



Hearing Transcript

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FULL TRANSCRIPT (with timecode)

00:00:05:24 - 00:00:18:18

Good afternoon again everybody. It's 3:20 so I'm going to resume the hearing. So as I indicated before I would like to go back to the council to deal with any other outstanding biodiversity matters other than net gain. And then we'll cover that as a separate topic.

00:00:21:12 - 00:00:54:04

Uh, Julia. Julia Caston, North Yorkshire Council. Um, I've just been looking through the points that I wanted to raise, and they're sort of interrelated with biodiversity, net gain. Um, but they mainly relate to the detail within the sort of like the oil lamp and the camp and how those are just sort of, uh, documented and worded in order to ensure that the measures that are set out within the environmental statement for avoidance mitigations or protection measures during construction actually sort of follow through into those documents.

00:00:54:15 - 00:01:26:28

Um, and then the, the matters within the lamp and, um, again, the sort of the objectives for habitat creation, retention, establishment and enhancement. Um, I think it would be really useful to, um, have the language within, within that document to coincide with biodiversity net gain. So that again, when we're talking about target habitats and can condition and things like that. So it's there's a little bit of a crossover really with biodiversity net gain.

00:01:27:00 - 00:02:04:20

And um, then the monitoring that I would just touched on in relation to skylarks, uh, there, there are some monitoring, um, notes within the it's the operational environmental management plan, but not within the old AMP that I think really sort of need to be in there about the sort of, again, setting out the clearly the objectives of what the the lamp is trying to achieve in relation to, um, biodiversity net gain and also the species, uh, aspects that have been set out, what success looks like.

00:02:04:22 - 00:02:18:29

What are we monitoring when, how what do we deem to be success. The sort of the reporting and then linking back in to sort of remediation if those objectives have not been met, but it does sort of tie into biodiversity net gain. Really. Okay.

00:02:22:04 - 00:02:48:14

I mean, in that case, it's a it's a wider point that you would make on, on net net gain because it might well be that if, if it's going to be interlinked that we just take, take we take all these points together. So I'm happy to then if it if it makes it easier, if you then move on and kind of draw that all together and then I'll, I'll have some specific questions and probably ask for some clarity from the applicant. So if you might be helpful if you then move on to that.

00:02:48:21 - 00:03:22:27

Yeah. That's that's great. Thank you. Um Julia caston North Yorkshire Council um I've, I've seen the biodiversity net gain metric, and I've also identified, you know, within the the submission documents. Um, the the sort of the, the the commitment to the delivery of, of biodiversity, net gain. Uh, we can see that within the metric, there are, um, gains in and around what, what was sort of seeing in, in policy terms and in excess of that for um, area based and, and hedgerow habitats.

00:03:23:15 - 00:04:08:24

And I think it's just trying to identify, um, really how that, how that sort of fits into the Olympe. The Olympe, um, feels like it's been written more in relation to sort of landscape management, um, more in relation to sort of maintenance of landscape planting, maintenance of ceded areas rather than, um, being managed in the long term for the biodiversity net gain outcomes. So that's something I'm just interested to explore is, um, how the owl lamp could be better framed in order to demonstrate how those biodiversity net gain targets within the, um, the Excel metric document, uh, can be achieved.

00:04:08:26 - 00:04:22:00

And then how that sort of secured through the DCI, whether that's through the detailed, um, lamp, um, or as a, as another sort of, um, control.

00:04:26:17 - 00:05:02:23

Okay. Thank you. Um, I'm going to turn to the applicant in a moment. I think I just want to make make a general point is, is it is where you're in the current position where you're unable. You think there's a lack of clarity or or you feel wording needs to be amended or altered. I mean, the the way forward with that is because, I mean, I don't want to have a detailed discussion today about fine wording of off the the old mats in the Olympic Center. Um, but where there are concerns and I think that needs to be taken forward really through the statement of common ground process.

00:05:02:25 - 00:05:37:11

And I think where we need to get to. And again, this, the sooner the better is, is either those matters can be agreed and the applicant can provide wording that gives you the sufficient comfort or we get to we we have ultimately get to a point where if there's a differing of opinion, just understanding the wording, the council would ultimately want what the applicant considers is appropriate and the reasons why. And then and then I can take it, take it forward from, from from there. So I don't I would like to hear the applicant's general view on this now, but I don't want to get into a very detailed discussion about wording at this particular stage.

00:05:39:04 - 00:06:10:07

Uh, Catherine Tracy for the applicant. Um, so, um, the lamp was drafted by a landscape architect. We are happy to have the ecologist look at it and put in a bit more of that biodiversity feel to it, because it will secure both, um, the landscape elements as well as the biodiversity side. Um, so we're happy to do that and then work with the council, um, so far as, um, we can to agree the outline.

00:06:10:09 - 00:06:45:24

The other thing is just to note that it is an outline. So it sets out principles and things that will then be carried through to a detailed lampe, um, later on. Um, I think it it's probably useful. It will probably refer to it later, but um, appendix 16.1 of the environmental statement is a table which sets out a

schedule of mitigation. And actually I think that probably helps would will help everyone navigate what's in the the camp traffic management, all of those, all the control documents.

00:06:46:03 - 00:07:08:16

Um, because it goes through on a topic specific basis with every mitigation in the environmental statement and then says where it's secured and whether it's secured in DCO or management plans and and the interrelation between those. So that may well be a useful document for people, um, to look at for a ready reckoner, um,

00:07:10:09 - 00:07:27:20

in terms. So we're happy to do that with the various lengths. Kemp's to work with the council through the Statement of Common ground process. I think there, um, in terms of the biodiversity net gain point, um,

00:07:29:11 - 00:08:11:24

just need to reiterate why we are committing to delivering gains. That is on a voluntary basis. The BNG regime does not apply to n CIPs at the moment, and it won't apply to this scheme due to the transitional provisions set out in the Environment Act. In any event, Um, it only bites on schemes that have not yet been submitted, and we are long past that. Um, it is also, we have to be cognizant of the fact that the for the n sip regime, there is a further set of consultation and visage, so it may or may not work on the same basis as the tcpa BNG regime, although we would expect the metric probably to to carry through.

00:08:11:26 - 00:08:28:20

It would be the principles about levels of gain. Um, so just just put that there. Um, we are still offering it on a voluntary basis, and that is an important part of, of the scheme. Um, but it isn't with the statutory, um, numbers.

00:08:29:00 - 00:09:02:22

I yeah, I totally understand that. I just just from a on a practical perspective, though, if you are essentially voluntarily offering this gain and then it will ultimately be secured through the various plans, The the lamp, etc. then in essence is a is it essentially secured? Because it isn't. The lamp is not written on the basis that we're going to do this. Plus we might do X, it is we are going to do x, y and Z.

00:09:02:24 - 00:09:04:02

And that is it essentially.

00:09:04:09 - 00:09:38:24

Catherine Treacy for the applicant. Yes, sir. It is. It is most definitely secured by way of the, the the scheme and the project. We are offering it and it will be there for the lifetime of the project, which is in excess of the 30 year minimum that's currently required for Tcpa, um, application. So it is there. Um, it is doing everything it should do and it will be secured. And we're content to ensure that it's properly, um, monitored and managed through the, the lamp and such that we need to supplement any provisions of the lamp.

00:09:39:07 - 00:09:47:17

Um, to make that clear, we can we'll undertake that review and work with the councils to agree what that should look like. Okay.

00:09:48:04 - 00:09:52:10

Thank you. I can return to the council on on on those points.

00:09:53:12 - 00:10:28:18

Yeah. Julia Caston, North Yorkshire council. I think that's exactly you know what we what we'd seen in the documentation that was there was that voluntary commitment to biodiversity, net gain. We've seen those um, we've seen those figures quantified within the metric. And again, we welcome and we're very supportive of that. What we don't see is that transfer through into the our lamp. Um, so, you know, it sets out within the documents that, um, that the lamp will ensure that commitment to delivering quantifiable biodiversity net gains and the long term monitoring requirements, management of onsite habitats, etc..

00:10:28:20 - 00:11:09:13

And and then I think the lamp is just lacking in that because I think to be able to translate between, uh, the habitat types that are within the metric, the distinctiveness and the condition that's targeted within that. That's not clear in the alarm. And I understand that there'll be a detailed, um, lamp to come, but it will substantially be based on the, on the lamp. And so I think it's just important to get those, um, uh, those sections into the lamp now. So, you know, there is no monitoring, for example, in the lamp, um, at present, apart from more of a, you know, visual checking of trees and failures, etc..

00:11:09:15 - 00:11:38:06

So I think it really is about setting out that high level strategy to the monitoring of the habitats and the species provisions, whether that's um, mitigation, compensation or enhancement, just to ensure that, you know, when we when we get to the point of signing off the detailed lamp, we know what's expected, um, to be in there. So I think working working with the applicant on updating and adding those sections into the lamp would be, would be really good.

00:11:38:08 - 00:12:10:09

Um, yeah, I do understand this point that while yes, it is an outline, the details come. It does, it does very much that the foundation and, and it's in everybody's interest really that as much clarity of the way things move forward, you know how it's expected to move forward is, is is clear. And I think I think on that point I want to leave that there because essentially we've got the action for the applicant to review the, the the documents update and along with the council through the Statement of Common ground process. And then and then we'll we'll move that on.

00:12:13:27 - 00:12:25:09

Okay. Um, just in terms of timescale, what. Because I appreciate that there's a bit probably a bit of an iterative task. So I just wondering your views on timescales for this.

00:12:26:01 - 00:12:51:24

Uh, that that was just what I was, um, conferring on. We can definitely do something by D2 in terms of our, our side. Um, and then look to share that with the council for for their comments. Yes. And we

can then provide an update probably. I suspect providing an update at D2 might not be appropriate unless we get it spot on the first time round and and they can agree it.

00:12:51:26 - 00:12:57:01

But okay, so so the commitment is that that you begin the work and, and we will.

00:12:57:03 - 00:12:58:18

Begin the work and share it with.

00:12:58:24 - 00:13:08:15

D2 and then. Yeah. And then we'll and then an update probably an update at deadline three and see where we're at. At that point I think it seems sensible. Yes.

00:13:09:21 - 00:13:14:02

I don't think it's controversial. I just think it's a case of getting the words into the into the lamp.

00:13:18:20 - 00:13:31:02

Okay. Thank you. So I, I mean I, I'm content to move away now from biodiversity and ecology unless anyone else has other matters to to discuss at this stage.

00:13:31:04 - 00:14:11:04

Could I just Julia Caston, North Yorkshire councillor it was just a really quick point, something that came up earlier in the day in relation to something the Environment Agency raised in relation to the camp, and that was around um site preparation, um, and the clearance and fencing. Um, and we talked about that in relation to flood risk. Obviously that could have some ecological impacts. So again, just making sure that those are identified in terms of those early works. Uh, so the kind of pre-construction just to make sure that those provisions in there for the protection of sensitive habitats and species are there right from the start point of works on site.

00:14:12:29 - 00:14:25:19

Okay. I mean, I think I'd like that to be just taken away as a, as an action to when you're, you're considering that in terms of what the Environment Agency has said on this particular point, it has similar.

00:14:26:08 - 00:14:43:21

Similar issues. Yes. So I'm happy to take it in the, in the widest context, um, in terms of protected species and things, we those will be subject to separate licensing processes. So we'll I will I'll take it all away and we'll, we'll come back and we'll consider site preparation in its widest concept. Okay.

00:14:43:29 - 00:14:56:03

Thank you. Okay. Thank you. So we'll move on then to item C which is transport and access. Um.

00:14:59:04 - 00:15:37:24

So I think I will ask the applicant to, to, to just set out their, their position in terms of the approach to access and transport during construction in the, in the in the first instance, I think we'll leave kind of the operational, um, life time of the development initially. Um, and in doing so I've, I've seen the, the,

the draft statements common ground and I know from National Highways that that seems we seem to be in a position where that is largely agreed.

00:15:37:26 - 00:15:57:27

So so in in your response, could I just have an update as to exactly where we're at with that? And are we likely to have an early signed agreement from National Highways, which is obviously dealing with the strategic road network. And then and then if you can then move on to the impacts on the local road network, at which point, obviously, I'll ask the council to to come in.

00:16:10:22 - 00:16:44:17

Um, Catherine Tracey for the applicant, uh, we are anticipating an early signed agreement from National Highways, but we haven't yet had any correspondence from them since we submitted at deadline. A so that's in progress. Um, but all communication we've had to date has been that they don't have any issues. So, um, hopefully. Yes. In just in terms of our approach to construction, traffic and transport and access.

00:16:44:25 - 00:16:56:17

So we is this very much moving on to the construction traffic management plan elements rather than the the transport assessment. Are you happy to take that?

00:16:56:28 - 00:17:07:07

Yes. At this stage, I mean, I won't preempt what the council may want to say, but at this stage, yes, I want really. Yeah. To focus on the practicalities and mitigation through the. Yes.

00:17:07:11 - 00:17:18:11

Secured through the CMP. No, that's fine sir. Um, my I've got Mr. Snowden here who's a traffic and transport specialist, so I will pass to him for the details of how that's secured and managed.

00:17:19:12 - 00:17:53:04

Yeah. Andrew Snowden, Transport Planning Associates, on behalf of the applicant. Um, so we've prepared, um, a number of documents, uh, uh, to assess the construction phase of the development. There's the environmental statement in chapter ten, Transport and Access, that supported by the transport assessment and the Outline Construction traffic management plan. As we've just, uh, done. Um, so I'll focus on the the construction traffic management plan and the TMP, um, as requested. And that sets out framework for management of the construction vehicle movement.

00:17:53:09 - 00:18:26:27

Um, it includes a number of measures, such as the implementation of designated routes for construction vehicles with associated signage. That route would be via the, uh, a 141 A64 five and the A6 one four to connect to the M62. Um, it also includes measures such as the use of backspin to ensure safe movement of vehicles at all access points, um, and a booking system for all deliveries to minimise minimise conflicting movements. Um, including the restriction of delivery hours to avoid network peak hours as far as possible.

00:18:27:22 - 00:18:34:04

Um, there's a full list of measures on the CMP. I can go through them if you think that'll be helpful.

00:18:34:06 - 00:18:44:04

Not in detail at this stage. If if we need to pick up on individual items and then yes, we will do that in due course. The, the.

00:18:44:06 - 00:19:07:25

Outline CMP obviously will be formed into a final CMP and that will be secured by requirements six of the DCO. Um, and just finally to conclude on that, the implementation of the CMP, uh, we as we set out in the environmental statement, there aren't forecast to be any significant effects as a result of the development.

00:19:08:15 - 00:19:38:14

Okay. And in terms of clarity, my intention ideally is Thursday afternoon or potentially Friday. I'm going to drive the kind of construction access route. So that is something I've yet to do in terms of site inspection. My understanding then is, though, that once you get to the site, there are two access points and then the whole of the site. Am I correct? And understanding is then accessed from those two access routes.

00:19:38:16 - 00:20:10:00

Yeah. I understand for the applicant. So yes, there's two access points from the A100 for one um, which will take all of the HGV, um construction vehicle movements to access the site. There's then obviously a network of internal access tracks. Um, some of those will, at certain locations cross public highway on minor rural roads. Um, that will be managed through the use of Bankston um, to ensure there's no conflict with existing traffic on those roads.

00:20:10:29 - 00:20:11:14

Um.

00:20:13:20 - 00:20:39:22

Um, and then the cable installation as well is really worth mentioning. There's work required to the south of the ER 465 where the installation crosses the trucks power station railway line, um, that requires two accesses, each of those using existing access to drugs, sports and social club. Um, neither of those accesses require any amendments to facilitate the movements of the vehicles. Okay.

00:20:40:19 - 00:20:54:12

Thank you. And although I want to kind of discuss operational matters later, just just for clarity, the two construction accesses, do they then remain in place for ongoing access for maintenance, etc..

00:20:55:11 - 00:20:58:00

Yes, one of them is already existing access.

00:20:58:02 - 00:21:17:05

I saw that the other day. Yes. Yeah. Yes. But they would both then remain throughout the course of the. Yes. The life of the application. Okay. Thank you. Yeah. I think I'd like to come to the council just to understand their position in terms of transport matters at this stage, please.

00:21:19:14 - 00:21:24:25

Michael Reynolds, North Yorkshire Council again. I'll just, um, introduce my colleague, Paul Roberts. Okay.

00:21:27:03 - 00:21:27:18

Hello.

00:21:27:20 - 00:21:58:23

Paul Roberts from the, uh, highways, uh, North Yorkshire. Um, yes, I've seen, um, the consultation documents. Uh, in terms of, um, the, uh, construction management plan. I haven't seen the detail of that, but I'm. I have to say that the council needs to be involved in every aspect of that. Um, the the final detail will be really the proof of the pudding. And we're finding from other similar projects.

00:21:59:00 - 00:22:31:14

But that's the, the stance we have that the detail is the important aspect of, of this. Um, so whilst we see what's in the, uh, the outline plan, it's the detail that really does make the difference in terms of the access points where the access points are. Um, uh, I think this particular project is for the more contentious and the one I'm thinking of, but nonetheless, the, um, things like visibility displays, uh, the design of the access point is crucial.

00:22:31:16 - 00:23:07:17

And you either follow, uh, the council guidance on, on the construction type and the layout of the access, or you follow the design manual for roads and bridges in terms of their access design, uh, particularly on the, the, the major road, the 1041, uh, that that's our stance on that the council's stance on that approach. Um, in terms of if we're talking of troop generation and things, what I've seen in terms of the to I'm pretty happy with the trips generated and shown within that document.

00:23:08:14 - 00:23:45:06

Um, I haven't got any concerns. The, the routing, there isn't another way. So if if you want to get to the the land that you're proposing, that is probably the only way. Please. The only way. And so most of the network, apart from the minor road network, is acceptable. And I think that's possibly where we may have some disagreements on the minor network and how that is used and how how over the years, particularly the construction phase, how how that is managed, and that needs to be drawn out in the construction management plan.

00:23:45:26 - 00:23:51:09

Could you just elaborate on that? So what. So when you're saying the minor roads like like and what in particular are you.

00:23:51:11 - 00:24:30:27

Well, there's two particular minor roads. Um, I didn't have it up on the computer, but, um, though, uh, Joe, Joe Louis and hard shore, uh, roads, they are within the minor network off of the, um, the 1041. Um, there's one of the roads, has some residential development on either side. It's a minor. It's a hamlet. Um, but I'm concerned about them and the effect it has on them, but also the effect on the actual two roads that I've mentioned, um, the construction and indeed the overrunning of the verges, etc..

00:24:31:15 - 00:24:36:17

Um, so we do need to manage that as the project progresses.

00:24:37:15 - 00:25:17:14

Okay. And in terms of the outline and traffic management plan, and I appreciate what you said, that essentially devil's in the detail and you need to scale. You need you need to be involved in that process. And I mean we're going to we're going to get on to this later when we talk about the development control development, um, the DCO and the control documents in terms of how they function. But in, in principle with the outline plan, Giovanni, areas of concern that that will lead you to believe that you wouldn't have this sufficient control to secure appropriate accesses and the routing and for example, overrunning off verges and so on.

00:25:18:09 - 00:25:49:20

Uh, my concerns is of, as I mentioned, is about the minor road network, um, and how that is managed in the construction management plan. So, um, I think that's been identified. Um, but I would need to check on that and probably we can discuss that. But this is something that needs to be drawn out in their statement of common ground, I believe as well. So as yet we've not agreed much to that. So that that needs to be drawn out and all these discussions as well.

00:25:50:17 - 00:25:56:21

I think it is similar, similar to the previous discussion we've had on the kind of the biodiversity aspects is that.

00:25:58:23 - 00:26:17:20

Where if you consider wording needs to be clarified or amended or added to, then then yes, approve the statement of common ground process that you and the applicant engage together to to get that as agreed as it is, it can be, um, at this stage.

00:26:24:08 - 00:26:45:08

Because, I mean, ultimately and we are going to discuss this, I mean, most, most of the the mitigation matters end up falling to the council to, to approve essentially including including these matters. But but yes, if if there are areas where you're currently concerned that that aren't appropriately worded, that would, wouldn't give you the necessary.

00:26:47:08 - 00:26:59:11

Clarity that you can you can secure appropriate measures. And then, you know, I am working on that wording at this stage would be very helpful. Okay. If I could go back to the applicant on on these points.

00:27:01:02 - 00:27:33:07

So Catherine Tracy for the applicant, uh, just um, in terms of the points about the local highway authority involvement in the CMP, I mean, that's quite clearly set out in requirement six. Um, and just also to note that requirement two, um, does talk about vehicular and pedestrian access, parking and circulation areas as being part of the detailed design process which the local planning authority have

to sign off on, which, um, I would fully anticipate as local planning authority, they probably consult with the local highway authority.

00:27:33:16 - 00:27:46:16

Um, so that so that is secured, um, as part of the DCO, in terms of the the more detailed questions on traffic management, I'll ask Mr. Snowden to reply.

00:27:46:18 - 00:27:47:03

Thank you.

00:27:48:08 - 00:28:19:18

Andrew Sneddon for the applicant. Um, yes. In terms of the impact on those minor roads, there is a measure in the CMP, um, that says on narrow sections of the highway, such as hard and short lane, which I think you're referring to, temporary pass by bays will be created. Um, that is a point that will need to look at in the detail. Um, as, as, um, Mrs. Tracy mentioned, um, it's in that requirement to, to uh, to look at the detail of the accesses.

00:28:19:23 - 00:28:50:00

Um, that will be part of it, but we are confident that that can be provided with, uh, within the highway land that's available. Um, and alongside that, there will obviously be the, the management measures, the use of the banks to control, um, the use of that lane and ensure that if, if we need to, we can manage the vehicle flow, um, to ensure there's no conflict, that that's something that we can ensure is picked up in the final KTP.

00:28:50:02 - 00:28:53:10

If it's not, not in the, uh, outline.

00:28:56:15 - 00:29:01:27

Okay. Thank you. Um, yeah. Just a council have any response to that at this stage?

00:29:02:24 - 00:29:34:06

Um, Paul Roberts from the, um, National, um, North Yorkshire Highways. Um, only in the fact that if if the road is improved, which I imagine it will need to be improved with passing places. Um, the, the council's view on that is maintenance, and, uh, would probably look to the applicant for commuted sums on maintenance of, uh, additional highway. Um, so it's worth considering that. And and within the process.

00:29:36:19 - 00:29:37:22

Okay. Thank you.

00:29:42:03 - 00:29:51:24

I think on that point, um, can you take I mean, can you can you respond now or on that particular point about Kusama, or do you want to take that away and come back to me in writing? Um.

00:29:52:05 - 00:30:12:29

So I think that's something I'd like to. Sorry. Catherine Tracy for the applicant. That's something I'd like to follow up. Um, offline with the council, please, sir. Yeah. Um, and then bring you a, hopefully a statement of common ground with a position in it, or alternatively, our respective positions for you to take a view on. Um, at this stage.

00:30:13:01 - 00:30:19:26

Okay. Yeah, I think that that does seem sensible. Um, so moving on

00:30:21:15 - 00:30:27:15

to the kind of operational phase now from earlier discussions, we we've got to the point where

00:30:29:00 - 00:31:05:09

it it seems clear that there isn't a whole there can't be wholesale repowering of the scheme. And so, so therefore to a to an extent, some of the matters that I may have wanted to discuss would would fall away, you know, assuming that is adequately secured, which is obviously something we've just discussed earlier today. Um, and so I, I think on that base, I think I'd asked really the council first if there are any particular outstanding matters during their kind of operational life of, of the development which would, would cause concern.

00:31:05:11 - 00:31:14:16

And then where and then if, if there would need to be in your view, any any changes to, to to wording in the current control documents as outlined.

00:31:14:24 - 00:31:51:08

For Roberts from um highways, uh, North Yorkshire. Um, I think the operational side, um, what I understand is that the, the bulk of the HGVs will, will not visit the side. It's, uh, either light vehicles or cars, etc.. So unless that isn't the case, I see the, the, the network is managing that and indeed the applicant managing the, the numbers of vehicles appropriately. Um, it is primarily the construction phase I think I'm concerned with or we're concerned with.

00:31:51:24 - 00:31:53:07

Um, so no. Okay.

00:31:53:21 - 00:32:02:17

Thank you. I mean, I'll turn to the applicant. Is is there anything you particularly want to to say on the operational life of the development?

00:32:03:25 - 00:32:34:14

So Catherine Tracy for the applicant, I don't think there is other. I would just take the opportunity to point you to the the repowering point. It is already secured in the DCO. Um, under the definition of maintain in article two. Uh, actually, specifically, while we acknowledge we can replace and improve any part of its. But it does expressly say but not remove, reconstruct or replace the whole of the authorized development and any derivative of maintainers construed accordingly.

00:32:34:16 - 00:32:56:21

So it is already secured in there that this is no no repowering can can take place. Um, and therefore, on that basis, in terms of the operational management that I can confirm, it won't be HGVs routinely visiting the site. Um, this is cars and and smaller vans. Um, therefore I think it's fine. So.

00:32:58:06 - 00:33:17:28

Okay. Thank you. And then we can briefly touch then on how the approach to decommissioning is secured in terms of mitigating that. So if I can start with the applicant just to talk through that process, and then I'll ask the council to come in.

00:33:20:22 - 00:34:00:09

Yes, sir. Catherine Tracy for the applicant, the decommissioning. Um, it's essentially construction in reverse. Um, but but with less disruption and that the decommissioning um, requirement five while it also requires a decommissioning, um, environmental management plan, um, it also requires a decommissioning traffic management plan, which would set out exactly what, um, routes would be used in things which, um, I don't think we would want to hazard a guess right now what that might be in 40 years, but, um, it does feel that it might well be the same route that we've used for construction, so.

00:34:00:27 - 00:34:07:12

Okay. Thank you. If I could ask the council for any comments in terms of securing that, how? That the decommissioning is secured.

00:34:08:23 - 00:34:46:05

Uh, Paul Roberts from uh, North Yorkshire Highways, um, I think um, decommissioning is is an unknown factor. Yes. We might possibly suggest the existing or the, the proposed route to take take the solar panels and the batteries away. I'm not sure at this stage it's 40 years in the future, so it's very difficult to define a route, but that just by natural, uh, choice, it would be the existing route. But again, it's, I think at the time of, of decommissioning, it's worth considering what might have happened.

00:34:46:07 - 00:35:16:05

I would expect, um, traffic flows, etc. to change. Uh, there would possibly be um, um, other developments close by that would impact on, on the network, so that would have to be rude in 40 years time. Um, it is an unknown until, um, year 39 when we start to look at the decommissioning of the scheme. Um, it's quite right that it's thought about at this stage, but I think there's so much in the future can happen.

00:35:16:17 - 00:35:27:09

Um, but traffic flows are likely to increase. Um, population around the the site may increase as well. So it's difficult.

00:35:29:08 - 00:35:53:18

But I mean, essentially the is it the council's view that, that obviously it needs to be secured in a sense of its control that there will be the decommissioning transport plan and that that comes to the the council in the future, which is ultimately what the applicant is currently proposing. But the need obviously needs to be sufficient flexibility to take account of the conditions at the time. And.

00:35:56:11 - 00:35:57:21

I totally agree, sir. Yeah.

00:35:57:23 - 00:36:32:08

Thank you. So, uh, I mean, on that basis, and I think just just as you move through the continue to liaise with the with the applicant and statement of common ground process, if there are any detailed matters in terms of how that is worded, as in secured in the Development Control Consent Order draft as currently drafted, then if you work through any detailed wording. But but in essence that that does seem that there's a large degree agreement on how that should be handled. Thank you. Yeah. I mean, in which case I think I'd then like to move on.

00:36:32:10 - 00:36:53:05

So as we covered water environment earlier today will now move then on to agenda item six. Um, so this deals with the development consent order and then all the various control documents that, that kind of sit behind that. Um.

00:36:56:08 - 00:37:27:26

I think in terms of agenda item A, part one. I mean, we've had we've had some discussions in terms of some updates and, and so on that would need to, to potentially need to be addressed. Primarily it's more, more related to the control documents themselves, but that we had noted some additional requirements this morning when we were talking with the Environment Agency, which we that that's that's clear. So we don't need to we don't need to cover that now and then. I just want to turn to the applicant in the first instance.

00:37:27:28 - 00:37:45:10

At this stage, other than the requirements related to the water environment that we've already discussed. Are there other matters that you are foreseeing that are going to be substantially altered, changed up, updated in terms of the draft development consent order that I've seen at this stage?

00:37:46:09 - 00:37:57:17

So, again, just for my own benefit, before we move on substantively, can we just check actions arising from the last. Um, I don't know, actually, if we consolidated actions from biodiversity,

00:37:59:12 - 00:38:22:12

did we? We did. Excellent. Um, so I think I don't think there's much actually on transport, but, um, other than to progress the statement of common ground, um, and for me to go away and come back as part of the statement of common ground discussions about commuted sums and maintenance and on the highway network, but just to capture that, otherwise there aren't any.

00:38:24:24 - 00:38:26:13

Action points there.

00:38:28:05 - 00:38:31:09

Yeah. I mean, that's my understanding of the. That's fine. The main action. Yes.

00:38:31:16 - 00:38:56:09

So then in in terms of the draft DCO and requirements that need to be updated, um, leaving aside the the water section this morning, I think it's not actually necessarily the requirements that are going to need to be updated, but potentially the controlled documents that are secured by those requirements in terms of. Oh, lamps. Oh, simps.

00:38:57:25 - 00:39:04:20

Um, I don't think at the moment not aware that the construction traffic management plan needs to be updated.

00:39:08:25 - 00:39:09:10

Okay.

00:39:11:22 - 00:39:46:24

Fine. Um, then in which case could we then then move on to my, um, part two, which is a more particular question in terms of article seven and planning, where it relates to planning permission. I just want to understand, um, the implications of that and whether it could or would obviate a change to the DCO, which would normally be done through, um, section one, five, three of the 2008 Planning Act. Um, and so I just want to understand that article and how it, how it would function.

00:39:48:00 - 00:40:35:14

Uh, yes. Uh, in short, no, it it doesn't obviate the need for, um, a variation to the DCO, if so far as it controls the in CIP, which is the solar arrays and the associated solar infrastructure. Um, what it does enable, and it's very difficult to guess, is that if within the development, the order limits a another development came forwards of any description. I don't know if it would necessarily, um, if it's the right example, sir, but it's the only one I can I've been able to think of is, um, for example, if the landowner wanted to put a barn on the cable corridor and needed planning permission to do that, um, that it just makes it very clear that that isn't part of the development consent order.

00:40:35:22 - 00:40:53:04

Um, and therefore that separate planning permission can be secured in, in the usual way. Um, so that's, that's really what it's intended to, to secure if it's, A variation to the CIP secured by the development consent order that that must go through the DCO variation process.

00:40:53:09 - 00:40:53:24

Okay,

00:40:55:08 - 00:41:27:07

I think I'm I, I might have to to take that away and just to think about the wording and then it might well be something that I want to query in the first round of written questions, just so that the wording is sufficiently clear that that what you've said, how it will function, it doesn't, does actually function in that, in that manner to, to not, you know, obviate that that need for a variation to the DCO itself if it so yeah, I, I will take that away to give that further thought.

00:41:27:09 - 00:41:36:24

And I may well ask that greater clarity is provided in the wording, but I'll, I'll take that away and give that some thought. Yes.

00:41:37:15 - 00:41:56:21

Yes, sir. Catherine Tracy for the applicant. Um, there it is, appearing in a number of, um, orders. So it's it's not. Well, it's not a model provision. The model provisions have been withdrawn since. And this is something that's come forwards since then. So we can provide you with it if you will wait for the question, sir. But then we're more than happy to provide you with examples.

00:41:56:23 - 00:42:09:12

That's fine. It's likely that within the question it'll, it'll be can you provide clarity and also. Yeah provide provide examples to meet orders that have a similar similar article. Okay.

00:42:11:17 - 00:42:35:15

Again like in terms of item B, we probably don't particularly need to discuss that because we've kind of discussed that at a high level in terms of what is likely to need need changing, which at this stage we're really focusing on the controlled documents. So so unless there is something that you consider in terms of the schedules is likely to be substantively altered at this stage.

00:42:38:16 - 00:43:13:18

At the only um, schedule, sir, that I'm aware of is schedule nine. And that's a protected provision schedule where it's actually, as we discussed this morning, the Environment Agency. But then rather than changes, there will be additions from other statutory undertakers that we're talking to. Um, but the part one and part well, part two is the telecommunications codes, but part one, which is the standard protective provisions for gas and utility undertakers and electricity, other electricity undertakers.

00:43:14:12 - 00:43:24:27

Those won't change as a result of us adding further sets of provisions that are bespoke to, um, the utility undertakers on site.

00:43:24:29 - 00:43:25:21

Okay. Thank you.

00:43:29:03 - 00:44:11:06

And then if we could move on to discussing the general approach to the degree of flexibility that's being sought, and I have indicated in the agenda a number of a number of, of of schedules and, other parts of the draft order that interrelate to each other in terms of the degree to which flexibility is sought. Um, so, for example, work now and with further associated development and requirements. 17 so if I can ask the applicant to talk me through why this the degree of flexibility that the current drafting would allow is necessary in the first instance.

00:44:13:06 - 00:44:43:23

So if Catherine Tracy for the applicant, if I can take um schedule two requirements 17 first um that is to deal with um variations to approved plans that then need further amendment. So that's that process which um, if you've got a habitat management plan and and then it needs amending as the review periods go on that allows us to come back. Or if you've got, um, the construction traffic management plan. Agreed.

00:44:43:25 - 00:45:06:27

And then you're bound to carry it out in accordance with that. That allows you. And but something changes that allows you to come back and just sets out the process for agreeing and making it clear that you can agree variations to approved schemes so that it that's flexibility. Um, isn't necessarily seeking, um, any wider flexibility than varying the plans,

00:45:08:14 - 00:45:13:01

and it's all constrained by the principles set out in the environmental statement in any event.

00:45:14:24 - 00:45:15:09

Okay,

00:45:16:26 - 00:45:17:19

okay. Yeah.

00:45:17:25 - 00:45:48:18

Um, so, um, and then going, going back, uh, you mentioned schedule one, work nine and further associated development, but actually I think it's the further associated development, sir, that is work nine is contained in itself. And then there's a separate paragraph which is unnumbered, um, which is standard drafting, but so it isn't part of work. Nine it's in addition to works 1 to 9 and then it goes from A to N.

00:45:49:20 - 00:46:26:18

Um, and that is um, the way the DCO is drafted is that the work packages are supposed to be the higher level substantive works. Um, and then the this is a, it's a catchall provision at the end that enables um it's not flexibility, but it's the minor details that you don't necessarily want to describe in every individual work package that actually allow you to, to physically get on and build it. Um, in terms of, you know, surface water drainage systems, they will apply throughout potentially all the work's packages, um, or only those as required.

00:46:26:20 - 00:46:44:28

But you don't necessarily need to go and specify in each work, um, to be shown on the works plans. The works plans would become, um, illegible if we showed that level of detail. Okay. So unless there's any particular concern with any element of it.

00:46:45:13 - 00:46:46:23

That I'm just pulling.

00:46:46:25 - 00:46:56:11

Yeah, no that's fine. Um, and again, all the works are constrained by what's on the works plans, the parameter plans and the environmental assessment.

00:47:15:28 - 00:47:20:04

Okay, now, I think I think that's given me the clarity I need at this stage on that particular point. Thank you.

00:47:31:28 - 00:47:41:15

Um, yes. And could we then just look at the definition of authorized development, which is in article two.

00:47:41:17 - 00:47:54:07

That is what is permitted by the order in its in its broadest sense. So the authorized development is the development in schedule one um, and its associated development.

00:47:55:23 - 00:48:09:15

So work one is essentially the the in CIP, the over 50MW of generation and the other works are the associated development needed to make it work. Okay.

00:48:20:02 - 00:48:20:18

Thank you.

00:48:29:09 - 00:48:29:24

Okay.

00:48:31:27 - 00:48:42:09

Before moving on to the control documents. I just want to check if the council has any kind of comments on the development consent order as currently drafted.

00:48:44:00 - 00:48:50:16

High level comments I appreciate this. There may well there will need to be ongoing discussions in terms of matters of fine detail.

00:48:51:11 - 00:49:15:18

Michael Joshua council. Yeah, it's set out as we would generally expect, and we would we will probably raise some issues on specific requirements by the, the officers where those requirements are dealing with that, that topic area. I wanted to ask and perhaps it's not quiet for this, but do you know at this point how many phases there would be to the construction?

00:49:17:18 - 00:49:34:17

Yeah. Um, Catherine Tracy, for the applicant, the intention is that actually it's built all at once. Uh, the phasing is there to allow if there's an element that does need to be progressed early or late just to facilitate that, but it is anticipated it will be built in one phase, right?

00:49:35:01 - 00:49:54:21

That was it. We have a concern with lots of phases, meaning that it's actually very difficult to sign anything off if it's phase one of 18 and there's no master planning that sort of thing. I know there's quite a short construction period anyway, I think anyway, so it's not a huge concern, but everything is dealt with in phases, so that would have been an issue if it was a thing. But okay. It's not.

00:49:54:26 - 00:49:57:06

Okay. Thank you. Um.

00:50:00:07 - 00:50:31:08

So moving on to item C, the control documents. I mean, I've listed them all here. I don't I mean, I'm definitely not proposing that we, we go through each one in any, in any detail. But I do think it's, it's going to be helpful. And then as we move on to the next item, which is um, in terms of essentially approving details and so on with, with these documents, if just the applicant can kind of briefly outline the whole kind of.

00:50:31:10 - 00:51:01:21

I refer to his architecture of how this, this all hangs together, because then obviously this is where we secure, primarily secure the detail of the mitigation. And then ultimately it largely will be resting with the council in terms of approving the bulk of this, this detail. So if I could ask you, I can just talk through how this all, all hangs together. And then then I'm going to move on to the to see, see if the council has any issues in terms of how that, that will function.

00:51:05:14 - 00:51:42:02

Um, Catherine Tracy for the applicant, sir. Um, I think this is where appendix 16.1, the schedule of mitigation, um, will help in terms of the architecture of them. Um, ultimately, they're they're all secured in requirements in the DCO. Um, and that the purpose of them is to then secure the mitigation in the environmental statement, um, expressly at various stages. There are there are a number, but that's partly to keep them focused and specific and to assist with with management of the documents.

00:51:42:10 - 00:52:12:29

Um, so it isn't necessarily that there's one that then cascades to a number of other plans, which is another way of approaching it. This is quite a flat hierarchy in that there is there are a number of plans they all need signing off. Um, they are, broadly speaking, with their own sets of requirements. Um, and, and they are outlined at this stage and then the full details will come forward as part of the discharge of the requirement. That must be in compliance with the outline plan.

00:52:13:03 - 00:52:13:18

Okay.

00:52:15:03 - 00:52:34:11

And I think I think this is where we had a brief conversation about this earlier. But but because essentially the the the final version has to be in compliance with the outline version. They then I understand the council spoke from earlier that getting sufficient clarity and detail in these plans is why it is it is important at this stage. So,

00:52:36:03 - 00:52:36:20

um,

00:52:38:08 - 00:53:12:19

I think before I go to council, if we just to kind of wrap up the item then and underneath it, which it's just understanding and having the conversation about the, the ultimate process of how the details are then secured, approved principally by the council and then and then going on from, from there. So if I can ask them if the applicant could just kind of outline that. And then I think on this point, I want to

hear from the council in terms of in terms of their role within that and if they have any, any concerns at this stage.

00:53:14:22 - 00:53:52:04

Catherine Tracy for the applicant. Yes. So the procedure for the discharge of requirements is what's set out in part two of schedule two, which is the requirement schedule. Um, it is it is noted at requirement 16, um, which isn't, um, anything for discharge, but it makes it very clear that where there's an approval agreement or confirmation of of any party required under the requirement that that confirmation must be given in writing, the plans are then submitted to the discharging authority, which is in this case, um, the local planning authority.

00:53:52:06 - 00:54:20:26

And, and then they have a process where they, um, consider the, the discharge documentation and um, when that's when that takes effect. And then, uh, what they can do in terms of consent or refusal, um, they can request further information if they require it. And then there is a separate appeals process. And um, set out within the DCO. This is all.

00:54:21:12 - 00:54:21:27

Um.

00:54:22:12 - 00:54:27:20

Standard drafting that we've seen across multiple DCS. So this isn't isn't new.

00:54:27:24 - 00:54:37:21

Yeah. It's. Yeah. Okay. Thank you. If I could then ask the council to just comment on on this process of off the, the approvals.

00:54:42:22 - 00:54:43:13

No worries. Yeah.

00:54:58:02 - 00:55:17:03

Michael Reynolds, North Yorkshire council. Um, we'll set these out because I think we need to talk about them with, with the applicant. But I think there are parts of it where we've identified some of the timescales are too short for us.

00:55:17:22 - 00:55:21:20

Just just so that I'm understand. Can you give me, um And, an example.

00:55:21:22 - 00:55:35:20

Of further information regarding requirements. That's 21. I think it says, uh, within ten business days of receipt of the application. I think we've had 20 business days to say they're 21 business days in others. Um,

00:55:37:06 - 00:55:46:10

the five business days of receipt of the application, again, we've had ten business days with others. Okay. So it's that sort of timescales.

00:55:46:12 - 00:56:08:19

And is the concern related to that? You you just don't you think you wouldn't realistically be able to to, to respond in that time and, or is and, or is it that there is an inconsistency which potentially prove unhelpful if knowing what the, the, the response time is, if it's if it does if it's different, it's but.

00:56:08:25 - 00:56:40:27

There is both there is a there is a programming issue that we have in that the planning authority is not used to dealing with PCOS. I mean, we do have 5 or 6 PCOS ongoing at the moment, but with with particular with one of them recently. Um, the change from how we've actually been able to discharge the requirements and the, well, the avalanche, I suppose, of, uh, of work that it's caused has meant that we haven't actually been able to keep up with it.

00:56:40:29 - 00:57:19:27

We've had PPAs and all sorts of things, and it's been very, very difficult for us to actually keep on top of discharging the requirements. Um, and that came out of discussing with that particular applicant lots of different ways of having preamps and all this kind of thing and, and really anything outside of what we would normally have for consultation periods and appeal processes, whatever it would be, is very difficult for us to actually be able to, um, to be able to deal with. So we are finding now with any of these sorts of requirement things that if we're not able to slip it into our normal way of dealing with it, we find ourselves missing them.

00:57:20:15 - 00:57:22:01

So it is that.

00:57:22:24 - 00:57:35:09

And so that's partly because if every single one you're dealing with is bespoke, it's just every, every time having to check what, what rules apply to any particular DCO, a particular requirement. Absolutely.

00:57:35:11 - 00:57:56:06

It's a conveyor belt system of lots of applications that are coming through. The DCI application is just part of that. When when we're talking about coming into the planning authority and going out to the Highways Authority or whoever it might be, it's still it's just another application for them to look at. And it's very difficult if it's if it's separate from what we normally have. Okay.

00:57:56:22 - 00:58:35:06

I think on this point then I think because I don't want to go through each, each concern now, but, but if you can set them out and again through the statement of common ground process, where you're discussing with the applicant is it's time to have those conversations with the applicant. And then at the appropriate point, um, I, you know, I'd like to understand the, the update through the, probably through the statement of common grant process and and where you then I get to a point if you don't reach agreement on it, then being clear where that is and why it that particular issue remains and causes a concern.

00:58:35:08 - 00:58:36:09

Yes, it's probably the approach.

00:58:36:11 - 00:58:45:24

Members of the planning authority have been through the DCO and highlighted this, which we haven't shared those with the applicant yet. So we'll be able to do that and have a discussion with it and see where we where we get. Okay.

00:58:46:12 - 00:58:53:19

Okay. If I could just ask the applicant in a general sense to respond to that, but but I appreciate that there's kind of a lot of detail that sits behind it.

00:58:53:21 - 00:59:27:13

Yes, sir. Catherine Tracy for the applicant, um, uh, fully understand the avalanche of work that comes a local planning authorities way, uh, just to highlight that, um, requirement 18 on consultation, actually specifically puts the onus on the undertaker, the applicant, to undertake. So if a requirement requires consultation with another body other than the local planning authority. The obligation is on the undertaker to consult with that other person prior to making an application to discharge, so the Undertaker will be submitting.

00:59:27:15 - 01:00:02:08

The applicant will be submitting the plan to the local planning authority, complete with. By the way, here's the Environment Agency's agreement. Because we've talked to them, we've got them signed off or Natural England or even the local highway authority, because it is clear it is the local planning authority that discharges, even though they may need to consult with others. So there shouldn't there shouldn't be a requirement on the local planning authority in this DCO to feel that they need to go and consult with anybody, because that consultation will have been undertaken and will form part of the discharge application that says this is where we are.

01:00:02:10 - 01:00:19:12

I suspect the only time that may occur is if there is disagreement. But um, yeah. So the legwork is actually in. The onus is put on the on the applicant. But we're more than happy to have that conversation about timescales with the council and and progress it through the statement of common ground.

01:00:19:14 - 01:00:27:03

So yeah. Yeah I think I sense you content with that at this stage. But yeah. Yeah. Okay. Thank you. Um.

01:00:29:06 - 01:00:57:05

So really onto the the final part of this agenda and we probably largely covered this, but I do I will just check with the applicant that outside of what we've already discussed, are are you envisaging significant changes to any of the, the kind of control documents that have arisen from today or as you're progressing your statements of common ground?

01:01:07:18 - 01:01:13:00

So outside of what we've discussed today, No, I don't think we are proposing any updates. Okay.

01:01:13:13 - 01:01:29:07

Thank you. In which case, if we could then just run through if there are any action points coming from part six of the agenda. Before I move on to to kind of final points on the agenda.

01:01:32:24 - 01:01:49:24

So I haven't noted any down for the applicant. I think it's very much a conversation between us and the council in relation to the discharge process. Um, but I think that needs to come from them before we can respond. Okay.

01:01:52:05 - 01:02:08:02

Yep, yep. Okay. So we'll we'll mark that as an action in the first instance for the council to, to, to to set out the areas where they want clarity or potential changes. And then and then and then that can move forward with the applicant.

01:02:12:07 - 01:02:31:26

Okay. Thank you. So I don't propose that we go back over all the action points. Now that we've we've we've kind of covered them off as we've, as we've gone on. Um, so I just want to check if anyone has any other matters to, to raise the relating to this agenda before I'm going to move to close the hearing.

01:02:34:12 - 01:02:35:12

No. Okay.

01:02:44:15 - 01:03:01:03

So again, so thank you everybody for for participating today. I think it's been a helpful day and we've made some good progress. I want to thank the case team and the audio visual team for supporting the hearing. Um, so in which case this hearing is now closed.