when you're making that balanced judgment, food security is not a concern of government of I've got an appendix that that's analysed those figures that's attached to the ESA, but I'll give you these updated ones because they're quite I mean, when you compare that to the 7600 hectares that they've recorded of solar current that's obviously currently built, you know that there's a big balance difference between those two. Okay.

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Thank you. Yes, yes, at the appropriate point. Probably. Deadline too is probably the appropriate pointer to provide the updated, updated figures. Um, yeah. I'd like to see if, however, the council have any comments on on this, and I appreciate we've kind of crossed over the kind of a number of my sub points, but really just in terms of the, the BMV, but then the overall impact, um, in terms of food production and so on if any.

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Again, I do appreciate that you are still working on your local impact report, and it may well be covered in that. Michael Reynolds.

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North Yorkshire Council. Um, we don't have anything to add at the moment. We will think about some of the some of the responses. But I should say now that whilst we have land use policies and such, we much of what they're producing, we take at face value. We're not in a position to either do our own assessments and challenge in any way, nor would we say there's any reason to do so. So, um, no, we don't have anything to add at this point.

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Thank you. And then I just. Yes, Mr. Brackley, please.

00:25:48:01 - 00:26:21:25

I'm strictly concerned resident and also representing some of the views of the Holt group. Um, one quick question is, what impact does the tracking panels have on the ability to use the land for grazing? Does it affect it in any way with the movement of the panels? And my second issue is that solar farms are supposed to be time limited and reversible back to land use. But if it's not contemplated to do this for over a 40 year period, this would have an irreversible and a negative impact on the land and local communities as we know.

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It's already noted that compacting the ground during the piling process will seriously damage the land from the absolute onset. And it's also interesting to note that Selby Coalfield Developments went through planning 40 years ago, and sites like Whiston, Stilling Fleet and Gascoyne Wood were approved with planning conditions attached to them that required that the developments be returned to agricultural use when they were no longer needed. All mining in Selby ceased in 2004, but the sites are now being developed for other industrial purposes.

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No land has been returned to agricultural use. So

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essentially I think it therefore is highly, highly unlikely that the Helius site will ever return to its original purpose. And that, I think, is of major concern to myself and numerous residents within the community.

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Okay. Thank you. I think on those two points, I'd like to get the applicant's response. I mean, it's quite an interesting technical question about does the fact that these are tracking panels, does that have any any difference if you could pick that up and then just the that wider concern that at the end of the life of the project,

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what is the likelihood of being returned to agriculture. And I think on that, I'd just like to have the understanding of how the control documents and the controlling the decommissioning and restoration picks that up. So just if you can lead me through how that is managed, um, and that may allay some of the potential concerns of the, of the, the long term decommissioning.

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So Tony Kernan, on behalf of the applicant, I think it might be a bit of a double act. Again, in terms of the first question, um, the trackers and how does that affect grazing? It doesn't. Um, the lowest point is 900mm. Most fixed panels are 800mm and both of those allow sheep grazing. In fact, I've seen sheep grazing on ones that go much lower. But anyway, they're comfortably above, um, sheep backs and grazing and nibbling and everything else so it doesn't impact on sheep grazing at all. So that's an easy answer.

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Okay, just on that one. And again, it might be something that you confirm in writing is are there sites that you're aware of that have the tracking panels and that are successfully being used for for grazing. And I can appreciate you might not know an immediate answer.

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Um, sorry. Tony Kurland, sir. Um, I haven't seen one. I believe there are, but it's only there's only very few trackers, so we'll put it in writing. Um, but certainly seen grazing on fixed panels. And it's the same. They just walk it. They don't care what's above them as long as they can get under. And the sheepdogs and they can see under them. So there won't be an impact on sheep grazing. And on the second point, the concern about compaction, then, um, that's really where the soil management plans

come in, so that the construction process should not cause compaction and should be done when it won't cause compaction.

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And that's about the timing on the whole machinery involved. Um, but certainly for the installation of the panels is quite lightweight, much lighter than agricultural tractors, for example. So as long as you're not doing that in really poor conditions, and that's the point of the soil management plan in its control, then it won't be creating compaction. And then you've got 40 years of grass where the land quality won't change at all. The soil will improve. For all the benefits of being in long term grass, there's a lot that's in the yes, there's lots of science that backs that up, but the land quality won't deteriorate, won't be affected.

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And then the other point of potential impact is again taking it out. So again, you want to take the panels out when ground conditions are suitable, you won't cause compaction. And once the panels have gone, then you've got the fields. And if there is any minor compaction, just like farmers do now, they'll go through with a light subsoil or a mole plough or something and just shake the soil. It's all very sandy soil. So it's be very easy anyway. But so there won't be a land quality downgrading.

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There won't be any reason why it won't grade exactly the same as it does now, because you haven't disturbed it for 40 years.

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Okay. Thank you. And then on the kind of the, the point about ultimately this concern that, well, what what happens at the end of the life of the project and is it likely that it would go to a different use, or is that actually controlled through the documentation that it is restored to agricultural land, which is my understanding. But if you could talk me through that process.

00:31:11:08 - 00:31:42:07

Yes, sir. Catherine Tracy for the applicant. Um, so at the end of the 40 year life, um, of the development, it is decommissioned in accordance with, and what we've currently gotten is an outline decommissioning environmental management plan that will be turned into a full decommissioning plan and that will be followed as, um, and that deals with the removal of the um infrastructure and the panels and the returning of the land to the state that it's currently in.

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And that is also controlled, um, in the land agreements that the applicant has with the landowners to return the land to agricultural land beyond that. So that is not a matter for this, um, application. If a, if a future planning application comes along to do something else with the land that is, um, to be dealt with, then.

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It would have to be considered on its own merits, like it.

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Would indeed.

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For itself. Very quickly, just.

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The.

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Word restored. And the only restoration really is for the bits where it's been disturbed. Otherwise it's you're just taking the panels out just like you take vineyard poles out and hot poles and polytunnels and everything else. So there isn't. You're not actually restoring the land, you're just taking the panels away. Okay.

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Thank you for that clarification. Thank you. Yes, Mr. Spracklin.

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And just with regard to the tracking panels, it was more a question of the movement of the panels, whether that influences the the welfare of the sheep rather than the height of them, because I would assume that there wouldn't be at a height that the sheep would bump their heads. Of course, it was more of the movement that was involved with that. I'm just interested to see whether of the Defra report that's been quoted, whether the areas that weren't being used for agricultural purposes, whether they actually had these tracking panels on or not, whether that was an influencing factor.

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Um, I think.

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This is partly because I have asked the applicant essentially that question, and I think they need to probably take it away in terms of what examples are there currently of tracking panels and potentially being used for grazing, because my understanding is there are few examples at the moment because it's a you.

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Certainly won't be able to give that statistics because this just gives you a block figure. So it doesn't give any breakdown of the type of panel.

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But sorry.

00:33:30:22 - 00:33:43:07

Again, um, just to say I wanted it was a question that I did ask which wasn't answered earlier, and that was the decommissioning plan. Does that actually deal with how these panels are going to be disposed of?

00:33:43:11 - 00:34:14:24

So I don't want to address that right now because that's that is a that goes beyond the scope of dealing with that, the kind of agricultural land use. And it's kind of to do with the overall impact of off the the project. So I think it's go slightly beyond the scope of what we're dealing with in terms of what happens to the panels themselves at the end of their lives and any recycling. And it's something I'm likely to pick up initially and written questions. And we we may or may not have to revisit that at an oral hearing, but it's it's out.

00:34:14:26 - 00:34:17:22

It's outside of the scope of what I want to deal with at the moment.

00:34:23:25 - 00:35:04:13

Okay. So I mean, in terms of agenda item five A, I did have on my agenda just the broad topic of the wider potential impacts on socio economic activity in the area. I think my view, because I'm just conscious of time and we've still got a number of topics to deal with that I think for now, I might park that and initially deal with that in written questions and then potentially follow it up, because it's quite broad, and I'd rather focus on some of the more technical matters that we have to discuss today. So unless anyone has anything in particular to say on that much wider point, I think it might be better that I wait for the local impact reports and and then I'll pick it up in written questions.

00:35:05:11 - 00:35:36:15

Fine. Okay. So in which case, um, I'd like to move on to agenda item five B so biodiversity and ecology, ornithology, etc.. Um, and I think in the first instance, if I could just briefly hear from the applicants in terms of where we are at, and I really want the focus to be on where where there are areas of of disagreement, particularly with Natural England and the council and how and working through issues that are currently outstanding within statements of common ground.

00:35:36:17 - 00:35:53:23

And then with the council, we've also got the principle that areas of disagreement. I think I did invite them to the meeting, but Natural England are not not here, but but then I will move to the council to hear some of the detailed points. But if you can initially start for the applicant, an overarching view of where we're at and how things are moving forward on those issues.

00:35:53:25 - 00:36:03:05

So just before we do move on, could we just make sure we've captured all the actions, the agriculture, and then maybe we could release. Mr. Kiernan that's.

00:36:03:07 - 00:36:05:10

Fine. Yes. Yeah. Yeah, I'm happy to do that.

00:36:05:13 - 00:36:47:21

Excellent. Um, keep us all on the straight and narrow. I think I've got, um, Here. Um, in relation to dealing with the Natural England concern regarding the differences in numbers, um, and survey points, just for us to follow that up in a post hearing note, I think, um, clarity on the soil management plan in terms of the approach for the cable route corridor and how that will be dealt with and ensuring that it is, um, properly considered, assessed, surveyed, um, for the soil management plan and,

00:36:49:07 - 00:36:53:17

uh, some examples of tracking panels and grazing

00:36:55:08 - 00:37:11:08

and us to provide in writing to you. So the agricultural production or other use of land figures in relation to how the sites split with BNG and flood and other things.

00:37:13:11 - 00:37:14:12

I mean, um.

00:37:18:09 - 00:37:20:06

And the government, um,

00:37:22:01 - 00:37:26:18

print out of those of the statistics. We can attach that to the post hearing notes. So.

00:37:36:02 - 00:37:38:03

Okay. Yeah. Thank you. Okay.

00:37:39:21 - 00:37:48:27

Yeah. So if we do, then move on to the kind of biodiversity section. And as I say, if as the applicant, we could, we could have open with you, please.

00:37:53:27 - 00:38:08:06

Yes, sir. So, um, in terms of, uh, ecology. Um, I think I it's, um, Mr. Howard Fern who's going to be speaking. So it's probably makes, um, if it's relation to Natural England. Let's start with him.

00:38:08:15 - 00:38:10:22

Thank you. Yeah. Good afternoon.

00:38:10:24 - 00:38:41:02

Sir Howard Fearn of Avon Ecology, on behalf of the applicant, um, my role as, uh, director of avian ecology. Um, we've overseen the entire ecological input of the scheme all the way from initial conception, field surveys, impact assessment, mitigation design, biodiversity gain all the way through. So we've been involved in the project from conception through to current point. Um, so our involvement has involved a full suite of field surveys. I won't go into the full detail of everything there in to be expedient.

00:38:41:04 - 00:39:13:17

And I come to the point you've raised in a moment. All of the relevant information is presented in chapter eight of the environmental statement in terms of survey based on an impact assessment. And surveys have followed um, standard methodologies for protected species, habitats and so on. Um, in terms of the matters outstanding, if I move on to those, um, I think predominantly those are the points that are captured by Natural England in their relevant representations. Um, there's a series of information of A request in there. They are overwhelmingly regarding wintering birds.

00:39:13:19 - 00:39:48:09

There are other points to welcome to those in a moment, but predominantly regarding wintering birds and those species which are, excuse me, designated features of European protected sites, particularly the Humber Estuary Special Protection Area, and whether the land within the application site could be deemed to be functionally linked and therefore integral to the um to the the estuary conservation objectives and relevant lens of the Habitats Regulations assessment process. Um. Whilst Natural England raised a number of points in in their relevant representations, we are in the process of dealing and addressing with all those.

00:39:48:11 - 00:40:28:16

It is our intention to have all that information presented and to natural, and we're working towards having that for deadline too. Um, and um, we're in a data gathering exercise at the moment. What Natural England have essentially asked for is some, um, further analysis, a little bit more information and representation of some of the information and rather than express any fundamental concerns with the project itself. And this is to do with how functionally linked land is deemed. And there's a long history of functioning land being deemed as based on a 1% criteria of the threshold of the number of birds using a European site, and more or less at the point of submission.

00:40:28:18 - 00:41:01:08

Natural England changed their view in this particular region about how functionally link land should be deemed. And and really, what we're doing now is just assessing that criteria and providing that more information. So, um, I do feel like it's very likely that we will have fully addressed Natural England's points with regards to functional linkage and European sites, and therefore updated the Habitats Regulations assessments, um, by deadline. Two. So that's a potentially a work in progress with regards to functional linkage and non breeding wetland birds.

00:41:03:00 - 00:41:37:13

Um the other points raised by Natural England. Um are predominantly regarding a bit more assessment regarding um so um nationally designated sites, a huge overlap between those and the European sites. Again, that information will be provided to Natural England as part of this um, package before deadline. Two um and then comments on um, best of most versatile, which Mr. Kiernan has already largely addressed um or will be addressing, and some points on air quality which also will will be addressed.

00:41:37:18 - 00:41:56:21

Um, so so really at this point in time, we're in the position that a more information and analysis is being prepared to be submitted to Natural England. But I don't feel there are any issues that we cannot provide, um, to the likely satisfaction of Natural England deadlines. Okay.

00:41:56:25 - 00:42:44:10

So thank you, sir, just for clarity, that you're currently in working towards providing Natural England with that information at or around deadline two. That's correct. And then hopefully I shall see their responses. Yes. Shortly after. Okay. Um, before I, before I turn to the council, just a matter that has been raised in a number of, um, the um, relevant representations. And indeed it was raised last night at the open floor hearing is is concern from some interested parties about the impact of the deer fencing

which will which is proposed to surround the areas of, of the actual panels themselves and the impact that might have for the movement of, of animals across across the site.

00:42:44:12 - 00:43:00:22

And now I've seen in the information provided to some extent how that that is managed and mitigated, but could you just explain that in more detail, just because it is something that I have noticed as a concern from a number of interested parties?

00:43:00:24 - 00:43:33:06

Certainly, sir. Um, sorry. Howard. often on behalf of the applicant, um, this is an issue that I've looked at for a number of several applications of various scales, and it's often been raised by interested parties. Um, it is common practice, of course, for security purposes, to secure solar sites. There's been some fairly extensive and ongoing research by solar UK, which is, um, published on an annual basis. We can provide that report later, which is also run in parallel with Lancaster University observing wildlife and biodiversity in and around operational solar farms.

00:43:33:10 - 00:44:04:25

Um, and somewhat surprisingly, deer do still quite often get into solar farms. Um, in fact, I think in the solar UK report, they were recorded in something like a third. I'll need to check that number. We can provide the report, but but a substantial number of sites. The chances are they managed to get through either Badger Gates or something similar. Um, so so often deer get in any way because they can be quite small and quite nimble. Um, but in terms of fencing preventing movements across a wider area The site is largely compartmentalized.

00:44:04:27 - 00:44:44:09

It's not one perimeter fence that takes the entire site out, and therefore there are corridors of movement around this particular site that are available to moving animals, as well as, of course, of the additional planting of woodland and wildflower meadow and so on, which will provide resources for grazing and browsing deer. So deer behavior is likely to change a little bit through the entire through the ecological enhancements and improvements in the site. Um, deer are highly mobile species, so any individual compartments of fencing is highly unlikely to represent anywhere near a substantive barrier that has any impact on the status, conservation or overall movements.

00:44:44:13 - 00:45:10:24

And so whilst this is a concern that I have seen raised before, and I think it's a legitimate question to ask because deer are large animals and I've not seen any evidence of deer populations ever being impacted, or of solar farms ever having a negative effect on deer or their populations. So there's some speculation about it, but there's no evidence to suggest that actually anything untoward is is or everything problematic to their populations is actually occurring around. So.

00:45:13:08 - 00:45:25:16

Are you aware of any research that positively can confirm that, that the impact there isn't an impact or that it's a minimal impact, or is it merely there's a lack of evidence that it's causing harm?

00:45:25:22 - 00:45:56:18



The only evidence is that there have been recorded within solar farms. I think it's very important, though, to distinguish about deer populations. And we have certain native species of deer in this country, red deer, usually found in most northern rodeo. A large number of deer in the UK are actually non-native invasive species and muntjac, then also known as barking deer. Chinese water deer seek a deer, all introduced species as such, and so in some ways that's more of an issue of animal welfare than it is an issue of actual conservation.

00:45:56:20 - 00:46:28:00

We don't actively conserve grey squirrels and introduced non-native species, so it becomes a very gray area. But I understand that there are emotive, the lovely animals and people care about them. But from a conservation perspective, it's actually it's a quite a complicated question because it really depends on which deer species you're talking about, in which part of the country. And we don't really have that evidence. So no, there isn't a huge evidence base either way. But deer populations in the UK are generally high, and it's the point of it largely being problematic.

00:46:28:02 - 00:46:42:02

There's a lack of predation that can cause a lot of damage, so there's no evidence that deer populations are in any way detrimental by solar farms. And in fact, there's probably too many deer in large parts of the UK, and particularly non non-native species.

00:46:43:08 - 00:46:53:19

And in this local area. Are you aware of what the deer population is in terms of are they native. Yeah. Native or invasive.

00:46:53:21 - 00:46:59:19

I think there's probably a mixture of most both but predominantly rodeo which is a native species. Okay.

00:47:03:01 - 00:47:25:07

And then a related question. So obviously being the the large animals, but in terms of the dealing with badgers and other animals. My understanding is that the fencing is designed to allow, yes, allow those animals to migrate through. And can you just can you just kind of explain how that would function? Sure.

00:47:25:09 - 00:47:55:12

It's it's it's fairly standard practice now to, to include in the fencing what's commonly termed as badger gates, but really more broadly mammal gates. It's essentially a bit like a cat flap in the, in the gate that allow. And they're positioned on what are known animal trails. If you've walked the countryside, you'll often see trails that are clearly used regularly by animals, particularly badgers, but other species too. So the positioning of the gates is usually timed along those routes when those are known near the time of construction to allow the free movement of sort of medium sized animals.

00:47:55:15 - 00:48:26:11

So I mean things like badgers has foxes, that kind of size animal to be able to enter the solar site. Um, so and very often, um, things like brown hair do very well in solar farms because it's essentially an improved habitat that's less intensive farming or, and there's a, there's a, there's no real human

disturbance in there as well. So again, I'll provide the solar UK reports here, which does evidence the the regular presence of these animals within solar farms. So it's quite clear that those mammal gates do work.

00:48:26:13 - 00:48:30:16

Um, based on the number of animal observations have been within operational solar farms around the UK.

00:48:33:00 - 00:49:01:22

Okay. Thank you. Just just before we move on from this point, just just so that I have a proper understanding. So the the inclusion of the data fencing around the, the panelled areas is that driven primarily from a security purpose and essentially to keep people out. But with the side issue that it will keep deer out as a is larger mammals. And then obviously you're mitigating medium sized mammals and really small man mammals. It has no impact.

00:49:01:24 - 00:49:02:15

Yes, sir. That's my.

00:49:02:17 - 00:49:29:00

Understanding. Okay. Thank you. It's just just helpful to to to clarify. Yes, but but providing that report would be useful and then if you can in providing it's signpost to the relevant the relevant sections of it that would would be would be beneficial. Thank you. No problem. I think I would now like to move to the council then just to to seek their view as to where where they consider we are at in terms of biodiversity and ecological matters at this stage.

00:49:32:27 - 00:49:36:01

Michael, as a council, I'll just pass to my colleague Julia.

00:49:39:02 - 00:50:15:08

Uh, Julia Casterton for North Yorkshire Council. Um, I'll leave the sort of, um, technical assessment of all the sort of individual species surveys for our local impact report. What I've done for today is really sort of pulled out what we sort of see as a kind of a headline, um, issues to sort of raise and have the opportunity to discuss. Um, and the sort of the key one of those really is the tying together of the avoidance mitigation measures identified in the environmental statement with the, um, suite of documents.

00:50:15:10 - 00:51:05:19

So the, uh, the Samp, the lamp and um, the operational um environmental management plan as well. Um, and in particular, there's um, around the ground nesting, bird mitigation and compensation areas that have been identified. The there's an issue in this wider area in terms of I think a number of people have touched on it for for different purposes of the cumulative impacts in this area of solar developments, but also other, um, other developments of land take the impact on ground nesting farmland birds that are probably acknowledged to be the main species group that can't be accommodated within the area of land where the panels are located, and the environmental statement.

00:51:05:24 - 00:51:39:09

Um, we agree with the assessment that there would be a displacement of ground nesting birds during both construction and operation of the solar farm on on that basis. Um, so we welcome the, um, the inclusion of the ground Nesting bird mitigation and compensation area, which is set out, uh, at the moment in the the lamp and referenced in the chapter. And it's really about more detail, I suppose, and clarification in terms of, uh, the management and the operation of those areas.

00:51:39:12 - 00:52:12:08

Um, there's a large area of that compensation that sits outside of the order limits. And hearing this morning that the cable route will also be narrowed wrote down means that even more of that ground nesting bird compensation area falls outside of the order limits. So it's really understanding how that will be secured and how that will be operated by the landowners and the land managers for the lifetime of the development. And that's probably sort of one of the, uh, the key aspects.

00:52:12:22 - 00:52:13:07

Um.

00:52:14:08 - 00:52:49:16

Before you move on, then to a separate issue, I think it might be helpful that I get the applicant's response to that. And in, in part. So obviously we're having this conversation this morning about the interconnecting cable route that might be narrowed in terms of where the cable in and of itself goals, but it is in the order limits, and the order limits are the order limits. But then there are then implications just in terms of which again, slightly goes into what territory we might be talking about tomorrow, in terms of how the applicant is proposing to secure rights over it, over over land.

00:52:49:18 - 00:53:20:03

And, um. And so if I could, I want to understand it from a kind of practical perspective in terms of what how is that secured in terms of land rights, albeit we might have to pick that up a little bit tomorrow, but it's just that high level today. And then if I can understand how the management of this, this, um, mitigation land for the ground nesting birds is managed on an ongoing basis throughout the life of the application.

00:53:21:14 - 00:53:52:17

So Catherine Tracey for the applicant. Um, yes, you're right. The order limits are the order limits. Those are fixed. Um, and even if the cable, the cable corridor will not be, the order limits won't be reduced as a result of the actual working width of the cable, um, being laid, um, being, um, narrowed. So, um, that secures the land, what we, we are able to deliver the mitigation plots for Skylark within the order limits.

00:53:53:04 - 00:54:04:24

We we do have land available to us outside of the order limits, because it's part of our wider landholding, but for the purposes of the application, we are comfortable we can deliver everything within the order limits.

00:54:05:09 - 00:54:16:09

Before you move. So then just just in terms of what's going to be before me, your you'll be saying that it's all within the order limits, and you're not at all going to rely on other land that may be available to you at this stage. Is that.

00:54:17:11 - 00:54:33:04

Um, so unless there is an evidence base that suggests that the land that we're offering is not sufficient for mitigation purposes, and I do not think anybody is suggesting that. But but no, we have sufficient land within the order limits to be able to deliver that.

00:54:33:18 - 00:54:40:25

I think. So just as an action point that then I either at deadline 1 or 2, that I just have some clarity on to where.

00:54:41:05 - 00:55:27:06

Happy to give that clarity. So I'd quite like to see the local impact report first. Okay. Because it very much depends on the position of others, because our position is what we have offered is sufficient and is deliverable within the order limits. So if that's to change then or be challenged or disputed, then I'd like to see that before I say anything other than what we're offering is absolutely acceptable. Okay. Um, so that's, uh, we can the interaction between, uh, environmental mitigation and the taking of rights for the cable, um, are there isn't a conflict there? Uh, the two can coexist, um, perfectly happily.

00:55:27:14 - 00:55:57:11

Uh, so we can. That's probably just a timing of delivery in terms of during construction and then operation for when things need to be in place. But that will be set out as part of the, um, detailed lamp. And the land for mitigation is secured in the outline. So it is there already in terms of the actual um, species specific element of the question. So I'll turn to Mr. Fern.

00:56:01:14 - 00:56:36:27

Um, thank you, Howard Fern, avian Ecology on behalf of the applicant. Um, so the measures proposed are predominantly delivery of plots for skylarks. As a ground nesting species, this has been something of an emerging issue over the last year or two, as research has started to show that the scale ups are displaced, and there's no dispute on that fact. Operational wind farm, solar farms. Um, it's probably worth just giving a very brief amount of context in there. What the research shows is that that skylarks are displaced from nesting within solar farms.

00:56:36:29 - 00:57:15:26

That doesn't mean they won't enter solar farms for foraging to bring their young there, even to sing and so on and so, so scallops and the solar report that I will foresee that we refer to earlier sir also makes this observation. Skylarks are commonly recorded within solar farms. The evidence is that they don't like to nest within solar farms, which is entirely logical because these are essentially birds of wide open space and they don't like to be in an enclosed environment. And of course, the panels enclosed the ground for them. So what's become a relatively accepted norm over the last year or so with a number of solar applications, and it's been tested through a series of inquiries and so on.

00:57:15:28 - 00:57:54:23

Is the use of Skylark plots as a mitigation? Um, Skylark plots have been around a long time. They were not developed for the solar industry. They were developed while following research as a way of trying to, um, aid skylark populations, and because skylark populations in the UK have been in a decline for quite some time. The decline has been arrested now, but largely arrested now, but nevertheless a historical decline. Um, the decline came about on the basis of the changes in agricultural practice that kind of started in the 1980s, largely the move from spring sowing crops through to autumn and winter sowing crops that we commonly see today.

00:57:55:02 - 00:58:30:22

And what that means for birds like skylarks is Skylark is a very short lived bird. They typically live 1 or 2 years. So, So, um, like lots of small birds, they breed fast and they breed. They have lots of young and so it's almost fling out the youngsters as many as they can. So to maintain a population of skylarks, it typically requires them to breed 3 or 4 times in a year. Um, winter crops grow quickly and effectively by spring. They're too dense for them to allow the third or fourth breeding attempt. So skylarks still nest in winter crops, but they don't nest as frequently enough to maintain the population.

00:58:30:24 - 00:59:01:08

Plots were therefore developed to allow skylarks to have access to the crops, and are commonly rolled out. Government subsidies are available for them. They have been for a very long time and widely used, so we know that skylark up plots are effective. There's a lot of research onto it. They're a government funded way of helping and aiding scale ops. Anyway, what's become the convention for Solar Farm Mitigation is undertake baseline surveys, have an understanding of your Skylark population, albeit that will vary year on year depending on the crop type. But establish a baseline.

00:59:01:10 - 00:59:39:12

Um, and essentially for every pair of skylarks that could be displaced from your solar farm, provide two plots. There's no real scientific basis for the two for one ratio, but it has been widely adopted and accepted norm, and I cannot refer to the point that that allows skylarks to breed more frequently. But of course, remember, it's important to remember that the solar farm itself is not completely sterilized with skylarks. So the solar farm, with the conversion from arable land to pasture, will provide a foraging and feeding resource for skylarks in the immediate vicinity, in combination with the um, with the skylight plots provided.

00:59:39:14 - 01:00:14:29

Essentially, we're in a position where we can reasonably comfortably say that the Skylark population is likely to be at least maintained, if not favorable. So scale up plots themselves are just a 16 meter square area or rectangular area that are placed typically more than 50m away from the edge of the field to to avoid predators and so on. But they themselves are just an area where no crop is planted and nothing is spread out there. Essentially, bare earth allows birds to enter the land and walk into the crops. The idea with them as well is to be reasonable and practical for farmers and food production, so they can be moved.

01:00:15:01 - 01:00:54:07

Year on year, the skylarks do not nest in the plots, and they don't need to be in the same locations that there are and there are there are. They start again trips over time. Um, they enable the birds to access the land. So the idea is for us in the application to demonstrate that we have sufficient land to provide

a two for one plot ratio, the precise locations of those plots that you will see in the outline of them are indicative. There will be. And the idea is that they can be moved year on year to allow the farmer to also maximize his land management, land use, minimal impact on crop production, but still whilst maintaining that 50 plot.

01:00:54:09 - 01:01:18:20

So. So we've proposed 50 plots on the basis that the baseline surveys established a population of 25 pairs of skylarks in the year of survey, and but there is in in my view, we would need to demonstrate this at picking up your earlier point. But there's more than enough land, I believe, within the order limits to consistently provide sufficient plots on the basis of the mitigation that's been proposed.

01:01:19:27 - 01:01:23:26

Okay. Thank you. If I could yeah. Come back to the council on that point, please.

01:01:24:02 - 01:02:06:12

Julia Casterton, North Yorkshire Council I think it'd be worth clarifying then, because the the annex that's within the, um, outline, um, lamp at the moment has quite substantial areas of land that are outside the order limits. Um, within those plans. Um, I didn't do a calculation, but probably 50% of the land is outside of the order limits for the field numbers that are set out, um, within that. So I think it's I don't think that it is demonstrated that the sufficient land within the order limits on the basis of the the tables that are set out, um, with the, the size of the, the size of the field.

01:02:06:14 - 01:02:43:09

So it within 3.8 it talks about the skylark plots, uh, the table that's within that 312 and the plans that go with that. Um, I don't think it's very clear, um, which, which areas of those are within the order limits. And, and it does set out within the preamble to, um, table 312, that, that, that that land is available within the applicant's control. And so the question was, how will that be secured to ensure that, um, those skylark territories can be provided year on year, given that there's also needs to be that rotation.

01:02:43:11 - 01:03:17:02

And if we're relying on plots outside the order limits, how will that how will that be secured? And I think it's important to link that into another sort of, you know, question that I had really, which was around ongoing monitoring and the, the objective of of those plots and being able to sort of demonstrate, um, the success of those, um, otherwise the actual sort of use of the plots, um, and the, the principle behind providing those plots to compensate for the displacement of birds is, is fully supported.

01:03:17:09 - 01:03:23:18

Okay. Thank you. Yeah. If I could go back to the applicant on this, this this issue about within and out of the order limits please.

01:03:23:27 - 01:03:37:25

So yeah, I think the best thing to do is probably for us to set it out in writing, um, with the plans and, and set that out in our we can probably do that in our post hearing summary. sir. So there is clarity because.

01:03:38:03 - 01:03:47:19

Because then that would give the council the opportunity to then respond potentially at deadline to as part of the law. If you do can get it in for a deadline, one that would. Yeah.

01:03:49:28 - 01:03:55:21

Yes. Okay. Um, so, sir can I can I.

01:03:55:24 - 01:03:56:21

Sorry to interrupt.

01:03:56:26 - 01:03:58:11

How can you just introduce. Yeah.

01:03:58:13 - 01:04:28:18

Thank you. Just picking up on the monitoring point, if I may. Um, whilst I completely understand the need to ensure that everything is delivered and so on, um, the scale up plots themselves are long established to be successful. As I mentioned earlier, that effectively, there's a lot of research on them. Um, so we know they're an effective strategy for boosting Skylark numbers, um, elsewhere for other schemes. And it's possibly just looking at options here. But, but for other schemes through inquiry.

01:04:28:20 - 01:05:04:05

What we've ended up looking at is making sure that the demonstrating that the plots are actually in place rather than, than being used by skylarks, which is a much more difficult thing to actually demonstrate and and show year on year. An example of known to be implemented elsewhere following an inquiry is an annual drone survey with the data presented to the council. So it's a simple and effective way of showing that the plots are all there physically, physically present. Because we know that Skylark plots are effective, there's a great deal of research, RSPB support them and so on that predates the solar industry.

01:05:04:12 - 01:05:38:12

And so to some degree determining the level of use and whether those plots are successful. If there's plots, if the Skylark numbers changed at the site, and it wouldn't be possible to say that's because or otherwise the plots because we know plots work out. So there will likely be other environmental factors, and we could easily be in a position where we'd put two and two together and make five and assume it's the ineffectiveness of the plots where in fact it may be other environmental factors. So I personally would suggest it might be more efficient and more realistic to to to monitor the number of plots rather than their efficacy.

01:05:38:21 - 01:05:41:22

Okay. Okay. That that can perhaps be discussed.

01:05:41:24 - 01:06:09:16

Yeah, I think I've probably at this stage asked the council to reflect on that. And then after you have the information from the applicant deadline one, and then I kind of see your position at that stage. I think what I want to do now is I want to take a short break. So we've been going for an hour and a half

or so. So it's 3:05. I'd like to adjourn until 20 past, and then I'll pick up and I'll go back to council because I understand you've got more points on this wider issue, is that correct?

01:06:10:01 - 01:06:10:18

Yeah.

01:06:12:05 - 01:06:15:29

Do you want to take all of the points, the approach to biodiversity, net gain.

01:06:16:07 - 01:06:25:06

Um, I want to do net gain separately, but okay. But I think I'll come back to you initially after the after the break. So if we, we, we break now and come back at 20 past. Thank you.