



Hearing Transcript

Project:	Tween Bridge Solar Farm
Hearing:	Recording of Issue Specific Hearing 2 (ISH2) - Part 3
Date:	23 June 2026

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SUMMARY KEYWORDS

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SPEAKERS

Speaker 2, Speaker 11, Speaker 12, Speaker 6, Speaker 5, Speaker 1, Speaker 9, Speaker 3, Speaker 7, Speaker 10, Speaker 8, Speaker 4, Speaker 13

Speaker 1 00:05

Okay, it's 2pm and the hearing is now resumed, and we are moving on to agenda item four. Can I just confirm that the live streaming recording has started. Yep, excellent. So, agenda item four is transport and access, and we're going to be discussing some of the transport and access effects of the proposed development. Most of these questions are for the applicant, but I will invite interested parties to comment where appropriate. Feel free to raise your hand to draw my attention if necessary. If you'd like to speak, my first question relates to the way in which the applicant has assigned sensitivity to transport links in ES Appendix 12 two, which is exam library reference APP 112 so if we could bring that up on screen, please do

Speaker 2 01:23

Right,

Speaker 1 01:26

so the applicant in the third column has assigned sensitivity to each receptor. However, I don't think this provides any rationale or reasoning for assigning sensitivity, in particular negligible sensitivity, to certain receptors, and I'm just wondering if the applicant could explain where such a justification is provided in the application documents. Yes,

Speaker 3 02:03

Tom Adam, on behalf of the applicant. Thank you, sir. I'll ask mrs. Stock to come back to you on that question.

Speaker 1 02:10

Okay. Thank you,

Speaker 4 02:13

Katie Stock, on behalf of the applicant. So, the sensitive receptors are, or the categories for them are listed in table 12 seven of the transport and access ES chapter, they that sets out high, medium, low negligible sensitivity categories, and the receptor types that might be attributed to each of those, so that appendix 12.3 should be read in conjunction with that table 12 seven in terms of negligible sensitivity,

table 12 seven says receptors with low sensitivity to traffic flows and those distanced from affected roads, such as war roads, which serve a small number of dwellings, which are typically set back from the road, those sensitivity criteria, if you like, are set out in the Institute of Environmental Management Association guidance document, traffic and movement guidelines, which is what we faced our yes chapter upon.

Speaker 1 03:12

Okay, but in terms of a link by link assessment or reasoning, is there anywhere where each link, you know, the rationale is explained for each particular link.

Speaker 4 03:30

Katie Stock, on behalf of the applicant. No, I get your point. We could add that rationale into that table, 12.3 and supplement that at deadline three. That's not a problem.

Speaker 1 03:40

Okay, that would be good. It's just for example, link six, which is More Edges Road, has a negligible sensitivity rating. However, as far as I'm aware, it's a single track road with limited, if any, passing places for HGV traffic, so I was wondering, how the applicant had concluded that that road had a negligible sensitivity.

Speaker 4 04:15

Katie Stock, on behalf of the applicant, so table 12 seven of the ES chapter, so the low sensitivity to traffic flows, so rural roads, such as these, have got quite low traffic baseline traffic flows. Those that are rural roads with no footways, but may have pedestrian movement of them on them, we have categorized as higher than negligible effect, but those where there's no connecting public rights of way, for example, or where pedestrians and cyclists might be relatively low. These have been categorized as negligible on that basis.

Speaker 1 04:50

Okay, well, I look forward to the link by link analysis. Do the councils have anything they want to. Add in relation to what we just discussed, CDC

Speaker 5 05:10

Andrew Cosby for City of Doncaster Council. I'm just looking at my highways colleagues, but I don't think they've got comment.

Speaker 1 05:17

All right, I think I'm particularly interested in link link six, because the increase in HGV traffic, so I think I'm right in saying there are certain thresholds for further assessment, and I can't remember where they're set out in ES, but link six was very close to the threshold for further assessment based on HGV movements, and therefore I naturally look to question, well, hang on, why is it such a low sensitivity? Because were it not, presumably over the threshold, that's why I'm asking about link six,

Speaker 4 06:01

Katie Stock, on behalf of the applicant, so a medium or a high sensitivity would warrant being a sensitive link. So, even if we were to review it, and perhaps it might come under a low sensitivity, the threshold would still be 30%

Speaker 1 06:15

right? Okay,

Speaker 4 06:16

for a medium and a high sensitive link, it's 10% threshold, okay, so all right. So, if that information could be provided at a deadline,

Speaker 1 06:36

or is okay?

Speaker 4 06:39

Yeah, case 21st

Speaker 1 06:40

of July.

Speaker 4 06:40

Yeah, we'll do our best for deadline three. All right,

Speaker 1 06:43

perfect.

Speaker 4 06:43

Yeah, all

Speaker 1 06:45

right. Let's move on to discuss the applicant's consideration of site accesses and visibility splays. So, in my written question Q 13 zero 11, which is exam library reference PD 010 I asked the applicant to confirm whether information regarding visibility splays for access points should be included in the ES, as opposed to only the outline construction traffic management plan in response to written question 13.0 11 which was the applicant's response reference rep 2087 the applicant stated in part the impacts of the scheme considered in the ES are primarily linked to the traffic impact of the proposals during the construction operation and decommissioning phases, whilst the access points are summarized at section 12.5 of the ES, it is not considered that details of the access point points need to be set out in detail in the ES chapter. So, my question to the applicant is, Does the applicant consider that pre-mitigation likely significant effects on road safety are properly therefore set out in the ES given the absence of consideration of visibility splays and Katie

Speaker 4 08:25

Stock, on behalf of the applicant, all the visibility slays shown on the figures within the outline construction traffic management plan did not warrant any mitigation necessarily, so the visibility slays are as provided at the access arrangements that don't form the mitigation, so the access arrangements will be delivered up front as part of the construction phase. There's no residual effect as a result of the visibility displays that needed to be considered in the ES chapter. The transport statement, however, could set that out more thoroughly, which is obviously an appendix to that. Yes, that was something that considered necessary.

Speaker 1 09:09

Yeah, I think we need to know what the baseline, sorry, what the pre-mitigation effects will be, regardless of whether they're not problematic or there aren't likely to be any significant effects. I still need to know what they are, so that I can report on them, because in my report I'm focusing on highly significant effects before mitigation for each phase of, you know, construction, operation,

decommissioning, and also the residual effects, as well, but I need to, it's sort of a methodical approach where I need to report on each one, so I need the information in the right place, really, and really I think the ES should. To include that as part of the assessment,

Speaker 4 10:12

Katie Stock, on behalf of the applicant, we're happy to add that in, sir. We're laying for deadline four for that view.

Speaker 1 10:19

Perfect. Thank you. Did anyone want to raise anything in terms of visibility splays? Yes, sir. Do you want to introduce yourself?

Speaker 6 10:31

Sorry, it's Richard Lord, City of Doncaster Council Highways. Sorry, can you hear me? Yeah, that's better. Thank you. Sorry, Richard Moore, City of Doncaster Highways. Yes, we, we do have concerns regarding the access points, and that's one of the key reasons we were asking that were mentioned this morning about the section 278 in which part of the process would be to assess from a road safety point of view and look at the visibility splays, so in the absence of any 278 or equivalent measures, then absolutely we need to understand a method of ensuring that any access point that's constructed joining the highway is done so suitably,

Speaker 1 11:17

okay. Thank you. So effectively the applicant has included the information, but not in the not in the environmental statement, which is what I'm getting at. I think you're going to address that, aren't you?

Speaker 4 11:32

Okay, to stock on behalf of the applicants, all the access arrangement drawings are really on construction traffic management plan, which be secured by requirement, so we will just replicate that information in the ES chapter for you,

Speaker 1 11:44

okay? Does anyone else want to raise anything in relation to visibility displays? No, okay. Right, I'd like to move on to discuss the relationship between the construction of the proposed development and the planned m1 80 oh m1 80 renewal works, so could I please have an update from the applicant on negotiations with National Highways, particularly on whether an interface agreement is required for the construction, the development in conjunction with the M 180 and on this point I think National Highways raised a relevant consideration, which is that the assessment should include a cumulative assessment of the effect of the these renewal works and the scheme, so if you could direct me to where that is set out, but ultimately, presumably an interface agreement would effectively negate any such impacts, so if you could provide a response, please,

Speaker 3 13:04

Tom, that my on behalf of the applicant. Thank you, sir. I think the latest position on this is set out in the statement of Common Ground with National Highways. Bear with me, I will find you the library reference for that, I so it's rep two hyphen 097 and within there it's reference 11 and the position is, sir, that we were in discussion with National Highways regarding protective provisions that would be included in the development consent order, and we're open to understanding what you know, what reasonable requirements National Highways might, may have in relation to the interface with the 180 renewal works, and that could be potentially dealt with through the protective provisions themselves. It could be an interface agreement. The other option we're exploring is whether whether provision could

be made for this through the outline traffic construction outline construction traffic management plan, so those options are all being considered, and we think there's going to be a way in which this issue can be resolved suitably during the course of the examination. On the second point regarding cumulative effects, I'm going to turn to my right and just confer with Mrs. Stock, I'm sorry, Sir. What I can see, we can provide. A fuller response in our post hearing notes on the degree to which this has been considered, but it appears as though given the construction timeframes associated with them 118 renewal works it would not fall within the ambit of a cumulative assessment given the proposed implementing the implementation dates, and I dare say it might be linked as well to the level of detail that's available about the nature of those works at this stage, but for once I've given you a half-baked response, I'd rather consider it, check the answer, and put it into our post hearing note, if that's okay, Sir.

Speaker 1 15:42

Yes, I don't. Yeah, I think that's my point, really. That the.. I don't think it has been assessed, but that wouldn't necessarily be a problem if there was an interface agreement, because I know you've mentioned the phasing, but why not nail that down? So, something to think about and resolve, really, and I'd be grateful if, if National Highways, if you could give me your point of view on that, if we have someone participating,

Speaker 7 16:15

of course, speaking from National Highways, so from, from our perspective, progression of the interface agreement has not really been the key focus of negotiation between the applicant and national highways. The focus has very much been on the protective provisions, which currently don't include reference to an interface agreement or provision for that, so the focus from our perspective, given the uncertainty around the program for the M1 80 works at the moment, which we're unable to give any further clarity on, would I think BT to either agree with the applicant that we will do that interface agreement now within the parameters of the examination, as it is, it currently has left to run, or we seek to do it through the CTMP, which has been done on other schemes before with national highways. So we're open to both options at this stage, but we do probably need to start moving this forward a little bit with more certainty.

Speaker 1 17:26

Thank you. So, yeah, I mean, National Highways raised the interface agreement, it's not something that I've raised unilaterally, so yeah, that needs to be addressed. If you see it as an issue, if you don't, then I need to know, but from what I'm understanding, there are several different options available, but I would like that ironed out by deadline four, if possible, or at least to know what the precise positions of National Highways and the applicant are at that point, i.e. what is your preferred option? And give me the, give me the specific wording if it's protected revisions or if there's an interface agreement. What article wording do you propose? So, is that a national highways satisfied with that. I just basically need concrete positions by the 21st of July. I'm not talking a definitive agreement, but I need to know of any precise differences at that point.

Speaker 7 18:36

Ross go to National Highways, that that will certainly be possible by the next deadline, and I suspect the applicant and national areas will be able to reach an agreed position in terms of the approach by that by that point, so yeah, that shouldn't, that shouldn't be a problem from our perspective.

Speaker 1 18:54

Excellent. And did the applicant want to respond

Speaker 3 18:58

on that amount of the applicant? So I've just been conferring whilst Mr. Course was speaking, and it's what I can actually confirm now is that we're proposing to bring forward an update to the outline CTMP for the next deadline, so that's deadline three next Tuesday, and that is going to make clear that we're, we're willing, in relation to them 180 renewal works, willing to enter into an interface agreement at the appropriate time with National Highways, so that seems to coincide with Mr. Course's second potential approach that he mentioned. So, hopefully that would be sufficient to address National Highway's concern, and then to provide you with comfort that this will be appropriately, appropriately addressed at the relevant time as well.

Speaker 1 19:42

Yeah, I mean that's positive, but I guess from National Highway's perspective, and my perspective, and the Secretary of State's perspective, we would need to be satisfied that the drawing that into the CTMP, how that worked in practice. In terms of implementation and control, from stemming from the DCO, yeah, without seeing it, I couldn't comment now, but yeah, that's positive. Thank you. Okay, I don't actually have.. I mean, I know National Highways, Mr. Course, you mentioned protective provisions. We'll be discussing those at the compulsory acquisition hearing tomorrow, but notwithstanding that, does anyone else have any issues to raise on transport and access before we move on to biodiversity and ecology. Yes, Mr. Brooke.

Speaker 8 20:46

Yeah, just with regard to the northern block on Mr. Birtwhistle's, and having to get the equipment round to Moore Edges Road, you're having to go - you're not allowed in Thorn itself because the railway bridges will be too low, so you're having to go north on the 614 and about and come down the village of Moorens, the coal mining village. You're passing schools and all sorts in there, like for two and a half miles until you get to the rugby ground. Real concerns there, like

Speaker 1 21:18

what specifically, what concerns say the

Speaker 8 21:21

increase in heavier goods vehicles and such like that, bringing all the equipment in.

Speaker 1 21:26

Okay, so was is the applicant at work? I mean, do you know which roads Mr. Brooke is referring to?

Speaker 4 21:34

Yeah, Katie stopped on behalf of applicants. So I think links one to six effectively form the construction traffic routes to Land Parcel A, which is the Birdwhistles land. They all of those links comprise the route to that parcel set out in the ES chapter, and they table with me 1214 in that chapter sets out the percentage impacts of both total vehicle and HGVs on those particular links, and they're all under 10% so even if it was categorized as a high sensitivity, which we haven't categorized as such, it still wouldn't warrant any further assessment because of percentage increases,

Speaker 1 22:17

and on the applicant submitted a sensitivity test, which addressed the implications for the ES of revised grid connection day and different phasing approach to the construction, and I'm just wondering specifically on that, those percentage increases, whether that had any bearing on that table on the assessment undertaken there,

Speaker 4 22:43

Katie Stock on behalf of the applicant. No, it doesn't, sir. So, RAS chapter assumes that the whole site is constructed in one go, so those impacts wouldn't change as a result of the sensitivity of death.

Speaker 1 22:54

Okay, so that's a worst-case scenario. Okay, any other comments on transport and access at this stage? Okay, well, we'll move on to agenda item 4b which is biodiversity and ecology, so my first question relates to night jar, so paragraphs 9.5 to 9.14 of CDC local impact report, which is rep 1062 so paragraphs 9.5 to 9.14 of CDC local impact report question, whether appropriate mitigation measures have been proposed in respect of night jar, and I'm just wondering if the council could expand on this and explain what what it is actually seeking in terms of night jar mitigation,

Speaker 9 24:11

Martin About Ski, CDC, whilst it's difficult to say we want specifically this and that in particular areas, we feel that there needs to be a little more specific work done in respect of post development habitats links and the the and and an appreciation of the importance of of field boundaries, linear linear routes, etc. but I mean it's not, it's not an issue that we can, that we know that we're going to say in. It's very black and white, I mean, there is some degree of flexibility and understanding in terms of how you know how the final layout will will benefit Night Jar or disbenefit Nightjar.

Speaker 1 25:15

Okay, so is the applicant aware of the specific, I mean, what is it you're looking for specifically, or I think your local impact report is quite broad in terms of its critique of the applicant's assessment in terms of night jar. I'm just wondering what the council is seeking, in terms of mitigation, that the applicant isn't already providing,

Speaker 9 25:48

Martin Duvasky, CDC. I think that there needs to be just a degree of joint consultation and working, so that we can agree on the finer points of what you know, what can be achieved and what can be satisfactory, for you know, for both parties, and obviously for night jar. So, as I say, I don't see that there are significant barriers here, but I think, you know, as ecologists from CDC, and the, and the applicants. I'm sure we can work together to make sure that we can have an agreement, we can have an agreed agreement on it.

Speaker 1 26:31

Okay. Thank you. And what is the applicants for sports? How are those discussions going?

Speaker 3 26:38

Tom McNamara, on behalf of the applicant. So, what I'll do is pass over to mr. Revolta in a minute to take that point, but just in terms of what I, what we heard there about not significant points of difference and parties working together, it should be remembered that we have the LEMP, the Landscape Ecology Management Plan, we produced an outline version of that, of course, prior to commencement of the authorized development, we'll need to have the length approved by the local authority, and so that dialog will continue, and that will be important to shaping the proposals for NIDAR in terms of what we're specifically proposing and why we say what our package is the right package. I'll pass over to mr. Revolta,

Speaker 10 27:25

Rob Revolta, on behalf of the applicant. Take on board Tomcaster's points. We have discussed this point with Natural England just yesterday. We were discussing Nightjar, as well as their entire

statement of common ground. We provided them with further plans, which we haven't shared yet with Doncaster, but we will do just showing the increased buffers we're providing adjacent to the Thornton Apple Moors SPA, as well as further detail on the buffers providing to the Dish Network and around the mitigation areas, all of which should increase the invertebrate prey and the foraging habitat for night jar. We're certainly open to having further discussions with you, make sure we get all the right detail in the in the LEM and any other satiated documents. I remember you also had a point on construction lighting in the ECMP to do with night jar, we confirm that there's no nighttime working proposed in the night jar active season, so when they're there breeding between April and August, there won't be any nighttime working, so won't be any nighttime lighting impacts. Naturally, we're expecting their comments back by deadline three. We had a meeting with them. They have stated that they're feeling positive, and that is moving in the right direction. Once we've received their comments, deadline three will be updating the length and HRA and associated documents for deadline four, and we'll certainly have a meeting with you guys beforehand

Speaker 11 29:00

and provide any updated information. Okay. Thank you. Did the council did CDC want to respond on that point, or that response?

Speaker 9 29:12

Martin, Martin Nowski, CDC. Yes, we have worked with with Rob Revolva over a period of months and years, and we do have a good working relationship where we can actually, and I am confident that we can, with additional input from Natural England, get to a point where we can agree on that terms of night jar,

Speaker 1 29:44

okay, and your response might be similar to this question, but in terms of Skylark CDC Local Impact Report Rep 1062 paragraphs 9.15 9.19 set out advice for Skylark mitigation, and it stated that CDC is in the process of devising a method to mitigate the effect on Skylark from numerous large scale solar developments, and I think there might be some joint working with other local authorities on that, maybe, but which is brilliant, but I need to know what the council's view is on the mitigation that is proposed for Skylark, because I understand well from reading the local impact report, it doesn't look like those wider proposals for mitigation have been finalized yet, so I'd like to know what the council's view is on the actual mitigation already proposed by the applicant,

Speaker 9 30:58

Martin Duransky, CDC. Thank you, sir. Yes, the you referred to a joint working position on Skylarks, that is something that the ecologists from the planning authorities and in the in South Yorkshire are working upon. I thought we may have made more progress on it by now, but I think there is also a, there is an awful lot of, should we say, irons in the fire, and also conflicting positions on this. I don't think that there will be a position on this from the South Yorkshire authorities that we can use, and therefore, as with Nightjar, that there are the finer points and finer details that we can, I'm sure, work through with with the applicants, ecologists, and if they're, you know, if the updated length provides additional, additional evidence of of beneficial habitat for skylark, then you know I'm sure we can again work with them to reach an agreement on it. There was issues in terms of should we, should we use the compensation metric for skylark for skylark nesting, but again that is something which is still not set in stone yet, and it's not really usable in terms of, you know, evidence in this sort of setting. So, again, finer points on skylark mitigation, but I can also say that we've worked, that we both worked hard on it, or from both sides have worked hard on this, and you know, and it's not to sort of diminish or belittle the proposals that are coming from the applicants.

Speaker 1 33:12

Okay. Great. Yeah. I mean, it was a general point, really, because I think in the locally impact report, the council referred to some broader mitigation measures, which didn't look like they've been finalized, and I was just wondering what the view was on the council on what had been submitted by the applicant, but that sounds promising that you will come to some form of agreement,

Speaker 9 33:40

Martin Durant, CDC. Thanks. Yes, one of one of the matters that I did want to pursue is, and it may be my bit of ignorance on my part, is a is a post intervention do detailed map of mitigation for four skylarks, and there is, there is something being posted on, can't quite get the reference to it at the moment, talking about buffers, but buffers from vertical, vertical features, because skylarks have sensitivity to vertical features, and therefore there needs to be sufficient buffers. Now, if we can have greater detail on how skylark mitigation, in terms of what is jointly understood as being a The ideal or optimal conditions, then I'm sure that you know that we can move forward with that.

Speaker 1 34:53

Okay. Thank you. Does the applicant want to respond on those points?

Speaker 10 34:56

Yep. Robert Volta, on behalf of the applicant, confirms that. Yeah, we. Provide you with those plans. We have devised the mitigation for Skylark, considering vertical features. We appreciate that it's a lot clearer to see in plan form, and similar to what we did naturally in the buffers and IGR, we could do the same for Skylark for Doncaster. And we'll, yeah, we'll, we'll set up a meeting view following this, and we'll, we can hash all these details out.

Speaker 2 35:25

Okay,

Speaker 1 35:30

fine. Does anyone have any comments on the effects on Skylark or Night Jar before we move on to biodiversity net gain? I No, okay, fine. Okay, so in terms of biodiversity net gain, CDC have set out a significant number of comments on BNG, which is biodiversity net gain, and I note that the applicant has outlined an intention to update Appendix 712 on biodiversity net gain at deadline three. Firstly, I'd really like to get the parties to establish an agreed position on BNG, or at least a percentage range that I can refer to in the statements of common ground, so if there's.. I really need to get to the bottom of what the disputes are, if there are any, and if parties are willing to move their positions, I need to know what the. what the council's estimated percentage is. So, for example, the applicant might suggest 112% or whatever. What is the council is not, you disagree, but I need to know your view, then in terms of the percentages

Speaker 9 37:06

Martin Luther King CDC, our degree of disagreement. If I can sort of head straight to the what I would consider to be the, the, the most important issue on biodiversity net gain, and how, how we see it. The on this occasion, the Joint Authorities of South Yorkshire have come up with a document entitled Advice Note Post of development habitat creation and enhancement measures on solar farm sites for the purposes of biodiversity, and again, and I can make this available to the applicants, and, and yourself, so, and that is a position which identifies or stresses the fact that medium medium distinctiveness grasslands cannot really realistically be created under directly underneath panels, solar panels, and that there has to be a lower distinctiveness grassland which realistically reflects what can be achieved,

Speaker 1 38:28

and that's the main area of disagreement.

Speaker 9 38:31

I would say that's what, as far as I'm concerned, that would be perhaps the biggest area of disagreement. Yeah,

Speaker 1 38:37

okay, but I mean, perhaps it might be tricky for the council to come up with percentages and run all the data, but if that is the case, is it possible that the applicant can run that for me and provide me with the percentage were it to be low, and then I'd have a range of figures that I could refer to the councils versus the applicants in my report.

Speaker 10 39:07

Rob provide from behalf of the applicant. We confirm we've updated the B and G for deadline three, which we issue deadline three next week. We've taken on board all all Doncasters points on the grass and condition, and we've updated it based on their recommendations, we're still getting it's still in draft to be finalized this week, but we're still up, we're around 30% net gain, so we will be achieving over the minimum 10% and all the yellow points as well on footings, incorporating them into the metric, we've taken everything on board, we've updated it all, and we've addressed all comments received. So you're saying that you have, you've taken their position on the grassland. Okay, that's very useful. Okay, so does the does. City of Doncaster want to respond on that.

Speaker 9 40:05

Sorry, I didn't quite hear this. Would

Speaker 1 40:07

you like to respond? I think the applicant is saying that they have taken, they've, they've adjusted their BNG calculation to take into account what you've just stated in terms of the low distinctiveness as opposed to medium.

Speaker 9 40:26

Yeah, Martin about CDC. Thanks very much. And it's, it's well again, it's an indication of how you know how good collaborative working can achieve good results. I do find one aspect of the creation and management of solar solar farm grasslands difficult to come to terms with, in that, whilst an awful lot of, you know ecology and research and evidence based work can be put into putting together a biodiversity net gain post development proposal, there is, we then get faced with a comment about management, which says, "Oh, we'll, we'll graze it with sheep, and now, without wanting to be too flippant on this, you know, I've seen there are five or six solar farm schemes that are in operation that I have in on three of them have had some involvement with them, and on not one of those schemes I've seen over the last two years have I seen a sheep, a goat, or a lamb. So it's difficult to when I know that us ecologists are pulling an awful lot of effort and energy into making something happen, and making something happen. Well, the management of it sort of falls down on a sort of fairly blithe comment about all manner will graze it with sheep, you know, and if you put, if you put sheep on such a large area, we're talking at Tween Bridges, and well, we'll have an enormous impact in terms of local, local agriculture and livestock, so that's just that's more of a comment rather than a disagreement.

Speaker 1 42:43

Yep. Thank you. So useful that you mentioned management and maintenance, because I'd like to know from the applicant how, and I know it's out in the application documents, but if you could summarize how the net gain measures will be controlled, implemented, and managed for the operational lifetime. I mean, where in the DCO are the controls? What documents control that?

Speaker 3 43:16

Tom, at the moment of the applicant. Thank you, sir. I can answer your question. I just need to, yes, again, I sort of have a way for one day, but needs to come back. So, sir, the main control mechanism for this is requirement eight of the draft development consent order, which is the landscape and ecology management plan, and there are in particular comment eight, paragraph three, and that says that the I'll just wait for that to come up on screen, perhaps

Speaker 2 43:58

I Keep on

Speaker 3 44:34

That's just coming up on screen now, sir. So I might touch on requirement eight two. First of all, and then I'll talk about eight three, so requirement eight two provides that any written landscape and ecology management plan submitted to the council for approval must be substantially in accordance first with the outline landscape ecological management plan, so. That's the outline document that's before you, that sets out details of all the management principles that would be adopted in relation to any mitigation land. Then it would need to accord with the outline ecological construction management plan, and it would also need to comply with the landscape and visual mitigation strategies for all three of those documents are before you, and all three of them reflect the fact that we are adopting measures that ensure that a minimum of 10% BNG would be provided, and then requirement eight three A deal specifically with this question of how the minimum 10% would be observed, so it says the LEMP for a relevant phase must include details of a the extent to which the relevant phase contributes to ensuring that the authorized development overall achieves a minimum of 10% biodiversity net gain during its operational lifetime, and as I say, the length itself will then contain details of how all of the landscape and habitat mitigation proposals will be managed and monitored during the full 40 years of operation, with reporting mechanisms included within those documents, so we say that the pat that package of measures ensures that all of our BNG proposals are suitably secured by the order and become a legally binding commitment of the of the DTO if made.

Speaker 1 46:39

Okay. Thank you. Which brings me on to my next question, which relates to the change request. So, as far as I understand, as part of the recent changes to the application, the applicant has removed DCO powers from part of the mitigation area to the north of the order limits, so is that correct. Yeah, so however, it's my understanding that the applicant is still including this area of land for the purposes of biodiversity net gain. Is that correct? Yes. I'm just wondering how that firstly, why, and secondly, how would that be controlled and managed if there are no DCO powers, and if requirement eight is the effective controlling mechanism, if you like? If the DCO powers don't apply, then does that work in practice,

Speaker 3 47:44

Tom Adama, on behalf of the applicant? I'll deal with that point first. So, what we've said in the works plans, for example, in that area of the order limits, is that there's two things - maybe it will help, actually, to have the relevant works plan up on screen, so that I can illustrate the point.

Speaker 1 48:04

Not quite hear you.

Speaker 3 48:05

I beg pardon, so I'm not close enough to the microphone.

Speaker 1 48:07

So, if you want to say,

Speaker 3 48:09

I think we'll put the works plan up on the screen, because I think that's the best way for me to explain what's going on here. That's so, can you see on screen these sort of light green shaded area, so there's two things happening here, so you can see the hatched area, the gray hatched area is that's the special category lands, the so that's the common lands that previously do you remember there was a small sliver that encroached upon the SPA SAC and Triple SI, what we've, what we've done is to label that area and say it would not be subject to compulsory acquisition, temporary possession, or any works powers, and we're not relying on that particular area as part of the BNG proposals, that's not taken into account that small hatched area. What you then have, though, is the land immediately to the west of that, to the northern part of what is shown on the screen, there is work number three, that still forms part of work number three, which is habitat creation, and that ensures that that area we still have the powers we need to be able to lay that area out for BNG purposes, habitat mitigation, but what we're saying is that we wouldn't construct any other works within that location.

Speaker 1 49:36

Okay, so that the grayed out area is that the only area with common land that comprises common land.

Speaker 3 49:48

Yes, correct.

Speaker 1 49:49

And the work number three, green area is that within the SPA.

Speaker 3 49:54

No, it's so tomato off the applicant. No, sir. The the only bit that's within the SPA is the. Gray hatched area there with the label coming off it, that was the only location where there was a slight encroachment into the SBA, and we've tried to make it absolutely clear that there'd been no powers implemented in relation to that land at all.

Speaker 1 50:14

Okay, so where am I getting confused in terms of I think I've read somewhere in your change request, that although whilst the DCO powers won't apply, you're still counting the land in the biodiversity net gain metric,

Speaker 2 50:35

that's

Speaker 3 50:37

something to mind me off the applicant, that's correct, sir, but that applies to the other other part of the land that's subject to work number three, which is to the northern extent. I'm wondering whether there's another plan that we might be able to show you here, so maybe the maybe the land plans will will do this better, I Great, so if you could just zoom in on, so that actually just shows things slightly better, sir. I

think the it's the yellow land to the left that that is common land as well as the other area that we were just looking at, so you can see parcel two A there that that land is still subject to work number three. So that's the land that we're saying we're still going to rely on for BNG purposes, but we're not proposing to do any other works over that land, so that's the reason why. For example, we moved the route of the per visit path away from plot to A, plot to B is different, that's the land that's within the extent of the triple SI SAC and SBA, and we're saying that that's no part of our proposals, we're not relying on that for for BNG purposes, so that's the distinction there, sir.

Speaker 1 52:31

Okay, so there's no issue with controls, DCO powers to control implementation and maintenance of BNG

Speaker 3 52:44

come at the long half, the applicant knows, sir. So all of parcel two A will just be dealt with in the same way as any other land that forms part of our BNG proposals. We have the requisite powers to deliver that.

Speaker 1 52:55

Okay. Good. Thank you for clarifying. I so in terms of this change request, there would be a reduction in the mitigation area proposed for birds, is that correct? I

Speaker 10 53:25

Rob Provalter, on behalf of the applicant, confirm we're not including mitigate. This is labeled as mitigation area one one A on some plans. We're not relying on it as part of the non-breeding or breeding bird mitigation, and we've created a table showing all the areas we're providing this mitigation in the natural English table of common ground, and we're not counting this area as part of the mitigation. It's got a value of zero. It will still be there, functioning, and will be available for birds to use, but it's not actually part of our package,

Speaker 1 54:03

okay. So, but it previously was

Speaker 10 54:06

early in the process. It was following Constitutional Natural England, because it's also within 600 meters of wind turbines. We were not including it as part of the actual, it is there as labeled as Medication Area One, because it will help increase biodiversity. Some birds have still been recorded using it, but in terms of the package we're providing, it's not an integral part of that package, and there's some - we're not including the area and part of our area calculations.

Speaker 1 54:33

Okay, but what I'm getting at is prior to the change request, what was that included?

Speaker 10 54:40

No, it's same. Is there as an area that would help with biodiversity, but it's not part of the actual mitigation package,

Speaker 1 54:47

right? Okay, but it was mitigation area m1

Speaker 10 54:50

It's labeled as mitigation area one year,

Speaker 1 54:52
but it doesn't affect your

Speaker 7 54:54
no

Speaker 1 54:54
findings.

Speaker 2 54:55
No.

Speaker 1 54:56
Okay, I don't know if you could explain that in. Writing more concisely, because effectively I'll need to deal with that in the recommendation report. What the changes are, what the implications are. I know what the changes are, but it's a little bit of a gray area, and I'd be grateful if you could clarify. We

Speaker 3 55:20
can certainly do that. Tom and Mar on behalf of the applicant, we can do that, sir. What I should just say is that previously it was formally part of mitigation area m1 A, and as a result of the change request, it is no longer part of mitigation parcel m1 A. So the only benefit that we see to attach to it now is that it contributes in a small way towards our overall BNG package, but it's not relied upon as formal mitigation land for breeding and non-breeding birds, because it's now come out of mitigation parcel m1 A.

Speaker 1 55:58
Okay, and obviously I don't think Natural England commented on the change request, but presumably they're aware of the changes, and I don't know what their view is. Obviously, you can't speak on their behalf, but

Speaker 10 56:13
Robert, on behalf of the applicant, yeah, we meant we briefly discussed this with them in our meeting yesterday, and they, they're happy that they've got no comment on the change request.

Speaker 1 56:22
Okay, great. All right. Anyone else want to raise anything on that subject before we move on? Okay, think we'll plow on to item 4c which is cultural heritage, and here really all I really want is an update on the position of the Council on Archeology. Sorry, City of Doncaster Council. I just, just really want to nail down what the points of difference are between the applicant and the council. So, if I could first hear from City of Doncaster on archeology and what you are seeking pre decision and within requirements in terms of archeology, that'd be great.

Speaker 5 57:28
Thank you, Sarah. I'll Andrew Cosby for the city of Doncaster Council. I'll hand you over to Andrew Lyons.

Speaker 1 57:34
Okay, thank you.

Speaker 12 57:37

Andrew Lyons, South Yorkshire Archeology service for City of Doncaster Council. I think our general position is that the level of evaluation undertaken so far creates too much uncertainty, because it's a very large area with a minimal amount of work undertaken to characterize the archeology and the potential for unrecorded archeology to be found, so so we're really struggling to get a grip of what the risk and what that uncertainty is, so we proposed some things that there's while the examination has been progressing, some new guidance has been issued, which is trying to deal with this, and I wrote to the applicants suggesting they undertake a zoning plan, which is one method of trying to focus down where the major impacts from this scheme are going to be, and the zoning plan is essentially to look at the area and zone where the different impacts from the development will be and then match them against the potential archeological sensitivities to understand where the greatest impact can be, and then we can have a discussion about the nature of those impacts, how serious they might be, and what potential methods we might require to evaluate that risk, or whether we can safely put them post consent. So I wrote to the applicant at the beginning of May to suggest they undertake this, and I did receive a reply from them saying they had put a zoning plan into the outline archeological mitigation strategy. Now there are two points that arise from this. The first is that the zoning plan only contains information about. Potential impacts, it doesn't contain any information about the archeological sensitivity at all, and putting it within the outline mitigation strategy is relegating it to something to be dealt with post consent again, when this is really a tool for us to try and identify where the impacts are going to be pre determination.

Speaker 1 1:00:29

Okay, so perhaps the applicant would like to respond. So, in terms of the zoning plan, is it that a requirement to produce a zoning plan, or is there a draft, or even more detailed zoning plan provided.

Speaker 13 1:00:46

Jonathan Melwood to the applicant. Firstly, thank you to South Yorkshire Archeology Service for coming to us with that suggestion. Yes, I'll be honest, it dawned on me after we'd submitted it as a draft that I probably omitted some of the data we actually needed in there, so it was already within my mind to revise that following further conversations with stakeholders after this hearing. So I think that that's something that is sort of, we're on the same page there, Andy, in terms of inclusion within the OAMS. I think that probably stems from the fundamental disagreement that I perceive from outside of this, which is when this work would sit within the program. The key nub for me is not the scope of works to be agreed so much as the phasing. We are still very clear on the applicant side that we do not believe anything further is required predetermination, which is obviously somewhat at odds with the position of South Yorkshire Archeology Service on behalf of CDC,

Speaker 1 1:01:52

and you're saying no more assessment predetermination, we've got a contrary position, what actual harm. Well, this is more questions of South Yorkshire archeology. What harm would actually arise? I mean, does the applicant not have measures already that would, which would lead to the identification of any archeological features later on. Are post consent were consent granted? Aren't there measures to identify and record

Speaker 12 1:02:35

Andy Lyon, South Yorkshire Archeology Service, on behalf of CDC. There are general measures outlined at the moment, but there's no specifics about where they'll apply, and what we don't have yet is any detailed understanding of the significance of any heritage assets that may be uncovered, and whether those mitigation proposals are appropriate for the level of significance,

Speaker 13 1:03:11

and what is the applicant's response on that point. Our position.. Oh, sorry, sir. Jonathan Mold, on behalf of the applicant, our

Speaker 2 1:03:20

position is quite clear that we believe it's best

Speaker 1 1:03:23

served to stop any abortive works to push any trenching, particularly

Speaker 13 1:03:29

to post consent and post detail design, because that way we will have an absolute certainty on the areas of highest impact, such as cable routes, that's that's really the key reason behind our being quite so firm in our position regarding the works being done at that stage.

Speaker 1 1:03:50

Has consideration been given to trenching, influencing final design? That's post consent stage.

Speaker 13 1:04:00

Jonathan Millwood, on behalf of the applicant. Absolutely, sir. In the most extreme cases, we are proposing mitigation by preservation in situ, which would basically mean no ground disturbance. We've identified one in North Lincolnshire, because of the sensitivity of the remains there. We've, we've excluded any groundworks in that part of the slide.

Speaker 1 1:04:22

Okay. Okay, but in terms of the timing of any trenching, would it not make sense for that to happen prior to the final design? Well, perhaps not, because you need to know if there's scope for revisions to the design based on trenching? You're saying yes, because preservation in situ effectively means we'd have to revise the design, right?

Speaker 13 1:04:55

That's my understanding. So, I mean, I suspect there is less flexibility with regard to cable routes. Due to the arc of high voltage cables and things like that, but certainly with the solar arrays, which obviously amount to the greatest portion of the order limits, we have a very great degree of flexibility.

Speaker 1 1:05:13

Okay, and the South Yorkshire archeology have a response on on that, mr. Lyons.

Speaker 12 1:05:20

Yeah, I mean, so sorry, Andy lines South Yorkshire Archeology Service for CDC. I mean, as we've heard there, there is a degree of inflexibility in some of these routes, so you know, and as you said, we don't have the greatest degree of confidence in the work that's been undertaken so far, so this zoning plan, if it's completed with all the relevant information to date, would at least enable a conversation, and it might enable the applicants to demonstrate that there aren't as many issues still remaining, so it's about undertaking that work to give confidence in these results, because that level of information just doesn't exist at the moment.

Speaker 1 1:06:06

Okay, and the applicant alluded to data needing to be added. Does that mean you might be able to produce what Mr. Nynes is requesting?

Speaker 13 1:06:20

Thank you, sir. Jonathan Millwood, on behalf of the applicant, my ambition is to provide something in circulation just to the stakeholders rather than as a formal representation by the end of the week. We do have the data, it's a pure error on my part, sir. So I shall, I shall correct that forthwith, circulate it, and we'll make sure that that is available by deadline for formally,

Speaker 1 1:06:44

okay. So, so effectively I think there's an indication that there's some movement of the party's position, so some progress being made, potentially, but ultimately, as with the other disciplines, I would like both the council South Yorkshire's position on behalf of the councils and the applicant's position set out by deadline for set your position at where are you precisely what the areas of disagreement and in terms of requirements, what wording would South Yorkshire archeology require in terms of requirements? Is that something that you're happy with, Mr. Lines?

Speaker 12 1:07:38

Andy Lyon, South Yorkshire, I called you service. I think I requested a minor change to the DCO requirement, because at the moment it secures a written scheme of investigation for each separate phase as it's brought forward, and that the written scheme of investigation is just a method statement detailing how the archeological investigation is going to be undertaken, with so much of the evaluation work still required. The applicants are proposing to happen post consent. There is no document to be being secured by the DCO that actually details the results of those investigations and says what mitigation is happening where, so using the wording in the Fennec example that had their framework archeological mitigation strategy was to be approved as part of the DCO requirement, and I think the same should happen here,

Speaker 1 1:08:44

but there is already an archeological mitigation strategy, so able to give me your view on that at this stage. What would change within that, the

Speaker 12 1:08:57

Andy Lyon, South Yorkshire Archeology Service, the outline archeological mitigation strategy is a very general document at the moment that just lists a series of methods that could be applied to certain areas. There are no specifics saying in this area of the site we will apply this mitigation method, in this area, this mitigation method will apply.

Speaker 1 1:09:24

Okay, and what is the applicant's response on that point? Tom,

Speaker 3 1:09:30

at the moment, on behalf of the applicant, I think what we say there, sir, is that the written scheme of investigation will include that information, so if, if you look at paragraph 5.6 of the outline archeological mitigation strategy, it says each separate phase of archeological works will require a written scheme of investigation and methods, and or method statement outlining the scope of works, detailed methodology, methodology, and key personnel, so. I think what I'm hearing is that the information that is sought to be included will be included in that written scheme.

Speaker 1 1:10:11

Okay. Thank you. I don't have any other questions on cultural heritage. Does anyone else have anything they would like to add? No. Okay, so if we move on to other matters, I don't have any other matters to raise. Does anyone else have any other matters to raise before I move on to close the hearing? No. Wow. Okay. Well, in that case, we'll move on to agenda item six, which is the close of the hearing. The next hearing is tomorrow at 10am and that is issue specific. Hearing three, mr. Carr, I think we'll be discussing flood risk, so I don't know if you're available, but that's an opportunity to discuss flood risk and drainage tomorrow morning at 10am So, does anyone have anything to say before I close today's hearing? No. Okay. In that case, it is now 11 minutes past three, and the hearing is now closed. Thank you.