

Sequence 01

Thu, Nov 13, 2025 1:09PM • 1:06:19

00:06

Hello everyone. It's now 1150 and it's time to resume the issue specific hearing number three. So before we had our first morning break, we finished item three, and I would now like to take us through item four. So item four is land use, and the purpose of this item is to examine issues linked with land use and the effects of the proposed development on land use.

00:35

Similarly to other items, I have included a list of the key written submissions received up to this point that will inform a questioning. Are there any comments on the list that was provided in advance of today's meeting? Please raise your hands, adding the role more digitally. Please. Thank you.

01:00

I don't see any hands raised, so I assume that there are no comments on the list that was provided. And therefore I propose that in that case, and I start with my questions, and my first question will be for the applicant, and it will be to ask the applicant to provide

01:18

an introductory context

01:21

information.

01:23

Of es chapter 14, source and agricultural land that is a PP, 065,

01:29

particularly focusing on the methodology, the assessment of the effects, embedded mitigation proposed, and any residual effects, if any, have been identified. Thank you. Thank you,

01:41

sir, and that for the applicants. Applicant. So at this point, I'll introduce Mr. Duncan rose, who's an associate director and soil scientist at SLR consulting, and who is the author of chapter 14.

01:51

Mr. Wells,

01:55

thank you, sir, Duncan rose for the applicant.

01:59

The environment. Mental statement, chapter 14, soils, agricultural land, A, P, P, 065,

02:07

evaluates the effects of the proposed development on soils and agricultural land in the context of the order limits in the surrounding area. The

02:14

assessment considers the likely significant effects on the loss of agricultural land from production and damage, degradation and loss of soil resources during the construction, operation and decommissioning phases.

02:28

The assessment follows the IEMA 2022 guidance, a new perspective on land and soil and environmental impact assessment, which identifies three sensitive receptors, agricultural land soil resource in terms of soil loss and soil resource in terms of soil damage. The

02:48

proposed development comprises three main components, the solar array area totaling 529

02:55

hectares, the cable Route Corridor, totaling 183 hectares, and the bespoke access corridor totaling 45 hectares, most of this land is actively managed for arable farming, with limited woodland access tracks and hard standing. Proposed development will change the agricultural potential of the land over its operational lifespan. Permanent land take will have more of a direct permanent impact on agricultural potential, and this is associated with the following components. This is substation, construction, battery, energy storage system and its associated infrastructure, and the access roads and tracks.

03:34

These features will involve, saw stripping, sealing are considered permanent, in line with the im as definition in the guidance for the purpose of the assessment, they have been considered permanent loss as a worst case scenario. However, strip soils will be stored on site so the land can be restored after decommissioning back to agricultural use.

03:55

The baseline conditions for the site are discussed in Section 14.5,

04:01

for agricultural land classification, ALC paragraphs 14 point 5.2 to 14.5

04:09

point 12 are covering this.

04:13

The baseline data were derived from a combination of detailed field surveys based on a survey on a one point per hectare basis and public data publicly available data sets as well

04:26

for the solar array area. A detailed survey was undertaken. The results of this can be seen in the appendix, 14.2 ALC report 2023,

04:35

a PP 174

04:38

this found that the land was made up of 49.5%

04:43

sub grade three making up 261.43

04:46

hectares. Sub grade three a 44.6%

04:50

of the site making up 235.51

04:54

hectares. And grade two at 2.8% of the site making up 14.61 hectares.

05:00

And in total, this made up 47.4%

05:04

best and most versatile land. And that is defined as grade two, grade one, grade two and grade three a

05:12

the cable Route corridor.

05:14

This was assessed based using a desk based approach, using the provisional ALC data set

05:22

from this, the corridor is made up of 79.6%

05:26

grade two, covering 146.43

05:30

hectares, grade one,

05:34

15.4%

05:36

and grade three, 5%

05:40

for the assessment, this is assumed as a very high sensitivity

05:46

as a worst case scenario. If we were to indicate undertake detailed surveys, they would not increase the assessed impact significance.

05:57

Bespoke access corridor had a detailed survey carried out across the area. And this can be seen through appendix, 14.3 the ALC report be confined construction access track 2024,

06:09

a, pp 175,

06:12

this survey found that the land was 48.6%

06:17

sub grade three a make up 22.08 hectares. Grade Two at 36.6%

06:24

of the site making up 16.6 hectares and 13.6% of sub grade 3b making up 6.28 hectares.

06:36

So overall, most of the order limits qualifies as best and most versatile land

06:42

in assessed as being very high and high sensitivity following the IEMA 2022, guidance. This is detailed in the criteria. This are detailed within table 14.2,

06:55

of chapter 14, A, P, P, 065, in

07:02

terms of the soil resources, the baseline for the site I discussed three paragraphs, 14.513

07:09

to 14.525

07:12

there are three principal soil associations present across all three components, and these soil profile characteristics were confirmed during the detailed ALC surveys where they were undertaken. So the main associations were, were Beckles three and these are heavy clay loams to clay topsoils over clay subsoils. Ruskin turn, which are Sandy loams to sandy clay loams over Sandy loamy sand or sandy loam subsoils. And Wallacea, to which are silty clays, or clay topsoils over silty clay subsoils. The solar array area and access corridor are dominated by clay soils with areas of sandy loam soils associated with the Washington Association,

07:54

although not yet surveyed, the cable Route Corridor is likely to contain these soil associations as well as an additional fourth Association, Agni, which are deep, silty soils. And this is based on the publicly available mapped Soil Association data for that for that area,

08:11

overall, the soils show a medium sensitivity across all three components, and that's both to erosion and compaction. And this is following the receptor sensitivity criteria, which is set out in table 14.4 and 14.5

08:26

obvious chapter 14, AP, P 065,

08:33

the mitigation measures are discussed in Section 14.6 paragraphs 14, Six, six to 14, 611,

08:41

within this there is the avoidance of BMV land. This is considered during site selection process, the site selection Mr. Rose, sorry to interrupt you. Can I just clarify one point before we move into that specific area? So in chapter 14, source and agricultural land, A, P, P, 065,

09:02

I struggle to actually find how the applicant would refer to the table that is located

09:12

in pages 61, to 60. So before the additional mitigations, obviously the impacts that were assessed. Did you just refer to that table as 14.7 was it? No?

09:44

It's just a question of of it's just the title. I think it's just a typo, if you would like. It's a minor point, but I just wanted to be able to follow your reasoning, obviously. So I wanted to make sure that I was accompanying what you were saying with the correct table and correct information. So can I just confirm, is it I think you.

10:00

Said 14.7 but I was in depression, that was 14 point 14, point 14 table. Can you just confirm that for me, please?

10:10

Duncan rose for the applicant.

10:13

I believe there was an issue with the labeling of the table numbers, and I think you picked up on that. It's a minor issue, but I can follow where we are within your argument. Apologies. Mr. Rose, yeah. So in terms of the medium sensitivity that we applied to the SOAR resources, is that, is that what you're referring to, if I could ask the applicants to please share the documents, so that would be a PP 065, and if we can go into the PDF, I'm looking particularly at page 64 of 96 in the PDF, which is actually document page 61

10:54

it's just confirming the labeling that should be on that table.

11:00

Yes, 14.7 14.7 so that, that was table that you, that you just finished referring to.

11:22

So, yeah, for the applicant. This should be a straightforward question. Maybe just give me one second, just to double check. Because, as I understand it, the question is, I didn't mean to cause such a disruption, but, yeah, I think the relative panic that's ensued is because you've you've identified as a table that doesn't have a label, so it's just so and I right. I don't think that's the central point you're flagging here. I think you're just asking for clarification as to which table Mr. Rose is referring to Mr. Mac. So we will just give us one minute. Yeah,

12:33

apologies. I really do not, I really do not want to for us to take so much time in terms in terms of following this. But if you could just confirm, Mr. Rose, then, then you are now talking us through what actually comes after that table. So I assume that the table was the summary of the information that that was presented by the applicant before, and now you're actually talking us through. Additional mitigation was that the part of the document that you're going to talk us through. Now, can I just confirm that Duncan rose to the applicant? I was referring to tables 14.4 and 14.5 to detail the sensitivity of the receptor, to show that we That's why, how we came to a medium sensitivity. Okay. Lynn, now are you going on? Sam, being in if you'd like to continue. Then Mr. Rose with with your explanation.

13:23

Thank you.

13:27

Duncan rose to the applicant.

13:29

Mitigation measures are discussed in Section 14.6, paragraphs, 14, six, six to 14, 611,

13:37

avoidance of BMV land is considered during the site selection process. The site selection report found at appendix two of the planning statement, a PP 277

13:46

concluded that no more suitable alternative sites of the same provisional ALC grade or lower than that proposed site, than the proposed site, were identified to make use the available capacity at bickerfen substation.

14:00

ALC grade was also considered for infrastructure siting, the best and substation locations were chosen, chosen to avoid grade two land. This is detailed in table 3.4, of us. Chapter Three, alternatives and design of evolution, a PP 054,

14:18

embedded mitigation measures are secured through an outline soil management plan. Appendix 14.4,

14:24

rep 1013,

14:27

this sets out measures for soil handling, saw stripping, storage and reinstatement will be this will be developed into a detailed SMP pre construction, secured by requirement in the draft

14:39

ECAs, 008, the eight.

14:43

These measures and soil handling will be overseen by a soil scientist and agricultural liaison officer. And there is required Detailed Record keeping to be kept and monitoring. And these are these requirements are listed in Table three of of the osmp

14:59

appendix, 40.

15:00

Point four. Rep 1013,

15:06

also as part of mitigation measures, the construction environmental management plan the camp appendix 2.4 rep 2018,

15:16

includes pre entry assessment of the existing field drainage system and details measures to mitigate damage to that system.

15:25

The Kemp outlines the requirements for the protection diversion or replacement of field drains as necessary,

15:32

flood risk assessment. Appendix, 11.1, A, P, P, dash, 162, includes a drainage strategy for the entire site, provides measures to manage water flow and drainage impacts during operation.

15:44

These references to ensuring the field drainage is maintained is critical for these soils, as the soils will rely on that drainage system to maintain their soil quality.

15:59

Operational Land Management. Grazing has been considered between solar panels, but is not relied upon for the assessment. Therefore examining authority should not use this in the planning balance. The

16:16

Impact Assessment is covered for each of the proposed development components through sections 14.7 to 14.9

16:24

for the construction phase. The impacts on agricultural land within the solar array area we've assigned the sensitivity there is high due to the high level of BMV there, and the magnitude is also high due to less than 20 hectares of permanent land loss. Resulting effect is major and significant.

16:45

The cable Route Corridor, the sensitivity we've assigned is very high, as discussed earlier,

16:50

and the magnitude there is low. The permanent loss is of around three hectares of grade two, and that's land at the substation extension.

16:59

The resulting effect is major or moderate and is significant.

17:06

The bespoke access corridor, the sensitivity is high to very high, predominantly BMV land there, and the magnitude is low. There's 3.98 hectares of permanent land loss. The resulting effect is moderate and significant. The

17:22

soil resources, looking at loss and damage during the construction phase,

17:28

all areas have been assessed as a similar sensitivity, and they've all been grouped together. So the sensitivity there is being medium, the magnitude is low due to the embedded mitigation, and the resulting effect is minor and not significant. So those embedded measures will ensure careful saw handling and storage and limit erosion and compaction risks. There is no

17:52

there's no planned export of any source from from site, so they will not be lost

17:59

during the operational phase

18:02

agricultural land, the sensitivity there is high. This time, the magnitude is low. The is a temporary and reversible use, with the with the with the balance and the effects is minor, not significant.

18:17

But this assessment to avoid double counting the effects of the proposed development, the major adverse impact associated with the permanent land take by built infrastructure during construction phase is not reassessed for the operational phase, as the loss and or disturbance of soil has already been occurred at this point.

18:35

In terms of soil resource during the operational phase, there's no further soil disturbance. There's continued protection through the detailed SMB, and the resulting effect is minor and not significant.

18:48

During the decommissioning phase, impacts on agricultural land. Again, the sensitivity is high due to the BMV land, and the magnitude is low as the land we return to agricultural use, the resulting effect is minor and not significant. The soil resource, again, the sensitivity is is medium. The same stores are there and the magnitude is low, as with the construction phase, embedded mitigation will will be in place through the SMP, and the soils will be reinstated following best practice restoration. The effect is minor and not significant.

19:21

Assessment of cumulative effects are discussed in Section 14.12,

19:27

the intra project cumulative effects.

19:30

There are potential intra project effects relating to soils and agricultural land. Es, Chapter and Chapter Seven, ecology, AP 058, where the benefits of using the land for biodiversity, net gain purposes may be favored over the continued use of the solar array area for agricultural purposes. 529, hectares of high sensitive farmland is not available for agricultural production during the operational phase. However, there's a reversible loss, so a low impact, the effect the results.

20:00

Effect is moderate and significant, adverse as a worst case,

20:06

intercommunicative effects. The assessment carried out across Lincolnshire county council administrative area, and when considering the impacts of all considered developments, they are detailed within table 14.15, of chapter 14,

20:22

A, P, P, 065, the total agricultural land affected by those considered developments is 11,963

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hectares, which equates to 2% of the total agricultural land.

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The BMV land affected is around 4927

20:40

hectares, which makes up not point eight 2% of the total agricultural land, around 1.2% of the PMV lands in that area. Most developments are solar projects with temporary, reversible land take

20:54

and assuming there are soil protection measures in place, those and there's a restoration back to agriculture, the resulting community of effects is termed as moderate and significant.

21:09

That is the summary of of that chapter. Thank you. Mr. Rose, in your explanation just now, you referred several times to a concept that I think it's very important for us to clarify, because you will lead me to my next questions, which with the concept in the difference between land in soil resource. Could you

please explain that a little bit further in what differences are in how the applicant has taken that into consideration?

21:40

Duncan grows for the applicant the agricultural land is referring to the the

21:47

agricultural

21:49

production potential of of that of that land. So this is where we look at using the the ALC

21:56

grading to determine the sensitivity of that land.

22:01

Graze of the highest quality will have the ability to produce high yielding

22:08

crops,

22:09

moving down to lower sensitivities, where there's less

22:14

ability to grow different crops.

22:17

So that in terms of agricultural potential of the of the land

22:23

in terms of the soils. These are the actual soil resources that are present on site. So the different soil types that have been found either through the detailed soil surveys or through the death study of the of the map soil associations in the area,

22:39

okay, if I could explore that point a little bit further. So if we go back to your document in paragraph 14, point 1.2,

22:47

you actually highlight that in terms of I would believe and assume that that was sort of a quasi definition of sole resource, at least, interpretation of the applicant for the purposes of this document. And it refers to soil resource in terms of damage, degradation and loss of soil resource. So in light of what you have

just stepped out to us, could you please explain to the examining authority how issues to do with soil disturbance have been taken into consideration as part of your assessment.

23:26

I Are these? Are these issues taken into consideration? That would be the first question. Then, are those issues going to be taken into consideration as part of agricultural land or as part of soil resource?

23:41

Duncan rose through the applicant,

23:44

yes, they are. They are considered as part, as part of the assessment.

23:50

We we've highlighted that there are the soils have the potential to be damaged through improper handling, and the with the inclusion

23:59

of the outline soil management plan, will ensure that those soils are handled soils are handled correctly and there'll be no damage to the soil structure and loss through erosion.

24:11

And is that assessment reflected within agricultural land or within soil resources?

24:20

Duncan rose to the applicant that those are assessed through the impacts on the soil soil resources, but it will, in turn, have a resulting impact. If those soils aren't reinstated, then there would be agricultural land loss, I

24:36

understand, but but it is reflected within your quantifications of sole resource in the impact of the proposed development within soil resources. That is, that the case? Yes, that's correct. Thank you very much. In that case, then I would like to now, if we have Mr. Mountain online still,

24:56

please, Mr. Mountain,

24:59

yes.

25:00

Hello. Good morning, Mr. Mountain,

25:03

thank you for your participation today. I believe that you actually want to intervene on this specific point. You have confirmed that earlier today, would you like to now

25:17

state what your specific query and point is in relation to this item.

25:24

Yes. Matthew mountain for Icj Mountain farms, limited Icj, I'm focusing on four land use points at the bigger end of the scheme. Point one. First, a simple framing point, the key cable route difference you are being asked to consider lies almost entirely on Icj land

25:44

under the applicants option one, the cable corridor. It one runs broadly east west across our rectangular block for about 3.2 kilometers and two it does so at right angles to the north, south. Field layout and drainage pattern, with drains at every 21 yards that east west route severs up to 166

26:03

field drains, whereas our north south hybrid offer significantly reduces the number of drains that need to be cut and reinstated

26:13

on LC James evidence drawing on 30 years of cropping records and the agricultural land classification outcome for the nearby 200 acre AGR three solar site, which is already in the examination. The alternative alignment we have shown to the applicant sits predominantly on grade three agricultural land rather than higher grade land on the point just made by the applicants represent a representative. He's stating that the cable corridor is 79.6%

26:43

grade two and 15% grade one and 3% grade three, and that they claim that detailed surveys would not change the assessment. I don't believe this can be relied on, as shown by AGR threes, 96% grade three. A assessment across 200 acres. This is also shown in my d1 submissions, rec 1043,

27:05

exhibit three,

27:08

and also in the corridor itself in Exhibit five, which is

27:15

exhibit five, is in grade is for the for the soil desktop survey, saying it's grade one when it's actually grade three.

27:24

We are not asking the panel to reopen the applicant's entire agricultural land classification exercise across the whole scheme.

27:32

Our request is simply that for this relatively short but locally important section, that one the panel either accepts our grade three evidence as sufficiently reliable or two if the applicant wishes to maintain a different position any further agricultural land classification, work is targeted only on our sections, rather than opening up extensive new surveys elsewhere.

27:56

Point two on fragmentation minimization and alternatives as they relate to land use.

28:03

LC, JM, has consistently put Mr. Mountain,

28:07

Mr. Mountain. Apologies. Can I just

28:11

take this point now individually, because I have some further questions on this specific issue that I would like to introduce now and then, I'll come back to you on your weather points, if that's acceptable. Thank you. Thank you. Mr. Mountain.

28:27

I would in terms of Mr. Mountains

28:30

comments just now, I would like to say that in terms of the detailed

28:38

assessment of the percentage in the quality of the soil carried out by the applicant, which clearly Mr. Mountain disputes at the moment, I believe that that matter might be best dealt with through written representations, because I believe it's very detailed. However, what I would like to actually understand now is linked with Mr. Mountains,

29:05

earlier point in terms of

29:10

how the applicant has taken into consideration

29:15

the impact of disturbance on soil and the impact that the proposed development will have on soil that that the applicant is not counting as being lost and is counting as being usable for agriculture

29:34

uses as it stands now, in light of Mr. Mountains evidence that was submitted in into examination at

29:45

rep one, I would mean,

29:49

well give you the reference. It would be

29:54

mountain farms, limited post open floor, hearing one and issue specific hearing.

30:00

One submission that will be rep 1041

30:03

written representation that will be rep 1043

30:07

and also, then particularly, the statement

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submitted by Mr. Mountain in rep 2053

30:17

which actually demonstrates and

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provides the examining authority with persuasive evidence in terms of the impact of soil disturbance on agricultural and

30:32

also retention of water. So how have those issues been taken into consideration by the applicant as part of the overall effect of the proposal on agricultural land.

30:46

Thank you. Thank

31:10

Duncan rose for the applicant

31:13

as part of the embedded mitigation the outline soil management plan

31:19

will be developed into a detailed soil management plan pre construction. And this is stated within Chapter 14, soils and agricultural land, a P, P, 065, and secured by requirement

31:33

16. And this will be substantially in accordance with the osmp, that detailed soil management plan will be informed by, in

31:43

this case, the detailed survey of the of the cable Route corridor, and in

31:47

accordance with normal industry best practice, the detailed SMP will consider

31:53

soil characteristics as part of that part of a restoration target to ensure that that land is reinstated back to its back to its former quality that includes soil texture, soil structure, the horizon depth and stone content of the soils there.

32:11

Thank you. Mr. Rose for for that, I'm still not 100% clear how the implementation of the management plan will be an effective measure against this issue,

32:24

if,

32:27

if the damage to the soil is

32:31

irreversible or cannot be mitigated against.

32:37

So how, how confident are we that the management plan, as you have suggested, will be an effective mitigating strategy against this specific issue.

32:51

Duncan rose for the applicant.

32:53

The osmp includes

32:57

monitoring and

33:00

restoration, as I mentioned, restoration targets, and these are will be monitored by the principal contractor, a soil scientist and agricultural liaison officer, to ensure that key stages of soil handling are monitored. Thank you. Mr. Rose, however, if we get into the detail of Mr. Martin's representation, particularly as I have just highlighted,

33:20

the statement, rep 2053

33:24

and also the written representation. Rep 10543,

33:30

I believe that Mr. Martin has submitted persuasive evidence that demonstrates how another similar project has actually had a detrimental, in fact, effect on agricultural land and production, changing the structure of the soil.

33:51

In light of that, I do understand Mr. Martin's concerns in terms of how effective this management plan plan will be in terms of mitigating against that sort of effect. So can the applicant offer any further

34:08

assurance that the same type of effect will not be experienced in the land and how that can be secured,

34:22

such as before I bring back in, Mr. Rose to further explain the measures in the in the outline so management plan that we have proposed, I think it's fair to note that I think the experiences Mr. Mountain talks about, they're obviously from a different project to this one. I believe it's the Viking link scheme. And clearly what mitigation package they bring for and how they execute is out with our control. It's obviously regrettable if it had the effect it had, but it doesn't stand to reason that obviously the same effect would happen experienced in a certain but however, there is a precedent there within the locale that we need to take into consideration as part of the examination, absolutely. And I'll ask Mr. Rose to explain on why we're confident that the measures we bring forward a robot.

35:00

Austin will avoid those same effects. But I just think it's fair to note that precedent doesn't mean consequence, and in this particular instance, with that forwards, doesn't mean that we will have the same experience, and indeed we think we won't. But I'll let Mr. Rose elaborate on that for you now, sir, I'm aware of that. Mr. Mac Thank you.

35:18

Duncan rose for the applicant, so a key part of ensuring that the soils retain their their baseline structure and the baseline quality is to ensure they're handled and stored in a correct state. And this is covered in Section Five of the oomp appendix, 14.4, rep 1013,

35:37

which is the details of the stop conditions. These include the suitable weather and field conditions and a two stage methodology for a field assessment of soil plasticity and suitability for handling. The soil handling will not be able to continue if these tests aren't passed. And as I mentioned previously, there will be daily checks by undertaken by the principal contractor to ensure that these these conditions aren't these tests are passed before so handling can continue.

36:10

Any of the major soil handling operations will be witnessed and documented by the soil scientists and agricultural liaison officer to ensure that they are those measures are being followed

36:22

also. Thank you. Mr. Rose,

36:27

Mr. Mountain, can I believe that you had some further points that you would like to put forward? Can I come back to you on those extra points? Please?

36:37

Yes. Matthew mountain, for Icj Mountain farms, point two on fragmentation minimization and alternatives as they relate to land use, Icj has consistently put forward an alternative north, south route, which is already in the examination as the yellow dotted line in rep two, Dash 051, page 15, ex, d2, 11. For today, may I refer to that as the Icj hybrid route? Icj has, today, at deadline four, submitted a short 12 metric comparison table to help structure the like for like matrix you requested after the compulsory acquisition hearing that table simply compares option one with the Icj hybrid route.

37:21

The Icj hybrid route is not an arbitrary line on the plan. It was drawn to one run wholly within Icj and land blocks and fixed approximately 581 meters east of the Cardiff.

37:34

Two

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directly collects the 618 acres Icj offered to the project in August 2023 for solar generation and co located best infrastructure when beacon fence South fell away and three leaves only a short residual distance at the eastern end, which Icj has always said could be bridged by a narrow row of solar panels, so that the offered land functions as a single, continuous area suitable for development within our 1307

38:03

acre holding directly answering the applicant's earlier concern about non contiguous land being harder to develop. In other words, the lcj M hybrid route is the deliver. Is the deliverable expression of LC, JM, August 2023 offer. It is the alignment that actually collects the offered acres into a continuous area suitable for solar and best development, while still taking the cable efficiently to pick a fan. From a land use and soils perspective, the lcjm hybrid route also, one keeps the new corridor aligned with field edges, rather than cutting across the middle of the holding two avoids the 1.2 kilometer longitudinal construction and operation alongside LW, s4, 722, that option one creates and three follows the north, south drainage pattern, significantly reducing the number of field drains that need to be cut And reinstated compared with the 3.2 kilometer east west strip.

39:04

Yes. Thank you very much. Mr. Mountain. Thank you very much, Mr. Mountain.

39:08

Can I just take now this specific point and ask the applicant to comment on that, particularly in relation to

39:19

how the applicant has looked at different cabling alternatives, and how the desire to minimize the impact of the development on best and most versatile lands, the BMV land, has been taken into consideration as part of the decision to go with option one, which is the option that the applicant has preferred. I would like you understand, Mr. Mountain, that your question and your point goes to wider impacts. In addition to just land use, you also mentioned other environmental impacts, such, for example, the number of crossings through.

40:00

Courses. However, I would like to ask first of all, the applicant's thoughts in terms of the impact solely on land use. Thank you. Thank you, sir

40:14

and Matt for the applicant. Just just before I bring in my colleague, Mr. Cullo. So I did note Mr. Manson suggested he'd submitted some indicative information that could be used to inform the action that we took away from the CA hearing. In terms of the like for like comparison, it'd be very helpful to have sides of that, if that is, to inform the action that we're taking away. So to the extent he's submitted that he said, I'd be really grateful for earlier circulation. I can confirm that, Mr. Martin, would you be able to confirm

40:42

the submission of that information, and if you have the reference please,

40:48

submitted it a few hours ago. I don't have a reference number. Sorry,

40:54

you've just submitted it, so you've just submitted a few hours ago. Is that correct? Mr. Melton, yes.

41:01

Okay, in that case, I didn't I have not received any confirmation that that information has been published is probably going through our own internal systems. Therefore, obviously I would ask the applicant to comment without sight of that information, but obviously caveating that any response will be subject to that. And Mr. Mountain, please note that obviously the applicant will be enabled to comment based on that latest round of evidence due to it being submitted in the middle of our hearings process.

41:35

Thank you. Matthew mountain, for lcjm, yes, it's a deadline for submission

41:42

upon apologies, I didn't hear that last piece, Mr. Mountain,

41:46

I mentioned it's a deadline for submission.

41:49

Deadline for I believe, is

41:54

deadline four is scheduled for Friday, the 21st of November. And therefore, if you have made a deadline for submission.

42:04

I am afraid that that that is in advance of the deadline, and therefore we, we are not in a position to actually publish that immediately within that so I ask

42:17

Mr. Martin for you to to be aware of that fact, please. Thank you. Thank you, sir. Just Just to clarify, I think I appreciate the context within which Mr. Madison had submitted that. So it was in anticipation of deadline for an earlier submission. All I was asking is, to the extent that is before you given it will inform the exercise we're being asked to carry out advanced sight of it, if possible, we could inform, we could use that to inform the exercise that we're taking away. Would be very helpful. I appreciate it needs to go through your system, but if you could exactly, you could accept it as a deadline and publish that would be very helpful. Thank you, Mr. Mac.

42:51

I am afraid that my previous response and comments stand in terms of being a deadline for submission and without an opportunity, obviously, in the middle of the hearing for me to confirm when that is going

to be. I'm not in a position to confirm that at the moment, but I will try and confirm that to the applicant and Mr. Martin as soon as possible. Thank you. Thank you. So possibly actually, to approach from a different way. I think what was also useful to hear there is, I believe, Mr. Martin confirmed that the matrix and like for like table he was asking for was with respect to his north, south hybrid route, as he refers rather than as I think we discussed yesterday, potentially also an earlier alternative that had been present in some of his earlier submissions. So if the request is narrowed to the north, south hybrid routes without sight of the matrix table, that is still helpful for us to know, because it will inform the scope of the activity that we're presently considering, so that we're not delaying any of the work, so we don't need to have confirmation now. But if Mr. Mountain were able to confirm that that in itself, would be helpful. Mr. Mountain, can I ask you to please confirm if your preferred route that you are suggesting has actually changed from your previous submissions,

44:08

Mackie mountain for Icj Mountain farms,

44:11

it was in

44:14

a Previous submission,

44:18

which was rep 2051,

44:20

page 15, ex, d2, 11.

44:27

So in Back to the open. So if it helps, my that's very helpful, because that's what we understand to be the kind of latest route that Mr. Mountain has proposed. It's just that that itself had evolved from a previous one, which is the confusion that we had yesterday, which is whether it was both alternatives that were being considered, or if it was narrow to this latest one. Okay, in that case, then can I just ask the applicant to comment on that position then that I believe has been clarified? Please quickly. Thank you. Thank you. So yeah, my for the applicant, I'm grateful for that. That's helpful. So I'll just introduce my colleague, Mr.

45:00

Below to pick up on some of the wider, wider

45:03

points that were made there, beyond just the the matrix cable comparison. Thank you.

45:10

Thank you, sir Leon kueh, for the applicant, just generally relation to your question that you've raised as regards the consideration of BMV within the cable Route Corridor,

45:20

the planning statement, A, P, P, 257, and particularly, for example, the policy compliance table at the electronic page 300 of that explains how minimizing BNB, land use the key consideration the applications in the applicant site selection exercise and the preparation of the application, including for the cable Route Corridor, the applicant acknowledges the field specific soil survey information that Icj Mountain Farms has submitted in his previous representations. However, neither the 2024 survey, nor the Viking link post construction survey had been carried out at the time of the applicant site selection process. And in any event, for this process and the refinement of the cable Route Corridor, the applicant had to naturally evaluate a much broader area, and therefore had to use the provisional ALC information that had been obtained from Natural England, and which has been discussed by Mr. Rose. It's noted in passing that the decision letter on the mallard passed development consent order for that project. The Secretary of State there was content that the approach to site selection, drawing on existing mapping data was an appropriate approach there, and so the applicant considers that that gives support for the approach that's been taken here in narrowing down the cable Route Corridor based on that provisional mapping data.

46:35

We'd also note that the XA on the tilbridge solar DCO project, which was recently made, concluded that it would be appropriate there not to have detailed soil surveys pre consent for the cable Route corridor and for pre commencement soil surveys to be secured by way of requirement. And the Secretary of State did not disagree with that conclusion. And again, that accords with the approach which Mr. Rose has discussed, that the applicant is taking here we

47:00

don't consider anything in policy that requires applicants to use site specific surveys for cable Route Corridor refinement. And doing so in the present case, the applicants would have delayed the delivery of the scheme, which would be contrary to the urgent need for critical national priority infrastructure, which is expressed in national policy. Thank you for that answer, I accept what you have just highlighted, but in terms particularly of your last point, yes, I do accept that there is no requirement for you to consider that, however, there is a requirement for the applicant to look at different options and environmental impacts of those options and report back. And I think that it is even within that light that I would like this option to be considered.

47:47

Thank you, Mr. Mountain, are there any further points to make on this specific issue?

47:54

I'd like to disagree with the comment about the AGR three sites that agricultural land classification was in the public domain. It was done in 2021 and it was shared with low carbon when we were talking about our November 2021 solar and best land offer

48:12

that's noted. Thank you. Your disagreement. Is there any any other points that you would like to raise?
Mr. Mountain,

48:18

yes, I have some more points to say. Thank you

48:23

with apologies, sir.

48:26

Leon Kilis, the applicant, if we could just quickly come back on that brief comment, I would rather, or I'll recognize with Mr. Mountain now and then, I'll come back to the applicant, if I may. Mr. Mountain, over to you, please. Thank you.

48:39

Thank you. Matthew mountain for Icj Mountain farms. At yesterday's hearing, the panel explored with the applicant the rationale for taking a 600 megawatt import and export grid connection, but only building around 400 megawatts of solar generation, leaving roughly 200 megawatts of spare headroom at the battery. From Icj perspective, that spare headroom appears most logically to be there for one or both of the following additional generation or proximate final demands, such as behind the meter or private wire uses. We are not asking the panel to consent any solar development on Icj and land through this examination. However, we do respectfully point out that on the applicant's own environmental statement and works plan. There are assumptions of naught point three, two megawatts of solar generation per acre. Our 618 acre offer equates to roughly 198

49:30

megawatts of solar generation, almost exactly the 200 megawatts of other uses headroom that has been discussed so the Icj hybrid route and the August 2023 offer are not speculative add ons at the edge of the scheme. They are numerically, spatially and in en one and en three. Policy terms with

49:53

they align numerically, spatially and an EN one and en three policy policy terms with one the applicants.

50:00

Oversized battery and two grade three land already under LC James control in very close proximity to the point of connection. We recognize that our clarification of the Icj hybrid route is formally lodged at deadline four, and you are not determining matters today. Our request is simply that when the applicant produces the like for like matrix you have requested that one it uses the Icj hybrid route as the Icj comparator because that is the clearly defined alignment now relied on by Icj and shown wholly on Icj titles. And two that comparison is made using it at the very least, the 12 objective map based metrics set out in Icj and deadline four matrix table, which draws only on the existing environmental assessment mapping and book of reference, plus any targeted agricultural land classification you consider necessary on Icj land. In that context, Icj also notes that the applicants representatives

have asserted that lcjm alternatives would not have achieved the connection date element, but has not provided any underlying construction program, critical path or grid program to support that assertion. If the panel is minded to pursue that line, lcjm Would respectfully invite a targeted request under Rule 17, asking the applicant to one disclose the relevant program and critical path material relied upon for that claim and two set out in the same format, in the same light for like format, how option one performs against LC JM, August 2023 offer plus the LC JM hybrid cable route in program terms that would allow you to test a consistent evidential footing whether there is any genuine program impediment to using the lcjm hybrid route instead of option one on our land.

51:55

Point three, a very short point, a very short point about process. It has been mentioned on several occasions that the applicant does not have to consider LC James offers or routing suggestions. LC, JM does not suggest that the applicant is obliged to accept our configuration or to redesign the project around every idea put to them we accept. That is now not how the development consent order regime works. However, this project did not start from a blank map.

52:24

Point one, low carbon first approached lcjm in 2021

52:28

two. Lcjm then made two structured offers of land in 2021 and again in August 2023 when beacon Fen South fell away, together with a mapped alignment that is now on the record as the lcjm hybrid route, and three those offers sit almost entirely on grade three land and align with the applicant's own 200 megawatt headroom at the battery. From lcj ms point of view, the key issue is not whether the applicant likes our offer, but whether a credible, deliverable alternative has been properly and transparently assessed, one which, on the evidence, appears to be a better respect, appears to better respect existing field boundaries, drainage and local wildlife sites, and to use lower grade land at this end of the scheme is

53:18

there Mountain No? No, please discontinue if you have got the point. So our respectful request is that, rather than simply accept accepting the proposition that the applicant does not have to consider, LC James offers, the panel uses the light for like matrix and any targeted request under Rule 17 to test whether the applicant has, in fact, engaged with those alternatives in the way that the compulsory acquisition and the good design tests. Envisage my final point, point four, which considers cumulative land use and how this actually gets resolved on lcj ms plots. Lcjm already hosts the Viking link, high voltage interconnector through this part of the farm. We therefore experience beacon Fen not as a standalone scheme, but as an additional major power corridor layered onto the same block of land. For that reason, our focus has been on two things. Number one, getting the routing right at this end of the scheme. And two, making sure that any operational rights on LC James lands are time limited and no wider than necessary, so the land is not sterilized more than is required to operate and maintain the cable safely. To that end, lcjm has, after the compulsory acquisition, acquisition hearing, one tabled a voluntary leased rights package with the applicant that has been put forward through our agent, who is also part of the land interest group. So it has been calibrated in the context of how other land interests

on the scheme are being treated. Our aim is a proportionate program, neutral settlement, not to delay or frustrate delivery. So our closing asks under this land use agenda item, lcj and respectfully invites the panel to one.

55:00

To note that LC James deadline one representations, together with the AGR three agricultural land classification, classification survey our farm, involving 75 soil pits, show that the applicants desk based agricultural land classification for this area is materially inaccurate in key respects, a point we first raised with low carbon in 2021

55:23

we therefore ask that any further work on soils and best and most versatile land at this end of the scheme is tested against lcjm Farm specific evidence with any new detailed agricultural land classification survey limited to lcj ms land, if you consider it necessary to direct that the applicant's like for like matrix uses the lcjm hybrid route as the lcjm and comparator, and this is the alignment already on the examination record as our suggested alternative at the bigger fan end of the scheme that would allow you to see clearly whether option one truly minimizes land Take and fragmentation on our holding

56:01

three consider a targeted request under Rule 17, asking the applicant to one provide the construction program and critical path that sit behind their claim that our alternative would not achieve the connection date and two show, in simple side by side form, how the table for option one compares With the timetable for using our August 2023 offer, plus the lcjm hybrid route and four. Finally, please note when you come to our compulsory acquisition conclusions that lcjm has offered a voluntary time limited, least rights solution for our plots consistent with the national energy policy tests on good design and proportionality, such that compulsory powers are not necessary here if the applicant is prepared to take that path.

56:48

Thank you, sir.

56:51

Thank you, Mr. Mountain, for that before I ask the applicant to reply to some of the points that you have just highlighted to us. Mr. Martin, I would like to just pick up on some of the points that you have put forward in your representation. So first of all, I would just like to highlight that you have mentioned in your representation that rather than sibling simply accepting the applicant's approach in consideration of the options that we should actually scrutinize the tissue. I would just like to emphasize very clearly that that's exactly what we have been doing throughout this process, in writing, and it's several different other hearings, one of them dedicated specifically to alternatives and to the issues of the principle of purpose development, which cover those options. Secondly, I would also like to highlight the importance of us being aware of the deadlines and why the deadlines are set in the way that they are set. This is to allow us to actually review evidence and publish evidence in time, and make sure that we have the resources available in order to do that. Therefore, would urge all participants and all interested parties to actually make note of those deadlines. I do accept that the deadlines are the end of of a

deadline for submission, however they should be adhered to wherever possible. In addition to that, I note, I note your request in relation to a rule 17 and a matrix. I believe that I have already addressed that request in terms of the matrix, and I am willing to consider the request in terms of what information should be included in that matrix as part of your submission, which you have highlighted that was submitted to us yesterday. So when that is reviewed and published, I will consider that, and I will consider whatever work the applicant might need to do in order to address those concerns, if the xi thinks and believes that those concerns should be addressed, and I would ask the applicant to please reply to the other points raised by Mr. Mountain, thank you.

59:07

Thank you, sir. And like for the applicant. So that helpful to have those words. Thank you. I suppose there's also a degree of a point as to what the hearing is for today in terms in terms of land use, and at least some of those, I think, revisit some discussions we potentially had around the best and earlier topics, particularly around headroom. So I'll be led by you as to what, in addition, you would like to hear on those points today, but just to confirm some some narrow points, and maybe we can head off reasonably quickly so agreed in relation to the consideration for the matrix. And again, helpful to have clarification as to the focus of that on the hybrid route that was submitted to us at deadline two or three, two. So that's noted and that that's helping focus the the task that we'll consider, but appreciating you're also going to review the submission that was made and will inform us as to how you would like that to be carried out. So there was comments about the construction program, and I believe in so far as it relates.

1:00:00

The grid connection server helps those information on our construction program. Within chapter two, the proposed development, which is a P, P, Dash 053,

1:00:10

that's within table, 2.1 which has phasing information, and also from two point 14, which is E, page 26, onwards, there's also further information as to the proposed grid connection within the grid connection statement, which is a P, P, Dash 285, and that is in the opening sections to that document, particularly paragraph 4.1, point six. So insofar as that was a request for that information, that can be dealt with. So before we introduce Mr. Rose, in case he has any additional comment on the approach, I'll just pass back to my colleague, Mr. Kuo, just to provide some further contextual comments, please. Thank you. Mr. Mac, Mr. Rose,

1:00:51

I'm sorry. It's Leon Kuo for the applicant. Apologies. Mr. Q, just,

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yeah, just to pick up a few of the points from the comments there, from Mr. Mountain, in

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relation to the point on the surveys in my earlier comments, I don't think there's a point of disagreement. I was referring to the two other surveys that are in Mr. Mountain submissions, rather than the AGR

three survey. Acknowledge that the AGR three survey was of an earlier date, but the other two post date the refinement exercise,

1:01:22

just perhaps by way of further additional comment in relation to what those surveys showed and how those interact with the applicant's exercise, as regards BMV in the cable Route Corridor,

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you'll see, sir, from The cable Route Corridor appraisal document, a, PP, 079,

1:01:44

references the consideration of BMV across the different

1:01:48

options there, and concluded that, based on the preliminary mapping, there was essentially little distinction, if any, between the different options, because there was a high degree of BMV in that area, Generally for the different options.

1:02:01

I think what the detailed surveys that Mr. Mountain submitted into the examination shows is that actually in that area, the soil grade is perhaps lower than the preliminary mapping shows. And therefore what that demonstrates that the applicant's consideration of BMV in the cable Route Corridor might actually be conservative in what's based on the worst case scenario, is that what you're trying to say exactly, sir, exactly, sir, in that the direction of travel, based on those surveys, is actually, perhaps, that the soil grade is lower. So that's that's worth, worth making as a, just a general point of contextualization. It would be useful just for the applicant to put on record that it has been having extensive engagement with Mr. Mountain, acknowledging that the cable record or crosses through

1:02:45

and that he has concerns about, that we've had our detailed land and rights negotiation tracker. That's rep 2011, and Mr. Mountain has submitted his own records, the extensive engagement with the applicant, I think he details in his written rep, rep 1043,

1:03:02

over 65 hours of emails, calls and meetings, and that's just between 2023 and 2025

1:03:08

and there were discussions earlier than that in 2021 in relation to that original offer for land that Mr. Mountain referenced in his comments, and the applicant fully appreciates and understands the disappointment of Mr. Mountain and mountain farms that the applicant ultimately decided not to pursue a large area of his land on which to cite the solar PV panels and all the best. And it's just to reiterate so really that because that decision was taken and a site with selection elsewhere, doesn't call into question the appropriateness of the site and routing that was selected in the end. Thank you for for those comments. Yes

1:03:47

Is interventions and hearings where we

1:03:51

addressed the concerns that that Mr. Mountain has has put forward. I do I would like to see some further information in terms of the consideration, the environmental considerations and environmental impacts that led to the applicant to make that decision in that position. Obviously, as as I have highlighted previously, Mr. Martin has submitted very convincing information and evidence in terms of the impacts, which he has further explained today, and I would like that specific issue to be given proper consideration in light of that, but I do accept what you have just exposed to us in terms of best and most valuable land and the impact On land use. So I thank you,

1:04:42

Mr. Mountain, I believe that you raised your hand quickly. Is there anything else that you would like to say on this specific point?

1:04:51

Matthew mountain, for Icj Mountain farms. No apologies. That was a mistake. Thank you, Mr. Mountain. I.

1:05:10

Um, I am mindful that I did say that we would probably break for lunch at around one o'clock. I still have some substantive questions to make on this specific item, item four. So would anyone object if we take a slightly early lunch break? And actually, I would then propose that we perhaps a slightly earlier and shorter lunch break, and perhaps we would resume at, say, a quarter to two.

1:05:43

Will that be acceptable to everyone?

1:05:46

Can I ask if anyone would have a problem with that? To raise your hand, if that would cause an issue to anyone online, please, or in the room,

1:05:56

I don't see any hands raised. Then, in that case, considering just management of time, I would purpose that we do that, so I will adjourn this hearing now and we'll resume at a quarter to two. Thank you very much. You.