



Hearing Transcript

Project:	EN010140 – Helios Renewable Energy Project
Hearing:	Preliminary Meeting
Date:	3 December 2024

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FULL TRANSCRIPT (with timecode)

00:00:19:14 - 00:00:32:22

Good afternoon everybody. It is now 2:00 and it is time for this meeting to begin. I would like to welcome you all to this preliminary meeting for the Helios Renewable Energy Project. Can I just confirm that everybody can hear me clearly.

00:00:34:11 - 00:00:42:02

Okay. Thank you. Can I also confirm with the case manager and the audio visual team that the live streaming and recording of this event has commenced?

00:00:44:08 - 00:00:45:12

Great. Thank you so much.

00:00:47:00 - 00:01:13:09

My name is Ken Taylor, and I've been appointed by the Secretary of State as a single examining inspector to examine this application. You will also hear me referred to as the Examining Authority or the EXR for short, Assisting me today is Matthew Sheard, who is the case manager. He sat at the back and we also have Harrison Coles who's a case officer, and then online assisting us. We have Melissa Whitlock. She's also a case officer.

00:01:15:06 - 00:01:46:05

Um, just to inform you, I also have two other colleagues in the room with me today, um, Richard Allen and Susan Hunt. They are here purely to observe. And if you do see me speaking with them this afternoon, it'll be purely about procedural matters and nothing to do with the merits of the off this application. I'll just quickly deal with a few housekeeping matters for those attending in person. Can everybody switch their devices and phones to silent? Um, I'm just double checking. Minus two.

00:01:46:24 - 00:02:00:04

Um, I've been informed that there's no fire alarm test or drill due today, so if we do hear an alarm, it would be for real. And you would just leave through the patio doors and then congregate on the lawn outside.

00:02:02:09 - 00:02:38:01

So I'm aiming to keep the proceedings as focused and efficient as possible. Um, to assess this, I issued annex B to my letter, which invited you to this meeting, which is referred to as a rule six letter. And that annex sets out the introduction to the preliminary meeting process. Um, I trust everyone's had an opportunity to read this in advance. Um, as I'm only going to provide a brief summary. Now you'll find information about this application on the planning inspector, its national infrastructure website, and I'd strongly encourage everyone to familiarize yourself with that website.

00:02:38:06 - 00:03:16:08

Um, because I'll be using it to communicate with you. Um, and it's the way that we provide access to documents throughout the examination. In particular, I'd encourage everyone to become familiar with the examination library. This provides links to the majority of documents that are submitted. Um, throughout the examination, it's updated regularly. Each document has a unique reference number that starts with letters, followed by a series of numbers. For example EP 001. If you reference a document either at a at this meeting or at a hearing, or in written submissions, if you could please indicate the relevant reference number as.

00:03:16:10 - 00:03:21:21

This aids with navigating the documentation, which is fairly extensive, so it's always helpful.

00:03:23:27 - 00:03:53:03

So today's meeting is or at least in theory, being undertaken as a hybrid, um, meeting, meaning that some people will join in in person and some people online. Um, my understanding is we may not have anyone online with us today. Um, but in future hearings, that's likely to be the case. Um, and whether it's the case, I'll make sure we have everyone has a fair opportunity to participate, regardless of whether they're in the room with us or are attending virtually online.

00:03:58:25 - 00:04:39:03

Just so that everybody's aware the there is a recording of today's meeting and that will be made available on the project page of the of our website shortly after, after this meeting has finished. Just with this in mind, whenever you speak, if you could speak clearly into the microphone, you just simply need to switch the button on and the red light should appear. Um, and when you do speak, if you could introduce yourself and who you're speaking for each time you speak. I know this might seem tedious, but because we record the events and there are transcripts, if anyone's looking at them in the future, it makes it much easier to understand who is speaking.

00:04:39:10 - 00:04:43:29

Um, so if you could please try your best to introduce yourself each time you speak to.

00:04:46:15 - 00:05:00:18

Anyone who's not at a table with a microphone in front of them and who does wish to speak today we do have a roving microphone that we can use Or I may just invite you to come up and sit at the table. There's 1 or 2, two spare seats if people do want to speak.

00:05:03:13 - 00:05:44:04

In the row six later, there's also a link to the planning Inspectorate's Privacy notice, which, um, hopefully everyone's had an opportunity to to read. And that just establishes how we use personal data of our customers. Um, and the principles in terms of data protection laws. Um, if you've got any queries about that, please speak to a member of the case team. So Matthew Harrison at the back on that matter. Um, and just a point on that if you are speaking today, because these are recorded and then subsequently published, if you could try to avoid saying anything, any personal information about yourself, that you wouldn't be comfortable being being in the public domain and on a, on an, on a recording published on the website.

00:05:47:15 - 00:06:22:11

So this meeting today is going to follow the agenda that's set out in annex eight of the rule six letter. And it'd be helpful if you have it in front of you, and it may appear on the screen periodically throughout this meeting. So I'm just going to briefly address the purpose of this meeting. So this particular meeting is to focus on how the application is to be examined. And so on that basis, I'll only be inviting discussion about the procedural aspects of this examination. And the purpose of this meeting is not to discuss either the merits of the of this application or any concerns that anyone may have regarding the application.

00:06:22:28 - 00:06:56:28

Those matters can only be considered once the examination of the application begins, and that would only follow the close of this preliminary meeting. I'm now going to ask those of you who are participating in today's today's meeting to introduce yourself. Um, when I when I call, call your name or organization, if you could introduce yourself stating your name, who you represent and which agenda items you would wish to speak on. If you're a member of a wider team, if someone who's going to take the lead can go first and then anyone else you're expecting to speak.

00:06:57:00 - 00:07:04:07

It'd be nice if we could hear from them, introduce themselves partly just so I can put a face to a name as as we're going around the table.

00:07:05:26 - 00:07:17:11

And in addition, if you could also just let me know how you'd like to be referred to. So Mr., Mrs., Miss, etc.. That'd be really helpful. Um, so if we could start with the applicant, please.

00:07:18:18 - 00:07:30:06

Good afternoon sir. Catherine. Tracy. Mrs.. Tracy, uh, I'm a director at Burgess Salmon, and I'm representing the applicant. I think today I will be the only one speaking, so.

00:07:31:21 - 00:07:36:16

Thank you very much. If other members of the team do you need to speak, they can obviously introduce themselves as we go. Go forward.

00:07:41:00 - 00:07:44:20

If I could now turn to the council, please.

00:07:47:22 - 00:07:55:20

Good afternoon, Sir Michael Reynolds, senior policy officer for infrastructure at North Yorkshire Council. I'll let my colleague introduce herself.

00:07:59:14 - 00:08:03:15

Good afternoon to Linda Drake, principal planning officer at North Yorkshire Council.

00:08:07:00 - 00:08:08:05

Thank you very much.

00:08:10:26 - 00:08:16:04

And I believe we have Councillor Jordan in the room. Good afternoon.

00:08:16:06 - 00:08:24:04

Thank you sir. Councillor Mike Jordan representing the ward of Campbell's within councils and I don't anticipate speaking in this session.

00:08:24:15 - 00:08:25:12

Okay. Thank you very much.

00:08:31:13 - 00:08:35:12

And then we should have a number of representatives from Burn Gliding Club.

00:08:37:24 - 00:08:56:06

Thank you sir. Good afternoon. Um, I am Ann Bartleby and I'm acting for the Byrne Gliding Club. I think this afternoon, sir. It will just be me that speaks, but my colleagues Neal Bale and Dave Bellamy would like to participate in future sessions.

00:08:56:14 - 00:08:57:10

Thank you very much.

00:08:59:25 - 00:09:22:11

So I think that's it. In terms of people who have previously indicated they wish to speak, can I just look around the room and I will double check the virtual room if anyone else anticipates speaking this afternoon. Okay. I mean, if that changes and if something comes up that someone else feels they they would like to respond to, then if you just indicate with a raise hand and I'll try to bring you in at an appropriate point.

00:09:23:28 - 00:09:25:00

Thank you everybody.

00:09:27:24 - 00:09:37:13

Sir, I think the only attendee in the virtual room is actually somebody on our side. In the event that documents need to be shared, that's Abigail Bartlett. So she won't be speaking.

00:09:37:21 - 00:09:39:15

That's really helpful to know. Thank you very much.

00:09:44:01 - 00:10:21:23

Okay. So that now concludes agenda item one. I'm now going to move on to agenda item two, which is just some some brief remarks about the examination process. Um, I don't intend to go into this in great detail because this is already set out in annex B of the the rule six letter, but I am going to make just a few brief, just a few brief points before seeing if anybody would like to would like to raise the matter on this. Um, because it's important that you understand the process. If there are any questions, and then please do ask in this, this section of the agenda for the examination of national infrastructure projects is primarily a written process.

00:10:21:25 - 00:10:52:27

And hearings take on an inquisitorial approach rather than an adversarial one. So this means that during the course of the examination, I will probe and test and assess evidence primarily using written questions. Um, there's likely to be a number of hearings held, um, supplementary to the written evidence, um, where I will put questions to the applicant and other interested parties. Um. I'm questioning will primarily come. Come. Come from me and cross questioning.

00:10:52:29 - 00:11:07:26

Cross-examination of witnesses is not generally generally allowed. Um, but but but it is likely we'll have a fairly free flow of conversation during some of the hearings, but that would largely be directed through me to, to the other of, of parties in the room.

00:11:09:11 - 00:11:18:29

The draft timetable includes a number of deadlines for the submission of written um written submissions and timely submissions are really helpful, um,

00:11:20:21 - 00:11:52:19

for the deadline, because documents received after the relevant deadline are only accepted at my discretion. Um, and this is to ensure fairness. Um, and if there are circumstances where there are late submissions without good reason, causing inconvenience or delay, that can be considered to amount to unreasonable behaviour. Um, I do have discretion to make amendments to the timetable for the wider benefit of the examination. Um, and if possible, events are going to be arranged for times when all parties can be available.

00:11:52:21 - 00:12:14:00

But I'm also under a duty to complete the examination by the end of the six month period, beginning with the day after the preliminary meeting closes, and this requirements set out by legislation. So while I can try to rearrange some dates to accommodate parties, in practice there's only limited scope for these to for these 12 to compared to the draft timetable that you will of all seen.

00:12:19:04 - 00:12:49:06

Because of the um, statutory deadline for the examination to finish to be completed, and where there are matters that are still outstanding between the applicant and interested parties, it is really helpful if these can be progressed as early as possible in the examination. I'm just going to briefly say a few words about hearings. So there are three types of hearings that we're likely to have. Or in fact, we yeah we will we will be having. The first is open floor hearings, where general matters can be raised by interested parties.

00:12:49:15 - 00:13:19:20

Um, and these are often time limited in terms of how long each each party can speak for just to ensure fairness. We'll then have some issue specific hearings, which generally deal with more technical matters, and compulsory acquisition hearings dealing with the applicant's request to acquire rights and temporary possession of land in relation to the application. Um, in terms of site inspections, we are going to discuss this later on in the agenda. I have asked, um,

00:13:21:06 - 00:13:55:14

for suggestions for for locations to have been submitted by the procedural deadline. A um, I have already conducted an extensive site inspection from public land, and a note of that inspection will be published shortly. I'm also hoping that at the end of this week, I will conduct a few further, um, inspections and that will also be included in the note. And then it's also likely that throughout the examination, I will periodically take the opportunity to do some unaccompanied inspections myself, where access is required to private land.

00:13:55:21 - 00:14:26:06

Um, this can this this can take place. But I will need to be accompanied at the moment that is scheduled for at some point on the week commencing the 10th of March in the current draft timetable. So I've asked the applicant to provide their view on suggested locations for inspections, which is currently set at deadline two, but we're going to have a discussion about that under agenda item four. And just so that everyone is aware, oral evidence cannot be heard at site inspections.

00:14:26:17 - 00:14:43:14

Um, so I can't view the this the site from public land. Any parties who are present at an at an unaccompanied inspection are only there to allow access and to point out physical features that they may wish me to observe, and we can't have any wider discussion than that.

00:14:45:05 - 00:14:55:18

So I just wanted to see if there was anybody who wanted to make any comments in terms of the procedure for the examination, before moving on to the next item. You.

00:14:59:25 - 00:15:36:26

Know. Okay. Thank you. So we'll move on to agenda item three. Um, so this is the initial assessment of principal issues. This is set out in annex of the rule six letter. Um and this provides a framework of issues for the examination going forward. Though it does not preclude me from removing or adding items I need to consider at a later stage in the process. Um, there is no hierarchy of importance in this list at this stage, and they are deliberately listed in alphabetical order. If issues ceased to be important or new issues become important, I'll respond accordingly as the examination progresses.

00:15:36:28 - 00:16:02:08

I may need to consider greater levels of detail for some items whilst others might require less. And so the management of these issues is a dynamic process as we move throughout the examination. I do not intend to read through the list of issues. Um, I do believe that Burn Gliding Club wanted to raise some matters on this, and if I could also just see if the show of hands. If anyone else wanted to raise matters on this item.

00:16:03:27 - 00:16:06:27

No. Okay. Miss Martha, please.

00:16:08:06 - 00:16:38:16

Thank you. Thank you. Sir. Um, Ann Bartleby, on behalf of Burn Gliding Club. Um, firstly, sir, we believe that the initial assessment of the principal issues is appropriate. However, the current structure and I accept that it's in alphabetical order, but the current structure and the topics would not be the best way to address the issues which the application applicant creates for the Burn Gliding Club.

00:16:38:21 - 00:17:10:25

If I can explain the issues in section C, safety in section seven, glint and glare, and in section eight, socio economic issues are interrelated in respect of the potential effects on the burn gliding club operations. Furthermore, the issue of cumulative impacts in section five is also of significance to burn gliding club.

00:17:11:16 - 00:17:46:02

So I would like to request, sir, that in the programming of the principal issues that Burn Airfield and Burn Gliding Club is dealt with as a dedicated issue and having a specific hearing for that purpose. And so apart from the advantages that this would bring in avoiding duplication and ensuring proper focus of the club's issues, Shoes. It would, of course be more efficient if relevant parties only have to attend that one principal issue session.

00:17:46:04 - 00:17:46:29

Thank you.

00:17:48:08 - 00:17:49:06

Okay. Thank you.

00:17:50:29 - 00:18:23:06

Yeah. So I've given this some initial thought when I when I saw them, I actually wanted to address. I mean it seems likely that that, that, that if these matters were to be discussed to hearing, we would try to group them together to, to accommodate that. It's a bit early in the process to know exactly what would be in future issue specific hearings. I the hearing that is that is currently, um, scheduled for tomorrow, a specific hearing. I've deliberately left off most matters that would relate to the gliding club.

00:18:23:08 - 00:18:58:27

Principally, that was because you'll have seen from my rule six letter that I requested that the applicant seek to engage with the the gliding club and others, other people related to that in terms of statement of common ground process and and then if that process is engaged with and I see the, the first iterations of that, that that becomes very helpful. And then narrowing down issues for both for first written questions and then potentially issue specific hearings. But I've I've heard and understood what you're saying and where possible, I could try to accommodate try to accommodate that.

00:19:00:00 - 00:19:09:07

Thank you. Okay. So before I move on, does anyone I just want to double check if anyone else wants to speak on this matter.

00:19:11:03 - 00:19:22:01

No. Okay. Thank you. Okay. So we'll move on to agenda item four which is examination timetable. It might be helpful if this can be shown on screen if possible. Um.

00:19:32:09 - 00:19:35:20

And while we wait for that to potentially Happen.

00:19:40:29 - 00:20:10:29

So I'm going to go through the the timetable in date order. Um, and in doing doing so covering the proposed written and oral procedures, I have noted that the applicants indicated a few matters they want to to discuss. One in terms of timing off the site inspection itinerary, one in terms of the timing for the first written questions and then subsequently responses to those, and then similarly, the timing of the second set of written questions and responses.

00:20:11:18 - 00:20:30:03

Um, I don't think I had any other specific matters raised during procedural deadline A. However, if anyone does wish to raise any queries as we go through the timetable, um, then just do so at the appropriate point. Just just raise a hand and I'll, I will bring you into the discussion.

00:20:31:19 - 00:20:44:02

I was probably going to spend just slightly longer dealing with the first few items, because then as we go through the timetable, you've probably all picked up that there's a bit of a rhythm to them, and similar documents are expected at each at each deadline.

00:20:52:05 - 00:21:27:27

Okay, so turning to the timetable. I don't intend to discuss the matters that are set out in gray because essentially if, if, if I, if I close this meeting today, we will progress. And on to those, those, those first hearings. Um, and and so just move on starting then at item item six, just, just simply to confirm that the final version of the examination timetable will be issued as soon as practicable after this meeting has closed in in terms of deadline one.

00:21:31:03 - 00:21:31:22

So.

00:21:36:15 - 00:21:53:28

So this this is looking at comments and relative representations and summaries of the longer representations. There is an opportunity for statutory parties to be considered an IP and an interested party, if they haven't already done so. Um.

00:21:56:02 - 00:22:33:13

Any post hearing submissions that if we do proceed to examination that arise from later this afternoon and then the next two days, um, be seeking to have written submissions there and that's that, that that occurs at every deadline after we've had after we've had oral events and those those submissions are really useful. And there will normally be action points arising from hearings. And typically, unless there is a good reason for it to be later. Well, we'll normally see the actions being fulfilled at the next at that, that next, um, post hearing submission date.

00:22:34:16 - 00:22:55:13

In this deadline one, if there was an opportunity at procedural deadline. But there is a further opportunity for any interested parties to request to be heard at an open floor hearing or or parties to be request to be heard at compulsory acquisition, hear hearing if they are considered to be affected persons.

00:22:57:21 - 00:22:58:18

And then.

00:23:00:22 - 00:23:15:20

The applicant has suggested that rather than leaving it to a deadline two, that they would be in a position to submit suggested sites for site inspections at deadline one. Just my understanding, just merely to try to seek to bring things forward. Okay,

00:23:17:06 - 00:23:55:23

I'll just make a few comments on this and then and then I'll Trulia, Miss Tracy. So in principle that, um, I'm not not adverse to that. And but I think I want to just if we if we do proceed with the examination, I just want to see how the open floor hearing tonight, and particularly the issue specific hearing and potentially the compulsory acquisition here and go, because that may raise matters that that mean that there's something sensible to do on an accompanied inspection that we can take into account. So I'll address I'll make a final procedural decision whether to move that in issuing the the rule eight letter and the timetable within that.

00:23:55:27 - 00:24:33:08

I just want to say on on site inspections at this point, um, I've done an extensive site inspection myself. I'm going to do to do some more. And my view is that if we need to have accompanied inspections at all, I think they're going to be very limited, because I only want to do that where it is essential. I have to go into private land. Um, and, and I think given that so far I haven't had many, um, indications of, of needing to do that then, um, then I think that's going to be limited.

00:24:33:18 - 00:25:10:12

What would be helpful in your itinerary is, is a mixture of if you if there are areas where you feel I need to go on private land, but then also if there are things that you specifically want me to see, but I can see myself and if they can be separated, that would be helpful. Just from having done my unaccompanied site inspections so far, it is possible that it might be necessary to to visit Bern Gliding Club actually to go on to the land. I have been around it, but not on to it. And if that is the case, then I would ask that outside this meeting that you as the applicant liaise with the club and also with Mr.

00:25:10:14 - 00:25:15:22

Shirt about the logistics of that. So.

00:25:18:01 - 00:25:18:16

That.

00:25:19:16 - 00:25:50:24

That. Yeah. And uh no sir, I think our itinerary is predominantly places we think you should see. And the reason for bringing that forward is to allow more time for everybody else to see that and comment on it and suggest other locations. I think the other, as well, as we're more than happy to liaise with Burn Gliding Club for an accompanied site visit. I think the other one, that there is some private land and with our landowners, but um, the other one is really the Drax land, where I think that would need to be in accompanied. Yes. Um, site visit as well.

00:25:50:26 - 00:25:55:29

Okay. So that's the only reason for sharing it early and we're more than happy to. Yeah. To take your lead on that okay.

00:25:56:09 - 00:26:22:25

I think it's likely that I will push that into deadline one, but I just want to to kind of see how the next few days, days go before before making a final decision on that. Okay. Okay. So I'll just briefly run through through deadline one. It is a large deadline and really important one. Um, so we'll have relevant representations, which is uh, sorry, we'll have comments on, on relevant representations. Um.

00:26:28:07 - 00:26:29:08

And I'm sorry.

00:26:34:11 - 00:26:39:06

So I'm sorry. I want to I need to move on to the deadline now. Um. So.

00:26:41:19 - 00:27:06:00

Deadline two. Um, so it'll be comments on any information that's been received at deadline one. And again, this happens at each at each key deadline. Um, and then there is a quite a lot of important material that needs to be submitted at deadline two. So local impact reports from the council. Um, written representations from interested parties and summaries of those that are longer.

00:27:09:11 - 00:27:40:15

So I've requested a number of statement of common common ground. Um, some I've received some, uh, some the applicant was already working on. And then the additional set of statements of common ground. I'd like to see the first iteration at that deadline as well as this statement to commonality for all the all the all the statements of common ground. I have requested, um, principal areas of disagreement, and I have had one from from the council and I have had one from the Environment Agency.

00:27:40:19 - 00:28:17:18

It's possible that in quite likely in the rural eight letter, I'm going to make a further request of some of the other parties who have yet to engage in that process. But then I would like to see the next iteration on the the first versions of any additional ones in this deadline. And then in this deadline, the applicants updated documents, and I've set out what that means in annex F of the the rule six letter. And again, that, that that is in most deadlines that um, that I'd like to see that the updated documents if there's a new iteration of it.

00:28:17:21 - 00:28:38:26

And then also again at most deadlines, um, there's also an opportunity if I feel I need to ask for additional information, I can do so under rule 17 of the, um, procedure. Examination procedure rules. And so at most airlines, you'll see this. And it's just if I issue a letter says I want want some extra information, it will then almost always be asked for at the next at the next deadline.

00:28:43:11 - 00:29:34:14

So in terms of deadline free, I mean that that essentially follows the pattern that I have set out. So updated principle of disagreement. And then any comments on on information that was submitted, a deadline to and then an opportunity for for me to receive any specific information I've asked. And then moving on to item ten. And again, this is where the applicant has made some queries and requests. So this would be the publication of the first set of written questions that I, I would ask, um, currently that is, that's um, set out to be at on the Monday the 10th of February, and the applicant has asked that they would want a little more time to respond to that.

00:29:35:07 - 00:29:39:29

I have having seen those requests.

00:29:41:26 - 00:30:15:01

I've I've got some initial suggestions to how to how to deal with this. It probably doesn't quite. Well, it doesn't quite follow the exact date, but it is pretty close in terms of additional numbers of working days. It's just there are just reasons that that I think falling totally in line with what you asked for would prove a little bit difficult. And partly it's because I will need to see some of the information and the deadline before to help me formally formulate questions. And the last time I have the last well written questions you'll you'll get from me.

00:30:15:03 - 00:30:48:08

So you had asked at that deadline to push to bring that forward to the Monday the third. So the the week previously which I think I would struggle um to accommodate but I could probably accommodate Wednesday or Thursday through the fifth or the sixth and then also but then pushed deadline for back a little, which, which is where the responses to those questions are. And move that probably to Wednesday the 26th.

00:30:48:10 - 00:30:57:11

And I think that gives you nearly the basically the 15 working days. So the free weeks you'd ask for essentially. Yeah.

00:30:57:13 - 00:30:59:10

So we'd be content with that. Okay.

00:30:59:27 - 00:31:10:24

Thank you. Um, does anyone out because I appreciate that. That's a change. I just want to check around the room. Just does that immediately cause anyone any concerns? I'm not seeing any. Okay. Thank you.

00:31:13:05 - 00:31:25:14

So it's a deadline for I don't and I don't intend to read them all out, but essentially follows the same pattern as the as the other previous written deadlines. And then if we move down to item 12.

00:31:30:12 - 00:32:01:20

So this is time set aside for a next block of hearings. And if we are going to have accompanied site inspections at all. It would it would fall within within this week. So this is where we're likely to see issue specific hearings. If we need to compulsory acquisition hearings that would probably focus on

individual land interests. And if there has been a request for further open floor hearing, in addition to the one that we may have later this afternoon, then that's where that's likely to fall.

00:32:01:24 - 00:32:09:10

I didn't receive any queries on that, and I don't see anyone with a burning desire to to raise anything. Okay.

00:32:11:13 - 00:32:28:08

Um, and then deadline five again, it follows similar pattern post hearings, submissions and the other items that follow on those deadlines, so that then moving on to item 14. Again, request from the applicant similar to the last one.

00:32:40:00 - 00:32:40:29

Okay. So.

00:32:44:07 - 00:33:15:00

On this as an applicant, the applicant had asked that I just move the publication of those first written questions a little forward to Wednesday 26. And again, just, just, just I think I can accommodate you but just not quite the exact date. So rather than the Wednesday I think I could, I could, I could accommodate probably Thursday the 27th, but then equally move move the date for responses to the following Tuesday or Wednesday.

00:33:15:19 - 00:33:25:17

So the what would that be? I think that would be the effort. And probably and I could probably accommodate the ninth. And then again, that gives you that those couple of extra days you're seeing, but in a slightly different way.

00:33:26:21 - 00:33:28:21

So the ninth would be appreciated. Okay.

00:33:39:09 - 00:33:46:19

Okay. And again, I'll just quickly check if that seems to cause anyone else any problems. No I'm not seeing anything yet.

00:33:50:11 - 00:34:21:07

Okay. So and then the rest of deadline six again follows a similar pattern to to the other written deadlines. Moving on to item 16. So I have here time reserved for more hearings. I just want to take this opportunity to, to to make a few comments about that. The is my view that these hearings may not be necessary. And it is. It is framed that at that time is reserved only if required.

00:34:21:28 - 00:34:53:28

Um, and I and I think if, if good progress is made throughout the earlier part of the examination, these hearings may not be required at all. If they are required, then I would envisage they would be very focused on a number of key issues, and depending on those issues, it may well be it's appropriate to just have these as virtual events if it is very focused onto a number of issues. So I'm not prejudging it

any more than that. But that's just my initial thoughts on on how I think the examination should be at this point in the timetable.

00:34:59:15 - 00:35:45:08

So again, moving on to deadline seven, item 17 that follows the same pattern as as as the other the other deadlines. And then item 18 this is a this free free free key things going on here. The first one is potentially issuing a third written questions and like the third hearing block. I'm not convinced these will be necessary if if good progress has been made. And again, if they are, I do expect them hopefully to be very, very focused. Um, but at this deadline the would be even my, my, my commentary on or a schedule of changes potentially to the draft development consent order, which I would be seeking to issue at that point.

00:35:45:10 - 00:36:04:02

And then if a report on the implications of European sites, often referred to as a race, is necessary, then that would be issued at that point with associated questions. So there are two key documents that would. But even if further written questions aren't needed, they are likely to to be needed at that point.

00:36:05:17 - 00:36:06:02

Okay.

00:36:08:17 - 00:36:42:00

And then deadline eight follows the same pattern in Scotland response to further written questions, but as I say, that might not be necessary. And then deadline nine is essentially the final big deadline. I'm not going to read for every item, but this is is essentially the final opportunity for the applicant to submit final versions of their documentation. Um, and then the key one from other other interested parties, those that are engaging in the principle areas of disagreement.

00:36:42:02 - 00:37:12:03

It would be the final version of that that would be submitted. And really at that point, matters should be agreed or they should be matters that are essentially not ever going to be agreed where there's there's always kind of distance between the parties at that point. Um, and then moving on to deadline ten, that is just a backstop deadline that if I, if I feel I need to ask any for any further information resulting from deadline nine.

00:37:12:05 - 00:37:40:26

I've got an opportunity to do that without having to change the timetable, and then I'd be under a duty to complete the enclosed examination by the Tuesday the 3rd of June. And I just wanted to to make a point here that if following deadline nine and after, I've had an opportunity to consider those final documents have been submitted, if I don't feel I need to ask any further information, there is an opportunity that I close the examination slightly early. I'm not saying that's going to happen, but it could happen.

00:37:42:17 - 00:37:55:07

Okay. Okay. So that that is the timetable. Before I move on to say if you have a brief point on the timetable. Does any I just want to double check. Yes, please.

00:37:55:18 - 00:38:29:02

Kathryn Tracy, on behalf of the applicant, I just wanted to clarify, sir, that in terms of the list of documents that the applicant may or may not submit at every deadline in a section six of annex F for anybody else, um, we wouldn't be intending to submit documents at every deadline unless there had been a material change, particularly things like the book of reference. If we discover a postcode is wrong or a house number, we'd happily. I propose that what we do is we would submit your, uh, the list of changes and then possibly at two deadlines.

00:38:29:04 - 00:38:39:06

Definitely. The final one will submit updated um of substantial because otherwise we're submitting documents for um, which just generates documents for people to look at.

00:38:39:08 - 00:39:06:22

Yeah. No, I mean, like, in principle, that's fine. And definitely if there's no changes, I don't I wouldn't want to. It would be helpful though, in your covering letter to each deadline to, to just almost give a nil return that they're not. And yes, if there are very, very minor changes, particularly to things like the book of reference, which is obviously a large document, then then your very minor changes, we can sweep up when you've got a point, when you're submitting something more substantive in that document. So in principle I'm content with that. Yeah.

00:39:07:27 - 00:39:08:24

Thank you sir. Okay.

00:39:09:06 - 00:39:35:14

Just a Just a couple of other brief, um, comments on the timetable. So the deadlines, unless I indicate otherwise, is always a minute before midnight on the date of that deadline and then all the information gets published on the project page website as soon as practicable after that deadline. It's not a major, because there are a number of internal processes that need to go through, but it is done as quickly as we as we can.

00:39:41:04 - 00:39:43:25

So I wonder if I might make you.

00:39:43:27 - 00:39:45:12

Just introduce yourself. Yes.

00:39:45:14 - 00:40:32:12

And Bartleby, on behalf of the Burn Gliding Club, um, I've listened very carefully to what you have been saying, sir, and I'm well aware that there are many members of the public who have a range of issues. But I would suggest that the issues that the gliding club are quite unique in the sense that it is a very large area of land, and it's an area of land where its activities go beyond its site boundaries. I'm not in any way wishing to be critical of the applicant, but in their original documentation there was very little reference to the club's existence or its activities and the ancillary activities that are also operated from the airfield.

00:40:33:26 - 00:41:12:13

Certainly, we have discussed quite a preliminary discussion about statements of common ground, but we have not seen any other further material addressing the issues that we set out in our representations. And therefore, while I fully understand the desirability of avoiding hearings, I just wanted to flag up that on this particular issue. That may be a necessity in order for the full range of issues to be properly set out and for you to fully understand the applicant's position, but also the club's position.

00:41:13:15 - 00:41:56:28

Okay. Thank you. So I'll just briefly address that because we can't stray into kind of merits at all at this meeting. Um, so like I'm fully aware that there are kind of unique circumstances surrounding the gliding club, and, and I am not at this stage at all ruling out that we would have a hearing that or at least a part of a hearing that that focuses on those issues. But I just I do want to see statements of common grounds. And if you wish to put in a principle areas of disagreement statement, because that will really help me inform me about written questions and, and then what a hearing would focus on and how to structure hearing.

00:41:57:26 - 00:41:59:13

So thank you sir. That's helpful.

00:41:59:15 - 00:42:00:04

Okay. Thank you.

00:42:12:18 - 00:42:48:25

Okay, so I'm content now to move on from the timetable. Um, and then we'll move on to agenda item five. Any other matters? I, I have a few things I want to raise briefly, and then I will just see if anyone else in the room has anything they want to raise off, um, of a procedural nature. So I just want to briefly address statements of common ground. As I indicated earlier in this meeting at procedural deadline, I asked the applicant to submit those where they were already engaging with parties on, and I have received them.

00:42:48:27 - 00:43:13:17

And that's, that's, um, that's been very helpful. And then I also asked in my rule six letter that the applicant then engage with a number of other parties with a, with a view to seeing them the first iteration at deadline two, and I just wanted to check with the applicant about what if, what progress had been made. Just so that I have an understanding of what what to expect coming forward.

00:43:14:24 - 00:43:45:07

Catherine Tracey, on behalf of the applicant. So looking through the so the, uh, first six you've had submitted at deadline a as requested of the others, it's it's going to be a bit of a mix because of the nature of, um, the parties. We are more than happy to engage with burn gliding Club. Um, and we can actually pick up with them while we're here about progressing that, um, the British Gliding Association in the and the CAA on these matters are we will engage with them.

00:43:45:09 - 00:44:15:14

But I just manage expectations so they're less likely to be forthcoming. Um, equally, we're more than happy to talk to the parish councils and progress statements of common ground there where we can,

uh, in relation to national grass, national gas transmission, National grid electricity transmission, Northern Power Grid and Network Rail. We're currently in discussions with all of them in relation to various protective provisions that have been requested.

00:44:15:16 - 00:44:47:05

So rather than at this stage have a statement of common ground, um, we can ask that they engage to provide you comfort that those discussions are ongoing and that we fully expect to reach a position where all of those parties can withdraw any objections they have, but it would probably be through the agreement of satisfactory peace rather than through a statement of common ground. Um, then, uh, the Woodland Trust we've drafted and we will reach out to them.

00:44:47:07 - 00:45:02:00

And then the only other one is is off. Jem. So again, I think a statement of common ground is unlikely to be forthcoming from off Jem, but we are working to agree a position. So it will be a position statement more, more akin to that than a statement of common ground. Okay.

00:45:02:07 - 00:45:21:17

Understood. Um, I appreciate there has to be kind of the. These have to be answered on a voluntary basis by both sides. Um, but yes, particularly with the, um, session today, because I will need to understand that things are moving in the right direction throughout the examination.

00:45:21:29 - 00:45:32:09

Yes, certainly. So we have, um, we are talking to lawyers for all of them. So, um, I have no problem that we'll be able to get you something that can give you comfort that things are going in the right direction.

00:45:32:25 - 00:46:07:23

Thank you. Um, and then I was just going to briefly address principal areas of disagreement. I received, as I mentioned earlier, one from the Council for Environment Agency. These were clear and focused on very grateful for them. They they really helped me. And while there is some overlap with statements, common ground, they the way they they they they function does help me kind of really focus where those parties key concerns on that helps. We have questions and potential topics for hearings. It is likely in the rule eight letter, and possibly for a rule 17 letter, that I'm going to try to get a number of other parties to engage in in that process.

00:46:07:26 - 00:46:39:00

My view, as anyone who is engaging in statements of common ground process can do that, such as to the gliding club, if you want to do that, and if you want to look at an example, you can see what the council and the environmental agency have submitted, and there is an opportunity for you to engage in that process, and that's one that you would drive rather than the applicant. Um, but like I say, I'm likely to to briefly address that on a rule eight letter. And then the final point from me is an issue, um, around the compulsory acquisition.

00:46:39:27 - 00:47:10:02

I may ask for something that we're in the Planning Inspectorate call a land rights tracker. Now, I note in table one, in the statement of reasons that that sets out clearly the land interest, plot numbers, status

of negotiations and a few other matters, which is actually finding this very clear and helpful table. Um, but it has recently become practice at the planning, which is beginning to ask for a land rights tracker which contains most of the information in table one, but a few additional helpful things.

00:47:10:04 - 00:47:40:14

For example, it comes in regularly, not at necessarily every deadline, but regularly setting out updates to status of negotiation and then where the unaffected person has written in the reference number of their representation, and then any response the applicants made is in a table, and it just makes it easier for me to follow and track progress. So I may well add that into the timetable and make a procedural decision to ask for it.

00:47:40:20 - 00:48:13:17

And from my perspective, I don't mind whether it comes in as a standalone document or, or potentially just a just a new version of table one and statement of reasons. And I'd essentially leave it up to the applicant to decide which one they're their more comfortable with. Um, but in essence, I'd be looking to see the first version at deadline two, probably one somewhere in the middle of the exam, the middle of the examination around deadline five, and then the final version at deadline nine, like with all the other final ones.

00:48:13:19 - 00:48:30:28

And there are some examples out there of ones that have taken place. So for example, ramp into offshore wind farm and Gatwick Airport, northern runway. If I make that procedural decision, I'll reference those in the rule eight letter. So could I just hear the applicant's view on that?

00:48:32:19 - 00:49:15:06

Sir, it might be something that we can pick up again in the compulsory acquisition hearing. Um, we have no objection in principle to providing those updates, but the nature of the rights being sought on this scheme is that actually all of our landowners are currently in either in signed options or entering into in the process of entering into legal agreements. So it's the, um. It's the acquisition of any rights that we might need, and, and therefore, um, I think possibly with the exception of North Yorkshire councillors, highway Authority, I think the interested parties may well be limited and statutory undertakers.

00:49:15:08 - 00:49:27:28

So, um, more than happy to to do it, but I it's not um, there aren't multiple landowners here who are objecting or with whom we don't actually already have, um, in principle agreements.

00:49:28:12 - 00:49:41:22

No. Thank you. I do appreciate that this is, is more straightforward than some of the examples I will point you to. And I'm, I'm happy to pick that up in the compulsory acquisition hearing. If we, if we go ahead with the examination from this meeting. Um,

00:49:43:10 - 00:50:01:27

and because they rule out that won't be issued until after that, then I won't make a final procedural decision until until that point. But I just wanted to raise that matter now. Okay. Um, so, I mean

essentially that covers all the agenda items. So I just want to check does anyone else have anything they want to raise of a procedural nature?

00:50:03:29 - 00:50:16:25

No. Okay I'm looking around the room I know one. Okay. Thank you. Okay. So I just want to thank everyone for their participation today. I also want to thank the case team and the audio visual team for their support. Um,

00:50:18:20 - 00:50:48:25

so on the basis of what I've heard today, I do intend to proceed with the examination. So that will be on the basis of the first three initial hearings that were provisionally scheduled, the first for this evening, for Wednesday and then Thursday. So the first hearing will be an open floor hearing, which will commence in this room at 5:15 this this evening. Um, registration here and online from 445 be followed by an issue specific hearing tomorrow morning at um, at 10 a.m.

00:50:48:27 - 00:51:12:07

with registration from 930. And then there'll be a compulsory acquisition hearing on Thursday starting at 10 a.m., with registration from 930. Um, that compulsory acquisition hearing is to deal with strategic matters only and won't be looking at individual land interests, but they could be heard at a future compulsory acquisition hearing if I have requests for such a hearing. Um.

00:51:18:11 - 00:51:26:11

So just one final point before I close. Could I just ask the applicant? Are you anticipating that there'd be any change requests at this stage?

00:51:27:09 - 00:51:29:19

Catherine Tracey, on behalf of the applicant. No, sir. Okay.

00:51:30:06 - 00:51:35:28

Thank you. Obviously, if that does change, then if we could know as soon as possible.

00:51:36:00 - 00:51:37:27

We will let you know as soon as we do. Yeah.

00:51:37:29 - 00:51:48:24

Thank you. Okay. So on that basis, I want to thank everybody for again for their participation. So this meeting is now closed. And the examination will begin with the open floor hearing later today.