

TRANSCRIPT_YORKSHIREGREEN_ISH4_ SESSION1_19072023

Wed, Jul 19, 2023 2:28PM • 1:32:14

00:09

Good morning everybody. It is now 10 o'clock and time for this hearing to begin. Before we go any further, can I just check with the case team that the recording and their live stream have started? Thank you. I'd like to welcome you all to this issue specific hearing for on the draft development, consent order and environmental matters in relation to the application made by national grid electricity transmission limited for the Yorkshire green energy enablement project, which we will refer to as the Yorkshire Green Project. My name is Jessica Powis, and I am the lead member of the panel appointed to examine this application. I'm now going to ask my fellow panel members to introduce themselves. Good morning everyone. My name is Gavin Jones, and I'm a member of the panel examining this application. Good morning. My name is Annie Coombs. And I'm also a member of the panel that's examining this application.

01:01

Together we constitute the examining authority. Our role is to examine the application and to report to the Secretary of State for energy security and net zero with a recommendation as to whether or not the development consent order should be made. The paying US veterans case manager for this application is Shaun Evans, and she is being supported today by case officers Caroline Hopewell and Jennifer Savage, who you will have met in the arrangements conference. Please don't hesitate to contact a member of the case team should you need help at today's event or with the technology. I'll now deal with a few preliminary matters before we move into the substance of today's agenda. So today's hearings being held fully virtually. So you will however, see that three all three members of the examining authority are in the same room today. If you're participating and you wish to speak at any point in the proceedings, please use the raised hand function and we will invite you to speak at the appropriate time. This was all working relatively well yesterday, so hopefully we'll be in the same position today. Alternatively, please just turn on your camera so that we can see that you wish to speak.

02:03

The hearing is being both live streamed and recorded and the recording will be made available on the Yorkshire green page of the national infrastructure website shortly after this hearing. In order to minimize background noise please could you make sure you stay muted unless you're speaking and could all participants please ensure that electronic alerts are set to silent or switched off so that the proceedings are not interrupted?

02:25

linked to the planning inspector, its privacy notice was provided in the notification for this hearing. We assume that everybody here today is familiarize themselves with these document this document which

establishes how the personal data of our customers is handled in accordance with the principles set out in data protection laws. Again, please speak to the case team. If you have any questions about this.

02:46

This issue specific hearing will follow the agenda published on the fifth of July. So it'd be helpful if you had a copy of this in front of you. The agenda is for guidance only. And we may add other considerations or slightly switch around the order of things as we progress depending on the demands of the those who are present and how we need to take things. I would highlight that that agenda was issued before deadline five. So some of the matters in there may have been addressed by deadline five submissions, but we will deal with those things as we work through the agenda broadly will follow what we've published. If any of the matters on our agenda cannot be concluded within the time available, then it may be necessary for us to defer some matters to post hearing notes or action lists. And likewise, if you cannot answer any of the questions being asked or you require time to get the information requested, then could you just please indicate that you need to respond in writing. And the deadline for that would be deadline six on Friday the 28th of July.

03:44

I'm now going to hand over to Miss Coombs, who will ask our participants to introduce themselves. Thank you my spouse, I'm going to ask those of you who are participating to introduce yourselves and could you introduce yourself stating your name and who you represent? And let us know on which agenda item or items you wish to speak. If you're not representing an organization, please confirm your name, summarize your interest in the application and confirm again confirm the agenda item. And today we have asked participants at the arrangements conference if they plan to speak so I'll be inviting just those parties who have indicated they will be speaking to introduce themselves but I'll then give the opportunity for anybody else.

04:26

So firstly, starting with the applicant, Mr. Attorney.

04:33

Good morning, Richard Turney counsel instructed by Womble bond Dickinson on behalf of the applicant. Thank you but I'll be speaking on most agenda items I think. Thank you. And the next I have is most homes

04:51

Good morning in this pertains Womble bond Dickinson for the applicant, potentially speaking on agenda items one five.

04:59

Thank you Mr.

05:00

And now Miss McDonnell.

05:05

Good morning, Mr. McDonald, Senior Project Manager for national grid for the upstream project and I would like to speak on agenda items three and four, should it be required. Thank you.

05:17

And Mr. Fowler.

05:21

Good morning Steve fall and national grid on behalf engineering team. We speak on a number of hearing agenda topics. Thank you. Miss kingdom.

05:32

Morning, Bethany Kington National Grid consensus officer, potentially speaking on agenda item three. Thank you,

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Mr. Beecroft.

05:49

Sorry, Miss Kim's mark, Mr. Bukowski not speaking or

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logged in today. Oh, okay. Sorry. My mistake. Thank you.

06:00

Monster make

06:03

it morning, Rachel Dimmick from double ASB on behalf of the Applicant speaking on environmental matters if needed. Thank you. Mr. Ferber.

06:15

Good morning the Ferber landscape consultants speaking for the applicant on landscape matters. Agenda item three. Thank you.

06:24

And Mr. Wakefield.

06:29

Good morning, Andy Wakefield from AECOM. Speaking for the applicant, if required on agenda item three. Thank you. Miss Mosley.

06:42

Good morning, Joe Mosley. W SP. Speaking on agenda item three B of the applicant. Thank you. And Mr. Raven.

06:58

Hi there. Mike laeven. From W SP speaking on behalf of the applicant on Item three b one. environmental matters. Thank you, Mr. Warren.

07:14

Ben Warren from W SP speaking on behalf of the applicants in relation to climate changing carbon. Thank you

07:22

Mr. Appleton.

07:26

Good morning, Chris Appleton. Speaking on behalf of National Grid in relation to Item three C traffic and transportation. Thank you. And Mr. Anderson.

07:41

The mind, Steve Anderton of WSOP. Speaking on behalf of the applicant on agenda item 3d hydrology and flood risk.

07:51

Thank you very much and Mr. Hein?

08:04

We don't have a very clear line Mr. Hein you're breaking sorry. I was muted.

08:10

That's fine. WSD. Speaking on behalf of the applicant on noise vibration matters. Thank you very much.

08:19

And we know that Mr. Hughes is there in the background, helping us with the plans, Mr. Turney is that everyone will be speaking as far as you're aware from your side and from the applicant side?

08:30

I think so. Yes. Thank you. Thank you. So we'll just turn to other parties now. So Ms. White from Leeds City Council.

08:39

Good morning, Luis by Leeds City Council Planning Team Leader, probably speaking on items three and potentially five. Thank you. Thank you, Mr. Bellingham.

08:54

And Miss Bellingham is the internet's not working. I try and join as soon as they can.

09:01

Thank you.

09:02

Was that Miss Garrett? That Yes.

09:05

Okay, so thank you. Thank you.

09:09

And Mr. Tucker.

09:12

Good morning. Yes. My name is Sam Tucker, from the Canberra trust and potentially speaking on agenda item four, but only if there's any questions asked. Thank you. And Mr. Reynolds.

09:28

Good morning, Michael Reynolds and others Council. Speaking generally as required, I think for that day. Thanks.

09:37

And Mr. John's?

09:40

Yeah. Hi, Tim John's on behalf of North Yorkshire Council speaking on landscape and visual effects. Thank you very much.

09:48

So that's all the parties that I have other than those from the applicant. So unless anybody else is indicating that they are present and wish to speak

09:59

I think

10:00

We can move on to the next agenda item

10:05

was progressing. Thank you very much. Okay. Before I briefly explained the purpose of the issue specific hearing today, I will just mention that the applicant submitted to change application deadline five last week, which comprised three changes, and we made a procedural decision to accept that application. So consequently, consequently, we are now examining the change application. We

discussed the three changes in some detail at yesterday's compulsory acquisition hearing, because they each relates to land negotiations between the applicant and certain affected persons.

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So, to some extent, we have already spoken about them in some detail, but we will also discuss the changes were relevant as part of today's proceedings, and the agenda items. So, this hearing is in two main parts. Firstly, environmental matters, which is item three. And then, secondly, draft developed consent order under item four. In terms of environmental matters, we plan to focus on unresolved issues, and also where appropriate examine the effects of the three changes that we accepted last week. And then in terms of our consideration of the draft development consent order, we plan to take the approach we've taken in our previous DCO hearings, which is to work through the DCO in Article and schedule order, and we will be working on the latest version of the draft two and a consent order which came in at deadline five. So as I say, this is the third issue specific hearing we've held in relation to the development consent order, and we don't need to discuss every provision, but we will focus on those where anything has been revised in the deadline five version, which, for the sake of everybody's reference, we'll be using the track change version, which is rep 5005. And we'll also be looking at any matters which we know are not agree with interested parties, we'll be looking at any revisions that were sought through action points from particularly issue specific hearing three, and anything that arose from our second round of written questions es que tu and any other matters that flow from yesterday's compulsory acquisition hearing.

12:14

As we've said at previous DCO hearings, the draft DCO is an important document, because it's a draft piece of legislation, which if the secretary of state decides to grant development consent forms, the legal basis for the delivery of the post development, it sets secures the standards to which the development must be constructed and secures the environmental performance of the development. And it's important for the examining authority because we're under a duty to provide the Secretary of State with the best drafted DCO that we can, even if we were to end up recommending that the Secretary of State should not make the DCO. And that's because we don't decide the application, we make a recommendation to the Secretary of State who then makes the final decision.

12:51

We note that the applicant intends to submit an updated version of the draft development consent order as part of its consequential amendments to documents as a result of the change application having been accepted. So we know at deadlines six, we are going to receive an update. But unless the applicant tells us otherwise, my understanding is that this is going to be limited just to those consequential changes as a result of the change application rather than a more wholesale update to the DCO. Which I think we're now still expecting a deadline seven. Can I just ask Mr. Attorney to confirm that your understanding to

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bridge attorney or the applicant? So

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there may be more updating that can be done to reflect today's discussions

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and movement on protective provisions? For instance, in the version issue to Deadline six, does that cause a problem from No, that helps. Now that helps us I just want you to be realistic about what what we could expect as an outcome of today's hearing. But anything that can be added in especially in terms of predictive revisions, we're definitely not going to say no to that so and if there are other things that crop up today that are easily kind of

14:05

edited or revised in what can be submitted a deadline six and again, we welcome that. I know it's not officially in our timetable to be coming in again at deadline six. But because we are then looking at doing our own commentary on the DCO after D six and we would welcome any updates you can make by then. Thank you, we'll do that. There'll be a there'll be a deadline six DCO.

14:29

If there are issues that which we can pick up between now and deadline six and that drafting has resulted today's discussion, will will do that. Thank you.

14:40

And so as I've just mentioned, then we have the opportunity to publish our commentary on the draft DCO in mid August, which again, will focus on matters outstanding, it's not going to be

14:51

line by line commentary. It's just going to be focusing on the matters outstanding and the purpose is to see whether agreement can be reached before the end of examine

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nation and also to assist us in making our recommendation in any event, so we will return to these matters under item four.

15:08

Before we move on then into look at item three and environmental matters, does anybody wish to raise any other preliminary points about what will be covered in this hearing.

15:20

And I can't see any hands raised. So we'll go straight on into item three.

15:25

We will broadly follow the topic or the set out in the agenda. But before we dive in, I would just note that deadline five we've received from the applicant a consolidated environmental statement addendum, which incorporates and replaces the previous part one and part two agenda documents and then additionally captures a further update to the extended phase one habitat survey report. And that's been consolidated into a single document following the discussion at our hearings in May, which was when

the council's emphasized the need for simplicity and documents that may need to be referred to in discharging requirements, should the applicant application receive development consent. So that consolidated es addendum is examination Library Reference rep 5014. And also deadline five the applicants submitted and updated environment statement irata document, which is rep 5012. And we note that I think it's table 2.3 of that document sets out the irata and amendments made a deadline five, just just so we all know where we are, we will come back to some of the specifics of those documents and the subsequent parts of item three, if any further agenda or irata unnecessary before the examination closes, which I suspect may be the case, they should be added to the consolidated documents to keep things as simple as possible using the approach that we're now taking. And deadlines seven is the latest point at which any final updates to those documents should be submitted, which allows a final opportunity to comment for all interested parties by deadline eight, which is our final deadline.

17:01

And so before I pass over to Miss Coombs to look at landscape and visual effects, I'll just check whether anybody wishes to raise any points now about the yes addendum or irata. In a more general sense,

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I don't see any indication. So I will pass that over to Miss Coombs for item three a thank you Miss Paris, just to say I'm only going to cover points under this agenda item which don't have a direct relationship with the relevant requirements. So on matters that will be covered in the requirements, we'll deal with those under the more detailed part of the agenda with with relationships with the DCO. And so just on the first points replacement, reinstatement planting Mr. Turney, we've seen the definitions that the applicant has provided in response to Leeds City Council's points, which are provided in rep five Oh, 82. Table 2.4.

17:55

And that was the applicants response to IPS deadline for submissions. Can I just ask where these would be set out and secured? Indeed, if it is the intention to secure those definitions somewhere?

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Rich attorney for the applicant, I'm told that it's in the in the glossary that those definitions again to be inserted

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in the glossary to the DCO.

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That to the environment, environmental statement to the environment. Yes. Okay. So I don't know if they're yet been. I don't think they've yet been inserted, but they will be.

18:43

I'll come to miss Weiser in a minute. And perhaps we now note that replacement and reuse and reinstatement are used interchangeably. And I just wanted to explore whether that is going to pose any

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sort of wording issues because that that will fall into the into the DCO. But this is in terms of planting.

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Or we can come back to that one under the

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requirements later on and requirements eight, nine and 10. If that gives you a bit more time. Rich said if that can we'll do a quick cross check to

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see where that

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interchangeability is used. But I think it probably is a matter to consider when we come to the requirement obviously requirement 10 is concerned with replacement planting is the language used but

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I think we have identified

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the different functions being performed although in essence, it results in the same thing that is to say, new planting in the place of what was there before. reinstatement, I think is

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used in various places to connote

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restoring hedgerows and such like,

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and replacement planting is used in requirement 10. So I think the language in the ies and in the requirement might be a little bit different. But we'll do we'll do a cross check and see if there is a consistency issue or whether that can just be tolerated.

20:28

Thank you. So I've just turned to Ms. White now at Leeds City Council. And really just to ask if the the definitions arose as the points that you made earlier. So are you content with the definitions as they've been set out in that document?

20:46

by Louise whitely city council, I suppose the first thing is, I would have put it more basically saying something like just protected or then replanted? I think there are various different terms going on which confused but I mean, if you're happy as an examining authority, that that can be captured. And it's clear, then I'm happy to go with that.

21:10

And again, separate to that is bng isn't there? So I think I probably would just would have had three categories to protect, to replant oriens debt, and then bng but

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I think it's clear enough really, thank you. Thank you very much. Mr. Reynolds. I don't know whether you or Mr. John's I don't know whether there's any comments from North Yorkshire Council.

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collaterals NYC No, no comments from us on that. Thank you.

21:44

Um, so now I'm going to turn to use the item two, which is the mitigation outstanding issues including construction compounds.

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And this is a point really that has arisen from the statement of common ground between the applicant and North Yorkshire council. So the landscape mitigation along public rights of way, National Cycle route 65 and Jovic way long distance footpath and public rights away east of chips and near Newlands farm. These remain an outstanding item in the statements of common ground with North Yorkshire Councillor So, Mr. Cerny, I just wanted to check a couple of points first with the applicant.

22:27

So

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in fact, it might be Mr. Ferber but some the revised over some substation outline landscape missus miss a great mitigation strategy, which will be submitted at deadline six is to address North Yorkshire Council's point about lessening the divide between woodland edge and woodland trees. So that'll be the sort of scrub tree

22:52

boundary really, or making it less of a boundary. But additionally, I think it's argued that it's increasing the mitigation planting for screening along Overton Road, which is part of National Cycle route 65 and Jovic. Wait, can you confirm if that's the case?

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I'll let Mr. Ferber comment on that.

23:16

Oh, no further for the applicant. I think initially, we thought that it could be incorporated the sort of the management of that planting along that Overton road because it would result in increased screening to let it grow to a larger height. But I think on reflection, it wouldn't actually require an amendment to the outline management landscape management plan. And it could in fact, be picked up under the requirements to deliver the management plan when that requirement is dealt with as part of the detailed landscape strategy. So I think we initially made the comment that perhaps an amendment to the plan was required, but in order to keep the number of amendments to a minimum, we believe that it's covered by the management plan requirement, because we're not proposing any additional planting is just allowing the hedgerows that are already along the Overton road and the planting that's within those. So the tree extra tree planting has already been specified. We're allowing that to go up to a tall height.

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The plan at the moment doesn't specify that it's to be managed at a lower height, but just it would just be allowed to grub up as part of the management proposals.

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That's the second point but so there won't be a change to the

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or are you saying that that management arrangement would also result in lessening that sort of the rigidity of the boundary between the two?

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The planting? Yeah, I think so. I think it's it's, it's down to that. The deed

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held

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management plan and how, how the,

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you know, the detailed planting plan itself is delivered.

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Thank you. So I'll just ask Mr. Mr. Johnson, Mr. Ryan Reynolds to comment on that and, and establish if if you're content with with that statement from the applicant.

25:24

Yeah, so Tim John's from North Yorkshire counsel. Sorry, just Could you remind me, Overton road is the root of the cycleway. And you just remind me, I do have plans here. But they are quite small scale.

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It's the road that goes

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down to the west of the overturned substation, and it is the site, it's just the cycle way. There is a diversion of the cycle way during construction, but it goes back to being the cycle way after.

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After the completion of the construction stage. Yeah. Yeah.

26:03

I mean, certainly what the applicant mentioned there in terms of leaving the hedgerows to to to grow up and to provide more of a screening is acceptable, I think

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our concern really is the the longer length of those receptors that you refer to Ms. Coombs, how the mitigation of those

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linear routes, the the cycleway and the yorvit way, how the mitigation will be handed for those receptors.

26:36

Okay, so we I had that a bit later on. But we can come to that now, as it sort of flows from the earlier discussion. So I think what I'm hearing is that in terms of the point in the statement of common ground about

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the changes to the the plan, you would be content, if that is removed, and it's left as a matter for the management plan at a later stage, which would come to North Yorkshire Council for

27:07

approval. But in terms of the other receptors, the longer distance receptors, you've still got concerns. Is that is that a fair assessment? Yes, that's correct. Thank you. So, Mr. Farber. Perhaps you could come back on the point, Mr. John's has made about those longer distance.

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Risk receptors.

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Yes. So I think I'll just provide a summarized response, because we did cover these in detail in in our deadline five response to the Ishs. Three action points.

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You did. Yeah. So I think the first point that Mr. Jones made in relation to the job, it weighed long distance footpath between the whites dissection that's described as what it used to shipped. And

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so it's basically where it coincides with public rights away along the southern edge of the of the River Corridor.

28:04

So the significant effect, excuse me, was identified at the construction stage.

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But we have looked at mitigation to minimize those effects. Because there aren't any, or did not propose to be any temporary construction compounds that are located near the River Corridor.

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Inevitably, the decommissioning of the overhead line, the installation of the temporary pylons, and the construction of new pylons are gonna cause visual clutter. And that will be at a a higher level,

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as experienced from from the Jovic way.

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And there's limited.

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There's limited mitigation proposals along a linear route, such as the the reverse side route that can be undertaken during that temporary period to mitigate that. So we think that we've, in terms of operational aside in terms of construction effects, we've done

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reasonable mitigation in terms of avoiding construction compounds in in that most sensitive landscape.

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In terms of the

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in terms of the operational phase effects.

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What we noticed that, obviously, were footpath users would pass underneath the overhead line where it's we aligned, we're going to be inevitably going to be significant visual effects. But that's balanced by the fact you're decommissioning another section that crosses the river. So we think that you need to look at it as an experience from a footpath user that's walking the length of that river, there's no opportunity to divert from that route. You're not parachuted into these viewpoints, you experience it

along along the route. And so we believe sort of on balance that the impact is neutral relative to the baseline situation, because you

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effectively replacing one crossing with another, albeit that the pylons are slightly taller in height.

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So again, in terms of reasonable mitigation, we don't believe that trying to restrict views along the river side by planting up

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sort of hedgerows or lots of tree planting, we'd actually spoil the munity of people being able to look into the river and across the open farmland. So so we we don't suggest that there are any specific mitigation proposals along that section of the route that would that would apply.

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And we can bring up photo montages, if any, if any party thinks that that would be helpful just to illustrate the nature of the view, but I think perhaps we're all familiar with, with with with that riverside walk?

30:52

Well, indeed, the X Ray has walked that full length of that Riverside path, and on one of our US eyes, so and I'm sure the applicant has walked in many times. And so I think I'm what I'm trying to get get to

31:07

a conclusion on really is whether this is going to remain a point of difference between the applicant and North Yorkshire council or whether there's something specific that North Yorkshire Council might be suggesting that could improve the situation with regards to mitigating these significant adverse effects. So Mr. Jones, can I just come back to you on probably the first bit at the second bit first, though, are there any specific suggestions that you could make that would

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assist the applicant in terms of batten and secondly, if if this is going to remain a point of difference, then?

31:52

You know, we will record it as that and it will, excuse me, it will remain as that in the statement of common ground? Yes. Tim Jones from North Yorkshire council. So yes, I accept Mr. furbearers points about the UVic way along the river, I think my concern or our concerns are more about the way east have shipped. And

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and we also have concerns about the the cycle with the National Cycle route as it routes its way around the substation and the overhead lines there.

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I think as we've talked previously, in our one to one meetings, you know, on these linear linear receptors better where possible to have mitigation closest to the receptor wherever possible, obviously, in keeping with character,

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that would mean, I presume planting outside of the order limits, is that what you're suggesting?

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Yes, conscious of conscious of that, and that issue of

32:55

third party land.

33:02

So in the it's very helpful that you've been having meetings with the applicant to discuss that in those meetings. Were any specific locations identified where you felt that I'm planting Curtis this this?

33:19

Soon? Now, I don't recall. You know, we had very constructive meetings that when we did meet last time, just a few months ago, we were talking specifically about the substation and mitigation. We didn't talk about the mitigation to the these linear receptors in the sections that I've just referred to on this call today.

33:38

Though, if we made an assumption that

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there couldn't, under the present circumstances be planting outside of the order limits unless the applicant was willing to go and seek third party agreements, then?

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Is it your view that this will remain a point of difference between North Yorkshire Council and the applicant? Well, if I may, Miss claims, an alternative is working with a partner working in the local area. And if I may make a suggestion, we are aware that the white rose forest, your green streets initiative is being undertaken in that local area. And there is mapping to confirm that. And we wondered if that would be a possibility for working with a partner or public sector partner working in the area for the benefits of the wider public.

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That's helpful. Mr. Jones, thank you. I'll I don't know Mr. Ferber whether that's one for your for Mr. Attorney.

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I can respond briefly initially. And Mr. Tony might wish to add to it. I think in terms of white rose forest, we've, we've engaged with them already or have been for

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a period of time and

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had to think too

35:00

three meetings

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probably about 18 months ago, that didn't come up with any sites, or hasn't come up with any sites to date, where opportunities for planting

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have been identified. In fact, they were describing the difficulties of finding suitable sites for tree planting because of the large amounts of best, most versatile agricultural land in the area. And also the challenges that they face with competing infrastructure projects seeking similar sort of sites and mitigation. So as it stands at present, we don't, we don't have a high degree of confidence that that we can deliver, that we could deliver additional planting. But in any event, what I would refer back to, is the fact that if you've got a public footpath, and it passes underneath the pylon, inevitably, you will end up with significant visual effects at some point unless you were going to plant in effect, you know, an arbor alongside along the route, which would be out of character with the agricultural landscape. And I think it might be helpful, just to illustrate that point, because Mr. Jones did talk specifically about the public rights away stuff shipped. And we have a photo montage that I think our visual operator can, can bring up just to just to briefly illustrate that point. So it's, it's the viewpoint, a photo montage, which is rep 204 or five.

36:41

If you just because I think it's important to sort of understand that it's a similar situation with device with the ability to screen effects from pylons. I think we've got that on the screen now. Can Can everybody see that?

36:59

Can you just remind us where it is. So this is from the this was one of the additional few points that were requested by the examiners. And this is east of ship turn, you can probably just about see the little, the viewpoint map

37:16

with viewpoint A which is in the center,

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to the east of Shipton, which is in the left of that little inset map. So it's taken from where the public votes were basically follows sort of, sort of across fields do do east of Shipton.

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And then at this point, as shown in the montage, the footpath follows the edge of the arable field to the south, which is the right in the right of the view. And then eventually it will pass underneath the overhead line

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in vicinity of the pylon in the proposed pylon in part in, in the far right of the view. So what we're looking at is the photo montage here, just just to be clear. So in order to mitigate views of off screen views of the pylons from this location and closer to it, you'd have to plant a hedgerow along agricultural land, so you'd be left with a double hetero, so it'd be hetero, this just out of shot to the right, and then another hedgerow along the route.

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And we just don't think that's a, you know, a reasonable or these clusters reasonable mitigation.

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Given that you do have public rights of way, crossing underneath pylons, it's not there's no precedent being established here.

38:50

Thank you, Mr. Ferber. And it was helpful to share that photo montage. Mr. Jones, do you want to comment any further? I'm just feeling that this is probably going to remain a point of difference. And if that's the case, then you know, we'll move on to the next point.

39:07

Yes, Tim Johnson, North Yorkshire Castle, I hear the applicants comments about the feasibility of planting. And,

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you know, I hear those and, you know, there are constraints, I accept that. I wonder if you know, a

39:23

separate session with the applicant might be useful. Just going back to the White Rose forest. The comments made by Dr. Meyer, as far as I would say, my knowledge is things have moved on quite a bit from 18 months ago, and there's certainly mapping in the area that the wise rose forest is is putting down as opportunity

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planting very much in the area that we're talking about. So I would say that, you know, thanks. The applicant is it has consulted with what resource but I'd certainly say things probably isn't we

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GM from the conversations they had 18 months ago. So I think it's something we can still pursue.

40:07

So can I just ask Mr. Ferber or again, possibly, Mr. Turney, when those discussions took place with the white rose forest? And if things had moved forward? How would was it? Was there an intention for Section 106 agreement? Or what was the sort of intention in terms of making something happen within the White Rose forest boundary? I think it was, it was sort of multi purpose it was to potentially provide some bng because at the point that we spoke to them, we hadn't

40:41

maybe had a calculation of what the bng requirements were, in terms of off site.

40:49

Since those meetings we've obviously progressed, the outline landscape designed further,

40:57

which means that in terms of tree cover, we are replacing

41:03

more than we're removing. And that's that's obviously recorded in the LBA chapter of the environmental statement.

41:11

And when you add the replacement,

41:15

planting or reinstatement planting outside the

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the outline landscape mitigation strategy, we're on the linear works, once we add that into into account, we're probably looking at almost double the amount would be replaced is what's been removed in terms of tree tree cover. So we don't believe from a tree cover perspective, there's any policy or any additional requirement to identify off site mitigation for tree planting and subject to the

41:51

sort of workings of the BMG. And and how that evolves through the section 106. There may there may be some requirements for offside, but when I'm personally not clear on that, Mr. Toney may be able to to update or or others could.

42:10

Maybe it maybe I can just ask you one further question. Mr. Ferber first, though? I mean, I'm not familiar with Well, I have heard of the white rose forest, but I'm not familiar with its geographic extent.

So in your opinion, could some planting within the white forest area assist mitigating some of the outstanding adverse effect?

42:35

Well, I think we're doing that already, because I believe the area covers is a broader geographical area, and it already covers the project. So what we're doing within the order limits, it's already contributing to those objectives in some way, though, I would state

42:50

that public access obviously isn't isn't the priority or the design objective for planting around the substations.

43:01

Okay, Mr. Tony, do you want to come in on any of this

43:06

bridges any for the app again, just to pick up a few points very briefly.

43:11

So the white rose forest is a very extensive scheme. And obviously, we've been told that there's some interests in the in the vicinity of of Shipton, but it's a it's a local authority venture, which extends for I think, pretty much the full extent of West Yorkshire and North Yorkshire. So it's a very large scheme.

43:36

As Mr. Ferber indicated, our current proposals are to focus on obviously the mitigation of the scheme, which we've explained. And in the design of that mitigation, we have got to the point where we will be providing sufficient replacement tree planting to address tree loss that arises from the scheme

44:01

in terms of biodiversity net gain.

44:05

Obviously, we'll come on to this when we deal with a section 106 agreement, but the detail of that is going to be determined later down the line. It's not going to be fixed at this stage in the examination.

44:17

The

44:19

applicant is committed to delivering biodiversity net gain and is entering into a section 106 agreement with the local authorities to do so. But whether that comes forward by way of tree planting or other measures, we don't know for sure, although, as Mr. Ferber indicates

44:38

it is more likely perhaps to come forward as other mitigation measures given given the approach to replacement tree planting that we've already indicated. So I think the position is that discussions around how bng is ultimately delivered, and any offside contributions or funding

45:00

In fact, other projects in the area and so on,

45:02

are a matter to be dealt with under the section 106 agreement

45:07

at a later date.

45:09

At present, we're not proposing to make a specific tree based contribution towards any particular project, either white rose forest or anything of that nature. And I think given the stage rather than the examination, it is unlikely that such a specific contribution will be included in the 106 at this stage. But what can I interpret from that verse? It's not out of the question, when the detail of the section 106 agreements, starts being discussed post post consent.

45:41

Originally for the applicant, I didn't think it'd be out of the question. But again, I think we just need to be realistic about the net gain calculations that are likely to follow and the likelihood of that of any off site provision being tree planting per se.

45:59

As you know, there's there's a metric basis for calculating biodiversity net gain, we will run that metric at a later stage and design. That's all secured through the 106. And there may well be offside contributions, other provision being made on National Grid land or elsewhere.

46:20

I didn't exaggerate the question, but I don't want to sort of start a hair running or suggest that it's any, there's any particular certainty that it would be planting scheme along the lines of the white road forest initiatives. Okay, thank you for that. But I'm going to leave this topic now. Unless you

46:39

feel that there's anything further that can be added. And I sort of anticipating this, it'll remain as the point of disagreement in the statement of common ground. But I'm just going to turn to Mr. Powers, whether there's anything is it sort of touched on the NG, which is your topic?

46:55

Yeah, but I think I understand the points that have been made. And we will pick up the section 106 aspect of it when we get to the relevant part of the agenda. Thank you.

47:06

So just one further point, really on the construction compounds, and I know we've been back and forth Mr. Attorney, probably one for you.

47:16

Or maybe Mr. Ferber.

47:19

So we have been back and forth on this.

47:22

Whether there's space to pose a bit of fast growing planting

47:28

on the edge of construction compounds or knots and whether it's necessary. So I think we'd just like to urge you to reconsider the northern boundary of the Western compound on Rothfield Lane ie construction compound within work number 19. To address views from butts lane and from the a 63. And I'll just leave it at that I think unless you want to comment now on some anybody wants to comment now.

48:00

Registered if they want will say it this way. Thank you. Thank you.

48:08

And now just moving on to management and maintenance that I'm aware that we're going to

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we will have discussions on maintenance periods when we get to the requirements. But I think I just need to clarify for myself, the mitigation replacement points, which we've discussed previously. So in the applicants response, we've been told

48:34

that placement planting,

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the sole purpose of replacement planting is to replace what is removed to maintain the existing baseline. That's rep five oh 83 response to second round question. 11 point 3.1. And I'm not sure how that statement aligns with the design intentions set out in the arboricultural Impact Assessment,

49:06

which says the project layout has been optimized to maximize hedgerow retention and the planting of new hedgerows will partly compensate for the loss and provide longer term landscape enhancement. And then the dusty also talks about reinforcing existing boundary hedgerows additional shrub and tree planting to strengthen landscape character and likewise responses that we had to the first round

questions about meeting green infrastructure policies. So I'm because everything other than the substation planting

49:45

or substations planting is, is now well has always been, it's now called replacement planting. So I just

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think I just like an explanation as to how

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The sole purpose of

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maintaining the existing baseline can chime with those other statements in other documents

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neophobia for the applicant, I think this is sort of encapsulated in the updated requirements, which I appreciate we are going to discuss in more detail later.

50:23

I think in terms of the nonlinear works that are covered by the outline landscape mitigation strategy.

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The reinforcement of hedgerows is obviously part of the strategy to sort of increase the multilayered screening of views as we discussed from Overton lane, Overton road and other locations.

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So reinforcement is about

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also Tadcaster to along the the the Asics, five, nine,

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the heterodera was very happy. So reinforcement is an important part of the mitigation strategy at those nonlinear locations.

51:03

In terms of the difference between the replacement and reinstatement and why those are interchangeable, I think this relates to the fact that reinstatement potential potentially or could be interpreted as meaning to,

51:19

basically to reinstate exactly what's been removed in the same location. And I think replacement better covers the

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reality of what would happen where a piece of planting would be

51:34

removed, but for maybe for operational reasons, in terms of easements, etc, it couldn't be

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put back in exactly the same place, but it would be put back as close as possible to that location. And, and for an equivalent quantum, whether it's a link to Petro or a number of trees, etc.

51:58

So that those those are the differences. And I think that's why I'm in relation to the linear works, we are describing it as, or defining it more clearly as replacement planting, because that allows them the flexibility as outlined in the cicp.

52:18

To make sure that, you know, there wasn't any confusion that it would necessarily be reinstated in the precisely the same location. Because that may not in fact be possible, though I understand that differentiation that's helpful between reinstatement and replacement. But what you're now telling me is that

52:40

a replacement, that the only planting that will take place in the linear elements is replacement.

52:49

No, I think the Vice wording of requirements eight does acknowledge that there is replacement planting around the substations, just to it is that is there anything other than replacement planting in the linear area in the linear and the non? In the areas that aren't subject to an outline? Landscape mitigation strategy? Is there anything other than replacement planting?

53:16

No, not not in terms of hedgerows and trees.

53:23

So the points that I read out from the AIA and the dassie.

53:32

would imply that they are project wide not just specific to the sub stations, those points about reinstatement and wider enhancement.

53:44

Perhaps we'll

53:46

pause and reflect on it when we get to the requirements that give you this time to look at those.

53:53

Yeah. Could we perhaps bring in Mr. Wakefield on the AIA point. Thank you up. Yeah, sorry. Thank you.

54:05

Thank you, Andy Wakefield, for National Grid. Just to to jump in on this really, I think the

54:12

the use of the word enhancement in the context of the poor cultural impact assessment can cover things like where Ash Trees are being replaced, where they have to be removed and are being replaced, then different species can be used, which would increase the diversity and resilience of the tree stock. So enhancement could be about increasing diversity and resilience, not necessarily planting.

54:40

Additional to to just the replacement planting.

54:46

Thank you for that. Thank you.

54:51

I think I'm going to reflect on this and then maybe we'll pick it up again at

54:57

requirements eight nine and 10 stage which

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And we are going to take those three requirements together. And

55:05

they I don't know whether Ms. Weiss or Mr. Reynolds or Mr. John's have any points to make with regards to this. As I said, we will come back to the sort of mechanics of the wording in the requirements later on today.

55:24

Nothing at the moment, I don't think thank you. Are there any other outstanding matters?

55:30

With regards to landscape and visual effects are Mr. Ferber? Sorry? Yes. So I was just going to answer your your question on that. I think we wanted to clarify the, the updated position on the fence in details for approval in the past. So

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if that's what two,

55:48

I was going to cover those when we come to the requirements that okay, secures the death they are they requirements?

55:59

18.

56:01

But, yes, we need to we will have a discussion on fencing. I'm Thank you. So I think that's all miss powers if you want to take on the biodiversity. Thank you very much miscues and we will return to that last point under the relevant requirements.

56:19

Okay, so moving on to biodiversity. We have three sub items on our agenda. Before we move into them. I'd just like to briefly cover a few points or one point about the ESA addendum that was submitted at deadline five.

56:36

Because it reflected further updates to the extended phase one habitat survey report and accompanying figures 8.6, that biodiversity figures. Could I just ask the applicant to provide a brief summary of the updates that have been made?

56:55

I'm talking here about the additional hedge important hedge road surveys that have been reported at deadline five.

57:07

Bringing in Jay Mosley on this, please, if she says

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yes, demo Z for the applicant.

57:18

Morning. Yes, the the addendum included the reference to the completed important hedgerow surveys, which we previously didn't have access to.

57:34

This included to hedgerows, which were from desk based assessment, potentially important in biodiversity terms and then surveys actually confirmed they were not important. So that that was added in to the agenda and the figure was updated to reflect this. And there was also the the inclusion of the hetero

58:02

monk fryston Station area,

58:05

which was classed as important in cultural heritage terms. That was the thing it was updated to show that.

58:15

Thank you very much. And I can see those updates have been reflected in sheduled 17 of the draft development consent order now so that we the the status of each of those hedgerows is updated. Can I just ask a quick question on on HG 106, which is the one that's been added at the monk fryston substation area close to ask what how that was previously omitted from the surveys.

58:40

Why? Why was

58:44

it was simply an error in the submitted mapping which has been corrected. Okay. And on and it's been classified as important based on archaeology in his history criteria. Can you explain the reason for that, in the case of that particular hedgerow.

59:02

So that there's under the pedigree regulations, hedgerows can be just as important either in biodiversity terms or cultural heritage. It was my cultural heritage, archaeology colleagues that did the assessment. So it's, I'm not entirely sure which particular criteria it qualified as, but it was under that cultural heritage assessment point. Okay.

59:31

And I'd just build check whether

59:34

the North Yorkshire Council has any comments to make on those updates regarding the other two hedgerows are he zero 45 which is southeast of more Monckton. And then he 103 which is down

59:49

NIST to south of the junction of the A Well, Emily a 63. Mr. Reynolds, do you have anything you'd like to add on those?

59:59

No, thank you. Thanks.

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I'd like

1:00:01

to thank you. Thank you.

1:00:05

Thank you, then we'll move on to talk about the bird strike in river corridors matter. So this was a matter raised by Yorkshire Wildlife Trust at issue specific hearing to in May, we asked a number of written questions about this in our second round. The outcome will have noted that no response to these questions was submitted by what Yorkshire Wildlife Trust at deadline five.

1:00:29

We understand that was a result of some unexpected staff absence. And I can confirm that just a few moments before this hearing started, we have now received a late response to those second written questions from Yorkshire Wildlife Trust.

1:00:43

They do respond to each of the points in turn. So I don't think it's appropriate that we try to deal with them here without anyone having seen them. So what I suggest we do is we've accepted that submission. We'll get that published today. And it's about three pages long if it helps you to understand sort of level of detail that's in there. And we would ask the applicant to provide any comments on those responses by deadline six, as was the kind of initial timetable. And if you can do that, that would be a great help to us in terms of the next stages of the examination. So Mr. Tony, are you content to try and do that to respond to those points by deadline six,

1:01:22

reach attorney for the applicant? Yes, I think we will. We'll at least try to do so if there's information that we need to do further work on, then we'll identify that in our response and come back at deadline seven, but I'd hoped we'd be able to apply it deadline six. I do have

1:01:39

Mr. Raven available today.

1:01:43

If there were any specific questions I know you haven't heard in a hearing from an ornithologist. So far. You've heard from the ecologist base from our side, Miss Mosley, and from the Yorkshire Wildlife Trust, if you did have all of the logical questions he has available to you. But it sounds a you might prefer to deal with that by written response from him. I would imagine that Mr. Raven has been involved or when a colleague has been involved in the written responses that we've had from you to those questions. That's right at round two, which is evident in the sort of level of detail in those questions. And I think, given having read those, your responses are very comprehensive. I didn't plan to have any follow up questions at this stage about the content of those because I think you've basically answered our questions.

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Obviously, Yorkshire Wildlife Trust,

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haven't in the submission that we've just accepted. They haven't commented on what you've put in a deadline five. And I suppose that there is a chance that that deadline six, they might do that.

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So I don't have anything detailed to ask specifically of Mr. Raven at this point. I get the feeling this is one of those areas that's unlikely to move much further towards resolution during the examination, and therefore something that we'll need to adjudicate on. But I do feel that we're all we're we're pretty much there in terms of having the full case on both sides. So I think that's, that's where we are, we did invite Natural England to join us today. But they're not they're not in attendance. And we did ask

1:03:15

for them in our written questions about their for their view on the matters that were raised by Yorkshire Wildlife Trust. And we have had a response, but it's it responds only in terms of the lower Darwin sites, and doesn't directly address the other European sites that were listed in Yorkshire Wildlife trusts, deadline for reps. So because we need to be very belt and braces on this.

1:03:37

We, I would have asked them again, and I would have asked them today a question about just confirming their position in respect of the other European sites when we obviously know we have a signed statement of common ground with Natural England, which probably would not be the case if they had an issue with this. But in lieu of their presence today, we will probably put out an action point that would just pick up that very last question, which is just to have specific responses from Natural England on the particular sites listed in that deadline for response from Yorkshire Wildlife, and that Yorkshire Wildlife Trust and that were kind of just

1:04:12

yeah, you know, to cover off all of those angles.

1:04:18

So we'll put that down as an action point. And just to give you an update about the Reese because I know that's another thing we've discussed previously. Our current thinking is that this particular bird strike and river corridors issue will be reported in a report on the implications for European sites, what we call the race.

1:04:36

We plan for the race to be a very focused document, not a comprehensive blow by blow HRA matters document as we see in some other cases, simply because this is the one big issue that's remaining in terms of HRA matters, and we obviously do have a no significant effects report that we don't have any in principle issues with. So we

1:05:00

We do plan to put out a release that will give it all up an opportunity for all parties to make final comments on the respective positions by deadlines seven. And then if that's the position, we're in that they're still contended by the end of examination that we will make, we will form a view when we make our recommendation.

1:05:17

Would you like to comment on any of that, Mr. Tony?

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originative, the applicant? That's all very helpful. Thank you. And we'll respond DCX? And then obviously, comment on the on the recent due course. Excellent, thank you.

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We will move on then to biodiversity net gain, and which we've already touched on under landscape and visual.

1:05:46

So we have got the applicants response to our written questions on this, which does provide a good update about the section 106 agreement.

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I think we have a few questions for various parties under this, but perhaps we could just start if the applicant could just provide a summary of the current position in relation to your discussions with the council's and the other statutory bodies about security of the of the buyer. My understanding is that in principle, everybody agrees that was the way in which biodiversity net gain can be approached and implemented, but it's just really getting the section 106 agreement itself, nailed down and agreed. So just after a brief summary, firstly, from the applicants perspective as to where you are with agreement on this, please.

1:06:33

Bethany King to national grid, we've had comments from all the local authorities on the draft version of verse section 106. We've sent back an updated version demonstrating how we've reflected their comments. And we've asked for any final comment by deadline by the day before deadline six, we can hopefully provide a further update up deadline six. But comments received have been fairly minor, we feel we've addressed them all. So we don't think there's any kind of fundamental issues in in getting resolved.

1:07:05

Thank you. And I can see that you've got the updated statement of common ground with Natural England. So which again, appears to show that they're they're happy with the way that's progressing as long as the local authorities are content with their section 106.

1:07:19

That's an international group together that's quite Natural England have confirmed their content with it. And the Environment Agency are saying as long as the local authorities are happy, they're happy. city of York council have confirmed they're happy with it. And that's confirmed in a statement of common ground. But we have given them the opportunity to send any comments if you wish. So yeah, we're just waiting for any any final comments. Thank you. And I will come to North Yorkshire Council and Leeds City Council who I know have both still got comments in on this matter.

1:07:51

Just a preliminary matter, Miss Kingston on the the bng report itself, which was submitted into the examination at the beginning of the examination, refers to the biodiversity metric 3.1. I'm just wondering if that needs to be updated in light of the 4.0 metric that was published in April by Natural England?

1:08:12

Yep, I think it's a national good. The Natural England guidance suggests that you stick with the metric you used. So are our intention within the section 106 was to stick with 3.1 unless required otherwise. Because we were aware that by the time the project is constructed, and we're going into the final assessment, we may have moved on from four. So we just wanted to keep the flexibility that will either stick with 3.1 As per the guidance, or if that's not, you know, realistic at the time, we'd use the latest one. Thank you. Would you mind? If we don't already have it? Would you mind at D six, just putting in a signpost to where we can find the guidance from Natural England about that about sticking with 3.1. Now that you've started down that path, that would be helpful. Yep, that's fine. Thank you.

1:09:02

And just as other preliminary matter, just to check, obviously, we've now had we've now got a slightly changed application as a result of the changes that we've sort of accepted. Do you think there would be any changes to the submitted biodiversity net gain report as a result of those changes? So there's some hetero changes and things like that, but it is relatively minor.

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And I personally think it's a national good. I think given the the nature of the changes, it wouldn't fundamentally affect the biodiversity net gain reports. So we don't consider an update required. Thank you.

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Okay.

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So

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we are just quickly touch on the matter that we've we've raised at the previous issue. I think it was issued specific hearing three about the actual mechanism for securing the bng measures. This is just to cover up a final question and my

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mind about it. So we talked about it being a section 106, I can see the parties are generally comfortable with that as the mechanism to use.

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There is some mention of it being required as secured virant requirement. My understanding of this is from one of your responses that you've given us in the sole compliance statement at deadline five is that essentially, because because the bng might will is likely to require offsetting measures that will probably fall outside of the order limits. It's there. If that's the kind of crux of the reason why this can't be a requirement. It has to be a section 106 agreement. Can I just get confirmation? Is that a fair characterization characterization?

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Bridge attorney for the applicant? Yes, that is one of the reasons.

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I think it's also worth emphasizing that

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it's not just the prospect that it will be offside, but also the fact that the precise quantum is to be determined following

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progression of design and and further use of metric. So

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in those circumstances, it was considered to be appropriate to put in place a mechanism between us and the local authorities to ensure that it was provided at that stage.

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And rather than dealing with it under the terms of the DCO itself.

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Thank you.

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And then I'm just going to look briefly at positions of, of North Yorkshire and Leeds City Council who we both have here.

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Mr. Reynolds, firstly for North Yorkshire Council, so the statement of common ground records agreement again, regarding the principles and notes, the discussions are ongoing about the content of section 106 agreement, do you like to provide an update as to how you how your,

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your position now in terms of what you've seen for the draft section 106 agreement? How far away from agreement you are?

1:11:55

I don't think that we are so thank you, Michael venules. Nic, I don't think we are far away from agreement. Our apologist has reviewed it, we have a question about a monitoring fee. But I mean, that's a

1:12:06

practical question about how it work in practice. I don't think we have any other comments on it. I think we were there.

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That's very helpful. Thank you. And

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we see that this isn't an outstanding area, and we haven't don't have city of York, but um, from what I understand is it's a, it's now with their legal department in terms of, again, negotiation on the final wording.

1:12:33

So turning them to lead city council,

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we can see that statement of common ground at deadline five records, the approach to bng as an outstanding matter. And we can we also note those, there's quite a number of points in the city council's deadline five. They've Steve, you've missed what you've submitted a copy of the letter that you sent to National Grid about the like it was version three of the draft section 106 agreements. So can I just run through a few of those points in more detail, because there are things we haven't covered previously? The first one relates to your delegation arrange arrangements and the points you've made in that letter about

1:13:12

not having delegations in place necessarily for these matters, and therefore possibly delaying your ability to sign section 106. Is that could you just expand on that point, please?

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Yes, Louise via at least city council,

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I should explain that. There's been quite a lot of toing and froing on this issue internally. And the main issue for that is because

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unzips aren't mentioned in the council's constitution.

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This is the first time we've ever dealt with one where we're actually the developments in our area. So

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I've sort of queried the relevance of what I'm doing in this examination if I'm able to do it. And obviously, if discharges come in later on, can I actually discharge those so we've moved grounds,

1:14:00

quite frequent on liberty in different legal offices. But the upshot is, a very senior legal officer has said, rather than to amend the Constitution, which would take quite a long amount of time, what we could do is that is now considered that our chief planning officer does have delegated authority to undertake functions relating to end CIP.

1:14:23

As a matter which is similar and ancillary, to the functions he is responsible for otherwise, so in effect, it's just an extension of what he already does. Whilst it's under a different procedure. It's very similar.

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So then I think the main thing to consider is that the chief planning officer can therefore further delegate that down to somebody like me, under the sub delegation scheme. I think just to be clear on that our sub delegation

1:14:51

scheme does need to be tidied up a little bit more to make it expressly clear what our functions are within set, but we think

1:15:00

For the time being, we will be able to get around that. But I think it's clear that we can probably do it as that ancillary function as I mentioned. So hope that's clear. Thanks. Thank you. So that means that we should maybe be less worried about the fact that you set a deadline five years that you may maybe have this may be severely delayed if the council Constitution had to be amended, because it seems to be a workaround, which means that you can continue those negotiations on the section 106 agreement and a finer line in terms of the drafting, is that correct? And the reason why at least counsel, yes, I think that is correct, I think the only caveat I would put to that is

1:15:41

what I've just expressed relates to the chief Planning Officers delegation,

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and not the chief highway officer delegation. So obviously, we forgot matters relating to highways, which we do in Leeds, including a TRL, then we can't guarantee that the highways authority would be able to work under the terms put forward

1:16:05

by the applicant. So it's okay for planning. It's not okay for highways yet. So what I've done is gone back to ask that question and to get further clarification, because in my mind, if it applies to one chief officer, then surely, it will be an ancillary item for highways officer as well. Okay, and so this wouldn't affect the section 106. But it would affect your ability to discharge potentially requirements that relate to streetworks, for example, and that that sort of thing. Yeah, Louise whitely city council, I think that's absolutely correct. So I can I can to be on with everything to do with the legal agreement. And all matters under that it just might have some implication on

1:16:48

discharge of articles in particular, I think, our Tiara issues under the highways authority.

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So I think the applicant is provided with some information to see how we can get around that and our highways authority considering it right now. So maybe later on today, I could just update the examining authority, if you wish. Okay. Thank you.

1:17:16

Thank you for that, Mr. Attorney, but you'd like to come back on on that. Obviously, I can see that you've already been talking about this with Leeds City Council, but because you just respond for our purposes, please.

1:17:28

Rich Sandy for the Applicant. I think really, it's a matter for Leeds City Council as to their internal arrangements. But certainly, what I've heard this morning from his wife makes make sense, in terms of the planning matters, and in terms of the highway matters. We'll wait to hear further from later to council. But I don't think the it's for the applicant to sort of get involved in those in those internal issues. Obviously, we want to make sure we can conclude the agreement

1:18:00

under the 106 and deal with any other matters as swiftly as possible, but we recognize the difficulties that the council has had. Thank you. Okay, then Miss White, just on some of the other matters raised in your submissions at deadline five, you've you consistently referred to the need for a proportion of any bng benefit to be made available within the Leeds district. And I think we understand that point.

1:18:30

You refer in your letter to the Bramham neighborhood plan policy any to as a relevant consideration. Could you just explain why you consider that to be relevant to these discussions?

1:18:42

Louise Whiteleys Council had originally in the local impact report identified that tree planting potential BNG provision could take place at a substation just south of where the lines are in Leeds. However, the applicant is discounted that because it's in another DNO ownership.

1:19:01

So I think what I'm trying to secure is a reasonable prospect of an opportunity area or areas where B and G are the proportion of that 10% BNG could be spent in Leeds.

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The purpose of me sort of raising that with the applicant is to get that discussion going early to assume there is a reasonable prospect then to sign a 106. So I've recommended their start to scope that they haven't done it already. And the purpose of raising the Bramham Neighbourhood Plan is that that policy identifies the area, obviously, which it covers in terms of biodiversity protection and enhancement. But there are specific specific projects in that area which this BNG provision could go toward. It's relatively close to the size that was in the village neighboring the site in Leeds. So it seems to me to make much more sense to spend it closer to the devel

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wetlands site, so that there was benefits developed by the community. Or alternatively, we do have other sorts of Council and property, register parks and gardens and things like that, which may be appropriate, but they are much further away within the hair, Woodward, I'll be it but yet very further south from the development side. So I think the first one is to the applicant to scope out the reasonable prospect of securing biodiversity net gain in Leeds, irrespective of the credits and an understanding of the content.

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And also to start speaking to those people who it would involve to ensure that it can be done. And that's simply it. Thank you. Thank you. And we understand that point.

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And you've made the point about the scoping exercise, I think I know what the applicant is going to say in terms of the process that will be followed if this section 106 is agreed and the order of things, but I will ask Mr. Turney, just to come back on that question of whether a scoping exercise for opportunity areas should be undertaken prior to the signing of section 106.

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Registering for the outcome. So we say we don't need to do that before signing of the section 106. Because, as you've anticipated, the process that we say is appropriate here is to assess once the developments completed and then apply the hierarchy that's reflected in the draft section 106 in terms of how that biodiversity net gain should be delivered, so starting with on the site, then moving through to biodiversity credits. So I think opportunities, offsite opportunities in Bramham, for instance, I think would sort of fall at the third tier of that the hierarchy. So

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whilst we're obviously very happy to continue conversations, we don't think those matters that should be resolved during the course of examination, because that would preempt a process which, which we deliberately leaving until later.

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That's understood. Does the drafting of the sexual ethics provide any comfort to Miss White about this question of whether Leeds would get its proportion of bng? Credit spent in that area? It does? Is there any effort towards that in the drafting?

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Sorry, I'm just

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you can always come back to us after the break on this one, if you'd like.

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Yes.

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We have a rich center for the Applicant with thanks to Ms. Keaton, who's give me the answer from across the table.

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It is in the in the proposed drafting. We do include provision for where possible, this the biodiversity net gain provision being proportionate across the across the authority areas proportionate to the impact. So

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that's the proposed approach. And obviously, the offsetting scheme is for submission to an approval by the authorities. So there's this scope for further discussion at that stage.

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Thank you.

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Mr. White, would you like to come back on that? We're slightly in the dark. So we don't see the detail of section 106. So that's why I'm asking these questions. But would you would you like to respond on that point? Yeah. The reason why at least it Council, I think up to the third draft, it hadn't there wasn't any security in the section 106 that it will be proportionately spent. haven't reviewed the fourth draft in any particular detail yet. So I'll have to reserve that until I get back to the applicant, in which case, I'll copy when per deadline six, if that's okay. Thank you. Thank you. That's fine. And we note that

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the applicant has confirmed that deadline seven should still be achievable in terms of having a signed and agreed section 106. Is there any update on that, Mr. Attorney? Is that still your hope?

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Over average tenure for the applicant? Yes, that's still the intention. Thank you. And Miss White just to finish on that point about your ability to engage with that process. Do you see any impediment to being able to sign the 106

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in time for deadlines seven which is the sixth of September?

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Louise right now, I think that should be done in time. Thank you. Thank you. That's That's reassuring to hear. Okay. I have nothing else on biodiversity net gain unless anybody wishes to raise anything

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specific,

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in which case, we will move on to a quick look at the effects of the change application because there are some effects on trees, hedgerows and protected species. We'll look at each tent change in turn, but it will be brief.

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Just a quick overarching point for the applicant. The report on the proposed changes says that Natural England had been informed about the changes, but no comment had been received back. Is there any change to that position?

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Representing the applicant? I don't think so. Unless Miss Mosley comes in and correct me, but I don't think there's been any change to that position. Thank you.

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Miss Mosley. Now,

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okay, sorry, I was just gonna confirm there's been no change. Fine. That's okay. And obviously, they will now we've accepted that will they have the opportunity by deadline six to raise anything, any in any event?

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On the change one, which is the reduction and limits of deviation around the ship to North ceiling and compound? We, the report and proposed changes identifies no change in effects on biodiversity receptors. We don't have any indication that that's disputed, and we follow the logic. So I will just ask, we don't have Mr. Stevenson here, who we thought might have some masteries. But

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in his absence, I'll just check. There's nobody else who wants to raise anything about the biodiversity effects of change one.

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And then we'll move straight on to change two and again, the report on proposed changes identifies some changes to the assessment reported in Chapter Eight of the environmental statement as a result of change two specifically in relation to effects on trees, hedgerows, bats, and invasive non native species.

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But overall, the conclusion is there would be no change to the conclusions of the submitted IEs in terms of likely significant effects.

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I don't, again, don't have any questions, everything in there seems reasonable and logical. So unless anybody wishes to raise anything, North Yorkshire Council, I don't think we've had any views on from yourselves on this, but

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I'm not seeing any points. Mr. Reynolds.

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Nic. No, I haven't got any instructions on that. And I think

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the approaches that

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the was relatively minor.

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Thank you. And then the final ones changed three, which relates the main reason why I'm not interested is just because of the effects on hedgerows, which we have already started to hear about yesterday. And that's because the location of the field access changes as a result of the change. And it's shifted further north.

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We see that there's been a deadline, five revisions to the trees and hedgerows potentially affected plan section B.

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I'm clear having looked at that in detail about how what changes have been made.

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We're aware.

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Just checking my questions on this.

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That is an important hedge row. And essentially,

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that plan is just been amended to relocate the access point further north.

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So the report on proposed changes, identifies there would be a small net increase in permanent hedgerow loss in this area as a result of the change. And we understand why that is. But ultimately, there's the conclusion that it wouldn't change the conclusions of the submitted it yes, in terms of like the significant effects, and we know that there's a plan to submit revised version of the arboricultural impact assessment at deadlines six. The only point I wanted to pick up on we heard a bit about passing places yesterday on the lane leading up to Newlands farm, so the lane the public highway between Corbin lane and Newlands farm, and the allowance for passing places. I don't think that the any passing places are shown if they require hedgerow removal, I don't think they're shown on the on the revised trees and hedgerows potentially affected plan, but perhaps the applicant could confirm that, please, we saw the passing cases plan shown to us yesterday when we were talking about CEA

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I suppose my question is, if those passing places that are to be provided, do they require the removal of additional hedgerows to those that are already shown on the plan?

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Richard any for the applicant so the trees on the lane are identified as potentially affected

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whether in fact, there'd be a have to be some tree removal to create a passing place I think would depend on the location of the particular passing place. I don't know Mr. Fowler wants certainly more about the those locations. Thank you, Mr. ferula.

1:30:00

Steve Yes, the foreign national grid. So there isn't a doubt as potentially affected because the location was passing places are dire is due to be done in detailed design. So the data is potentially affected. So the location will be finalized later down the line. So they should not need to be an update to the plan because they should be covered under the potential affected. Thank you. That's understood.

1:30:23

Okay. So again, unless the council's I think this stretch of Petro falls partly within city of York and partly within North Yorkshire's administrative areas, but if there's any I don't suppose Mr. Reynolds, if you have any comments you wanted to make on change three, in terms of biodiversity effects, nothing in relation to me and Jada. Thank you. And as a final point for me, which was about acts, the report on the proposed changes states, there's no trees suitable for bat roosting within that hedge row. And therefore, there's no change to the assessment on the effects of bats. But just a question for the applicant about whether they would be or whether you've looked at the changes to the effects of bats using the hedgerow for foraging and commuting as a result of of change three compared to the effects that were originally assessed

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during those years to the applicant,

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because the changes that were originally assessed included consideration of

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removal of of that head anyway, it doesn't actually, the the additional 42 permanent loss does not actually change the conclusions of the effects.

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Thank you.

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Okay,

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that covers all of the matters that I wanted to cover under biodiversity effects, but I think we will break after this. But just we'll check there's nobody else.

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Well, I'll do we've got a fire alarm here. So what else just we'll do is we'll break now because it's well right now, it's 1130. And I will return that 1150. And at that point, I will just check in on other biodiversity matters, but then we'll go on to traffic and transport. So back at 1150 Thank you