



Hearing Transcript

Project:	East Yorkshire Solar Farm
Hearing:	Issue Specific Hearing 2 – Session 3
Date:	10 July 2024

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00:00

All right, everybody, it's 130. So we'll resume. And we've gotten to item E to E on the agenda, which is biodiversity matters. And again, if the agenda could be put up on the main screen, there are a number of points, which I've highlighted there. First of which is the effects of the proposal on European science and the habitat regulations assessment, which is a particular the legislative requirements for certain nature conservation science. Now, regarding this, the applicant submitted a updated habitat regulation assessment report and deadline two, which seeks to address many of the concerns which were raised both by Natural England and in my written questions. Reports is fairly comprehensive in the revisions that it makes. And I think that there's one query basically, which I still have left, we'll wait to see what Natural England comes back with. But in terms of my query, this is in relation to my question two, point 1.4, which requested additional information on in combination effects, including European science and qualifying features. So the updated report now refers to the European science balance is less clear on the qualifying features. And mainly for the applicants benefit, just so you know, where I'm coming from here. Footnotes the footnote to table 10 refers to the screening matrices which are in appendix B. But these matrices don't refer to in combination effects. So they will protect the dicted likely significant effects still around clearer as far as I'm concerned. So that may simply be a matter of the information is in there somewhere. But it's not terribly clear as its laid out in the moment. So unless you are in a position to respond specifically, and perhaps I'll leave that one with you, and you can address it in the future submission.

02:55

Dr. James Riley on behalf of the applicant in the in combination assessment in the library significant effects stage and in the appropriate assessment. So Section Eight of the report, we have added in detailed references to the designated sites in question and then made references to the impact pathways and why particular impact pathways won't arise on those designated sites. In making those updates, we obviously felt ourselves that there was clarity about the impact of the interest features, the qualifying features and how they would be affected. But if you feel that isn't clear, we can look again at just adding in some further elements there, as you suggest or Well, as I interpreted your comment, and certainly my feeling is that the in combination assessment is detailed and thorough, and does cover all of the European sites and all of the impacts that would arise in combination with other plans and projects. And you may not have digested it yet. But there is a response from Natural England that was submitted yesterday via email to yourselves, just covering the latest points that we've discussed, and that, as I read, it indicates that subject to some points about the functioning land habitat creation. They were also satisfied with the with the assessments, but we can we can certainly add that further clarity that's not a difficulty for the next iteration of the HRA.

04:29

Yes, in terms of the natural England's submission, I was aware of it. It only came in yesterday. I didn't think it was really fair to anyone in the hearing to try and digest that overnight and take that into account but I'm sure that you will respond to it as necessary in due course. One of the things that the man Our revised habitat regulation assessment report does do is include the 2023 and 2024 survey data for wintering birds. And I'm sure that will be covered in natural England's response. It was a concern of Yorkshire Wildlife Trust as well. They're not participating in this afternoon's hearing, but I hope we'll get a response from them on whether that lays the concerns that they may had. I take it you're in dialogue with the trust and that they are aware of the survey data.

05:52

Dr. James Riley on behalf of the applicant up to now we've been focusing on naturalism is agreement from a from a statutory point of view. Obviously, it's key that we get there agreeing with the Dania. But we can certainly share that with the Wildlife Trust as well, in order to close out their concerns. I think it'd be helped them if they saw Natural England as well. So yes, we were going to the email was sent in yesterday, there are some points of clarification that actually raised which we have since replied to they only received those clarifications a short while ago, but we are hoping that everything should be closed out with them by deadline three, hopefully. Okay,

06:31

well, in that regard, just let you know that the pins intention in the Natural England responsible will be published as an additional submission by the end of the week, so that will then be available to everyone in the examination.

06:52

Moving on then to another concern that Yorkshire Wildlife Trust had. And this is in terms of the mitigation areas or golden plover and the pink footed geese. Yorkshire Wildlife Trust say that the server has to be secured in perpetuity, whereas the applicants position is that it should be secured for the lifetime of the scheme. And that's because following this decommissioning, it would no longer be required as a mitigation of the proposal. And its continued use May. Prejudice landowners ability to deal with the land as a Yorkshire Wildlife Trust aren't here to expand on their concerns. I had a couple of thoughts on this point. One was whether the mitigation areas should be regarded as biodiversity enhancement, and therefore secured on that basis. And the second was as the land as is subject to permanent acquisition, under compulsory purchase, for the purpose of creating the management, habitat management. How would the landowners interests be prejudiced because you have the potential at least to acquire the land for that purpose and to use it for that purpose in perpetuity?

08:29

Any selling on behalf of the African just taking the two plants in turn, then everybody regards to dealing with the mitigation as as enhancement. If enhancement you're referring to similar situations biodiversity net gain of the management period for biodiversity net gain is a period of 30 years in the mitigation and will be managed for at least for two years, I use operational lifetime of the scheme so, so above and beyond what would normally be considered appropriate for biodiversity net gain. In addition, requiring an applicant to manage the mitigation areas in perpetuity would be disproportionate and would serve no useful planning purpose because there would be nothing in respect of which to mitigate is an

unnecessary and disproportionate burden on the African to do so. With regards to the compulsory acquisition, guest African st can freehold acquisition of the coding mitigation areas, although the firm intention is to conclude the voluntary payments with development landowners, as we discussed yesterday, the compulsory acquisition hearing those Monday agreements are an option for lease agreements. So for lease ratifying term being operational lifetime of the scheme. The reason that permanent acquisition powers are sought is because if the landowner were to feel to honor, the option for lease agreement once it's entered into the applicant would require to conduct all the land entirely. It would not therefore be appropriate to take a lesser rate on freehold acquisition because they would have to, for example, the golden plover mitigation zone, there would be no farming permitted in that area. And the African Act requires controls of freehold acquisition is appropriate in that instance because it will allow the landowner to claim compensation on the basis of freehold acquisition rather than in any sort of lesser rate. So claiming, seeking the freehold acquisition rate is actually a benefit to the landowner because it allows them a greater compensation claim than any lesser rate should the African seek even if they're only trying to acquire the land from the lifetime of the scheme. However, in any case, either I firmly suggest that securing the land in perpetuity would be disproportionate and doesn't serve any useful purpose

10:58

could serve the purpose of biodiversity compared with the position at the moment it will be a benefit of the scheme. Even the after the scheme has, is decommissioned. Now, I fully appreciate that. You consider that that's not necessary, but it is something that breeds them way in the planning balance. Presumably if that announcement was was made available, I'll leave it with you.

11:31

Anything on behalf of the applicant notice ever give us some thought I thought I think our position is is firm on this

11:44

the other query I had in relation to the mitigation areas and we're talking about areas one G and one H in the event of the land isn't compulsorily acquired permanently, and acknowledging that what needs to be done in order to manage it is set out in the lamp and is secured in the in the draft DCO. I'm still not entirely clear how that would work in practice, in as much as how would those provisions bind on the landowners who would still own and control the land.

12:32

Me Sterling on behalf of the applicant, the applicant is looking to secure their rights to the obligations on the landowner in respect of the management of the land through the voluntary option for lease agreements, and there will be covenants on both parties which both parties are legally required to comply with. However, ultimately, the liability and the responsibility of delivering the Mitigation Scheme will be the responsibility of the applicant which is secured through the remark lamp

13:08

so the voluntary agreement you're seeking to and then this goes back to the CAA discussion we had yesterday but the three landowners involved. That voluntary agreement includes provisions which

would bind on the landowners to undertake the works which are set out in the lamp and required by the DCO anything

13:35

on behalf of the applicant or to allow the applicant to carry out those marks.

14:04

Thank you for that. Moving on then to the local wildlife science. There are two of these within the science tottering Lane group the look and the rest will verge. Again, this is a concern which stems from the submission made by Yorkshire Wildlife Trust. And there are two aspects to it. That seems one is whether there is a proper justification for undertaking works in these sites at all. And if there is a justification, whether the mitigation which is proposed will be sufficient. The applicant has responded to your show Wildlife Trust and it's done At onto submissions and does talk about minimizing impact and the mitigation proposed but certainly to my mind it was a bit light, shall we say on justification for why works need to be undertaken in the in the local wildlife science areas at all. Something you can can help us out with

15:27

me standing on behalf of the applicant? Yes, our speaker on this agenda item is also attending virtually, Agnes Nicholas is a technical director of ecology at E comm. I will pass Miss loose to perhaps expand on the written response we've given us to the wrath behind out in the local wildlife say and why those are appropriate.

15:53

Next, on behalf of the Atkins the two local wildlife sites are grassland verges with hedgerows behind and they lie on terrain with

16:04

Ruth if you're speaking we can't hear you in the room but I can hear him echo and from the back of the room. You just give us a second

16:17

you hear me now

16:30

can you hear me now? Yes, you can. allergies and Nicola Lewis on behalf of the applicant. The two local wildlife sites in question as you say is wrestled edge and tottering Lane grip Thorpe they are grassland verges alongside the road with hedgerows behind them. Unfortunate they do lie between fields that need to be crossed by the cable so it's not possible to avoid going through them, the cables will be installed. In the grassland verge at a maximum width of five meters, we can protect the hedgerows more readily by using an auger on the machinery that can dig underneath the hedgerows. Unfortunately, that won't be long enough to completely come out the other side of the grassland verge. So it is deemed easier to mitigate the grassland verge which is maintained by the council and another's anyway, for visibility's place and general maintenance. So the grassland tariffs will be taken up and the

subsoil and the topsoil stored separately. There'll be signage to prevent encroachments elsewhere. And everything will be done within the space of a couple of days for going through those Grassman verges, and it's not anticipated that there'll be any detrimental effect on the grassland verges as a result of that. And in addition, the scheme itself provides large areas of grasslands throughout the scheme on the grass and the margins on the outside of this solar PV sites and within the solar PV areas themselves. And some of these can be managed towards the local wildlife site criteria and delivering for sort of far more reaching benefits in terms of these types of local wildlife sites.

18:43

Could you expand on the bar does biodiversity value which may be achieved for the new grassland areas in comparison with the local established local wildlife science

19:03

fairs into sub bng biodiversity net gain territory but the the two wildlife sites themselves, as I said, are good quality established semi natural grass verges with hedgerows behind and the biodiversity net gain provides a large area of semi improved grassland and species rich grassland flower rich grassland throughout the scheme that is comparable and can be managed towards local wildlife say criteria might even exceed it

19:47

get some very strong feedback on my microphone.

19:53

Sounds okay from this and

19:56

if it helps her we both got Dr. Lewis Deacon here he has biodiversity net gain. I think Mr. Tekin has some comments who would like to respond to your question? Yep,

20:05

he's doing the best they can for the applicant. Yeah, as Miss Lewis says, We have established areas of creative grassland on the site throughout the main site itself, which is species rich grassland at the boundaries, which has been managed to a condition that is trying to replicate that within the local wildlife site, and to provide additional benefits on top of the loss. The other areas that are impacted will be replaced and managed, respectively.

20:51

The next item on the agenda by I had was effects on birds and other mammals. Again, this is something which has been picked up in the concerns of a number of local residents. And we heard about this in particular from Mrs. Taylor and Mrs. Humphrey this half yesterday afternoon. One of the concerns was the level of survey effort which has gone into surveying mammals in particular. Other concerns are the effect of deer and in particular, the idea that the fencing around solar PV areas will create divert their into relatively narrow channels. And then there are concerns regarding bird species and specifically skylark Turtle Dove, curlew, cookoo lapwing buzzards, owls have all been mentioned.

And as I interpreted the the concern here is the change from large areas of albeit arable field to relatively narrow areas of grassland verge. So there are a number of concerns here perhaps we could start with the the survey effort which has gone into local mammal to mammal species in Australia, sorry me.

22:40

Anything on behalf of the African No, Miss Lewis, if you want to proceed, that's fine by me.

22:45

Apologies for interrupting you there. And Nicola is on behalf of the applicant. In terms of mammals, there's quite extensive survey effort has gone into species, such as Badgers, bats, otter and waterfalls. For other mammals, we have confirmed presence of brown hair on the site through sightings during our other surveys. But as with a lot of schemes, we assume the presence of these species and mitigate accordingly, because their mitigation also crosses over with a number of other species. So they can all be mitigated appropriately within the framework, landscape Environmental Management Plan, which is currently reference our EP one dash Oh, six, three. And that will, that will provide protection. And through this, there's also provisions within the construction environmental management plan. which currently is a rip one dash oh five, three, to also provide protection for these species that we've anticipated to be present and will be protected accordingly. The scheme provides large areas of habitats that are available to these species that they can go it will not constrain their connectivity. They'll be wildlife corridors along the field margins outside of the fencing. Plus that will be gaps allowing access to the smaller mammals, including badgers into the solar PV area so they can all still move freely across the landscape and will be duly protected during the construction as part of the construction Environmental Management Plan provisions.

24:35

But that presumably wouldn't apply to larger animals such as the deer

24:41

subspecies of Nicolas on behalf of the applicant apologies. Some species of deer would be small enough to get through the gaps but they gaps are not designed to provide for the larger species of deer but they will be able to move around the scheme itself alongside the field margins outside of the solar PV areas, and throughout the woodlands that are retained and enhanced.

25:26

And then we come on to the change in the solar PV array areas. And its effect on the bird species which I've I've outlined.

25:46

I'm just thinking, Is it appropriate? Or are you in a position to give us information on each of these species? individually? Can they be grouped? Or how would you like to address that matter?

26:08

Give me standing on behalf of the app again, I think we'll move on now. To MST matter, Neal gates, he has a technical detail. So a company specifically speaking on authority matters, and over domesticates

26:23

new gates for the applicant? I think probably we can look at it in two ways. So there's species around nesting bird species, which would nest and utilize more the open spaces of the scheme. And those those species which would be more widely associated with the existing boundary features, so hedgerows, woodlands, field margins, etc. I think I'll probably start off by just saying, similar to my colleague, Mr. Lewis, that we have undertaken detailed ontological surveys across the site, and over a number of years. That information is provided in a number of technical appendices. So there's the breeding bird survey report, and non breeding bird survey report. They're all summarized as part of the technical dependencies. So that's for breeding birds, that's ap 087 For non breeding birds, that's ap 089. And again, that's all summarized in Table eight over the ecology chapter of the environmental statement. So at 060 we have undertaken a detailed assessment, the impacts of all of these species, so the ground nesting bird species, things like Skylark, curlew, oystercatcher, I think you mentioned species which may also be associated with more boundary features. So Turtle Dove, I think mentioned buzzard as well. And the impacts of those are presented in table 812 and 813, the environmental statement, and that's chapter eight, which again, is at 060. In terms of looking at some of the details of that, so obviously, with all the enhancements and the mitigations that are provided as part of the scheme, existing field margins, boundaries, hedgerows, Woodlands all retained as part of the scheme. So there are a number of embedded mitigation and enhancement measures which will improve the quality of those habitats. So the wide grassland planting both within margins and within the PVA areas will increase the abundance of invertebrates very important for both ground nesting birds species and species associated with hedgerows and other boundary features. Again, those enhancements will provide increased nesting opportunities nesting sites. For birds of prey such as buzzard, they will increase the small mammal populations. So there'll be increased food availability for those species. In terms of some of the species which do rely on the more open landscapes, again, the scheme has embedded a number of areas across the order limits, which will be specifically managed and remain open and non developed for those types of species. And, yes, they will provide better quality nesting habitat in terms of permanent grassland. So they won't be reliable on agricultural systems. Arable Farming, where there's harvesting and low productivity and breeding will have permanent grassland for the duration of the scheme that will be managed specifically for ground nesting birds to improve their breeding success and their productivity and as well as providing increased foraging and food resources for them. Does that provide sufficient information to respond to your questions?

30:01

Yes, I think it does. I'm looking to the back of the room to see whether I don't think any of the people whose written representations I picked out in particular here but I'm not sure but there's anyone else who would like to to comment on this particular matter as it was something that was of widespread concern. Okay, anything from the local authorities on this point?

30:33

Agenda fallen for the East Riding of Yorkshire are we noted the impacts and the associated mitigation are particularly concerned about ground nesting birds, that mitigation is proposed throughout the scheme and

30:53

anything on behalf of the Africans point of Hunter I wasn't sure if there was someone in the audience raise their hand

31:03

yes, if you'd like to come forward

31:23

Sally Beckett on behalf Beckett and Macmillan, the deer will be forced into a corridor and so they will be more prone to poachers. The fields already have margins that the ground nesting birds and small vertebrates survive and thrive in. So I don't see that anything that their applicant would add to would make any advantage to these creatures that are already surviving. and thriving. Thank you.

32:06

Thank you, Mr. Speck.

32:09

And he responds to those concerns.

32:15

Me standing on behalf of the asking, nothing specific to add so we can follow up on a written response to signpost them preference and how I think that would be helpful. Yeah.

32:28

I think Louis Deacon on behalf of the applicant, just from a biodiversity perspective, we are looking to enhance and produce good quality of a neutral grass and around the field margins from a condition perspective that will be an increased level of around 163 hectares of better condition grass and is there currently

32:55

Thank you.

33:05

Sticking with Mr. Deacon, then the applicants biodiversity net gain report. The Wildlife Trust had some concerns regarding this in particular, whether the grassland which will be created beneath the panels would degrade in value over time, and I think it referred to a study which had been done on a solar farm in Suffolk.

33:38

The applicant has responded to the Wildlife Trust, but that didn't seem to be a great deal of detail on that particular point about the degradation over time caused by overshadowing from the panels perhaps something that's new could address

33:55

as Louis taken for the applicant. Within the landscaping environment management plan, framework environment landscape management plan, rep 1063 will come we've committed to biodiversity net gain assessments for the condition of those habitats associated with monitoring prior to management visits across the period of 30 years running out years, two 510 1520 25 and 30 to make sure that the condition and target condition for those areas of grass and is appropriately managed and monitored and subsequently managed to reduce the chances of that occurring.

34:40

So what one more So what might that consist of? If it's found that the kind of degradation which the wildlife trusts refers to that occurred in this solar farm in Suffolk and I'm afraid I don't have details of that. If that The process begins to occur at this site, what kind of things would be put in place in order to reverse that?

35:10

Let us dig in for the applicant. So the target conditions associated with the grass and on the main site not the field margins are detailed in the biodiversity net gain assessment report, which is rep 1061. And the management of those are prescribed in the framework landscape and Environment Management Plan rep 1063. Their target conditions for that grass and moderate has a number of prescribed condition criteria that needs to be managed. For example, one of sufferings points was around management of areas of background and impacts of shading from those from the panels. So both shade tolerant species next will be used and any overseeing or changing in management descriptions will be done associated with the visits that I mentioned in their previous response.

36:08

So, it's possible that if the species which are used to start with, don't thrive in the way that you hoped they would, you could change those features over time to find something more appropriate

36:23

that is taken for the applicant. As part of that process. The idea is that you monitor prior to any management activity, so the management can be adapted to allow for changes in environmental conditions or on site conditions, and then the habitat will be appropriately managed in that time will be dynamically changed as part of those monitoring visits. And that's why they're spaced out during that period more intensively within the first five to 10 years to make sure that grasslin can establish correctly.

37:00

Okay, thank you. Looking to the council, who is writing and its local impact report, the your conclusion on biodiversity in ecology finds that the proposal would be acceptable and then it goes on to say, subject to mitigation and recommendations set out above being taken into accounting and considered

and the hearings. This is your paragraph 7124 wasn't entirely clear to me from the the text leading up to that, what mitigation and recommendations you wanted to have considered at the hearing.

37:56

Jennifer Whelan for the East Yorkshire Council, I think we were looking at the first iteration of the biodiversity net gain assessment. So there were concerns over hedgerows, we note that trading requirements weren't met. But given that biodiversity net gains, not required until 2025, then the overall gains were acceptable. So it's, in short, inclusion of the recommendations, the recommended mitigation measures to be fully implemented. So we've considered those further documents and appreciate the hedgerow mitigation enhancements that you've proposed. Thank you,

38:46

for sticking to the applicant slide just pick up around those hydro hydro work that was done earlier this year. So we sought to work with the applicant to reduce working with hedgerows to minimize impacts from the grid connection corridor route and also to further enhance hedgerows within site that are not already in good condition.

39:19

Thank you for that anymore from anyone in the room or indeed, with us virtually on biodiversity before we move on.

39:33

Okay, let's move on to the next item on the agenda which is public rights of way. three bullet points here, the first being changes to the definitive map. And this is to some extent a factual matter. Both councils have identified potential changes to public rights of way within the application site. Again, looking at the local impact reports, it's paragraph 7131 for his writing and paragraph 12.5 for North Yorkshire. I also asked a question about the routing of the housing 20 routes and was advised that the applicant is going to liaise with his riding on that point. So, really on the factual changes to public rights of way, first of all, from the council, is there anything you want to add to what's in the local impact reports?

40:45

John Marshall is fine if Yorkshire Council, unfortunately, none of them are public. Right. So we're Team our countryside access team are available today. However, they have provided a written response if I could read that to you. Relating to potential changes to a definitive map held in 20 walking routes, the route of the 120 has been queried. We think this is due to the in a few locations. The Ordnance Survey map doesn't match the definitive map. And there are one or two unofficial diversions. They've pointed out that the applicant can only apply for temporary closure on a recorded public right of way, as we have no remit are permissive sections, where the London will need to be contacted. Applying for changes to the definitive map would resolve these anomalies in the long term. We've got some information which will come forward if necessary, relating to some illustrations for the anomalies of these these anomalies, sorry, on the public right of way and definitive map.

41:59

So to be fair to the applicants, I think it needs to, they need to look to you to make sure that watch, how shall I put it that the best possible information available at this time is used in the application and the consequences which flow from that? Why is that dialogue happening?

42:26

Anything on behalf of the African as I understand it? Not yet. So I will just take a step back into I think exactly as he should have said the powers which are in DC or could only ever apply to the public right of way as they are identified on a definitive map. If there is a public roadway, which isn't on a definitive map. It's not a public right of way. So there may be claimed one, I think this is a sort of separate issue. But if there is a current permissive route, if that information can be shared, and we can consider that but it wouldn't be a public right. If we know

43:03

that that's the dialogue that I'm seeking to make sure happens, and I fully appreciate that. That is the legal position. I think certainly, at least one of the council's I seem to recall from the local impact reports suggested that even if the route is only claimed at the moment, it should be treated as a definitive right away for the purposes of the application. Anything

43:31

on behalf of the applicant, and yes, just to confirm, so they're setting aside the sort of the Birding element, as we understand it the two public rights of way which are in the shade members of council, which are currently permissive paths that are applications to amend the Senate map to amend those from permissive paths to restricted byways. I also allowing cyclists and horse riders, those other races we are already identified within the pilot race of the management plan because they already exist as paths. And the African supposition is that the public race if we feel that plan is sufficiently flexible and scope that if those changes to the definitive map were made, then that wouldn't affect the impact assessment and indeed, the relevant mitigation for the users of those property rights have we at the point of construction, whoever they may be, depending if their defensive marks been updated to that point, could be sufficiently managed, discussed with the training of Yorkshire Council as the relevant local planning authority and ultimately subject to the approval through the relevant DCO requirements.

44:40

In relation to the claimed public right of way and North Yorkshire Council's jurisdiction, that would be a new public right of ways I understand it's not currently shown and defend. But nevertheless, we were made aware of that and that is also currently referred to in the framework other ways of we management Upon noting that the applicant acknowledges that there is a clean public recipe within that area, and if it were to be added to the defendant map, and it would be managed in the same way as the other public right of way, which currently exists.

45:27

New York, New York his point of view, anything more to add on changes to the public markets around the definitive map.

45:37

North Yorkshire Council, I think Sterling has just pointed out what it is that we would want. I think it's already been covered off that the data and other status of the application but that particular route would be considered probably right away.

45:52

Okay, thank you.

46:02

The joint local access forum and Leeds East riding, both sides expressed concerns regarding the applicants assessments, and consequent mitigation. And in particular, whether that's sufficiently detailed that's paragraph seven 130 as well as appendix one of the US writing low local impact report. As we deal with that, and then there's one point I have on public right of way. The country's writing, I presume that you're not in position to expand on those concerns at the moment.

46:50

John Marshall is Riding of Yorkshire Council, the product rights were team have provided some further information regarding this matter. They said obviously, as mentioned this morning, the proposed screening and landscaping that's been provided the theme of insufficient detail regarding this regarding surfacing of REITs. Where and improvements have been provided to assess the impacts will be negative or positive. So I think like like I said this morning, I think they're looking for more discussion on that bypass bypass basis if possible. The VA also, the applicant should be aware in relation to improvements that is in fence to disturb our streets public right of way, if any works undertaken adjacent to our on a public roadway will disturb the surface or create an obstruction either permanent or temporary. Permission needs to be obtained from the countryside and access team. Prior to this work has been undertaken. The worst public access cannot be maintained and application with temporary closure would need to be made. Likewise, if there's any potential health and safety risks to the public using the route while the works have been undertaken, application is temporary plus the footpath footpath would need to be made. That's the comments have passed on to me. Okay, thank

48:04

you. I think I'm sure the applicant is aware of its obligations in terms of dealing with public footpaths. But the thing which I take from that is whether there is a need to undertake an assessment at a more detailed level in terms of impacts on a path by path or route by route basis, as opposed to the more general assessment which has been made up until now.

48:37

In History doing on behalf of the applicant, our pastor, Mr. Chris Carter, who is available online, for us to expand on my response. I think, just to clarify, there has been an assessment of public grace of way I think what he's reading of Yorkshire councils, perhaps suggesting is that their medication needs to be identified now on a public right of way by public right of way basis, which isn't currently possible at this stage of the project lifetime. That's the purpose of the framework management plan is to establish a suite of management measures which could be employed at the detailed design stage, and which would be disgusting, ultimately subject to the approval of the shedding of Yorkshire cancer. Mr. Carter, would you like to expand on any of those points?

49:24

Chris Carson, for the applicants, I think you've very, very accurately covered the position, because effectively the purpose of the purpose of the management plan framework level is that it is it It sets out what needs to be agreed, and how we how we would go about managing these, these effects. The post consent, that's also it's secured within article 11 of the DCA that we would that we would also have to put in that place and have to do a detailed frame of management plan and post at the time when we when we look to carry out carry out those works on each of the each of the rights of way. The framework management plan also does does set out exactly what is likely to happen to each and put the rights away it sets out for each of the within within in sections three point to frequent two to 3.6 It sets out which would be which property rights away would be affected it sets out which ones would need to be managed which ones would need to be would have temporary diversions it sets out the temporary diversions will be along the line of the existing of the existing right of way and it and it sets out which ones will be subject to to manage motorized vehicle use. So, it is it is about that that is the extent to which at this stage of the project that it would be appropriate to go and it sets the framework to allow this to be to be active at the appropriate time when when we come to be constructing scheme of if consented

51:09

Thank you Miss Marshall perhaps you could take that away to your team and see whether they've got any further comments to enter make and engage in a dialogue with the the applicant

51:21

to Ashley's when Fletcher counsel. Yes, they can do that. Thank you.

51:27

We would be we'd be very happy to do that.

51:30

Okay,

51:31

good. Thank you The last point I had on public rights of way was in relation to the permissive path this is my question 11 One five and I knew it may be helpful if we could bring up a plan showing that

52:10

someone doing that or does that mean

52:14

I think it's been done in the room.

53:34

Yes, I think that is the route that goes towards the river foulness which as I understand it's essentially a cul de sac which ends that the mitigation so I just want you to understand the purpose of that and

whether any consideration was given to incorporated incorporating it into a wider loop or a wider network it seems a little bit kind of out on a limb at the moment

54:11

Chris Carter for the applicants the I mean the purpose of that was to enable people people on foot to walk to the edge of the habitat enhancement area and view and view the area it's it's intended as a as a there and back

54:49

right, thank you for that. Any more on public footpaths before we move on. We In that case, we'll go to the Historic Environment. Last point was in terms of the urine scheme of investigation, and has been an updated version of the overarching written schema of investigation. This is an opportunity for the councils to comment on that. Is there anyone there from the councils who are in the position to do that?

55:43

My goal was not to cancel. So is there anything in particular that you're you're wanting to comment on?

55:54

There's nothing specific I had no, it was just if the council's are content that that satisfies previous concerns, then that's what I need to know.

56:08

I don't believe we raise any concerns. Thank you.

56:15

To unmarshal is fine if you actually counsel, the Conservation Officers just by the very brief comment in the notes that an assessment has now been carried out on the impact on the power station at Drax is a non designated heritage asset. And the wider historic landscape is satisfied with the conclusion in relation in relation to both of these that the impacts would be lowered to negligible and they would not disagree with that. Thank you.

56:43

Okay. I had a question regarding the DCAA requirements, hen, which refers to a written scheme of investigation for archaeology. Whereas the way the proposal is set up, there will be this overarching, overarching written scheme of investigation, followed by site specific written schemes of investigation, and whether the wording of the crime intent should be amended to reflect that, and also whether there's a requirement or it seems to me that there is a requirement to have implementation clause which seems to be missing from the requirement as it currently stands.

57:35

In is doing on behalf of the applicant. Yes. So the previous position in that application was that there was no outline provided along with the application that's now been prepared and agreed and submitted at deadline one DCO wasn't updated that they're going to but it is amended and draft awaiting deadline three to amend that requirement exactly as you've suggested.

57:55

Thank you.

58:02

One of the representations I referred to in the the agenda is from Mr. Pinnock humble, who I don't think is here, but submitted a fairly lengthy submission. And the two points which I picked out of that are that the applicants come to Howard heritage chapter doesn't do enough to identify would have gone to non designated heritage assets, or to consider how they're how the proposal may affect their settings. And he refers to a number of potential non designated heritage assets spalling Grange sandwood house, chapel farm. And he also refers to when a tough haul and moated science and sporting the applicant has responded to that balance. It's, again, it's a response which deals with the methodology but doesn't get down to the specific sites which are referred to by Mr. Pinnock humble. Now, the risk of getting bogged down on details the hearing this afternoon. Is that something that I could ask the applicants who wish to address in writing in a future submission?

59:35

Any selling on behalf of the applicant? Yes, I will review representation or response Nannup to supplement that for the next time.

59:45

Any more on the Historic Environment? from anyone in the room or indeed anyone virtually

1:00:00

Okay, in that case we'll move on to noise and vibration starting with the East Yorkshire, and here's why I keep saying East Yorkshire instead of East Riding of Yorkshire I am sorry. There are a couple of queries regarding how no consideration of nighttime construction noise should be assessed. And whether something called the lowest observed adverse effect level for nighttime operational noise should also be adjusted within the the assessments. And allied to that, whether what was described this morning is associated infrastructure, which is transformers, switch gears and inverters and the light should actually be enclosed within station Field Station units. That's all in the paragraph 7184 of the local impact report. Have I summarized your concerns adequately use anything you wish to add before else the applicants or respond

1:01:18

from Marshalese when of Yorkshire Council? Yes, I think so. The public protection officer did provide further comments to you on your first questions. And I hope that obviously satisfies your response.

1:01:54

Send me something there. So is there a response? Following your local impact reports?

1:02:02

No further information apart from what you've asked for in your questions. I know that.

1:02:10

So there are a couple of fairly specific and somewhat technical considerations there. One, which is less technical, I suppose is the idea that the associated infrastructure should be enclosed within station units rather than at the moment, there's the potential for it to be left open. So I wonder if we could address yourself to that point in particular? And would it be appropriate to leave the more technical points about the nighttime construction and operational levels to written submission?

1:02:51

Ami Sterling on behalf of the applicant in response to the first question as to whether it is appropriate for the Transformers which occasion factors ought to be housed within one field station unit, we would suggest that that isn't supported by the technical assessment that the applicant has carried out. And that the assessment demonstrated that that flexibility is, which is currently so as to have the different types of field stations is appropriate. And we'd be sufficiently investigated in terms of the technical assessment to support that we do have our acoustics consultant available online at the moment if you'd like to get into the technical detail, or alternatively out, of course responding to local impact report that deadline, three, so in your hands, if you want to hear them since they're here in writing appreciating you don't have the equivalent from the auto cancel.

1:03:40

I think that that is my concern that these are matters raised by Yorkshire Council recycling rebutia. Council and if their expert isn't here, then to hear from your technical expert, and probably wouldn't take us all that much further. If if there's no one here to to interrogate that. So I think that's probably something we'll leave for. submissions, anything

1:04:09

on behalf of the applicant? That's because I've suggested we take a similar reports mo seek to engage with the regular Yatra Council in relation to the proposed response, if not for deadline three, where we will provide a response but to seek to agree and Michel response for deadline for

1:04:22

Thank you.

1:04:38

There was also a concern expressed by Mr. Taylor regarding the effect of vibration from piling on his property. He's not here to expand on this afternoon but from my point of view, what I take away From the response that the applicant has made so far is that

1:05:07

the

1:05:09

control measures which will be put in place and which refer to BS 5228 amount of communication strategy and whether that is sufficient under the circumstances or whether closer consideration needs to be given to effects particularly where sensitive buildings and I think Mr. Taylor was referred to a

Georgian property which probably doesn't have foundations, whether more site specific investigation is required at this stage

1:05:55

anything on behalf of the applicant, I will pass the message to representatives and acoustics consultant at AECOM respond to this question

1:06:08

Hi, Eddie Robinson on behalf of the applicant. So, as part of our assessment of construction vibration, we consider the potential for cosmetic building damage along with potential for human disturbance from vibration. Now, the level of disturbance required for cosmetic damage to a building is substantially higher than the significant observed adverse effect level for human disturbance. So, the level is set at one millimeters per second. For human disturbance and for cosmetic damage to buildings, we set a minimum level that's 7.5 millimeters per second. So, it's substantially higher and you would only likely get any kind of cosmetic damage if any vibration generating activities are taking place in in close proximity to a property. So, as part of our assessment, we identified that there are no properties within 50 meters of proposed solar PV areas. So, on that basis, we did not identify any exceedances of the level for human disturbance and would not come close to the levels of vibration required for cosmetic damage to a building. Thank you

1:07:50

is there guidance or methodology which establishes the 50 meters or resented? How is that figure arrived at

1:08:02

excuse me, so, we we look at the level of vibration generated by piling that has been measured and presented in British Standard 5228 Part two, and we do some regression analysis on that data to calculate what different distances likely level of piling is going to be. For example, for auger or board piling, which is what would occur as substation and fuel station units, we would we would not be exceeding the low or 0.3 millimeters per second at 50 meters. So I think Mr. Taylor's concerns were regarding potential for driven piles. So just to alleviate any concerns there that there is some high levels of vibration can be generated by big percussive piling rigs, but but the kind of rig rigs we're talking about are just for driving posts into the ground. So there's they're small vehicles about the size of a car and they just drop drive fence posts into the ground so you don't get high levels of vibration generated from that kind of activity.

1:09:52

Thank you for that Mr. Robinson and the other points on noise and Barbara Yes, Mrs. Becker

1:10:15

Sally Beckett on behalf of Becky Macmillan, could I just ask how deep the piling will be? There's been no mention.

1:10:30

Mr. Robinson, you're the best person to come back on them on.

1:10:36

Eddie Robinson for the applicant? Would I be able to pass this question to one of the design team? If anyone's present answer.

1:10:48

Amy Sterling on behalf of the applicant, I'm not aware that we have a maximum or minimum of the piles, because I'm not sure it's relevant for any of the assessments or the impacts of the skin, that's perhaps something that would have to take away and check.

1:11:15

Among other things, presumably, it's affected by the ground condition to name particular locations. I think we'll have to leave that as a matter to to come back to Mrs. Becker. And is there anything else you wanted to raise on noise and vibration?

1:11:33

Yes, I would like it confirm the depths because I do know for a fact that the area where my property is, which does not have foundations because of the age of the property, and my next door neighbors and the neighbors after that are also the same land has approximately 12 to 18 inches of topsoil, it then goes down to 12 foot of clay, and then it returns to rock sand. So if the pilings are going to go down 12 foot and they're going to hit a rock, Clay, sorry, the rock sand, which then obviously, the vibration would be a greater risk to the property.

1:12:26

Thank you all the matters, which you're in a position to comment on in your response in terms of the ground, I've already mentioned ground conditions. And again, I assume that they will vary across the site. Just wondering how much detail you'll be able to give in this stage

1:12:48

in sterling on behalf of the Africans, I'm assured from the background that they've pales would not be as deep as mistake is suggesting. But yes, let's take it away. And we'll come back with a more detailed response and waiting for the next deadline.

1:13:19

To pick it up, think you are going to get a response but not this afternoon.

1:13:25

Yeah. I wasn't suggesting I was inquiring. Okay.

1:13:37

Let's move on then to other points of clarification. And this is just rounding up bits and pieces. So they're not necessarily related. But first one that I had was questions regarding the impact on existing land drainage. And this was my question 13 Zero 13. The applicant has responded to that and there is

some useful information in however, one of my concerns and I believe this is something which is shared by a number of local people who have submitted relevant written representations is the potential for physical damage to existing land drains. And again, this goes back to the piles that will be used to support the solar PV panels. So we've heard that there will be a relatively small piling rig which will be used to drive these piles into the ground by a question is what is known about the existing land drainage in the area and the potential for these piles to cause physical damage

1:14:59

anytime Hang on behalf of the applicant? Yes, sir. In preparing for this session, we realize we perhaps haven't responded to your question and fill in the written question. So I will pass in this clear Healy, who is consulting the E commerce planning lead, who can respond in the land range point to

1:15:18

Claire Healy on behalf of the applicant. The applicant is aware that existing land drains are located across the solar PV areas, and they were actually installed many years ago which with the drainage ditches to help increase the agricultural productivity of the land. Their purpose is to move water away from the topsoil and crops reducing waterlogged logging during during periods of heavy rainfall. So these moves the water into the narrowed network of drainage ditches that surround the agricultural field. There is a potential for construction to damage these existing land drains, as you've referenced with the piling of the CFPB tables, but their location will be investigated when the applicant developed its temporary drainage system for construction. And this is explained and committed to in Table four of the framework construction Environmental Management Plan, which is rep 1053. With regard to protection of these though, which is obviously the concern that's been raised, obviously, the applicant is leasing the land for the solar PV development for 40 years, and it's proposing to return the land back to the landowners in its original condition. And this would include the repair of the existing land drains, if this is required. This can be secured via an update to the framework decommissioning, Environmental Management Plan rep. 1057 At the moment, and wouldn't that would obviously be secured by a requirement 18 of the draft DCO coming forward as a detailed decommissioning environmental management plan at that point in time, so the applicant feels that it's not necessary to repair those, because it doesn't necessarily need those as part of its solar operations. And we, the solar PV can operate with waterlogging. Whereas obviously, with agricultural crops, that's more important to remove the water.

1:17:27

But does that puzzle in the event that there was damage to the existing drains and the applicants position is that that damage wouldn't be made good until the decommissioning phase. If if, if the result of that damage is water logging and the potential to increase the flood risk, then that is something which the application needs to take into account.

1:18:02

Claire Healy on behalf of the applicant. Yeah, we recognize that that has potential implications for surface water moving off the site. And I think as part of this commitment in the framework, construction environmental management plan, we'd be identifying where those drains are. And if required, we would potentially repair those if we felt that was necessary for the temporary construction drainage system

1:18:36

to know enough about where those trends are. And my perception of understanding of these things is that they finger out across the field and they may not be very obvious where they are at the moment.

1:18:51

Clearly, on behalf of the outcome, I would agree with that point. However, obviously, we've made that commitment in the framework to identify where they are.

1:19:01

Okay, so some further investigation techniques which you will need to put into place to identify the location of those dreams.

1:19:10

Clearly on behalf of the applicant, yes, I would agree.

1:19:15

I think perhaps in the future iteration of the same that could be made a little bit more clear.

1:19:25

saheeli on behalf of the applicant, we know that and we'll look at whether we need to update that

1:19:40

the next point I had was the construction traffic management plan and this is related to he's writing a Yorkshire's paragraph 780 of local impact report which express There's a need for updated construction traffic management plan and also refers to the use of a section 278 agreement. On the second point, the applicant has submitted a consent and agreements position statement. But section 278 agreement doesn't appear in that. So two points there. One is, again, whether there's anyone from East Riding of Yorkshire who'd like to expand on what is required from a future update of the construction traffic management plan. And then we'll come on to the 278 agreements.

1:20:52

International fees Rand Yash. Counsel, I was just checking if my colleague from highways was attending virtually Andrew falsey.

1:21:06

Force a year

1:21:17

we'll see not

1:21:24

if so, I'm happy to respond in Section 270. Point in the moment give the shading actually Cancer Center. And there's me standing on behalf of the applicant. Yes, sir. As section 278 agreement, the

applicant is more than willing to enter into such an agreement if you should indulge or cancel, require one at a certain time. It is a permissive agreement. It's not something that is required for this scheme. But now there is something that we're pushing back on as it were. And indeed, article 14 of the draft DCO is entitled agreements with street authorities. And article 14 one C specifically provides for the street authority in essence each trade in Yorkshire Kensal and the undertaker to enter into any agreements in relation to any work in any streets. If that were any shame in Yorkshire councils preference to be a section 272 agreement, then we'd be happy to do so. However, the applicant napkins position and we understand you're showing the actual counselor contempt at this position is that that would be post consent agreement. That would be something that would be entered into in preparation for submitting a detailed construction traffic management plan for approval. And we'll be progressive and detailed design.

1:22:45

Okay, so we have two items on your list. Now the updated construction Travel Management Plan and the approach to the section 278 agreement.

1:22:57

Chumash lease when if you actually cancel in terms of the section two seven aid agreement. I've been advised that all mitigation works within the limits of the public highway will need to be carried out under the provisions of the 278 Highways Act and supporting bond and that can be post consent that's acceptable. On the other matter, in terms of the updated requirements for the construction traffic management plan, I'm just trying to obtain just trying to find out if my colleagues join in from virtually I did ask him to see moved on quite quickly and this afternoon. But if not, I can provide a written response on that matter.

1:23:35

And will be helpful. Thank you.

1:23:48

Chris Carter for the applicant. Can I come in on the ctmp? Please do? Yes. So we've got seven point 80 of his Riding of Yorkshire Council's response, which lists a number of different elements that they wish to see in in an updated ctmp. I think from from our perspective, we would like to try we would like to clarify whether this is something that they would like to see incorporated within the framework construction traffic management plan prior to consent or whatever, this is something they want to see in the detailed ctmp Post consent. There's nothing on the list that causes us any any significant term concern and we're more than happy to have that offline conversation with the relevant highway officer to to agree exactly what needs to to go into an update ctmp and the what stage

1:24:50

so I think was martial or if you have the conversation with the applicants about the stage at which they Your concerns are addressed. Then when the applicant responds, then hopefully it will be taken into account your position.

1:25:15

And Marshalese mind if you actually counsel, the highways officer has them confirmed that that can be required as a requirement. I like my condition, obviously, in terms of the update ctmp. So, the

1:25:26

list, it's your paragraph 780 could be at the detailed rather than the framework stage. That's useful clarification. Thank you,

1:25:38

Chris Kosta for the Thank you, sir, we confirm that we don't need to submit an updated ctmp At this stage. Thank you.

1:26:00

That brings us to the end of the items I had on my agenda. Anything else from anyone else before we move on to the next item, which is statements of common ground?

1:26:21

No, in that case, when we started it, resumed in 130. It's now just about three o'clock, whether we take another 10 minute break before getting on to the statements of common ground. Are you content too tired to plow on?

1:26:41

We can get through the day. So I think happy to pile on. Okay. All

1:26:48

right. Well, this is where I asked for an update on the status and common ground of which there are quite a number 13, some of which have been updated in the most recent submissions, others not. So would it be appropriate to take them one by one?

1:27:07

And so on behalf of the applicant, so that's, that's fine. Would you like me to start working through the list? The first one I have is with East Riding of Yorkshire Kenzo. We have now received comments from a training of Yorkshire Council in the last couple of days, which we're now considering and looking to update a statement of common ground for submission at the next deadline is a working draft in relation to North Yorkshire Council, we have issued our statement of common ground to North Yorkshire Council. And we understand that and authority Council are undertaking that review very shortly. And we'll be providing comments back to us, again, hoping to submit a working draft for deadline three, if not,

1:27:50

for deadline for this the rounds. You contend with that as a timescale. I've

1:27:57

chosen not to rush to cancel Yes. Thank you,

1:28:04

me, standing on behalf of the applicant. Turning then to the Environment Agency. We have issued the statement of common ground to the Environment Agency who a few weeks ago confirmed that their position was representative of theirs. However, we are now updating the statement of common ground to reflect the latest discussions we've had with the Environment Agency on flood modeling, which will then be shared with the Environment Agency and again, hoping to submit for deadline three is a working draft.

1:28:40

In relation to the Forestry Commission, we have issued the statement of common ground to the Forestry Commission and we have followed up with them. However, we are yet to receive a response for them, but we will endeavor to keep trying

1:29:01

am relation to Historic England we have again entered as the American grand Historic England we then the African they met with Historic England to discuss a statement of common ground and subsequent to that discussion further updates have been made and which have now been sent to Historic England for hopefully agreement and without a religious Minister Miller common grinder candidate line three.

1:29:30

In relation to national highways the statement of common ground has been agreed and signed and I believe submitted into examination in relation to the canal and river trust again similar situations they will have common ground has been agreed signed and submitted into examination in relation to Natural England. We have a sadistic mercon. We're going to Natural England and they have confirmed it reflects their latest possession as at the time it was letter to them However given the email, so, the read in circulation yesterday, we believe that there may be some further helpful updates that could be made to the statement of common ground. And again envisaged or done for deadline three to reflect the very latest position of the parties how that deadline

1:30:26

in relation to national gas transmission, again, this has been negotiated between the parties, we have returned just one minor outstanding comment at the end of June however, if you haven't received a response yet from natural gas transmission, we have been following up on a regular basis including most recently yesterday, and will continue to do so but there's nothing substantive between the parties

1:30:54

Our intention is to close this one out for deadline three.

1:31:05

In relation to network we'll halfway there statement of common ground has been agreed and is now signed. And so we're signed and submitted version. So yeah, same version will be submitted at line three.

1:31:22

In relation to not in progress to Yaksha, we have sent us the amount of common ground to Northern poker, Yorkshire, however, we haven't received any response. We are continuing to follow up with them, including most recently yesterday, and we'll endeavour to do so it may be if we haven't received a response by deadline three, we have to submit the statement of common ground as our working draft so that you're aware of the shape of her list.

1:31:52

Okay, thank you.

1:31:55

In relation to Islam during IDP, their statement of common ground has been going between the parties and getting nearly agreed. We are most recently received the IDP comments on Monday, which would have this week which we're just considering it's more tweaking that needs to be in doesn't need to be included rather than any substantive difference. So again, we're hoping to have this one closed out for deadline three.

1:32:30

And then the final one was the UK health and security agency. Again that was signed and selected at length two, I believe one has the air later than the above common ground itself

1:32:52

thank you for that. Item four on the agenda is any other matters relating to environmental topics. Mr. Leung please come up.

1:33:26

Thank you, sir. Stephen London on behalf of myself and my wife, Mrs. Joan, Mary Leung. We are residents in the area. I have really some observations which I hope might lead to clarification. And they're essentially our interconnected headings over the last day and a half. The first thing that struck me was the efficiency of farming item to be that the surveys before the efficiency of the land usage here. What over summer, April, I think to September. Now this rather, shows the land in its driest, arguably most concrete state, as I suspect it has mentioned, there is a very, very deep layer of play throughout the area. Our property sits effectively between zones two E and two F and so it's pretty representative of the area within half a kilometer around our property. In the winters I believe it's 20 to 21 and 21 to 22. We spend around six months From October to April, with several acres of our land underwater, and I don't mean puddles, covering the wealth of a shoe, they were at the level of tops of Wellington boots. Indeed at one point, and I have a photograph of it, swans were swimming within yards of our backdoor. This is not quite the same as what I think was being represented. And it also has a link to your comments on land the comments on land rains. I do recall in those two particularly bad winters in area two, ie, the farmer and his staff digging down to the land rains, which appeared to be rather damaged. And I suspect many of the land rains in TV and to f is even now exist up very old and very damaged. It takes me back into the initial survey of our land. And this is Mr. X up and Instructables comm comments, we were contacted, would we have people on our place to survey what we had in terms of wildlife, we were rather happy about this. If nothing else, we got a really up to date assessment of what we actually had in terms of animals, etc. We made an agreement that the company would have

their representatives on the side at a certain time. Nothing happened. I contacted them again, I was told oh, we went but we couldn't get in. We were there all the time. So what we did was we made an assessment from the roadside. Through our eight foot high, very thick Hedges we made a further arrangement. And they did actually turn up. And I've got to say that the people who did the survey were extremely pleasant. Him but there again, they were there. They were just the foot soldiers. We moved to Mr. Taylor's concerns over piling, we actually are closer to the proposed area to F. And our house, although somewhat newer, by about 50 years, probably has equally inadequate foundations. We are actually I think somewhat reassured that the actual levels of vibration will not affect the property we just hope they won't. Going back on the water, which actually affects our land just as much as everybody else's. Sheep do not like wet land, they get foot rot. If you're going to have sheep on that land under a very, very, very few sheep in the area, and whether are sheep they are on very small pockets of land. They can't be kept on the land for any great length of time. My final point I look forward to receiving some reassurance and clarification of the acquisition of rights adjacent to our property. A couple of points which are somewhat lighter. May I commend you, sir, on your command of local street names, etc. The foulness is actually the funa right. Okay. Sorry. And I don't mind you referring to East Yorkshire, seeing as we seem to get far too many governmental communications that still refer to North Humberside. Thank you. Thank you

1:39:12

couple of substantive points to take out of Mr. Lund submission one is the survey undertaken for the ALC whether that has been done over an appropriate period during the year and taking into account all potential ground conditions

1:39:37

and the second is the whether the land is truly suitable for sheep grazing.

1:39:48

Me standing on behalf of the applicant. Yes, I can I can pass him Mr. New today to discuss this ALC service in more detail in the timing of them. Although I think Whatever it is, and I think we've probably seen this, they're saying the same thing between yourselves and, and Mr. Lung, he is referring to flooding. And of course, the ALC surveys have identified that the land does not be empty. And one of the reasons for that is because there is a risk of flooding on the land, which hinders crop growth within the area. So I think the two positions are consistent. We haven't today examined the flood risk assessment, which the applicant has also carried out and found that nevertheless, with the surface water management system that it will put in place a lander suitable for solar PV. So I think we're being consistent, but I will pass the muster totally just to check if he's got anything to add on the timing of the LTE service.

1:40:40

Steven Leung thank you for that partial reassurance. I think if you're thinking more deeply, that's not the wrong phrase into the issue of land rains and flooding, because it is flooding, not surface water. That tends to minimize the apparent condition. It's really, really deep for quite substantial parts of the year. And it has been for the 27 years that we've lived. Thank you anyway for that reassurance.

1:41:18

Thank you, Neil. Neil, typically on behalf of the applicant. I mentioned earlier, not sure whether you're in the room, the the agricultural land classification surveys that were carried out between May 2023, and September 2023. So depending on the specific fields, some of those fields may have been over that summer period, which you did refer to, there are some environmental surveys that we do in there seasonally driven, there's guidelines by the relevant Institute or statutory consultee, where you have to carry out surveys in particular months, ecology is a really good example of that, that doesn't apply for soils. So with soils, you can undertake that anytime of the year, the methodology, and the findings are not affected by that, how they carry that out, it tends to be driven more about the access the access to the field, or if it's frozen, for example, if there's a high crop in that field that may prevent a particular month being surveyed. So they use handheld org loggers, and they'll drill down about 1.2 meters below the ground, pull that sample up. And then they will evaluate what that sample is showing them. And some of those are sent off to the laboratory as well. So some of what's been mentioned today about the clay soils. That's true in parts of the site. And there's there's a summary actually in the chapter 15 soils and agricultural land, which is AP, oh, six, seven. And then another summary in the framework soil management plan, which is that two for one describes really well the different types of soils and the underlying soils and the bedrock. But in terms of the surveys itself, that they are undertaken in the right time of year because there is not a seasonal restriction restriction on that.

1:42:59

Steven Leung resident thank you for that. I still contend that a year round survey would rather demonstrate how bad that land is during winter. Can you

1:43:18

now totally from the applicant, you mentioned as well the the flooding on the land, the the water logging, and we've talked about that a little bit through the day. We did carry out hydraulic modeling as well. And that is I'll see whether I can find the the chapter reference so it's on record there is chapter nine flood risk drainage water environment, which is app six one that discusses the the baseline conditions appended to that will be that hydraulic modeling. And as you pointed out, some parts of the site are waterlogged and predicted to to flood so there'll be different frequencies and depths of flooding in those areas. There is a commitment in the application for the base of the panels to be a particular height above that predicted flood water and that's including climate change allowance. So we have a an allowance to bring the base of the panels a little bit higher up to protect the the infrastructure itself. But the points noted about the ability to farm sheep in those areas. And they wouldn't be in those areas when it's waterlogged when it's flooded for the reasons you pointed out. They'd be rotated around elsewhere during those periods of time. Thank you. Okay.

1:44:37

Any more before we close for this afternoon. In that case, thank you, everyone for your contributions and attendance this afternoon and we'll call the hearing to a close. Thank you