



Planning Inspectorate
Arolygiaeth Gynllunio

Hearing Transcript

Project:	Dogger Bank South
Hearing:	Issue Specific Hearing 4 (ISH4) – Part 5
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00:00:05:03 - 00:00:27:09

Hello and welcome back. The time is now 4:10. And I'd like to welcome everyone back to this issue specific hearing for the Dogger Bank offshore wind farms. I'm now going to hand back to Mrs. Ciani, who will continue with item seven on the agenda, which is onshore ecology. I know the applicant has their hand up. Is it something before we start on onshore ecology?

00:00:28:11 - 00:00:59:05

Do you give the applicant? Yes. I guess it was just weather to clarify. We are very happy to try to get this agenda completed today rather than spilling over to Friday. And if it assists to indicate that we would be content to go on until, say, 6:00. Um, we just don't obviously know how long you're imagining that each topic might take. We're also mindful that various people have been waiting for 4:00 for.

00:01:00:09 - 00:01:11:24

uh, you know, at our request, on, on, on land use. So I guess we've just been having a brief conversation about that at this end and wanted to sort of raise that topic with you to try to be helpful.

00:01:12:21 - 00:01:41:20

Uh, thank you very much. That's appreciated. We have had a look at the agenda during the break, and we think it is achievable within today, and I hope that we wouldn't have to go as far as 6:00. But that's obviously very much dependent on the discussions and the examination that we have. Um, but, uh, so as not to waste more time, I'm going to pass it to Mr. Shawnee and we'll deal with item seven, which is on ecology, and then we will deal with, um, item one on the agenda, which is the land use and geology.

00:01:44:15 - 00:02:19:15

Thank you. Okay. Going straight to, um, item 7.1, um, the extent of the proposed temporary hetero and tree removal, including the effects on the local wildlife sites and proposed mitigation. My first question is, um, following discussions at the issue specific hearing to in January 2025, the outline um ecological Management Plan, which is rep 2029, was amended for deadline two to clarify the extent of hedgerow removal at crossings, including field crossings and public highways.

00:02:20:04 - 00:02:45:21

The ESA would appreciate further clarification on the following points, please. Um, first of all, previously the extent of removal was given as a maximum. However, for any whole road crossings adjoining the public highway, this is now proposed to be a minimum of six metre. Could I just get clarification why this has changed to a minimum, um, from a maximum limit and how any maximum removal would be restricted and secured with this?

00:02:47:23 - 00:03:19:00

Thank you. Tom Cleanse for the applicant. Thank you for your question. Um, my understanding is that the clearance that's required for all roads where it joins main highways. Maximum limit for that has what the average limit for that has been put as 25m, which includes that six meter, um clearance area. My understanding is that the six meters is for um, health and safety reasons. It's to do with HGVs and sort of their turning circles.

00:03:19:15 - 00:03:29:15

It's more of a traffic related question, so I'm afraid I can't go into sort of the specifics of that. But that's, uh, that's the guide that we've been given from our traffic colleagues.

00:03:32:15 - 00:03:53:23

Thank you. And just to follow up on this, how would this work, for example, if there was no removal at all required because, um, when we discussed it last time, there was sometimes when there's, for example, an existing gate, then there would be no removal required. If it's now said there's a minimum of six metre. How would that work? If that makes sense, because.

00:03:55:04 - 00:04:02:25

If the if the existing gap wasn't up to six metres wide, then there would need to be some widening to make it up to six metres in those areas.

00:04:06:15 - 00:04:42:08

And the same with visibility. So if if there wasn't any more removal required, um, that would be what I'm trying to trying to understand is if you're saying now there's a minimum of six metre removal required, if there's a gate and the visibility splays are already there to not require any further removal. Why would it then say a minimum of six metres if there's no removal required at all? Just trying to understand because previously there was just maximum there were maximum removals included.

00:04:42:10 - 00:04:44:16

Now it's a minimum removal.

00:04:48:07 - 00:05:30:22

And um, I think we said six meters and it should be as wide. I think I'd take your point that if we don't move the six metres, we don't want to be forced to by the wording of the code. Um, so I think we'll just double check the wording on that to make sure that that's not the case. So you say there is a gap that's wide enough. We don't want to have to take more than we need to. Um, so yeah, we'll just revise the wording because I think we said where appropriate, but we'll just double check that it gives flexibility for those cases where we don't need safety. Additional meters is more the, uh, the standard requirement for a HGV, which we updated just following further review of the CMP and just cross-checking the traffic requirements and following the initial questions all this way.

00:05:33:00 - 00:05:50:03

Thank you. That's appreciated. Um, just one last question on that um, sentence. The paragraph refers to where the whole road adjoins the public highway. Could you just clarify what is meant by a joint? So has it the same meaning as crossing a public highway?

00:05:53:02 - 00:06:04:08

On behalf of the applicant, and by adjoining we mean any hedgerows that are currently forming a boundary feature between a public highway and an existing field.

00:06:08:20 - 00:06:16:10

So in terms of the, um, crossing that would be crossing a public highway.

00:06:18:09 - 00:06:20:18

Yeah. Tom. Tom. The applicant. Yes.

00:06:22:10 - 00:06:33:21

Okay. Thank you. Can I just check with East Riding of Yorkshire Council, whether you have any further comments on the amendments that were made to the Outland Ecological Management Plan?

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

Jennifer Willingham for the East Riding of Yorkshire Council now confirm. I do not have any additional comments. Thank you.

00:06:40:20 - 00:06:41:10

Thank you.

00:06:46:28 - 00:07:28:13

Uh, my next question is in section 1.1 of the Outline Ecological Management Plan, which is rep 2029, which relates to monitoring and reporting. In paragraph 227, it is confirmed that the Ecological Clerk of Work will maintain a record of all ecological work which is undertaken during the construction period, including any ecological working briefs or protected species service and findings of any site visits. Could the applicant, could the applicant explain, um, if this would include monitoring of the extent of the hedgerow lost during construction and where this is explained?

00:07:46:03 - 00:07:52:11

To the applicant? And, um, it doesn't expressly say that. However, it's perfectly reasonable, and we'd be happy to conclude that.

00:07:56:11 - 00:08:01:09

If we could have this as an action point place to include this. Um,

00:08:03:07 - 00:08:14:28

but this also include reporting on the size and age and mature ness of the lost hedgerow to understand potential replacement requirements. So not just what is lost, but also, um.

00:08:17:22 - 00:08:18:09

Um,

00:08:20:01 - 00:08:35:13

how any replacement requirements are, um, included in the outlined ecological management plan. So if we could add this to as an action point, um, or to the action point that this should also be included. If that's okay with the applicants.

00:08:40:19 - 00:08:58:27

Okay. Yes. That sounds that sounds more than reasonable. Um, just a point of clarification. We are expecting to replace, uh, to provide any hedgerows. Uh, excuse me, for any replacement hedgerow to be provided. It will be a species rich. So just as a as a binary buyer. But yes, we're happy to have that.

00:09:10:10 - 00:09:23:04

And then also to follow up on this. Could the information that be provided as part of the monitoring on how the actual loss of hedgerows would compare to the worst case scenario and the completed replacement planting,

00:09:24:28 - 00:09:29:16

and that's probably more in terms of as part of the monitoring? Um.

00:09:40:14 - 00:09:42:09

My next question is, um.

00:09:44:00 - 00:09:48:19

Interrupt. I just just wanted to confirm. Yes, we are happy with that.

00:09:50:20 - 00:09:52:13

Thank you. Um,

00:09:54:00 - 00:10:09:02

as a general question, would it be possible to reuse any removed hedges so as to retain them on site and reuse the same hedges later? Or would there always be new, um, species that you would use?

00:10:18:00 - 00:10:44:12

Um, sometimes on behalf of the applicant, uh, I think that's an action that we can take away. He would need to be done in a case by case basis, depending on the, um, distinctiveness of the hedgerow and whether or not it was indeed viable to actually, uh, practically kind of cut and remove parts of its root system ensures it would survive the translocation process. But it's certainly something we can look at and come back to you with further detail.

00:10:45:18 - 00:10:59:21

So just to confirm. So that isn't something that hasn't been considered as of yet, but you might consider whether or you, you review whether it is potentially possible to, to do that at in some cases. Do you understand that correctly?

00:11:00:07 - 00:11:00:27

Indeed.

00:11:02:01 - 00:11:02:20

Thank you.

00:11:06:05 - 00:11:36:11

Um, paragraph 227 and 228 of the outlined Ecological Management Plan confirm that the ecological work reports and any records of any breaches would be shared with the environment manager and site manager and, if necessary, Natural England. Is there a reason why this would not be shared with the local planning authority? Or could you explain why it would not be shared with the local planning authority? And how is the decision made on who to share the information with?

00:11:58:18 - 00:12:11:27

On behalf of the applicant. Um, we have been explicit in that sentence. Uh, you are correct, however. Uh, it would be our operating assumption that we would share anything with that and the East Yorkshire Council as well.

00:12:14:02 - 00:12:19:22

Sorry, I couldn't hear you properly. Did you say you are proposing to share the information with East Riding of Yorkshire Council?

00:12:20:05 - 00:12:21:03

Yes, indeed.

00:12:24:23 - 00:12:30:16

So with the Atlantic Electric management plan be updated on that basis as well.

00:12:32:14 - 00:12:39:16

Sometimes on behalf of the applicant. Uh, yes. We can update the ecological management plan to Consider this.

00:12:41:26 - 00:12:47:14

Great. Thank you. East Riding of Yorkshire Council. Did you have any comments on this just whilst you're here?

00:12:49:16 - 00:12:53:04

If only if the East Riding of Yorkshire Council now happy with that update. Thank you.

00:12:57:28 - 00:13:31:16

Thank you. Um, the next question at the previous hearings in January 2025, as a follow up question, the FSA had asked for a definition of like for like replacement relating to trees, which is the term used throughout the outlined ecological management plan. The applicants responded and considered this to be a replacement with locally native species to match those removed where feasible. The applicants provide justification why the definition would be appropriate, considering it would not take account of either size or age of the replacement specimen.

00:14:01:13 - 00:14:34:06

Statements on behalf of the applicant. I believe we wished to, um, keep a little bit of wriggle room in the definition of replanting for a number of reasons, one of which is that if the tree is among the cable corridor, then there's obviously some issues with deep roots, etc. so that needs to be planted in a slightly different location. Um, that could change the sort of conditions, the appropriate species that would best suit the planting of the new trees planted location. Um, in addition to that would also be seeking to maximise opportunities for biodiversity.

00:14:34:08 - 00:14:55:26

And therefore if, for example, we were to do a crack below or something else, that's perhaps quite common within the local landscape and not of a um, and not species that's going to have a particularly

long life, and therefore ecological value would probably be to provide something more, um, more long lasting, such as, you know, species.

00:14:59:24 - 00:15:29:05

Thank you. I'm just not entirely sure if that answers my question, because I'm just trying to understand why the size or the age of the replacement tree has not been considered. If I'm trying to understand the definition for like for like that for me is not just the actual, um, species of the tree, but also the size. So when you're removing a, um, a,

00:15:30:26 - 00:15:38:19

a tree that is maybe 20 years old with a tree, that is, I don't know, five years old. That is obviously not a like for like replacement.

00:15:40:24 - 00:15:46:16

So I'm just trying to, to understand, um, how that can be considered like for like.

00:16:13:22 - 00:16:31:25

What would it be more appropriate to potentially use a different term to like for like replacement? Because I can understand that maybe in some cases it's not possible to have an actual like for like replacement. Um, but maybe then the wording isn't entirely appropriate at the moment.

00:16:38:18 - 00:16:44:13

Sometimes, on behalf of the applicant, I think we're just going to have to take that away and clarify what we've used. Thank you.

00:16:46:05 - 00:16:48:25

Okay. Thank you. We'll have that as an action point then.

00:16:55:07 - 00:16:58:26

East Riding of Yorkshire Council. Did you have any comments on this at all.

00:17:01:00 - 00:17:14:14

I understood like for like to make sense with respect to failed plants. But if it's to in relation to those lost to facilitate development I do agree. A better terminology could be used.

00:17:16:17 - 00:17:17:11

Thank you.

00:17:19:00 - 00:17:43:09

Um, the next question. So the response to the written questions. Um, this was in relation to landscape and visual um impact. But it highlighted that growth rates in relation to the assessment of landscape and visual impacts was not accounted for, but the applicants confirm if growth rates have been considered for the tree and hedgerow replacement in relation to its ecological function.

00:17:45:18 - 00:17:55:14

Bob, can I apologies. Do you mind if we just quickly provide some additional clarification on your previous question, just following Jennifer Wilson's comments?

00:17:56:08 - 00:17:57:04

Yes. That's fine.

00:17:57:28 - 00:18:27:10

Natalie, do the applicant follow up for Jennifer Woodlands comment. So the use of the phrase that you like for like is in regards to the failed planting. So where we've identified the place for planting, it would be if that fails, then unlikely like in line with our landscape management plan would be, um, replaced. Anything that has failed it's rather than likely like in terms of the planting itself. Um, I don't.

00:18:30:25 - 00:18:46:02

Thank you for that clarification. I'm not sure that is entirely clear at the moment in the Atlantic Ecological Management Plan to maybe just, um, just double check that that that's just refers to failed planting.

00:18:51:28 - 00:19:19:06

Would you like me to really, um, repeat the question again that I've just, uh, the last one or, um. Is that. Yes. Okay. Um, the response to the, um, first round of written questions highlights that growth rates in relation to the assessment of landscape and visual impacts was not accounted for. Could the applicants confirm if growth rates have been considered for the tree and hedgerow replacement in relation to its ecological function?

00:19:21:03 - 00:19:44:13

The applicant can confirm that they have been taken into account. Um, this has been demonstrated in by the best in their game strategy, and will be continued to be reflected in the updated version of this, which will be provided a deadline. Five. The strategy takes into account the time to target condition. Therefore, the growth rates of those species that are going to be planted in the edges of the trees.

00:19:47:12 - 00:19:48:06

Thank you.

00:19:52:11 - 00:20:03:12

If we could open page 14 of 38 of the tree TPO and hedgerows plan please. That would be appreciate. That's rep 3003.

00:20:07:14 - 00:20:45:15

Um, as a general question, first the key is part of the um plan separately shows hedgerows or line of trees crossed via trenches crossing. No interaction with the hedgerow and removal of hedgerows and line of trees in the key. So, um, on the right side, could you confirm that where hedgerow is shown on this plant to be crossed by trench crossing techniques, whether there would be any further interaction with the hedgerow, for example, through the provision of a haul road crossing and consequently, there could be further hedgerow removal?

00:20:48:16 - 00:21:18:18

Definitely. Um, yes, I can break this figure down, um, if that's okay, that I can see, um, two, three, four hedgerows shown on the figure. Can I speak to each one individually? And then that can give you a complete picture of what we're intending. Yeah. So H0036, which is the kind of amber colored one at the bottom that's we're using a treacherous crossing technique there. And there's no railroad cross in that section of hedgerow either. So there'll be no losses there traveling north.

00:21:18:20 - 00:21:55:10

So the next one up, which I'm afraid I can't make out the figure, but, um, to be honest. In fact. Both. 0035. Fantastic. Thank you. Um, so that one is being, uh, at the moment within the obstacle crossing register. We have that detail that either being entrenched or having the use of treacherous crossing techniques. Um, so there's up to 24m that may require removal. Then, um, the same is true of H0034, which is just above the words of page 14.

00:21:56:06 - 00:22:05:03

And once again, the same is true for H0033, which is um, intersecting with that. Uh, it looks to be one, of course.

00:22:08:09 - 00:22:16:21

So in summary, up to 24m, uh, may require, um, maybe a require for removal from each of those hedgerows.

00:22:17:28 - 00:22:38:06

Thank you. Um, my question, um, do you by any chance have the next page as well? Page 15. Um, because there it shows a hedgerow which relates to hedgerow crossed via trench crossing. Um, which is again different to, um, no interaction with line of trees.

00:22:40:08 - 00:22:43:21

Is that possible to scroll down or do you just have the one page?

00:22:54:21 - 00:23:26:06

Great. Thank you. Yes. So, um, on the northern side of, um, Chadwick's head, there's H0041 and that is shown as a, um, hedgerow crossed via trenches crossing. So what I understand is there would also be no interaction with the hedgerow. Is that correct? Or could there be a potential, um, hole road if there's the requirement for hetero cross rate ranges crossing. What I'm trying to get out is because. H0036.

00:23:26:08 - 00:23:41:04

On the page before on page 14, it's obviously shown as a no interaction with line of trees, but that would also be crossed via trenches crossing. So is that shown incorrectly at the moment? Um, my question.

00:23:42:08 - 00:24:00:00

Okay. Tom Clements, on behalf of the applicant, um, for H0041, we're using treacherous crossing only at those very close to go through this particular hedgerow. And therefore we do not anticipate, um, need to remove any. But

00:24:01:27 - 00:24:11:28

we could our apologies. Could we just see that on the screen? One second H0014. Thank you.

00:24:16:28 - 00:24:25:09

Yeah. Sometimes in behalf of the applicant. So the statement I just made regarding the removal of that hedgerow being quite commenced remains the case.

00:24:28:21 - 00:24:45:04

Sorry I couldn't hear you properly. So it's H0041 shown incorrectly or is H0036 shown incorrectly because they were both be crossed via trenches crossing without a whole road interfering with the hedgerow? Is that correct?

00:24:45:18 - 00:25:21:11

Tom Clements on behalf. Yeah. Okay. Yes. You've, um. The figure is correct. Um, you may see. So under the in the legend, under other hedgerows, uh, there are three categories. There's no interaction with hedgerow. There's, uh, hedge crossed via trenches crossing and there's removal of hedgerow. Um H0014 is keyed out as having uh, hedgerow crossed by trenches crossing and there's no road crossing there. So we, we have no expectation for that section of hedgerow to be to be affected or removed as part of the project.

00:25:22:14 - 00:25:40:19

H0036, which is on page 14. Shows no no interaction with line of trees. So again, um, we are we are using trenches crossing techniques there. And there is also no work. So so no removal of that is in place.

00:25:42:12 - 00:25:52:14

My question is what is the difference between no interaction with line of trees and line of trees crossed by trenches crossing if they're both not being interacted with?

00:26:00:13 - 00:26:24:08

Um, so yeah, you've noticed that H0036 should indeed be assigned the line of trees. Crossfire. Treacherous crossing. So we're not removing them, but just the symbology on the two year plan should just be updated to clarify that it is by discussing, rather than no interaction without any formal crossing.

00:26:27:15 - 00:26:48:20

Thank you. That clarifies it and other than on the obstacle crossing register. This is not shown anywhere where there would be a whole road. Um. Crossing a trench. Crossing. Is that correct? So we haven't. There's no you can't, um, there's no plan at the moment where this would. Where's this shown?

00:26:50:02 - 00:27:11:29

Um, great meeting of the applicant. And in the optical crossing register, where it says potentials crossing. There's also a further column to the right that says whether it's crossed Whitehall Road or not. Yes or no. So if it's a yes, then, um, on the hedgerow planets marked up as potential removal to

allow for hedgerow crossing. So it is in the obstacle crossing register. Um, spreadsheet. Um, have got open in front of me, but I didn't.

00:27:15:01 - 00:27:16:10

That's fine. Thank you.

00:27:18:22 - 00:28:00:26

Okay. Going now to, um, 7.2 potential effects of tarantulas crossing techniques on Bentley Moor Wood ancient woodland. Um, my first question is the applicants have confirmed in their deadline two response, which is rep 2057 that in line with the comments received from the Woodland Trust, they're committed to using a depth greater than five meter for trench crossing techniques below the ancient woodland at Bentley Moor. Would the Outline Ecological Management Plan, which is Rep 2029, and the Agricultural Survey report Preliminary Agricultural Impact Assessment and Outline Agricultural Method Statement Rep 3017 have been updated to confirm this.

00:28:01:15 - 00:28:16:19

A recurring sentence is included which states that unless the applicants are able to demonstrate that the shallower depth is acceptable due to other constraints, could the applicants clarify what is meant by other constraints and how likely it is to happen?

00:28:21:08 - 00:28:22:01

And so other.

00:28:22:03 - 00:28:55:14

Constraints are likely to be geotechnical conditions below woodland and also water table levels. So it's a balance and cable said with depth. And also noted in that area that it's crossing a water main as well in the same HTTP crossing the Yorkshire Water main. So it's like a single crossing, it's both woodland and water main. So the exact geometry of that, the amount of the kind of more detailed design based on assessment and hydrological assessment.

00:28:56:19 - 00:29:05:20

But at this stage there have been no constraints identified under the ancient woodland that would require a lower depth. Is that correct?

00:29:06:07 - 00:29:35:29

Yes, but typical woodland depth and tree roots. Um, the five metres is um, in other, other cases across the woodlands. Hoods have been undertaken at shallower depths. You have no indication of something that is producing that depth, but it gives an engineering option that if there is a constraint below the woodland or the woodland at the depths, to consider other methods or other.

00:29:39:05 - 00:29:39:28

Pitches.

00:29:47:11 - 00:30:08:07

Okay. You're breaking up a little bit. Is a bit difficult to understand, but I think I understand. Yeah, I think I heard you. Um, could I just clarify, would there be any requirement to consult on this matter

and who would be consulted? For example, the Woodland Trust, if there would be any constraints identified. And how is it was secured.

00:30:17:12 - 00:30:26:15

By shingle. And the applicant said, yeah, we're happy to add that the Woodland Trust on this matter. I'm sure we wish to reduce it by five metres.

00:30:30:19 - 00:30:40:14

Apologies. Did you say you're happy to consult with the Woodland Trust on this? Yeah. Sorry. The connection seems to be a bit bad at the moment.

00:30:43:01 - 00:30:43:20

Yes.

00:30:48:19 - 00:30:53:02

And you would include that in the outline ecological management plan as well? I'm assuming.

00:30:56:01 - 00:30:57:14

John Ashwell for the applicant.

00:30:57:16 - 00:31:24:13

And I think we would need to go away and try and understand whether the Woodland Trust have, you know, whether they have specifically requested to be consulted and also what their status is. They're not they're not a regulator. As such, um, so we're just wondering in terms of why you would normally consult. Um, they, they wouldn't be a party that we would normally consult. So I think we just want to go away and consider that before we fully, fully commit to it.

00:31:26:18 - 00:31:34:21

Yes. Um, otherwise it might be more appropriate to include the local planning authority, um, as a consultee on that.

00:31:36:06 - 00:31:50:19

Absolutely. I think I think the local planning authority might be the more appropriate body, um, for that purpose. So we'll go ahead and consider it and then provide the update when we make the wider updates to the um, ecological management plan.

00:31:52:20 - 00:31:54:03

Yes. That's fine, thank you.

00:31:57:18 - 00:32:10:27

Maybe once we have the, um, local authority here, um, it's ready for future council. Could I just have your thoughts on this matter? And, um, would you want to be consulted on any changes to the proposed depth of the trenches causing.

00:32:11:12 - 00:32:21:25

Jennifer Walling for the East Riding of Yorkshire Council? Yeah, we welcome that increased depth. And I think it would be appropriate for us to be consulted on technical specification when it comes to the design stage, please.

00:32:23:24 - 00:32:24:15

Thank you.

00:32:31:06 - 00:32:57:00

The Outline Ecological Management Plan states with reference to Limau Wood Ancient Woodland in paragraph 150 that it is proposed to produce and implement a long term woodland management plan, if non-existent. Um, I just ask, how would this woodland plan be secured? Would that be, for example, appended to the outline ecological management plan and what would be the timescales for the preparation?

00:33:25:03 - 00:33:32:26

Yeah. Uh, we believe that, uh, that magic can be secured within the landscape. Legal landscape management plan.

00:33:46:19 - 00:33:47:27

Okay. Thank you.

00:33:53:10 - 00:34:11:20

Um, the commitment for depth of greater than five meters for tarantulas crossing techniques is only made for the ancient woodland at Bentley Moor Wood. Could the applicants confirm whether this should also be considered for the crossing of all line of trees as identified on the TPO and hedgerow plan, situated within the onshore export cable corridor.

00:34:19:15 - 00:34:37:03

I believe is that a notice will be appropriate to the majority, but none of the other trees which are being crossed by a treacherous crossing techniques are ancient and therefore not subject to the same levels of protection. Um, we will be on that.

00:34:52:07 - 00:35:04:12

And we will be providing a agricultural impact assessment, which will better consider these potential impacts, um, and implemented mitigation measures as appropriate. As for the details of that plan.

00:35:09:16 - 00:35:18:01

And they would consider each individual area and what depth is required for the trenches crossing. Is that correct?

00:35:20:21 - 00:35:56:21

Yes, we would. We would need to consider them individually. However, at the moment, the overall cultural impact assessment does make the note that, um, the majority of tree routes are within the top 600mm of topsoil, and therefore, it's unlikely that, uh, going down as far as five five meters for the majority of trees will not be necessary. Uh, and so, yeah, as long as the HDD was below one meter,

that should be sufficient. But we will detail that within the, um, the final uh, impact assessment and uh, method statement, the method statement.

00:35:59:06 - 00:36:16:15

Okay. Thank you. Um. That's where all my questions on the Bentley Millwood ancient woodland. I just had one more question on the, um, license requirements for badges and badges, if that's okay. I just wanted to, um, quickly understand, um.

00:36:18:21 - 00:36:39:20

Whether you could provide a short update on the submission of the letter of no impediment, um, for bats and badges. Um, I noted that the applicants considered in their response to the written questions for BGC one eight that there was no update on any consents, licenses or permits. But, um, could I just ask when you're proposing to submit those documents into the examination?

00:36:55:18 - 00:37:31:25

Duty. Yeah. Okay. So our request for the loan is in progress in terms of back to back suppliers. So we are repairing that at the moment. And potentially also in that request to actually road um, in coming coming weeks. Um, obviously those timescales are then dependent on responses from Natural England, um, of which we are obviously not in control of that process. Um, so we can't give a definitive date at this point, but it is. We're still working on, um, and the hope that we will have that within the duration of the examination period.

00:37:31:27 - 00:37:34:03

But we can't commit to that at this point in time.

00:37:38:18 - 00:37:43:07

Okay. Thank you. If it can be submitted into the examination, that would be really helpful.

00:37:45:15 - 00:37:51:24

Yes. So that concludes all my questions on ecology. Is there anyone else who would like to raise anything or has any questions?

00:37:57:04 - 00:38:04:17

No, I didn't think so. Okay, I'll hug to Mr. Tandy then to continue with the next or the last item on the agenda. Thank you.

00:38:09:10 - 00:38:17:10

Thank you, Mr. Shawnee. I'll just wait for you to, uh, reshuffle your seats and then introduce who's going to be speaking on this matter.

00:38:22:06 - 00:38:26:22

Maybe while you're doing that. Mr. Tandy, I could have a word with Mr. Julian just regarding, but from.

00:38:32:03 - 00:38:32:18

There.

00:38:40:29 - 00:38:42:13

It's Mr. Julian there.

00:38:46:06 - 00:38:49:15

I'll have to come back to him later. Then I'll pass you back to Mr. Tandy.

00:38:54:08 - 00:38:54:27

Thank you.

00:38:56:21 - 00:39:00:20

With the applicants just like to introduce themselves who are now at the table.

00:39:04:16 - 00:39:12:02

Yes, sir. Julian Boswell for the applicant. Um, but one. One new face to my left on the line.

00:39:13:07 - 00:39:13:27

For the applicant.

00:39:16:19 - 00:39:20:22

Who's going to be speaking to land use issues and Caroline Martin.

00:39:23:03 - 00:39:23:26

On mute.

00:39:26:26 - 00:39:30:04

Caroline Martin on behalf of the applicant from Royal Gascony.

00:39:30:24 - 00:39:34:16

Speaking on geology, ground conditions.

00:39:38:26 - 00:39:59:05

Okay. Thank you. I'm also aware there are a number of interested parties online and their agents who wish to speak to this matter, rather than asking every time whether you would individually like to speak on a matter. If you could raise your hand, that would just allow us to move through the agenda a little quicker. I assume that's acceptable.

00:40:02:20 - 00:40:36:01

So move to the first item, which is updates on chapters 19 and 21 of the environmental statement in response to iCSC reference a 1.3. The applicants explained that ES chapter 21, that is Rep two zero 23 will be updated to redefine HLC descriptions. I just wonder whether the applicants could very briefly explain exactly what that update will be, and whether there are any implications for the assessment.

00:40:40:08 - 00:41:20:21

Process for the project. The main change to the assessment criteria would be to redefine the sensitivity of AMC agreed to land in terms of the permanent versus temporary land take. That's what it was originally described as being, uh, originally described as being, um, temporary land, as being a lower three b land which discriminated in terms of the temporary nature of the Atlantic. And that's, that's going to be shifted to be in line now with the EMA guidelines on on the use of the assessment of agricultural land and soils in the in the assessment process.

00:41:23:09 - 00:41:26:01

And that's the only update which is being proposed.

00:41:28:09 - 00:41:28:25

Yes.

00:41:30:00 - 00:41:35:19

And will that have any impact on the actual assessment of significance of effect.

00:41:36:29 - 00:41:39:24

For the applicant. No, there will not have an impact.

00:41:46:09 - 00:41:48:13

Thank you. Would anyone else like to add anything?

00:41:55:03 - 00:42:25:15

Okay. In response to issue specific hearing to action points, which are contained in hyphen one, five, five and x, q uh, again rep three zero 27. Numerous clarifications have been provided which the examiner authority have found useful. To avoid confusion, the applicants are requested when updating is chapters 19 and chapter 21 of the environmental Statement to include these.

00:42:27:10 - 00:42:31:21

Is that going to be sort of agreeable at the next round of updates on these chapters?

00:42:41:06 - 00:42:43:26

I'm afraid I didn't quite understand the question.

00:42:45:04 - 00:43:14:02

So in response to action points from issue specific heading two and in response to x, Q, um, one, you provided numerous updates and explanations on on points which have been asked. And what I'm asking for is that they're all going to be contained in an update to these chapters, just to avoid any confusion, because at the moment this information is contained in in all sorts of different places.

00:43:21:02 - 00:43:29:19

And, um, uh, if you we could just review all of them, I think that would be fine. But, um, we'll just review and make sure that we've appropriately updated. But yeah, we can do.

00:43:30:20 - 00:43:35:23

Brilliant. That'd be really useful just to have an action point on that for completeness.

00:43:39:29 - 00:43:46:04

Okay. We'll move on to item 2.2, which is the loss of agricultural land use.

00:43:48:12 - 00:44:11:09

In response to issue specific hearing to action points. Again, this is as 155 and XQ1 rep. 327. The applicants have confirmed that approximately 41 hectares of agricultural land would be required throughout the construction phase. In addition, aftercare would be required for land and also for soils after being handed back.

00:44:12:25 - 00:44:21:03

It would therefore appear the effect of agricultural land would extend beyond two years for large areas of the proposed development.

00:44:23:09 - 00:44:37:07

Further, in the latest revision of S chapter 21, it is now acknowledged that areas outside areas of land outside of the order limits would become severed and access would not be retained during construction.

00:44:40:07 - 00:44:53:06

The examiner authority would therefore like to explore how low, how the low magnitude of impact has been assigned for construction phase effects. So with the applicant, it's like to explain how it has come to this conclusion, please.

00:44:57:21 - 00:45:25:15

For the applicant, the effects themselves in terms of agricultural land capacity will or will not be impacted there. The the loss of the agricultural potential over the construction period is is a significant fact is not significant factor. It's a factor. However, the potential, the agricultural potential of the land will not be lost or impacted. So that's why that still remains a minor impact.

00:45:31:18 - 00:45:43:06

I think you'll probably just need to expand a little more on on what you mean by the potential that just based upon the the points that have been been raised in my opening aim for this question.

00:45:44:11 - 00:46:14:23

So, Doctor Cox, for the applicant, it's the the actual loss of the over the construction period. The the impact on agricultural land will be the loss of production for the for that construction period. That that is the only discrete loss that will occur. The agricultural potential of the land will not be impacted at all. So the land will be sections of the land that will be severed and not able to be accessed during the construction period will be unaffected.

00:46:14:25 - 00:46:39:11

The loss of the the agricultural outputs over the construction period will be lost, but not none of the actual land itself will be impacted, or any of the potential of that type of of that land will be affected. And within the construction corridor itself, there will be the additional impact of the soil disruption.

However, uh, through the actions that of the soil management plan, all those the potential of the land will be fully restored.

00:46:42:23 - 00:46:47:17

Okay. Thank you. Thank you. I've got a hand up there for Mr. Stones.

00:46:49:04 - 00:47:26:22

All of the stones representing three landowning clients. Um, I would just like to explore that question further. Our experience of very similar schemes coming through East Yorkshire has created significant disruption to productivity following the construction works, because the land is disturbed so significantly, whether it's, um, open cut or the cables are pulled through, uh, trenches or through, um, duck. Sorry that the inherent fertility of the land, um, reduces significantly and takes many years to actually be replenished as well as cost.

00:47:27:15 - 00:47:45:15

I'm perhaps not understanding how that doesn't have an impact in the response to the question. The second part of my concern actually relates to one's construction is complete. And I'll ask that question a little bit later when the present the cables are actually in situ.

00:47:53:12 - 00:47:55:02

Okay. Thank you, Mr. Stones.

00:47:56:20 - 00:48:00:11

The applicants like to respond to the the point raised there.

00:48:03:27 - 00:48:34:14

For the applicant, the there is a recognition that there's going to be an aftercare requirement following the construction phase and appropriate management to optimize and promote the improvement or the restoration of key soil characteristics like structure over that period. So to recognize that there will be an impact, however, through appropriate management, the long term consequences or impacts of what the project could will be effectively managed.

00:48:34:16 - 00:48:40:07

There is every expectation that the agricultural potential of the land will be fully restored.

00:48:45:09 - 00:48:47:12

Yes, Mr. Stone. I'll come back to you now.

00:48:51:17 - 00:49:23:07

Okay. Just clarify whether the aftercare procedure will a large amount of land in East Yorkshire is under drained. Um, will the aftercare procedure provide for the project to maintain for the life of the project and repair and replace the drainage in close proximity to the cables? Because we have had issues finding contractors who will work within close proximity of energis cables. Other schemes have taken on that responsibility.

00:49:23:09 - 00:49:26:12

Will that be replicated under this scheme? Thank you.

00:49:32:06 - 00:49:33:01

This may

00:49:34:25 - 00:49:42:12

Be suitable for an item that's going to come up shortly. But if the applicants have a quick response to that, I'm happy to sort of take it now.

00:49:43:04 - 00:49:51:17

Great meeting for the applicant, and I think we just have to take that one away just because of our land transaction manager. Um, but, um, it's a point we can consider.

00:49:53:09 - 00:50:06:04

Okay. So we'll have an action point on that then for the applicants to respond on the matter around repairing the drainage in close proximity to the electricity cable once, uh, operation phase commences.

00:50:09:16 - 00:50:45:24

Just revisiting the earlier points around the low sort of magnitude of impact that's been assigned. Just as set out in my opening sort of statement on this is that it would appear that the agricultural land. So there's going to be 41 hectares now of land, which will be quite throughout the construction phase. That's up to six years, and there will be an aftercare period for the land that is returned in a shorter period of time. So given this is now longer than the two years that was originally, um, looked at as part of the environmental statement.

00:50:46:05 - 00:50:57:18

I'm just looking to understand why a low magnitude of impact has been assigned to it, and whether that's consistent with what's been defined in the ES chapter.

00:51:07:20 - 00:51:23:04

For the application. But can we just clarify what you're meant by the 41 hectares? Um, it's it's 41 hectares just to do with the substation. And if so, that's that's more that that has been considered as permanent

00:51:24:22 - 00:51:33:01

planting. Is that so? It's not we're not talking about the 41 hectares in relation to the cable corridor itself.

00:51:35:23 - 00:52:07:03

In response to those in response to issue specific having two action points or a 1.55 and XQ1 rep. Three. Zero. 27. In those responses, the applicant has confirmed that approximately 41 hectares of agricultural land would be therefore required throughout the whole of the construction phase. That's what was within there. I believe this relates to Hall Road. Um, obviously the on short EC temporary construction compounds, etc..

00:52:09:19 - 00:52:14:03

So that is that's what I'm referring to. I'm referring to during the construction phase.

00:52:32:19 - 00:52:43:15

If that land is required for the construction phase of up to six years. Is that consistent with how the, uh, magnitude of impact have been defined within the environmental statement.

00:52:44:06 - 00:53:14:16

Rectangle for the applicant? I think we'll just go away and clarify the 41 hectares, just to make sure that we voted the correct amount. I think there's two points to raise that were really pivotal in reducing the magnitude of impact down from, um, significant down to a minor adverse effect. I think one is that we made the commitment early on that we would not disturb the projects twice. In the case, we were building two projects in a sequential scenario. So when we construct for one project, who will be doing construction for the second laying the ducks, and that is the main disturbance level.

00:53:15:00 - 00:53:45:29

Um, we also made the commitment to reinstate within two years between jointing phase, which is a significant proportion of the route. So the areas that would be out of action temporarily during construction for the maximum construction period up to six years would be those jointing days. We have to come back and do pulling and then also the temporary construction compound. So it's not the whole room and the whole width of the cable route. We do have aspirations to reinstate as soon as we can within that two year period to try and reduce it. And that was a big part of selecting that sort of reduction in the mitigation impact of temporary impacts.

00:53:46:15 - 00:54:07:24

Um, obviously with the temporary construction compounds of Wall Road, they may stay in place for up to six years, but we will seek to reduce them wherever we can and kind of limit this impact. We're aware of it. So it is it is you know, there is a two year limit for a large proportion of that. We appreciate that number might not be quite correct. So we'll just clarify that to make it look correct.

00:54:08:28 - 00:54:40:20

Yeah. So we can have an action point to have that 41 hectares we looked at. Like I said, that was only submitted fairly recently in in one of your responses to examine one. Uh, but there are, it would seem, areas of land within the construction in the proposed construction area that would not be returned in that shorter period of time. And that just seemed to be, um, you know, I'd like to understand how that only has a low sort of magnitude of effect.

00:54:40:24 - 00:54:54:00

And of course, even the land that is being returned, as we've just sort of discussed and has been confirmed, wouldn't be it wouldn't be sort of ready to use immediately because of the aftercare that is going to be required.

00:54:56:19 - 00:55:29:29

But for the applicant, obviously that large proportion would be returned within two years. There will be some aftercare that's associated with that. We have identified that in the soil management plan as an element that would need to be considered in the first year of cropping, a potentially subsequent

years from that. Um, but, um, you know, we do see that as a temporary impact. It's still up to, you know, obviously, we appreciate that it's still two years, but it is still a temporary impact. It's not permanent loss from agricultural land. It will go back into production. So I think we feel that we're we're able to defend our, our minor of this, um, justification.

00:55:30:13 - 00:55:40:29

Um, I think, you know, we do acknowledge that those temporary destruction compounds can be in there for a significant portion of the time, but they are a small portion of the compared to that commitment for the reinstatement between jointing bays.

00:55:43:13 - 00:56:27:27

Okay. I think what you probably need to do is to go back and look at the responses which you've put into the examination in response to where this has been raised before, because there does appear to me from those responses that there are large areas that will not be returned in that shorter period that you keep referring to, and therefore the use of agricultural land. And the effect of that will be for a longer period up to six years. And if that is the case, I'll go back to the point of how have you concluded it is a low magnitude of impact, and is that consistent with what's in the environmental statement chapter? So is there an action here for you to go and look at whether the responses you've put in before were accurate?

00:56:30:10 - 00:56:36:17

To the applicant. Are you able to clarify the the reference number of the response that you're referring to please.

00:56:37:12 - 00:56:41:09

I will I will do that as part of the action point so that you're clear.

00:56:41:29 - 00:56:42:22

Thank you sir.

00:56:49:00 - 00:57:12:12

In relation to this and I think this is something else that I'd like to hear an explanation on is in the latest revision of environmental statement, chapter 21 Rep 3027. The magnitude of impact descriptions in table 21 eight have been updated. This has removed reference to 2 to 5 years loss of agricultural land.

00:57:15:02 - 00:57:27:19

Perhaps this relates to the fact that there is now a recognized impact for large portions of land in that time period. Could the applicants explain why this has been removed in these descriptions?

00:57:45:23 - 00:57:52:20

For the applicant, and we believe it's in line with the EMA guidance that we made the change to the criteria. And we'll double check that.

00:57:55:20 - 00:58:16:06

But sort of beg the question as to why. Why was it there beforehand. And we have the examining authority have previously asked how have these descriptions been defined? And we were, uh, provided with an answer. It was down to the professional sort of input and their judgment. So I'd like to understand why that judgment has now changed.

00:58:19:23 - 00:58:21:04

I want to thank because I did.

00:58:23:28 - 00:58:59:27

Doctor, doctor. For the applicant, I would say that there isn't a standardized approach or consideration of agricultural land impacts. So there they contend there's a lot of bespoke nature to this assessment. And that's I think we saw the original application reflected that as the project developed, that became more informed. And that's where we're seeing is this is a recognition, a more understanding of the impact. And and as a consequence of changes, the assessment process that is becoming more in line with the change.

00:59:03:03 - 00:59:09:04

Okay. I think to summarize my concern

00:59:10:27 - 00:59:34:18

through this examination, as we've asked questions around the amount of agricultural land which is impacted. The amount of impact is increased in terms of the scale and also the duration that of that scale. And subsequently, as that's been recognized, the magnitude of impact and how that's defined has been altered.

00:59:37:03 - 00:59:53:11

Perhaps in order to not, uh, for there not to be an impact on the significance of effect and how that's been assessed. So I will be looking for the action to, for some, quite robust understanding as to why that's been changed.

01:00:01:28 - 01:00:04:27

Is there anything else anyone else would like to add before I move on?

01:00:13:18 - 01:00:36:24

Okay. The executive authority has also received representation, which is Rep 173, which explains that their experience from similar renewable energy projects land isn't being returned within a reasonable period. Can the applicants confirm if the draft development consent order for the proposed development could secure an effective return of land, which is consistent with the environmental statement?

01:01:23:12 - 01:01:50:13

Yeah, I think we need to I think I think we need to reflect on on this obviously what's happening on other schemes. It's not something that unless it's not something that's necessarily relevant to, to our scheme, um, we think we've followed the normal approach in what's currently in front of you. We understand the point that you're making and will, will, will, we will consider it.

01:01:59:11 - 01:02:22:20

Obviously, part of the mitigation for the impacts to agricultural land is that it will be returned within a short space of time for some of it and for other parts it will be a bit longer, of course, if that isn't happening in reality, there's a concern as to whether that mitigation is secured, hence why we're looking to whether it should be effectively secured within the draft DCO.

01:02:26:08 - 01:02:30:09

Would you want to come back now or in writing at deadline for.

01:02:32:11 - 01:02:37:05

I think we'll come back substantially. The deadline for I think um.

01:02:39:21 - 01:02:41:26

The inherent difficulty is that

01:02:43:11 - 01:03:04:20

there are there is some, some risk attached to, um, how securing that could operate as compared to what is required on the ground in delivering the project. Um, so I understand the point that you're making, but, um, there is.

01:03:07:29 - 01:03:18:28

Any developer has to reflect on, on on the realities of of of delivery and and your, your point is that the realities of delivery affect other people. So we get that.

01:03:20:01 - 01:03:30:09

Yeah. And therefore perhaps the assessment hasn't looked at the worst sort of scenario and that the risks that are there are real risks that are being realised now from experience.

01:03:30:19 - 01:03:39:28

Um, well, Rosemary Tingle for the applicant, I would argue that we have assessed the worst case, and I think we've been quite clear about the reinstate between two years and made the commitment throughout the year the

01:03:41:22 - 01:04:10:29

that one ecological management plan, the B and G strategies, the two year real estate between jointing phase. You know it it's secured in multiple places. I do appreciate that we can't give a more detailed explanation as to which temporary construction compounds, or exactly which areas would stay in place for a longer period of time, but it is a considerably smaller area than the than the areas we're talking about reinstating within two years. So, you know, I think we have made that. We have. We have the worst case.

01:04:15:06 - 01:04:24:25

Any of the landowners and their agents that are here today like to speak to this point? Perhaps, Mr. Stone? Yes.

01:04:25:19 - 01:05:04:06

Oliver Stone's for landowners. Um, the point I would make is that the applicant is using the same set of surveyors who are dealing with, um, Handbook of Land on the ground as every other similar project going through East Yorkshire. The common problem we receive is that handbook is delayed or reinstatement is delayed with little feedback, compounding the impact on farming businesses. I fully understand Mr. Boswell's point that there are in for scenes in the construction project and, um, Covid was one of them which impacted on the Dogger Bank m skin.

01:05:04:24 - 01:05:45:17

However, Hand back and proper reinstatement. Uh, issues are still going on on that scheme and have been used, in my opinion, as a mechanism to, uh, influence, uh, clients in terms of compulsory acquisition claims and settlements because of frustrations of getting land back. So a long stop date for ensuring compliance with land coming back is vitally important, and particularly as many landowners and farming businesses have to plan ahead for the future, notwithstanding succession, lending, etc.

01:05:45:19 - 01:05:48:02

and it has a huge impact. Thank you.

01:05:50:28 - 01:05:59:06

Thank you, Mr. Stones. Will the applicant like to add anything more to what they've already said, or would you like to come back in writing?

01:06:00:05 - 01:06:34:10

I raised my single for the applicant. I think, although we appreciate the point that that Mr. Stones has put forward. That is a different project. Um, we do have, um, communications processes that we want to put forward and agricultural liaison officers, we intend to liaise and communicate with our landowners openly. And, you know, we do have the commitment to to reinstate as quickly as we can. And it wouldn't be in our our interest to be withholding land, you know, for long periods of time. I appreciate there may be things that came up on other projects and things that might happen on our project, but whereas we want to make sure that the lines of communication open, so we're not in a position that Mr.

01:06:34:12 - 01:07:10:09

Staines outlined in terms of, you know, holding back land for what seems to be unreasonable reasons. You know, if there's a if there's a reason, we want to explain it and enter into dialogue. And that is covered through our code of practice and, um, you know, communication procedures with landowners. So, you know, there are measures in there that we that we, you know, would hope would cover off these types of situations for us. Um, there's also a requirement, 25 of the draft this year about reinstatement that requires us to reinstate fully within the time period. And so there are there are measures in there for reinstatement, although we appreciate unforeseen circumstances might come up.

01:07:10:21 - 01:07:15:13

And, you know, we would hope we would get into the situation that this affected our mind.

01:07:20:16 - 01:07:21:06

Thank you.

01:07:25:22 - 01:07:54:00

Okay. The examining authority has received representations, that is RR 001002 and RR zero 54, all of which raise concerns in relation to the size and shape of land parcels during construction and operational phases. As we have have some of those affected parties here today. And first, I just like to ask if I have anything more to add since these representations were made.

01:07:55:29 - 01:07:56:21

Um.

01:07:58:23 - 01:08:02:16

Mr. Julian, I think if you're there,

01:08:04:14 - 01:08:06:23

you're representing one of those affected parties.

01:08:08:08 - 01:08:11:17

Uh, yes. Yes. I'm here. Um.

01:08:12:22 - 01:08:46:17

The concern is just on the, um, the impact of the, um, additional land taken during construction, um, is, I think, in our opinion, sort of disproportionate and just has a, um, or potentially disproportionate to, um, what's required on the ground and whether that's a, it's maybe a worst case scenario that's been identified at the moment, but it's making it incredibly difficult. And Mr. Stones will sort of back me up on these points. I'm sure that it's it makes it very difficult for landowners and occupiers of land to plan for the future with these projects looming over them.

01:08:47:00 - 01:08:48:05

I think is the point.

01:08:49:11 - 01:09:03:06

Okay. But is there anything particularly around the size and the shape of the land during the construction and operation phase that that was included within the representations I just referred to? So perhaps the shape would be more difficult

01:09:04:28 - 01:09:07:04

to use from an agricultural perspective?

01:09:08:09 - 01:09:41:22

Um, I mean, the point there is that, um, trying to ensure that agricultural fields remain workable, sensible sizes wherever possible. Um, the unproductive areas aren't created that can't be practically farmed. Um, it's the challenge is just having a a practical viewpoint from an agricultural sense. Um, which quite often we find with these projects that the people operate in the projects or operates in the construction side of things, don't fully appreciate.

01:09:43:28 - 01:09:45:02

Thank you, Mr. Julian.

01:09:46:25 - 01:09:49:09

Mr. stones, I think you had your hand up

01:09:50:27 - 01:09:52:03

to speak to this point.

01:09:52:15 - 01:10:28:25

Yes. Thank you. All of the stones. I echo the point in terms of the construction, we've made representations for a particular client. East Yorkshire Concrete Products Limited, where there is a compound and access roads. The. It is an irregular shape that has been introduced into a more regular field. Farming operations follow what's called tramlines and they have um controlled traffic farming to minimise compaction. The shape of the interference could be amended, in my opinion, if there was an appetite to do so.

01:10:28:27 - 01:11:01:06

We've made representations on that to actually mitigate the impact on the farming business by creating more regular and straight boundaries, but also just picking up the point made by Mr. Julien. The areas required for this project, and I take on board the comments made that they are not responsible for other projects. The areas required seem to be larger and disproportionate to what we've seen previously for large scale underground transmission cables. So there is a degree of refinement.

01:11:01:08 - 01:11:07:29

I would suggest that it's capable and if approached in a reasonable manner.

01:11:13:23 - 01:11:44:29

Thank you, Mr. Stones. I'll go to the applicant for a response to Stone. I suppose the shape of some of these land parcels and how that's been assessed, um, within the environmental impact assessment. But also I'm interested to hear about where the, um, sort of suggestions of other shapes have been presented by, um, which had just been reverted there by Mr. Stones. How those have been incorporated or or not, as the case may be.

01:11:57:08 - 01:12:17:16

Crux with the applicant. As part of the design process, there was a procedure in place to to optimize and to minimize, optimize the functionality of that cultural land and to minimize the impact overall on it. And based on my experience with these projects. However, they're

01:12:19:04 - 01:12:24:25

taking too much opportunity to minimize the impact can lead to

01:12:26:10 - 01:12:58:13

problems during the construction phase such that additional land can be impacted. The. In my opinion, optimizing the construction of that land take to support the construction, um, in such a way that the construction process is efficient and is transparent and as functional as possible is is the is one of the primary, um, Mitigations to to reducing the overall impact on soil health and on agricultural land.

01:12:58:27 - 01:13:25:24

So while it's accepted that there is an impact during the construction phase and well, we we need to look at some of the detail. Um, for, for that have been presented. Overall, my response is to start the making sure that there's sufficient land to support the construction project is, in my opinion, one of the most effective mitigations to preventing, um, impacts on agricultural land and soils.

01:13:26:18 - 01:13:57:26

Thank you. I understand about wanting to minimize the amount of land take there, which is what's referred to, but how have the sort of shape of the land and the how how has that been actually assessed as part of this process? You know, we're hearing here from landholders that the shape of land that's going to be returned to them, whether that's during construction or operation, Um, is perhaps going to be quite difficult to farm and to use. So how has that been incorporated into your assessment?

01:14:03:10 - 01:14:38:28

For the applicant? Um, I think our assessment is it hasn't gone into that level of detail in terms of the shape of each individual. I don't know if that would be practicable given the length of the scheme. And we recognise there'll be certain areas of band that will be severed, and we need to maintain access to those where we can. The smaller areas we discussed on the previous hearing that might not be practical to make access to, but the larger areas, certainly our intent, um, we have been having individual discussions with landowners is obviously we are compensating landowners for the loss of any areas that they have been identified as severed, which is also part of the discussion in the chapter.

01:14:39:06 - 01:14:51:21

So, um, although we haven't identified every single land parcel, we do obviously discuss severance and the fact that, you know, we will seek to maintain access to that where we can. And, um, as the minister has As mentioned earlier, you know, we don't

01:14:53:10 - 01:15:29:26

we shouldn't be impacting the agricultural quality of that that during construction, although what we take out eventually won't be able to be farmers productively. And, you know, we won't be having a direct impact on that land. So, um, although we haven't looked at every single parcel and every single land in detail in the chapter, um, you know, we we do recognize that there could be some severance and we'll maintain access to what we can. And and also, I think coming back to the point that we will seek to construct in as quick a time as we can. And that's where this commitment between joining these, um, came in to trying to try and make sure that we could get reinstated as quickly as possible.

01:15:31:18 - 01:15:52:03

I think my concern is that we're seeing that there appears to be, um, lands in unusual shapes, which those who use that agricultural land are saying they aren't going to be able to use, or it's going to be very difficult for them to use, and the assessment hasn't assessed that impact.

01:15:58:06 - 01:16:13:17

Of the impacts of temporary loss of land. And we said that there would be impacts that would include severance. And we haven't given details on the exact quantities of those. But we have said that there

will be severance and there will be an impact. But obviously, the main mitigation was that it's reinstated back to the way it was impossible.

01:16:15:16 - 01:16:23:23

Enjoy an operation where there's no that land will be there as it is. It isn't going to change for the operational phase that shape.

01:16:24:23 - 01:16:55:18

During operation or during operation at the in the substation zone. And I mean, obviously there is some potential amendments to the outlined landscape management plan, but effectively the areas return to agriculture. We've done everything we can in relation to agricultural loss to give as much land back as possible within that area. And so we have had a lot of discussions and discussions with the landscape team, the engineering team and considerations. Negative feedback. And so we provided given as much of that land back as we can. To agriculture.

01:17:02:16 - 01:17:06:16

There's a hand up there if you'd like to come in now, Mr. Julian.

01:17:09:06 - 01:17:47:18

Yeah. Um. Thank you. Tom. Julian, on behalf of jail White and Sun. It was just to. I wanted to raise the point that you've actually just touched on, um, that this point. Isn't purely about temporary land. It's also about permanent land. So, um, my client being the occupier of, um, Botswana, which adjoins the proposed converter station, the permanent access road that will come in across my client's tenanted land, um, leaves. I'm just looking at the, um, indicative landscape plan now, just to remind myself, but leaves, um, three completely unworkable parcels of arable land, um, permanently severed from the rest of the block.

01:17:47:20 - 01:18:16:00

So we're not purely talking about, um, temporary landscape. This is, um, an issue that's going to be permanent as well. And I just wanted to make make that point clear and sort of understand why why that's the case and why I say that that permanent access road hasn't been able to be aligned where possible with existing field boundaries and things like that, given that they are within, uh, 20m or so of field boundaries, roughly speaking.

01:18:17:06 - 01:18:51:18

Okay. Thank you, Mr. Julian. What I would like to do is just direct, uh, those landowners and their agents today, as part of our Q1, we had asked for these parcels of land to be identified to us so that we can understand the sort of scale of this impact. What I'd like to do is, as an action point, is to ask you to now go back and look at those and to submit that into the examination, because that would help us to understand what that is, but also for the applicants to put. Them potentially consider how that can be addressed with the applicants.

01:18:51:20 - 01:18:56:13

Like now to respond on the point that was just made by Mr. Julian.

01:19:05:29 - 01:19:06:15

But

01:19:08:00 - 01:19:26:10

for the applicant, yes, we're going to take that on down board. We're going to look to review, um, the, the, the feedback that we've had on the individual parcels in that design. Um, so we will look at that. And there's already a process underway to look at the areas of severed land. That's the part of the assessment.

01:19:30:10 - 01:19:38:24

And do you plan to submit anything else to justify the assessment into the examination, and that it has incorporated these impacts?

01:20:01:29 - 01:20:10:17

Um, I think we'll take it away and have a look whether we need to add anything further to the chapter to provide further clarification on the land severance issue.

01:20:12:20 - 01:20:19:09

For the applicant. So can we just also make the point that the access rate is obviously indicative at the moment within an overall corridor?

01:20:22:09 - 01:20:23:29

Yeah, I understand that point.

01:20:24:14 - 01:20:39:04

Sort of possible with with this type of project to just snap to the adjacent boundaries at all times. So obviously there are lots of different things that the applicant has to factor in when looking at where different assets are going to be located. it.

01:20:40:04 - 01:21:10:04

Yeah, I understand. Um, I think what I'm hoping to just make sure is that where there are impacts because, like you say, on a sort of project like this, it can't always be snapped against a land boundary that the impacts of that are, uh, acknowledged within the environmental statement, and they've been done so appropriately. And that's just the reasoning at the moment for that. And of course, the fact that we have affected parties who are raising concerns around it. But I think we've got the action points there already.

01:21:11:28 - 01:21:17:13

I shall move on to 2.3, which is proposed onshore export cable depth.

01:21:18:28 - 01:21:39:26

Put the applicant just very briefly explain how deep below ground the onshore export cable would be on average, and what the minimum would be and how this is secured, please. And the reason for this is, I'm sure you're aware, is that there's been some slight discrepancies, but, um, it just be useful just to set the scene as to what those are. So that's the average and what the minimum depth is.

01:21:43:18 - 01:22:16:24

To the output. So in terms of the product description, um, I think there's a range of values that are in there. So the design value that is being used in terms of calculating the width of the corridor, that is 1.6m, um, on top of that ground level, which assumes 400mm of topsoil. Um, so this is used from a metric calculation point of view to consider the corridor width and the size and and space allowance for the topsoil. And again that the allowance for the space within the corridor.

01:22:17:05 - 01:22:51:27

And so that's the general condition assumed because obviously the topsoil depth will vary across the cable route. Um, so the, the actual and the way the construction is carried out is actually what's topsoil stripped. The main measurement point is actually from that subsoil level to cable depth. It's actually two meters from subsoil level. To top of that, we should actually think that's able to be more readily measured on site, um, because they can set out and measure against the subsoil level.

01:22:52:02 - 01:23:26:12

So to take out the topsoil variability. Um, there's that 1.2m, that's 1.2 plus topsoil, which could be 100mm, could be 500mm, depending on where it is along the cable route and and agricultural land. So in terms of project scripts, I don't think a minimum number was discussed within that. And I think, you know, once we've got the minimum number of one and one meters. Um, so the minimum number is there assuming situations where it's not possible to meet that general description.

01:23:26:14 - 01:23:43:06

So it could be a low point in a field. It could be there as a kind of a below ground obstruction like kind of rocks change in geometry that it makes it most efficient to have a shallow depth, and obviously the detailed site will take you to the actual field drainage within that. So

01:23:45:03 - 01:24:09:21

that's why there's a range of numbers in there. So there's a 1.3 to 1.7 and that's all based on that. But at 1.2m within the assumed depth of 400 mil of topsoil, which is again from previous project experience, where they've assumed far less of the way soil and then found they've had to do double handling and causes issues in terms of programming and efficiency of work.

01:24:13:12 - 01:24:17:03

Thank you. There was lots of numbers given there. It was.

01:24:19:04 - 01:24:26:07

1.1m is what I'm understanding to be the minimum for the burial depth. Is that correct?

01:24:28:14 - 01:24:33:11

And that is including the protective sort of barrier as well.

01:24:34:02 - 01:25:04:21

That would be approximately 200mm above that. That's the personal protective tile is to that minimum. The protective tile is assumed to be about nine meters below ground level. That's in line with civil utilities and National utilities group guidance for utilities in agricultural land. But obviously, from our point of view, um, the asset protection is an important factor. Um, so you would want to be beyond that minimum depth.

01:25:04:23 - 01:25:17:13

And that's what are designed by you set higher than that minimum. But if we put a minimum number down in writing, it's there for occasional use rather than like use across the whole site sets.

01:25:18:03 - 01:25:19:03

Okay. Thank you.

01:25:21:02 - 01:25:53:16

I've seen you got your hand and Mr. Stone come to you shortly. So you briefly touched on the sorts of locations where it might be lower than the average, but the minimum would be 1.1. 1 to 0.9 to the protective part of it. So the environmental statement has assessed 1.6m. So if this is going to be lower than that or higher than that, I suppose if you if you want to say it that way, how is that reflected in the environmental statement if it is actually lower than what's been assessed?

01:26:02:10 - 01:26:18:21

By the applicant. And we achieve 1.6% average depth for people. Um, so there would be some flexibility in that. We don't consider that those sections relate at a minimum depth, and 1.1 would have a significant change to the environmental assessment.

01:26:20:11 - 01:26:28:03

But the worst case would be 1.1. In fact, even 0.9 if you include the protective sort of part of this. So

01:26:29:19 - 01:26:33:01

1.6 doesn't appear to be the worst case.

01:26:34:03 - 01:27:06:24

But from a case of we've committed to updating chapter five, by the way, and the previous deadline to achieve the minimum. Um, I think the fundamental element that draws into landscape is that we've committed that farming agricultural practices would still be able to take place over the cable route. Um, at the depth we are proposing. So, um, although we've clarified on the minimum depth, um, it's still the commitment still maintains that is pivotal to the chapter outcome that agricultural practices will take place, um, above the table.

01:27:07:03 - 01:27:07:18

So.

01:27:08:10 - 01:27:08:25

Yeah.

01:27:08:27 - 01:27:27:08

So as I understand as secured, the minimum depth is 1.1 and 0.9 to the protective parts of the cable. So if that's what's secured, that's the worst case, is it not?

01:27:29:07 - 01:27:36:08

And I'm talking for effects outside of just agricultural land use. I'm talking about effects in the wider sense for the environmental statement.

01:27:38:29 - 01:28:11:17

I think that's it. It depends which chapter it is. So the 1.6 being deeper, requiring a larger volume of soil, etc., and deeper trenches. That's what we've kind of based our assessment on. Do these things that are fed into other chapters, including the volumetric calculations. But the minimum depth is important for this chapter, and we acknowledge that we haven't read that. We haven't secured that in chapter five, but we're going to update that now just to be confirmed that the 0.9 1.1 and also to align with the landowner agreements.

01:28:11:19 - 01:28:24:06

But for this chapter, that minimum depth is more important than the maximum depth. Whereas if you were looking at traffic and transport and maximum volumes that were calculated to feed into that, then the 1.6 is more.

01:28:27:22 - 01:28:52:29

Yeah, I think he's usually we have a action point for you, which you've sort of already committed to anyway, but is to go back through to update this depth and to ensure that that's been reflected throughout the environmental statement, where there was a reference to the how deep this is going to be buried. Um, so we can have that for the next deadline. Deadline for.

01:28:54:12 - 01:28:55:28

You? Yeah. That's good.

01:28:57:08 - 01:29:00:05

Okay. Mr. Stone, you've been patiently waiting with your hand up.

01:29:02:21 - 01:29:37:28

Thank you. All of the stones for landowners. Um, my question relates to the depth which was referred to to the top of the protective tile at 900 mil below depth at land drainage in this part of the country is typically laid at 900mm below ground level. There will be older schemes out there, but in future when they are replaced, they will typically be at that level, sometimes below, um, but not normally now more shallow than 900mm.

01:29:38:18 - 01:30:21:15

Other schemes have gone deeper to take this into account, and I'm just trying to understand how the the applicants see the depth of their cables interacting with existing land drainage or future land drainage, so that the agricultural use of the land can be maintained going forwards. Second question relates to maintaining the depth of the cables on this scheme and other schemes. We have raised concerns about cables moving on other schemes. There has been a commitment to maintain the depth so that the future agricultural use and cultivations, be it more draining, uh, subsoil ploughing or whatever, is not impeded.

01:30:22:00 - 01:30:28:05

Once the cables are in situ. And I would just like to understand how the applicants intend to approach that. Please. Thank you.

01:30:31:09 - 01:30:35:12

Thank you, Mr. Stones. Applicant. If you would like to be polite.

01:30:49:20 - 01:31:34:02

For the applicant. There has been a drainage study done. It hasn't been released yet, but it will assess to the drainage, current agricultural drainage across the entire route and will be used to and to inform the pre-construction drainage. The pre-construction drainage will be a central to the effectiveness and agricultural ongoing agricultural potential for that land that's going to be impacted for this work. It's going to be done to a level such that it will be able to support the drainage and any subsequent modification to the drainage locally over the expected lifetime of an agricultural drainage system.

01:31:34:22 - 01:32:07:02

Okay. And that so that is that's part of the part of the design already. The 900 mill in terms of the just to reinforce the fact that that is a minimum, you know, it's not expected to design depth of the table is deeper than that. To recognize that nine of the mills to the protective tile, um, is close to the depth of that. Some header drains can be installed. And I did use the term header specifically to reference the fact that that's, you know, that is that's not your standard agricultural drain here.

01:32:07:04 - 01:32:31:12

There was a discussion about mold drains. They're not certainly not put at that depth either. So the part of the pre-construction drainage um will include the the header drains and appropriate outfalls such that any modification or installation of drainage or to the wider landscape should be supported and given.

01:32:31:14 - 01:32:35:20

How about the wider agricultural activities that were referred to as well?

01:32:39:24 - 01:33:04:13

For the applicant, in terms of wider agricultural activities, for the potential for. Are you asking if 900 mill coverage will have an impact on other agricultural activities? Yes. No, I don't support that. I would need an example of of what kind of activities they could be considered standard. Certainly that would require any sort of modification of the soil at 900 mills.

01:33:07:02 - 01:33:32:19

Okay. As a follow up, then, if, um, the affected parties who have raised this, um, particularly looking at Mr. Stones, If you could just provide some more information as to how and what activities are being referred to in your representation. Um rep 173 and if you could do that in writing, that would give um, the applicants an opportunity to respond on that.

01:33:38:26 - 01:33:39:17

Okay.

01:33:41:09 - 01:33:55:03

In schedule seven of the draft development consent order, there is a restriction on excavations to 0.6m or anything greater within the proposed easement.

01:33:57:13 - 01:34:02:15

I'd just like to understand if any of the affected landowners wish to remark on this restriction.

01:34:09:03 - 01:34:10:07

Yes, Mr. Stones.

01:34:11:07 - 01:34:37:12

All of the stones for, um, three landowners. Forgive me. How can I just take you back to the previous point? The question I raised was about maintenance of the depth of the cable, so it didn't rise and interfere with agricultural activities. I can respond on our representations, but that key point was about maintaining the depth post installation, and that was the question I was keen to hear from the applicants on.

01:34:40:11 - 01:34:46:28

Okay, but you'd be happy to put that in writing and then we can have a response in writing subsequently. That's that's agreeable.

01:34:47:12 - 01:34:55:16

All of us. Yes. That's fine. Happy to do that. Yes. Thank you. Forgive me. I was making notes when you asked you other questions. If you want to put that to me again. My apologies.

01:34:56:00 - 01:35:14:07

Sure. So in schedule number seven of the draft development consent order, there is a restriction on excavations of 0.6 or larger or greater within the proposed easement. And I just would like to understand whether any of the affected landowners wish to remark on this restriction.

01:35:18:19 - 01:35:19:19

Mr.. Stones.

01:35:22:03 - 01:36:00:14

Oliver stone. I understand the need for the restriction. The problem is that I refer to mole drainage before mole drainage can be undertaken at 600mm. So that is a typical example where there would be a risk of interfering with the rights if it was set at that sort of level. I understand that the project doesn't want things building over it, which would be a much deeper excavation. But certainly even installing land drains includes sometimes them being excavated to a greater depth in there, but certainly more drainage would be at that level.

01:36:00:16 - 01:36:01:06

Thank you.

01:36:01:22 - 01:36:07:01

Thank you, Mr. Stones. And anyone? Any other landowners? Mr. Julian?

01:36:10:04 - 01:36:49:03

Thank you. I'm Julian, on behalf of the landowners Windows on the roof. I'll just echo, um, Mr. Stone's comment. Um, the real issue, as far as I'm concerned, is, is maintenance of land drainage. Um, which sort of goes back to a point that Mr. Stones raised earlier as to whether the applicants will take on maintenance of drains that may have to cross the cable route to ensure proper restoration of existing land drainage schemes, because if there's a restriction on the depth on which landowners can excavate above the cables, um, it will make it next to impossible to, uh, to maintain the proper working of existing drainage schemes, potentially.

01:36:49:05 - 01:36:49:21

Anyway.

01:36:50:15 - 01:36:55:27

Thank you. With the applicants like to respond on that on those points.

01:37:11:27 - 01:37:14:20

Will it be useful for you to come back in writing on this?

01:37:20:15 - 01:37:23:03

Yes, sir. What have you to come back to at that point?

01:37:25:14 - 01:37:50:00

Thank you. I'm just related to this before I move on. In response to HQ, uh, reference Lua 1.10, the applicants explained landowners would be able to recover reasonable expenses incurred by applying for consent in relation to these, uh, restrictions within the easement. Could the applicants explain where this is secured? Please?

01:38:18:08 - 01:38:26:08

Okay if if it's useful to come back in writing along with the previous action point, we can add it in.

01:38:32:18 - 01:38:35:12

Yes. I'm happy to come back to you.

01:38:39:12 - 01:38:49:08

Thank you. Before I move on from this agenda item, I'll just hand over to Miss Dowling to conclude on it.

01:38:51:14 - 01:39:21:14

Thank you very much, Mr. Tandy. It was just a rollover from, uh, Monday's compulsory acquisition hearing. Uh, where? Um, Mr. Julian wasn't there in attendance to represent, but farm. And, um, I was asking that at that compulsory acquisition hearing for an update with regards to where negotiations were with regards to voluntary agreements. Um, and at that hearing, I requested from the applicant as to whether or not I could raise it at this hearing because I knew that Mr.

01:39:21:16 - 01:39:57:09

Julian was attending. So I just wanted to very, very briefly, um, ask Mr. Julian if the, um, land rights tracker is correct and up to date with regards to where you are with regards to obtaining a voluntary agreement. Um, having looked at the Land Rights tracker, which is Rep 315 states that heads of terms negotiations are ongoing, and that a meeting was held on the 20th of February to discuss the potential impact on the caravan park and, um, the holding as a whole, and that the initial talks were positive.

01:39:57:14 - 01:40:22:07

Negotiations were ongoing to agree the correct valuation approach to consider any impact on the caravan park, and that a further meeting was held on the 11th of March, and the applicants indicated that they were hopeful that a voluntary agreement could be agreed by the close of the examination. And I just wondered if that reflected Mr. Julian's understanding of where negotiations are with regards to voluntary agreement and his clients.

01:40:24:22 - 01:40:55:21

Thank you very much, madam. Um, in respect to the caravan site and our clients, um, we did have a meeting with, um, Phil Tulley of Delco McLaren on the 11th of March. Um, I was expecting or assured a response, um, in writing to from them by the end of last week. Um, which wasn't received. Um, I understand that, um, I'm putting it in my own words. Um, myself and Mr.

01:40:55:23 - 01:41:29:12

Tulley are, I think, on the same page. Um, but he was seeking, um, instruction from the applicant as to how to move forward with it. So we haven't reached agreement at the moment. Um, there is a, an understanding as to how we could potentially proceed, but that hasn't been formally approved by the applicant at the moment. Um, so the short answer is that, no, there isn't an agreement on voluntary terms at the moment.

01:41:31:19 - 01:41:38:09

But they are under discussion. Negotiations are ongoing. And it's the aspiration that those will be resolved before the close of the examination.

01:41:41:04 - 01:41:55:26

Um, they are ongoing. I would hope that we can reach a solution before the end of the examination. Um, but as I say, I haven't had a formal response, um, from Malcolm McLaren on behalf of the applicant. Um, since my meeting in March.

01:41:56:27 - 01:42:17:06

Thank you for that update. Um, I'm just going to very, very quickly go back to the applicants. I realise that obviously they don't have their land experts with them who were there on Monday, but if there's anything that you want to respond to on that now, or whether you want it as an action point that you'll respond in writing once you've spoken to your specialists on this.

01:42:20:25 - 01:42:29:27

I think I need to imagine that, you know, there is definitely a willingness by both parties to try and reach an agreement by the end of examination, and we're very much working towards that.

01:42:32:11 - 01:42:36:15

Thank you for that update. I'm going to pass back to Mr. Tandy who's going to deal with minerals.

01:42:38:11 - 01:43:05:29

Thank you. We want to item 2.4 which is a future mineral resource assessment. So firstly is chapter 19. That is rep 1025. And paragraph 199 is what I'm referring to. State mineral resource assessment will only be undertaken if it is required. Could I understand from the local authority how if it is required, it is going to be decided, please in its opinion.

01:43:15:12 - 01:43:32:03

Green Valley, East Riding of Yorkshire Council. Um, apologies. As I said right at the start, unfortunately, we don't have anybody within the council with that minerals experience. Um, I don't believe we do actually have anybody in the council, but I can take it as an action point to see if I can come back and respond on that.

01:43:34:05 - 01:43:44:28

Before we do that, I'll just ask the applicants for what their understanding is of when or if this is required. How will that be determined?

01:43:56:19 - 01:44:02:13

I We believe that Caroline Martin, who's guardian, should hopefully be able to help with this.

01:44:08:08 - 01:44:22:20

Hi, Caroline Martin, on behalf of the applicant. Um, my understanding today is that, um, meetings have been held between the applicant and, um, IRC regarding minerals, and the consultation is presently ongoing.

01:44:24:10 - 01:44:26:09

Um, I assume that.

01:44:26:11 - 01:44:44:26

Um, I'll just redirect you back to the question, which is could you explain. So in chapter 19, paragraph 199, it states a mineral resource assessment will only be undertaken if it's required. And I'd like to understand how it will be determined if it is required.

01:44:46:09 - 01:44:56:08

I think I think um, Caroline Martin, for the applicant, I think my understanding was that there was some mis wording between the chapter and this LCP. Pay.

01:44:58:27 - 01:45:03:13

What is my I think was that that was the case wasn't it?

01:45:08:07 - 01:45:38:07

And so we obviously will be unsafe in the mineral safeguarding assessment at the mineral risk assessment to see what there is there at the time. So that's one of our mitigation measures that set out in the chapter in terms of undertaking a testament to to work out what is there prior to construction for

those small areas that we have identified within there. And the environmental statement chapter, we said that we would, um, seek to excavate that and we do have, um, words within the DCO that say that we could excavate minerals for the use of our project.

01:45:38:14 - 01:45:51:13

Having discussed further, I think we feel that probably wouldn't be the case. It would be something that we'll be seeking to do as part of the project. So, um, we may wish to amend the wording which says that we would seek to extract for the purposes of our project, um, in the chapter.

01:45:54:16 - 01:45:58:24

So are you saying that the mineral resource assessment has been undertaken already?

01:45:59:09 - 01:46:12:16

No. It would be undertaken prior to construction, but at the moment it says if it would be undertaken prior to construction to seek weather revival, to extract. I think we would still undertake the assessment to understand what was there and what its purpose was, but we wouldn't seek to be extracting ourselves.

01:46:14:04 - 01:46:18:29

So does the wording need to be updated to say it will be undertaken, rather than if it's required?

01:46:19:25 - 01:46:32:13

Uh, I mean, obviously it depends if it still depends if it is required, like it would depend on the GI and the outcomes I think. So there's a desk based element to it. I think Caroline, before you actually would undertake any. Um, yeah.

01:46:33:16 - 01:46:42:11

This is that's the nub of my question. What is going to determine if it is required and where is this explained or set out?

01:46:45:21 - 01:46:58:07

Um, Caroline, I think we've got something we're going to listen to me, but I understand there's a there's a sort of high level desk based element that would be involved. Old and before you would undertake commit to undertake any, um, detailed ground investigations.

01:46:59:20 - 01:47:01:27

I Martin from the applicant. Yes. That's correct.

01:47:04:15 - 01:47:11:06

I don't believe it explicitly says that though in the um, desktop study or chapter 19.

01:47:13:25 - 01:47:14:10

So I think.

01:47:14:26 - 01:47:20:07

With Caroline Martin for the applicant, I think we probably need to look at the wording in there presently.

01:47:23:18 - 01:47:26:02

Can we take that away as an action point, please?

01:47:26:14 - 01:47:52:13

It sounds like that's going to be the sensible approach. We'll have an action point on that. Mr. Stone, I will come to you shortly. Just building on this. If a mineral, if the mineral resource assessment is decided, it isn't required. So if you decide that's not going to be undertaken, would that mean that the significance effect should be concluded as being a moderate effect.

01:48:00:25 - 01:48:07:06

For the applicant. Do you mean if the excavation doesn't take place as opposed to or the the assessment doesn't take place?

01:48:08:15 - 01:48:30:23

Perhaps this is where some explanation is required, because at the moment it's acknowledged without mitigation, it would be assessed as a moderate effect. And the mitigation that is presented is to undertake a mineral resource assessment. As we've just discussed at the moment, that resource assessment may or may not be undertaken. So if it isn't undertaken,

01:48:32:11 - 01:48:41:14

is it therefore a moderate effect? It would appear that Martin is acknowledging that point. And if you'd like to say anything more.

01:48:45:24 - 01:49:01:15

Caroline Martin from the applicant. I don't think there's anything more to add. I think we're better taking the point away and having a look at the wording within chapter 19 to make sure that it's crystal clear on exactly what's been proposed and when and how this would affect.

01:49:03:21 - 01:49:27:09

Okay. And because this all may relate to the same action point, if you're unable to answer today, I'll just continue. Before coming to Mr. Stones. But if the mineral resource assessment was undertaken and it found that it was uneconomical to extract the resource, would this would this mean that the resource is therefore still lost and therefore the significance of effect would be moderate?

01:49:29:01 - 01:49:37:25

It would be temporary sterilisation, because when the scheme was decommissioned, access to the minerals will be available again.

01:49:39:16 - 01:49:49:07

We're progressing well through the question because I was coming to that, because my understanding is that as part of the decommissioning, that the operators will be left in situ.

01:49:52:02 - 01:49:56:01

So would that therefore mean that it is going to be sterilized?

01:50:06:06 - 01:50:08:27

I'll have to defer back on that point.

01:50:10:09 - 01:50:34:14

Okay. We're going to wrap those up into one action point in relation to this. And I'll just I'm just going to want to explain that the reason for making this point is that MPAC and one paragraph five 1128 explains where a proposed development has an impact on a mineral safeguarding area. The Secretary of State should ensure that appropriate mitigation measures have been put in place to safeguard the mineral resources.

01:50:36:01 - 01:50:41:28

Okay, so we will need to have that, um, looked at. I'll come first to,

01:50:43:22 - 01:50:48:07

uh, the applicants because I assume you want to make a point on this, and I'll come to you. Mr. stones.

01:50:50:21 - 01:51:21:26

And Rosemary Tingle for the applicant. I think there's two points to make on this one. Um, obviously we do acknowledge that we're going through some minimal safeguards areas, but it's an incredibly small percentage of the overall mineral safeguarding area within the East Riding of Yorkshire Council. We have made an effort during our alternatives assessment to try and avoid these areas that are safeguarded as much as possible, but there are large areas of East Riding that are designated as mineral safeguarding areas. So it was fairly it would have been almost impossible, I think, for the region to have avoided the entire the entirety of these areas.

01:51:22:07 - 01:51:57:01

And the mineral safeguarding assessment is designed to help us understand at the detailed design stage. When we get there, you know what is there and whether it's a, you know, a resource that's economically viable. Um, although we wouldn't seek to extract it ourselves. Um, you know, what Caroline is saying is true after 30 years of decommissioning, once we've decommissioned, it could still be accessible to to extract that. we appreciate. The ducks could remain in place, but if our resource assessment identified that there was a significantly large viable point there, you know, we could certainly look to, you know, remove the ducks from that area.

01:51:57:03 - 01:52:20:06

So, you know, I don't think it would completely preclude it if we if we identified it, it might be that that mineral safeguarding assessment identifies that it's not economically viable, because I think the area identified on the plan states that it could be, but it doesn't. You know, much like many of the planning evidences, it doesn't know for sure. We don't know for sure exactly what's down there. So that is the purpose of the assessment. And that's the mitigation in place.

01:52:20:17 - 01:52:51:20

Um, yeah, I understand that point. And I guess the the issue is that the mitigation that's been proposed is to do the assessment is that is what is being used to reduce the significance of effect. But if that

mineral is not extracted before construction, it will that mineral would still be lost. And if the, uh, apparatus isn't removed during the decommissioning, the resource is still lost. So therefore, undertaking the assessment arguably isn't reducing that significance of effect.

01:52:51:27 - 01:53:08:10

And as we've discussed at the very start of this, the assessment isn't actually committed to. It's currently maybe if required. So I think we've got an action point overall to look at this. And we'll conclude those include those points on there. Uh, Mr. Stones, you've been patiently waiting.

01:53:10:15 - 01:53:44:24

Thank you. All of the stones who act for Mark Wilson Newburn and James Newburn, who operate Sands field gravel and aggregates. They are an active minerals operator. Uh, their land is uh, which is impacted by the project is in a safeguarding zone. I think your action point covers it. Um, but some of the points just made by the applicant, I think, need to be communicated to their agent through the voluntary agreement because they're not being picked up. We've raised issues about the fact that our applicant is working through his farm.

01:53:45:27 - 01:54:05:17

The minerals resource is not being recognized, but leaving the cables in situ to sterilize it. But it also removes the resource on the adjoining land because they wouldn't extract or try to extract in close proximity. So I think this needs further work and I look forward to receiving further submissions. Thank you.

01:54:08:26 - 01:54:16:27

Thank you, Mr. Stones. I presume the applicants don't want to add anything more at this point, and will respond to that as part of the action point.

01:54:24:14 - 01:54:27:09

Yeah, I will respond to it as part of the action point.

01:54:33:17 - 01:54:41:13

Okay. Before I move on to item 2.5, is there anything else that anyone would like to raise in relation to item 2.4.

01:54:45:25 - 01:55:08:19

No. Okay. Item 2.5. Um. Natural England impact to risk zones. Could the applicants describe the sort of developments that the natural, uh, Natural England impact risk zones identify which are relevant for the proposed development area? Can you explain how these impact risk zones relate to the 250m used in the submitted environmental statement?

01:55:16:04 - 01:55:17:00

The um

01:55:18:19 - 01:55:26:00

impact zones? Um, particularly, I'll give an example. Caroline Martin for the applicant. Sorry. Um, particularly around um.

01:55:28:04 - 01:56:00:03

Burton bushes, triple C, um, Natural England have, um, different zones. So they're at like 50m, 100m, Etc. and then within different zones they have um, different kind of, um, developments that are going to be done. And at what point you need to consult Natural England developing depending on the distance and what, um, kind of development are being undertaken is being undertaken.

01:56:00:08 - 01:56:43:06

And the only one that impacts would impact chapter 19 or potential for us to have the impact on was bush or bush bushes, which was identified in the desktop study. Um, it is noted that on our drawing it does say that, um, that is confusing because it does say that the whole of the route is impacted by triple site impact risk zones. This is not the case for our chapter 19. Therefore, we're going to remove that off that topic, off that drawing and reissue reissue those figures into the examination because it doesn't apply to our chapter, which is geology and ground conditions.

01:56:45:20 - 01:56:55:17

Thank you for that explanation. That will probably help to, um, remove the misunderstandings around what those points were.

01:57:00:05 - 01:57:13:24

Okay, I'll move on to this gypsy drilling local geological site. So could the applicants explain why this Gypsy drain local geological site is no longer considered a local geological site or regionally important geological site.

01:57:14:18 - 01:57:19:06

Caroline Martin for the applicant. Um, I hope

01:57:20:23 - 01:57:52:04

it never has been designated at a local geological site or regional important geological site. It was, um, mis mismatched on the local plan in the I ask. I ask. I've made enquiries with the people that locally designate big sites. Whole Geological Society, which has confirmed to me that they've never designated Gypsy local drain as a local geological site slash a wreck site.

01:57:53:01 - 01:57:57:28

Would you be able to provide that evidence from that organization that confirms that?

01:57:58:10 - 01:58:08:10

Yes. I've also spoken to IRC about this. And, um, the hope is that they'll remove it off future mapping to prevent further confusion.

01:58:09:27 - 01:58:13:10

Thank you. I'll just ask the local authority who would like to

01:58:15:00 - 01:58:20:07

speak to this point. Although I do recognize you don't necessarily have any specialists on this area.

01:58:21:09 - 01:58:44:20

Thank you. Um, no. Grand Valley, East Riding of Yorkshire council. No. Uh, Miss Martin has been, uh, in discussions with us or keeping us up to date with correspondence she's been having. And I know she's talked to our local plan team and they have confirmed exactly what she says, that it looks to have been an error and the drain itself should never have been designated a local geological site.

01:58:46:23 - 01:59:12:20

Thank you for confirming. We have an actual point on to provide that. Um, from the whole Geological Society. Thank you. And finally, then for the Burton Bush's answer, you briefly mentioned that earlier. Given the location of the Burton buses, triple C is within 250m of the proposed development. Should the potential for geological effects be assessed and reported on.

01:59:18:03 - 01:59:58:08

Bushels a triple A Caroline Martin for the applicant. Um, it's not it. It's not anticipated the triple S will be impacted due to the construction or operation of the project. So we've not slept. We've not set it in chapter 19. Um. It doesn't it doesn't overlap with the, um, project corridor. Um, there's no no potential contamination pollutant linkages. Um, therefore it's not there isn't a potential viable there's not a viable way that it would be impacted by the construction or operation of the project.

01:59:59:05 - 02:00:14:11

Yeah. I think it's been identified because it was within the 250m, which is what you've used for your assessment. I think the part that was missing was probably what you've just explained, versus simply that there wasn't a pathway in, uh, a way for that to be impacted. Um,

02:00:16:00 - 02:00:19:21

we now have that. So I'm happy with what you've explained there.

02:00:25:07 - 02:00:31:09

Okay. Um, is there anything else anyone would like to add on this agenda item. Before we conclude.

02:00:35:18 - 02:00:42:00

I don't see any hands up at all. So I'll now hand back over for the remaining items on the agenda. Thank you, Mr. Allen.

02:00:43:06 - 02:00:53:24

Thank you very much, Mr. Sandy. We've not been notified that anyone wishes to raise any other business that is relevant to this hearing. But before we close, can I ask if there are any other matters that any party wishes to raise?

02:00:57:05 - 02:01:00:19

I don't see any hands up. I just want to have a quick word with Mr. Tandy.

02:01:09:05 - 02:01:16:27

I think Mr. Boswell might have, uh, predicted what I was going to raise. So, uh. Mr.. The applicants have got their hand up. What was the point you wanted to raise?

02:01:18:03 - 02:01:27:04

Um, yes. Just in relation to the proposed discharge rates. We're going to come back by the end of today. Um, would you like us to do that now?

02:01:29:04 - 02:01:32:00

Yes, please. That was exactly the point I was just raising with Mr. Tandy.

02:01:32:18 - 02:02:29:09

Um, I have a statement that I'm going to read out, so please discharge rates. But the scheme is subject to detailed design, but will be restricted to the calculated worst case, 1 to 1 year greenfield runoff rate equivalent, typically 1.4l per second per hectare, unless it's impractical to do so due to the risk of blockage from small diameter orifices in the control chamber. Debris screenings and regular inspection and maintenance will reduce the risk of a blockage, but very small diameter orifices could result in an overly onerous maintenance burden, typically increasing very low discharge rates to one meter per second, which is the minimum specified by the IDB, which is still a very low rate, would have no impact during more extreme storm events, for example that the one in third year and 1 in 100 year events.

02:02:30:12 - 02:03:13:17

Running from these events is proposed to be restricted to a discharge rate lesser than the equivalent greenfield runoff rate for those storm events. For example, the 1 in 1000 year event is limited to the greenfield pre-development 1 in 1 year runoff rate, not the 1 in 100 year runoff rate. Increasing discharge rates to one meter per second would result in a minor increase in flows to the receiving watercourse or watercourses during the 1 in 1 year of one interior storm events, but any increase in flood risk is expected to be low and considerably lower than the risk of overflow from regular blockages.

02:03:13:29 - 02:03:23:25

Proposals will be discussed and agreed fully with all relevant parties throughout the detailed design and approval stages, to ensure flood risk is managed appropriately and effectively.

02:03:27:04 - 02:03:42:05

Thank you. It's possible I'm going to convert the action point that was for you to come back to asking you to submit that document, that statement that you just read out in writing into the examination. I'm just going to go back to Mr. Tandy and see if there's anything he wants to come back on, on that point.

02:03:43:15 - 02:04:07:04

Um, at this stage, probably not. I think what we will do is we already have an action point for the lead local authority and the IDB and the Environment Agency. Uh, I think to sort of look to consider any increase in flood risk, um, because of this point. So we will look at their remarks based upon this statement. And uh, I suppose we'll go from there.

02:04:10:25 - 02:04:11:17

Thank you.

02:04:11:29 - 02:04:16:12

So can I just confirm that there's no one else who wants to raise anything under any other business?

02:04:19:05 - 02:04:22:07

The applicant still got their hand up, but I'm assuming that's a legacy hand.

02:04:24:06 - 02:04:24:21

was

02:04:26:16 - 02:05:05:28

given the number of action points. Rather than go through these in detail now, they will be published on the project page of the National Infrastructure website in the next day or two. So if there are no other items that are relevant to this hearing, may I remind you that the timetable for this examination requires that parties provide any post hearing documents on or before deadline, for which is the 25th of April, 2025. I also remind you that the recording of this hearing will be placed on the Inspectorate's website as soon as practicable after this hearing. I'm happy to confirm that the time set aside on Friday afternoon for the continuous continuation of this hearing will not be required, and the case team will be updating the project page with the website to advise this.

02:05:06:15 - 02:05:47:05

I'd also like to remind people that the next event for this application will be the issue specific hearing five, which will be held tomorrow, which is Thursday the 10th of April 2025. This will start at 9:30 a.m.. The agenda for this hearing is available on the project page of the National Infrastructure website. This is a virtual event and registration for this will commence at 9:15 a.m.. If you have registered to attend this meeting, you will need to use the link that you have been provided with as re-using the link for this meeting will not work. If you are proposing to watch the live stream, then you will need to use the relevant link that has been that can be found on the project web page of the planning Inspectorate's National Infrastructure website.

02:05:47:12 - 02:06:14:14

If anyone has any questions regarding this, then please contact the case team after this meeting. Before we close, we would like to thank all of today's participants for their time and assistance during the course of this meeting. We shall consider all of your responses very carefully. So the time now is 6:16. And this issue specific hearing on the onshore environmental matters for the proposed Dogger Bank South offshore wind farms is now closed.