

TEXT_LittleCrow_ISH1_Session2_20042021

Tue, 4/20 5:54PM • 1:19:57

00:01

Time is quarter past four. So the hearing is resumed. I said before we resumed what I said on resumption, I've just quickly asked, Miss says, Are there any matters in the agenda that you have a particular interest in that you'd like to make me aware of Now, given that you won't be available tomorrow to represent your client?

00:34

Thank you, sir. I've been sexually for the Grand Lodge interested parties. The matters, I would like to comment on sir, Mr. landscaping digital effects, although I understand we'll be dealing with that next in any route. And then I had a short query, which was that the the phrasing is environment statement, General matters. And there are points that my client would like to make in relation to, for example, noise and dust. But as I understand it, they're not for this afternoon. I'm all for this particular hearing.

01:07

That's correct.

01:09

I'm grateful.

01:10

In that respect, it's gonna be important that in the written representations that are made a deadline one, those views are set out. For me to consider remembering that there potentially is going to be another round of written questions that follows next week's round, the applicant because then can respond to whatever comments are made in no deadline one representations. And depending on how all that goes, and it costs down to me to decide whether or not I think there needs to be a hear in issue specific hearing, that might pick up on some of those issues that have been raised on your client's behalf.

01:59

Thank you, that's very helpful.

02:00

I mean, I would, I

02:01

would say that the fact that I'm holding an issue specific hearing that's dealing with some of the environmental statement type matters, in addition to some decio matters, I suppose is quite unusual, because normally, my colleagues tend to stick to decio type matters. But there were some things within

the environmental statement that I wanted to flag up early. Hence, the reason why we call the environmental statement type matters in this very early hearing.

02:34

That's very helpful. And it may be of assistance, we should note at the moment, that pending consideration of any further information from the applicant, it seems likely that the primary points that would be made in relation to noise and dust are those already made in the relevant representations. So in other words, you'll have seen that we highlight some perceived flaws in the way in which the assessment has been carried out and the assumptions relation to our proximity, for example. So it may be that it wouldn't be of assistance for us to repeat those that deadline one if it's simply the same points that we've raised in our representations already.

03:11

Yeah. I think what I would like to do, though, while you're present, but we won't, we'll do it. I think, before we adjourn for today, because I don't think we are going to get through everything to death, I suspect. The way things will pan out is that the discussion about decio matters will be held over to tomorrow morning. But I think before we finish sitting this afternoon, I would like to actually explore a little bit about that concern that's been raised about what has or hasn't been covered in the assessment. I think that can be done quite quickly. Because I'm not sure that the interpretation of the plans and maps that accompany say the noise report have been fully appreciated, I suspect by your instructional solicitor, because I presume the citizens have put the relevant rep together possibly without your your input. But I was scratching my head in terms of working out what one of those comments about the maps were. So we will we will I think deal work cuz that might assist everybody in terms of those written reps that are going to be coming shortly.

04:30

And then just finally, I was going to note that in relation to the drafting of the decio, I don't suppose I will have any particular comments and certainly without tomorrow may well be convenient. circuito perhaps should note that article seven and eight,

04:43

in terms of what is

04:46

the effect of them, obviously is in relation to the diverted public footpath and the defence to statutory nuisance it may be that we have comments on the the wider nuisance that may be caused or indeed the wider public footpath issues. But not the drafting per se.

05:01

Yeah, I mean,

05:04

I won't I won't be giving any secrets away and I suspect the applicant will certainly Mr. Male may be expecting the sorts of things we're going to run through on the day, I sort of feel like pernickety type,

drafting matters. Again, it's just useful to deal with some of those sorts of things very early on. And I think as I said in the preliminary meeting this morning, it can take time to iron out some of those issues through various iterations of the draft order that will emerge the inquiry

05:44

because

05:47

what I say may not be fully interpreted the first time by those drafting the order on the applicants behalf. So yeah, there'll be a bit of ping pong. But as I say, much of what is covered, it will be more to do with drafting the new Shai and some of the requirements in terms of do they need to be there or not sort of type issues.

06:10

I'm grateful. Thank you.

06:11

Okay. Right. Therefore, we'd like to turn to agenda item three C, which is a series of questions relating to landscape and visual effects. The first question is for both the applicant and the council. Mr. Mayor, you indicated I think that is it. Mr. Denny is probably going to lead on on this part of the agenda.

06:44

Yes, that's quite right. Mr. Danny's already turned his camera on. And you've come in at a bit, so to speak. So? Yes, I'll let Mr. Mr. Denny introduce himself, and he will lead on this section for the applicant.

06:55

Thank you.

06:57

Good afternoon, sir.

06:59

Afternoon.

07:01

Can I introduce myself now?

07:04

I don't think there's really a need for formal introductions. As this is a hearing, we're not in a public inquiry type situation, and you're not going to get cross examined by a host of lawyers.

07:23

The fieldwork that supports the landscape and visual impact assessment was undertaken back in the summer of an early autumn of 2017, and some what was done in January 2018. Really, this first question revolves around, given that it's nearly three, four years since that work was done. Is there anything within the baseline that's changed to any significant degree? Or does that assessment and that initial work backfield will still hold? Good. So turning to you first, Mr. Denny, and then I'll come to Mr. Law. Mr. Law who've indicated that he's been on the ground in the area for about 15 years might be better place just to allay any concerns I might have as to the shelf life of that field work?

08:21

Yes. In relation to the validity of the LDA and the assessment, so nothing has changed in the landscape, which would be significant enough to impact on the judgments. I'm familiar with working on renewable energy projects in particularly those that are associated close to, for example, forestry plantations, we regularly check to see whether the forestry felling regime has changed any of the visual character effects. But we're not getting that sort of landscape. And this landscape is not dynamic in that sense. So I'm not aware of anything that has changed significantly enough in the landscape to affect the other AI judgments.

09:00

Thank you. And turning to Mr. Law, do you concur with what Mr. Denny's just indicated?

09:07

Thank you, sir. yondu laughing often can she counsel? Yes, I do concur, as it has been any significant change that that would alter the findings of that of that work? Or would render it out of date?

09:23

So no, I

09:24

mean, I was thinking, well, maybe it still works. Is there anything because it's been approved, that might suddenly start to affect the appreciation of the area, but

09:34

I think the main the main development with the Steel Works was obviously the sale of the Steel Works, and it's it's survival more than anything. But in terms of actually new development consented within within that area, then there's nothing significant that that would alter the landscape setting. Really.

09:53

That's helpful. Thank you. Again, for both of you Are there any permissive foot pas that crossed the order limits? that any either review or for that matter the wider applicant team might be aware of?

10:17

I'm not aware of it one, sir. I think you are aware I think you I believe you had picked up that the the line of the Ordnance Survey plan showing footpath crossing the site is slightly different to the line of the definitive footpath. But that isn't that the line of the Ordnance Survey is a permissive path. It just seems

to be something that's, that's come into use. But the assessment in the RBA has taken place in relation to the actual footpath as it's shown on the definitive footpath plan.

10:50

Thank you and your floor Is that your understanding that as far as you're aware, there are no other permissive routes that have

10:59

Yeah, that's correct. So yeah, as far as I'm aware, there's there's no other permissive routes. I did have a discussion on footpaths with our public rights of way officer yesterday and wasn't made aware of any other permissive rights that may have taken place. So I'll come into force on the land. So yeah,

11:20

yeah. And following on that, and this really, I think it's a question for you, Mr. Law. When I undertook my initial and accompanied site inspection, I saw various markers for what's referred to as the open cast way. And what status has that got? And does its route align as it crosses the order limits? With the definitive routes? to one four?

12:06

I think Mr. Lowe's connection might have gone down, I suppose it had to happen. We've been sitting one way or another for nearly a day. Mr. Danny, you can Can you hear me? I can hear you say yes.

12:26

on my screen as well.

12:27

Yeah. So it is an issue with Mr. Laws, and rather than and unfortunately, of course, he's not supported by anybody. So it's not as if anybody else can relay the message.

12:44

He may be speaking to us at this moment.

12:46

He probably is blissfully unaware that we've had a glitch.

13:04

Hi, sir Louise Evans here. Just to say it looks like Andrew has dropped out. So just keep an eye out for him and let him back in as soon as he's in the

13:11

Yeah, I wonder whether it's worth trying to send him an email maybe just to say that he's dropped out if his emails are working, you might realise that way.

13:21

Yes, sort of a point of contact number, whichever is quicker. But um,

13:28

no doubt he's given a very full explanation. And worked out remember what he's just said. Welcome back. So I think your mic is off.

15:02

Yeah, I'm back in the room. Apologies about that. I don't know if it's an issue with my broadband or what's going on.

15:10

Oh, maybe there's a shortage locally.

15:13

And then maybe, maybe I didn't catch much of your question before I before I dropped out, sir. So if you wouldn't mind repeating?

15:21

Yeah, it's a short question. I was asking about the open cast way and its status as a walking or footpath route. Can you assist because when I did my site inspection, I noticed a number of markers for it, including some on the edge of the site, and it was a bit confusing as to where it went and what its status was.

15:55

Yes, yeah. The the opencast way. I think it's a route that's been promoted by local residents, as opposed to North Lincolnshire Council. And the markers themselves, I believe were, were erected by by a private individual. And it's a route that sort of a circular route around around the area intended to sort of give views of the the heritage of the area in terms of extractive industries, particularly the iron stone mining, linked to the steelworks as it happens, another part of the route footpath I think 212, runs just to the south of the site through the raven Thorpe solar farm. Yeah. Which you may may have seen on your on your site visit. So yeah, I mean, as far as the authorities concerned, they obviously public footpaths and, and sort of legal position in that regard, but they don't have any other sort of status. And they're not promoted by the authority as such. But obviously for local residents, they may have slightly more prominence as it is a route that has been has been promoted by by private individuals.

17:17

I could just add, sir, it's actually a 32 mile circular route. It utilises existing footpaths, and impart actually it It runs along the Scunthorpe Ridge walk. So what it is is a named walk which promotes the linking together of existing footpaths within the district to create a circular walk. But has it just been said it doesn't have any additional status over and above that of the footpath which employees?

17:45

Thank you. It's just that when you see the markers for it, they look as if they've been installed by the Highway Authority, or that part of the council responsible for footpaths.

17:58

In that regard, it must be of interest that the CIA gives the receptors on for Part 214 high sensitivity anyway. So, the assessment has assessed the impact on 4.214 from the point of view of higher sensitivity.

18:17

Mr. Lowe, staying with you, because it might be that they will be able to assist. As far as definitive footpaths are concerned, the applicant has shown to one four, which of course crosses the order limits. And as been mentioned, there's route 212 to the south. Are there any other routes within the vicinity of the order limits that are not appearing on any of the application documents at the moment, but which I should be aware of? I'm thinking about how to one two and 214 might relate to other routes that maybe go north south, either to the west of the order limits or to the east of the order limits? If that's a question you don't feel able to answer this afternoon. That's fine. I couldn't keep it as a written question. And probably asked for a plan to be submitted showing routes and probably set out a radius that I'm interested in. I just want to have a better understanding of how the definitive football network in the wider area within the vicinity the order limits actually works because I'm struggling a little bit with that in terms of information currently available.

19:47

Yeah, I think I think that that would be appreciated if that could be left to a written question and I can seek some further feedback from our public rights of way officer and it's as you say, It's probably something that's easiest understood through the submission of a plan, which we can pull together,

20:06

most definitely, because when I'm back doing inspections, if there are other routes, then I need to be looking at those, or at least gauging how they interrelate and working out, you know, in part thinking about it devotion, which is quite significant the temporary devotion during the construction phase and whether actually, people in the area might start switching to another route. Because more than doubling the route as part of the diversion might be a deterrent to the temporary use of the route affected by the works. Okay, well, I can hold that over to a written question directed to the council.

20:57

I'm turning to the applicant, has there been any assessment of Clinton glare effects arising from? That doesn't appear to be anything that I've seen in the environmental statements? And this wasn't a matter that the inspector raised with the applicant in its pre application advice today is that you can assist with or does that need to be passed back to somebody else within the team? What

21:30

I can tell you, sir, is that it was determined. At the outset, when the scope of the lcia assessment work was being done, that there was no potential for significant effects in relation to Clinton glare. This is largely based on our own and the applicants experience having worked on quite a number of solar farms and also seen the decisions on a number of approved solar farms, including those by the Secretary of State. And in none of those cases, even where the potential for the visibility of the panels

and particularly from elevated locations was considerably greater. In this scheme, it was not considered that glinting glare was a material consideration in the decision making process. And that's to do really with the way that the panels are made and constructed. You spoke earlier about the efficiency of the panels and the output. Of course, the panels are designed not to reflect light, but to absorb them, because the greater the absorption of light, the greater the chance that that technology has to generate electricity. So there's an anti reflective coating on the panels is a form of sort of stipple glass. And that has meant at least in all the cases that I have been involved in the solar farms that glinting and there wasn't a material consideration and wasn't considered to be a significant effect.

23:05

Thank you. Um, I mean, the supplemental questions that which may be feel self or possibly Mr. Harlow, is this something that has moved on recently? In in, because I'm aware from possibly, albeit some time ago, that glinting glare was a matter of concern or has been, but it is the use of this anti reflective surface treatment, something that now the industry has picked up on. And is using it as mitigation. And that is why didn't glare assessments are becoming less prevalent, and it's generally becoming less of an issue.

23:51

That's certainly another question that I can answer in terms of the technology.

23:56

Okay, maybe if I then ask if it's the hardest thing on that, yeah, he is.

24:02

Thank you, sir. Tom harloff in the applicant, I would say more that Clinton layer at the outset, when solar farms started to become a little bit more common was just something that was picked up. And not actually an issue back then either by its deficiencies and solar panels is it you know, is ongoing glint and glare and those issues and the absorption of sunlight was one of the first things that manufacturers would have looked like looked at so personally, I don't believe that Linton glare was ever really an issue once all our firm's budget was brought up as a one of the early issues by you know, people who on solar farms started to, you know, first enter into the planning, planning system, I suppose, and that's all of 10 years ago.

25:03

Thank you. I will ask Mr. law as as we established earlier, Coningsby is an application that you, you processed, if I remember rightly, did Clinton figure as much of an issue when that application was dealt with? And can you recall offhand whether or not there was any sort of assessment for it?

25:35

Um, so a couple years ago now, so I delve into that process a lot of applications in that time. But no, I don't think that glinting glare was, was a significant issue in the determination of the application. There may have been some statements in the submitted documents to the effect that there wouldn't be an issue. But there wasn't what you would class as a formal sort of assessment of glinting glare that came in a standalone sort of assessment, I think there may have been some, you know, paragraph or some

statement within the the supporting documentation that, that, that it wouldn't be an issue due to the, you know, the, the height of the panels and where they're located, and the design of them, etc. But I do recall that it wasn't any significant issue for assessment when we dealt with application.

26:30

Okay, and as far as little crow is concerned, is glint or glare of any particular concern to the council?

26:42

No, so it's, it's not. We've got, I think, more experience now of solar farms than than we did maybe 10 or 15 years ago. As I stated earlier, there's a large solar farm directly to the south of this development at Raven Thorpe, which sits alongside the 18. So a jewel, a stretch of dual carriageway primary route into and out of our second thought we've had no no concerns, no impacts raised from from that solar farm, or, as far as I'm aware, any of the other solar farms have been developed within within the area. So it's not not a concern for the local authority, sir.

27:26

Thank you. While you mentioned rate, the reason thought site, which I did see, in part, when I my visit, you've reminded me I think it would assist in the same way that I've asked for some information, application background information, Visa v. conisbee. That it probably as far as raising thought is concerned, it would also be useful probably to have similar information. So the site plan, a decision and any report that goes with the decision.

28:04

Yes, I mean, at this point, I should probably mention if you're not already aware of it, so there was a an approval, I'm not sure if it's lapse now or not, but just slightly further south than ravensthorpe as well, the other side of the 80. And I don't know, yes. I'll be passing this work on somebody else. So not to worry. But yeah, if that would benefit you, then

28:28

I think it just helps. Yeah. Get a full picture of, of what's happening, this other site that has got a permission, which may or may not last, I may then need to ask the applicant about in terms of where it sits relative to grid connections and capacity and whatnot. Yeah, so it looks like we're now up to three historic sites, or patients that I'd like to be aware of.

29:01

Yeah, that's perfectly fine. So they're not too old. We can take them out pretty quickly for you.

29:05

Thank you. Mr. Mayor, did I see you possibly pop up and want to raise a point where I didn't and glare?

29:13

You did so I mean, it's simply that if it helps to close out the issue, then then then the applicant is happy to provide a report on it. If it will assist and could submit that as part of its deadline, one documentation, I'm entirely in your hands as to whether that's something that that you want to do.

29:35

As well as it's being offered and as it was a supplement tree thing that I had on my list. I think it might be useful just to have it. And then as you say that item can be fully closed out. I'm not expecting war and peace.

30:03

Thank you. So let's do it. We'll action.

30:23

Mr. Denny just looking at the viewpoint assessments within the Lv AIA. The photographs, as I understand clearly were all taken during the summer months when trees and hedges were all in leaf. Do those viewpoints, in effect represent a reasonable worst case scenario? Or might things be a little worse when there's no leaf coverage.

30:58

So I don't think that the situation would change significantly at all. I understand the point you're making if you had a solar farm that was screened by hydro, in the summer, it may not be screened to the same degree when all the leaves are off the trees in the winter. But this particular location benefits from significant screening from Woodland and very deep and dense woodland. So even in the winter months, the combined filtered screening effect of all of that winter vegetation still provides that very significant curtailment to the ability to see the site other than from within a towards immediate surroundings as you come in and out of the woodland along footpath to one four. And that won't change to any significant degree between winter and summer. It might mean that you might see the solar farm filtered through the vegetation 25 years sooner than you might otherwise have done. But it's not going to open up new views and change the assessment.

32:06

Thank you.

32:12

Right, turning to the photo montage is which are in a double p 089. Which is appendix six, four of the to the environment statement. No particular need to bring them up because I'm imagine I think there are any odd to montages that have been looked at so you're probably reasonably familiar with them. The question is that some of montage is show the situation five years after planting. Really, I just wanted your thoughts on how realistic those montage years are for the fifth year, because they show the Hydros quite well established.

33:07

Yeah, so that's because firstly, plants and the way in which those plants are managed or maintained is the key between good establishment and poor, you're quite right to suspect that the wrong choice of plant and poor management then mitigation may not be achieved within a given period. Any mitigation that we show in the visualisations will be on the basis of the choice of plants chosen the size at which they're planted, and the management and maintenance which they are expected to receive. And if if

that is the case, which is the case in the scheme, then those heights will be achieved. For example, if you choose some platform in Hawthorne, which are typical of the main species for agricultural hedgerows, their extension growth in an average year is quite high. And you will achieve the establishment of quite decent sized Tetra also depends on whether you put them in as a single row or double staggered row or triple row of plants. And indeed, the smaller you plant them, the quicker they will grow. So it's really that the choice of plants the choice of management. But yes, we're familiar and experienced with establishing mitigation planting and the visualisations be done on the basis of our experience upon growth rates.

34:29

Thank you, Mr. Law, do you have anything to comment on in terms of how effective the the indicative mykad mitigation as it shown at the moment might be in terms of hydro planting in particular.

34:49

I think from from experience, it is the ongoing maintenance and management of of landscaping, that the kind of sees it success or failure rarely. You know, it's maybe unrealistic to expect a hedge to have no gaps in it or all, all sort of plants to grow at the same rate and to the same degree, but I think provided those ongoing management and that is done properly. And effectively, then I think the view of the authorities that adequate mitigation can be can be provided through through a scheme of landscaping through the hedging along the footpath.

35:35

Thank you.

35:43

Can you give this day any sort of indication as to how quickly you think that hydro planting in particular, along parts of footpath 214 wood actually reaches maturity.

36:02

It'll never, it'll never reach its maturity because it'll be managed not to do so because it costs too bit to be effective, then to be effective. Well, it'll be effective within that first five year period as proposed and as shown within the visualisations, it'll then be cut and managed up to a point at which it is above eye level, alongside the security fencing and deed as shown on the landscape and ecological management plan within the ies. So the filtering and screening will start to take place fairly quickly up to that five year period. But then in the following five years, we'll reach in effect what he was talking about in terms of maturity, which is the maturity of the form of hedge, which is desirable for the solar farm and for screening, because again, we don't want the hedge to impact upon one's movement along the path either. So it needs to be managed for that effect as well.

37:08

I mean, the the benefit of that is, of course, is the more headrow is, is cut or clipped to form a hedge rather than being allowed just to grow out to a mature plant, the quicker it thickens up and provides more screening. And also the quicker it will put on further extension growth. Next year. probably all

seen this in our garden hedges, the more we cut them, the more they seem to grow. And it is it is true cutting edge, particularly one of Hawthorne or black horn will stimulate growth.

37:56

Thank you turn to Mr. Law. Have you got any comments that you wish to make about the adequacy of the proposed landscape and visual mitigation measures that the applicants proposing either for the construction or operational phases?

38:14

Yeah, thank you, sir. I mean, we've we've reviewed the measures put forward and at this stage, I think we the view of the authorities is that the mitigation measures proposed are are adequate to offer a sufficient level of level of mitigation and screening of the development. The risk of sort of repeating myself, I think it is it is the, the maintenance, that's that's going to be key that comes through in the landscaping ecological management plan. Adams proposes for wildflower planting, as well, alongside the footpath. And the landscaping scheme will only work if it's managed properly. And I think that that, you know that that is key to secure that.

39:08

Thank you. Well, that is the my final landscape visual effect type question. Mr. sedgley, is there anything that you wanted to say on behalf of Heron lodge at this point? With respect to visual effects?

39:35

Yes, the primary point of Heron Lodge is that it appears from the visual impact assessment that the visuals of the solar panels themselves has been considered, but not the visual impact of the increased use of the roadway into the site. And so we would like to see some consideration That impact.

40:11

I note, I don't I'm sure you have this point already, sir, that the interesting part is that I represent are residing very close to that roadway. And of course, that's therefore the concern.

40:40

I presume that something that will be elaborated on in the written representations that are going to be made at deadline, one. I suspect the applicant will need to see those comments in order then to be able to respond in a informative manner, because I suspect Mr. Denny probably can't say a lot about that this afternoon, nor do I suspect anybody else within the Atkins team can say a lot at this point. And especially you, you feel that you want to make a comment on that.

41:22

And not not a specific one. So now, I mean, I, I've had many years of experience with dealing with the temporary and transient nature of our the construction traffic or maintenance traffic in relation to new value schemes. And it hasn't been a material consideration in landscaping visual terms or in visual immunity terms, that if if on a particular site, it does have any implications, it's usually in terms of holding up traffic on roads, increasing journey times, or noise or dust, but not a not a visual effect. But certainly, it's something we can respond to. Yeah,

41:58

message or you can turn on your clients behalf. And in fact, we probably need to hear a bit more about the concern from your clients, to enable the applicant then to respond more comprehensively, to that point. And for me, potentially, to chip in with any questions that I might have to raise with the applicant to respond to the concern.

42:26

Thank you, sir. I'm special. And if I understand correctly, what you're driving at is essentially an account of how we say that the RV will be impacted.

42:39

Yeah, in effect, what I suppose what your client think the harm might be to enable the applicant to consider that harm and then respond to it. And not afraid of slip back I suppose into appeal territory rather than into work.

43:07

Oh, that's, that's very helpful. So I think he

43:16

is there anything else? Sorry, Mr. Leon, visual type matters that you wanted to raise? Not unless you have another specific question. So no, no, no, no, sorry. I was referring to this sexually.

43:29

No, sir.

43:30

That Okay, thank you. somewhere that we're literally about to hit five o'clock. I'm also looking at questions. I think some of the matches that are in agenda item D onwards, I can hold over to rip written questions.

44:16

So with a bit of selectivity on my part, our is everybody concerned that we'd sit on probably to about half past five. So that we hopefully have dealt with everything in agenda three that I might want to hear coming on. And that will then leave us to deal with the item for decio matters tomorrow morning. Remembering that I would just like probably a few minutes at the end of the afternoon, just to pick up on this point that's been raised by Heron farm about accuracy. Do you have assessments for noise and dusts? Well, air quality I think it was. But in general, our people contend that we we sit on for about another half an hour. Mr. mile from the applicants perspective. Yes, certainly

45:16

no problem. From my point of view, Mr. Loris?

45:18

Is that still alright with yourself?

45:20

Yeah, that's perfectly fine for

45:22

me sexually.

45:24

Yes, thank you. Okay.

45:25

So I am going to do a bit of plucking. So you'll have to bear with me while I decide which questions I can just hold over to written versus actually asking oral questions now. I am going to look at agenda item D, which is, in effect cumulative. And in combination of facts. I think, Mr. Denny, you've probably had your, your stint. So if you want to stand down? Because it might be that Mr. Male is gonna put some nails into the hot seat.

46:17

Yeah, for the applicant in the first instance, has the assessment of cumulative and in combination effects. With other projects being restricted only to the consideration of solar energy schemes. If not, then please indicate which other projects have been considered.

46:45

Yes, so I'm going to welcome Mr. Roberts back again, for this section, if I may,

46:53

could have to do to get up Roberta for the applicant. So in terms of existing developments, they kind of already included form part of the baseline. So, these are those that assessed as as the baseline in the various tactical chapters of the environment environmental statements, since the issue of cumulative impacts. We have kind of seen as the drafting of the elevation of the haven for statements in 2017. We have kind of liaised with North Lyxor Council regarding the scope of new developments known to the council that we should consider as part of cumulative impacts. And I will ask correspondence with North Yorkshire Council. on this matter, a response from the counsellor was on the 15th of August 2019, when they advised that they were not aware of any new developments that will be needed to be considered as part of the cumulative impact assessments in respect of the little crow. So the pack and again, I think I've made a reference to this in chapter two or the vertical statements at section two point 10. document reference 6.2 LCS chapter two o examination library, a pp. Dash 059. We've also wanted to the north legnica Council has usually got mappings on mind mapping searches to keep track of any new locations, it can be affordable in the area, we have kind of kept that under review. And we haven't seen any large scale infrastructure projects within or near the sites that we need to consider as part of cumulative impacts.

48:52

Thank you, Mr. Law. Is there anything that you think that might need to be put into the pot? Since your response the outcome of 2019? Are there any for instance, allocations in the local call plan that might affect anything in this part of your counsels? area?

49:26

As far as I'm aware, sir, that nothing will have changed since 2019. And I may need to check on the we're obviously we're in the process of producing a new local plan for North Lincolnshire, and it's quite an early stage still. But I think we've, we've got a preferred options document in terms of allocated sites. So that might be one where I need to go away and just just check that and confirming right And there's nothing that I'm aware of off the top of my head as it were, but I would just like to check the allocations document to make sure that there's nothing that I'm forgetting in terms of proposed allocations coming forward. There's, there's not there's no allocations in the current plan. Okay. But, but we do have a local band that's being produced at the moment.

50:24

Okay, well,

50:25

if you like to, to act as an aide memoire, I can include something in the first written questions asking the question

50:33

that will give you

50:34

the hook. That will be appreciated. Thank you.

50:50

Okay, then I think we can. I had a couple of questions on legal, protected species, but I think I can hold those over to written questions. So that was item E, under agenda item three, item f biodiversity, there's only one question but again, I can hold that over to written question. Because I suspect for the applicants perspective, that might need a little bit of thought as to how you actually put a response together. Climate change again, I think I can hold those over to

51:40

written questions. Item H, and this is hopefully quite straightforward question, which is the duration, duration of the construction phase, the proposed development, most of the application documents took about 11 months. However, the chapter that deals with the ecology biodiversity type matters, chapter seven, talks about the possibility of up to two years. And is is that an error? Can somebody assist with duration in the construction period? So the vast majority of documents seem to be referring to 11 months?

52:27

Yes, so I can I can help with that. One is on the assumption that the project is built out in in a single phase as an entirety, including both sort of solar and battery storage elements, which is the worst case in the vast majority of situations for the purposes of the s, then then the programme will be will be 11 months.

52:59

Now, you will see within the DCR itself, there is a reference to potential phasing, which could could push it beyond that 11 month programme. But it's anticipated that if the project were to be phased, we aren't talking about saying different phases of solar PV development, we might be talking about the the battery storage element being developed out as a separate as a separate phase and requirements being able to be discharged separately in relation to that, compared to the the main PV element of the of the development, and it would be I understand a relatively minor, a extension for if that was done inside the battery storage element. I understand we'll be around about three months in terms of in terms of that sort of construction window for that. But we can we can provide further detail in our in our written submissions.

54:10

Thank you.

54:22

I mean, only had one question that Under Item h Item A item is about decommissioning. I think at this stage I can deal with with that in writing or through quests or written questions. But I suppose actually while Mr. Law and Mr. Denny presume Mr. Denny is still on the call, he hasn't Yeah, Do you have a question? As far as the commissioning is concerned? And the hydro planting particularly to screen roots to one four? Is there any view as to whether or not that hydro planting would stay once the scheme was decommissioned? Or would it be removed because certainly in the current field pattern, a corridor of hedging might look a little bit out of place. Any Any thoughts?

55:37

So my current understanding in relation to the project is that on decommissioning all of the mitigation, landscaping will remain subject to only removals required for either to allow that decommissioning or for an appropriate return to a state use. And the remainder will remain in place.

56:09

Mr. Lowe, any thoughts about the retention of what might be a bit of random hydro planting? Yes, something that you want to take away in effect is a written question you can ask your maybe landscape and footbath colleagues about? Yeah,

56:28

I think I think that that that will be welcome. If, if I could seek some input from from colleagues, I do agree that yes, it might appear a tad out of place, given the current field pattern, but I think if that could be put as a written question, we can give it proper thoughts and, and come back with an informed response.

56:52

Okay, that's helpful. Thank you.

56:55

It serves pulmo on behalf of the the applicant, again, I would also say, of course, that that after 35 years, there's an ecological angle to that question, as well. And so in, in in responding, it might be helpful for the council to also consider that point. And, and certainly, when the applicant was sort of considering the questions that you might raise on the item, I have the agenda, there was a significant ecological element to it, as well. Now, I can ask a member of the team to just discuss those briefly now. I'm quite happy to take it away. And we can set that out in writing.

57:45

Yeah, I think, possibly set it out and writing counsel will also give a written spot, if it becomes an issue,

57:56

then

57:58

potentially, it's something that if we have a further issue specific hearing later down in the examination timetable, we can come back to and it might be that Mr. Laura, at that point, brings in a colleague or to to put to put their their side of the story. assist in around.

58:25

Yes, sir. Thank you. yondu law on behalf and orphans counselling, I think is a good point that is raised with with regards to ecology. Obviously, we have an ecologist as well within the authority would see to get a view and try and give a holistic response because you've got overlapping issues there.

58:42

Yeah. And get to be considered by me well be there's not a straightforward answer, because the ecologist might say one thing in the landscape. Yeah. colleague might.

58:51

I think if it if it could be left for the written for written questions, then we can take it away, consider it internally and give a response on behalf of the authority once we've weighed the potentially conflicting issues up.

59:06

Yeah, thank you. Right, well, then I think that's what we can usefully deal with in terms of agenda item three. This afternoon. I think I alluded to start at this hearing, or possibly in the preliminary meeting. The questions that I had a lot of them, actually I have lifted from what is my evolving list of first round questions. So nobody should take it. That the matters that I've not asked questions about this afternoon are not important. It's just that I've elected to listen first into now to put some of those down Written route. See that where that takes us. And there's always scope to come back and deal with the more runny if needs be.

1:00:16

What I would like to do, though, as as we indicated earlier, as we said he is only here this afternoon, and there is an issue in the relevant reps that will be made on behalf of Heron Lodge. Just looking at myself, does the applicants team have it doesn't matter which of the relevant reps from her knowledge available, but but at least one of them? Otherwise, I think if we could ask Mr. Scanlon, maybe to put one of them up on screen. Because it's the first point about whether or not the assessment covers all of the order limits arises. And I think it's in paragraph 10 of each of the relevant reps that have come from Heron Lodge.

1:01:23

Scammers currently on the case, so I think we should wait for him.

1:01:37

It doesn't really matter whether Mr. Scan looks for relevant rep 008, relevant Rep. 009 or 14 or 15. At least one is the fifth one isn't there or six, three, it doesn't matter. Once we've all seen that relevant rep, then it's going to be helpful to get up. environment, environmental statement, Appendix four, nine, which is the noise report. We won't overload Mr. Scanlon with too many numbers all at once while he's trying to navigate.

1:02:46

Hi, Mr. Scanlon on behalf the applicant. I'll just share my screen now. The document reference is the 0091. So is there is there a nine there's no one in the back?

1:03:06

Are you able to expand that a little bit on screen? Oh, is that better? batches? Yeah. Now? Yeah, there is paragraph numbering. So I think you if you just keep on scrolling down if you can find paragraph 10.

1:03:29

Think a bit I think the way I've said printed out hardcopy and they appear slightly differently to the way they do on on screen.

1:03:40

That should be that paragraph. They're highlighted. Yeah.

1:03:52

Mr. G, are you familiar with the point that your clients are making in this regard?

1:04:01

And my understanding was that it related to the roadway had been considered. And I understand perhaps in a different time, maybe that I've misunderstood.

1:04:20

Right. So it's principally the access track that is a concern. Because the track is clearly within the red line area if we can ask, hopefully has ever been able to digest what's in paragraph 10. If I now are supposed to scan and can you look and bring up a double p 085, which is the acoustic reports.

1:05:08

That should be on the screen now.

1:05:11

Now, I think the map that's been referred or the plan that's been referred to is probably on page 10.

1:05:29

That looks like the one I think that's been alluded to unless Mr. G is able to confirm that it might be another, because I think the reference is just purely to a plan towards the rear of the report we're getting towards the rear of the report. Because my concern with a random rep is that it refers noise Impact Assessment appears to be of no value, because it was conducted in, in respect of the site significantly smaller than the development site. But I'm not sure that that is correct. From what I can see the documentation, what's been assessed is the whole of the order limits, which would include the access track.

1:06:28

As a map, my understanding was that the point was really in relation to the comment tree relating to the noise from the operation of the solar panels on site rather than the use of roadway it. Of course, I will lay the point that it may be but if there is a point being made along those lines, we'll clarify if there is a point that we haven't considered.

1:06:52

Yeah, I said, What, what, what pricked my ears, if you like, again, not a very good analogy was given with looking at something visual is the significantly smaller part. And then under air quality, with a reference in paragraph 12, based on erroneous order limits. Now, the track, again, looks in the Air Quality Report to be definitely included within the order limits that the applicant has assessed. Turning to the applicant, are you able to give somebody from the team? At this stage, any confirmation as to precisely what's both the noise as consultants have been looking at in terms of the size and the assessments that they've undertaken.

1:08:01

Paul mile on behalf of the applicant? I'm not sure we are because we don't have our noise or noise specialists on the in the hearing this afternoon. So what I was proposing simply to do is obviously that we've considered that relevant rap and we'll be putting in our responses to relevant reps. The appropriate deadline. And what I was taking, firstly, out of the noise assessment in the first instance was, the comment was essentially saying that the interested parties at herons lodge were concerned that there hadn't been a proper consideration of noise from the construction traffic using using the access track. And it would be as part of the applicant to respond to that comment that the we would address in in the response to the relevant Rep. Now, again, if I'm mistaken in that it will be it will be something that will identify play out in the fullness of time within the various deadlines of the application.

Or if there's any clarification that could be provided in advance of that deadline, then, of course, we may be able to pick it up, then,

1:09:22

well, it might be as was suggested in the preliminary meeting that some sort of offline dial I outside of the examination takes place between those representing Heron Lodge and somebody from the applicants team. Just so there's a there's more certainty as to what the point is the concern that I saw, so in paragraph turn this reference to the site's significantly smaller than the development. So in responding to the relevant reps, which you'll be doing at deadline one, certainly I'd like some clarification that as far as the applicant is concerned, what it is that has or hasn't been assessed in terms of order limits, visibly any receiving receptors on adjoining land. But this might be something that could usefully possibly be picked up as a bit of dialogue outside of the examination between the parties. And

1:10:27

that might ease the process. Certainly, so we'll take that away look and avoid potentially a lot of ping pong.

1:10:35

With me in the middle of that I'm just making the ping pong even worse. Mr. G, does that sound a sort of a reasonable approach to take with with without that concern, both that that's been referred to in paragraph 10. And then in paragraph turn 12, about this extent of the order limits that has or hasn't been assessed in those technical reports?

1:11:03

Yes, it does. Thank you say that there's one point perhaps I might make it maybe existence at this point. Between road rage and air quality, and the paragraph 12 that I think was highlighted a moment ago, refers to think it's page 10 of the air quality assessment, which refers to dwellings being 280 minute metres, and 415 metres from the order limits. The point being made there on behalf of interested parties is that the order limits comprising the roadway are significantly closer

1:11:42

to Heron Lodge. Yeah,

1:11:50

no doubt that is something that the outcome will be able to pick up in responding to the relevant rep, or reps. And will be able to respond to.

1:12:07

And

1:12:09

what I can say about both noise and air quality, is that these are topic areas that are not unfamiliar to me. In days gone by, I have been involved from a local authority perspective in a number of projects

that are now within the national infrastructure regime, but in those days when I was working, local government weren't within the regime because it didn't exist. But these are topic areas that are not unfamiliar with me, or to me, because in my own experience, I have dealt with discharge of conditions.

1:13:06

Or,

1:13:08

in fact, the equivalent of requirements under both worthy old dti type consents for power stations. And I have also dealt with other infrastructure under parliamentary act procedures. So the fact that I might not want to take or have a lot of consideration of this possibly at a hearing shouldn't be taken as not being interested, it's it's that I can understand quite a lot of these sorts of issues from writing, rather than than having to hear a lot about it just because of that past experience.

1:13:54

Thank you so much notice. That

1:14:10

then really, I think, brings us quite neatly to half past five, which was the sort of absolute cutoff I suggested might be appropriate for sitting today. That will leave us the topic of the draft event consent order to pick up tomorrow morning. As I alluded to earlier, a lot of the sorts of issues I've got at this stage are drafting type matters. Some questions about relevance of articles, some issues about whether there may be possible duplication between articles and some of the requirements Well, I think it would be appropriate that we do go through that session tomorrow morning. Because while I have might, in part might assist the applicant and make it easier to address rather than having to rely on a lot of written questions, which might become a little bit persnickety because there are some generic points that I think we can discuss, and the applicant can then take away to look at possibly the next iteration for the order. There are some action points that are arising out of this afternoon, nothing that involves directly. Heron Lodge. So I think what I will do is hold over the discussion of action points to the conclusion of the hearing tomorrow. And the action points. May 7, remind me We will be publishing those. So that's fully transparent?

1:16:16

Well, yes, we will following the close of the hearing.

1:16:21

So he says your your your you won't be disadvantaged in terms of not knowing what's on the action points list. But certainly, what's arisen this afternoon is either for the applicant or for the council, because Mr. Lowe is managing to volunteer himself. A number of documents be submitted in terms of history of other applications in the area. So I think, yeah, it's opportune that I leave all of the action point. list until we've, we've got to the end of tomorrow's agenda item for is that anything else that anybody else wants to raise on a sort of procedurally type point? Before I adjourn the hearing this evening, Mr. g.

1:17:17

Nothing further from me. So thank you.

1:17:19

Thank you, Mr. Lowe, any sort of procedurally type things?

1:17:23

No, nothing further from me. Thank you, sir. Mr. Male,

1:17:25

for the African.

1:17:27

Nor for me, sir. Thank you very much.

1:17:31

Sorry, Louisa. Can I just confirm something before we close for today, just to save for tomorrow's hearing. We'll be sending out new joining instructions this evening. So go in on the link that we're sending you this evening, not the one that was used today. Thank you.

1:17:46

What Why don't you raise that? Is there anybody from the applicant team that doesn't need to receive a joining link? That can be taken off the list? I mean, Mr. Denny, I think we won't be available for at least for a lot of tomorrow. So he presumably won't need to be sent a link.

1:18:07

I'm assuming that to serve, but I'll defer to Mr. Male.

1:18:11

I think if this discussion is focused on the development consent order, then I think you can probably remove Mr. Denny and Mr. Clarkson from the applicants list. Yeah.

1:18:27

Because I'm certainly not somebody who expects all the witnesses for a party to be around the whole of the time. That I think it's a bit unreasonable in this day and age.

1:18:43

And also miss Curtis, sir, as well, I've just been told is to say, I've been invited to this session.

1:18:53

Miss Evans, does that assist with what you're going to be doing this evening?

1:18:56

Yes, that's very helpful. Thank you. If it is decided, anyone does need to attend tomorrow, just our contact the mailbox and we'll send one. Thanks. And of course, if

1:19:04

anybody gets an invite that they don't want to take up, they can of course ignore it. And no doubt in the arrangements conference tomorrow morning. If somebody's missing, the question can be asked, should x or y be present? And no doubt Mr. Miles and the team ability? Yay or nay? Okay. Then I think I can adjourn. thanking everybody for your participation today. And the hearing will resume at 10 with the arrangements conference at 930 tomorrow morning.

1:19:44

Or check in, I suppose is best way of describing that. Otherwise, I'll wish everybody a good evening. Thank you very much.