



Planning Inspectorate
Arolygiaeth Gynllunio

Hearing Transcript

Project:	EN010157 Peartree Hill Solar Farm
Hearing:	Compulsory Acquisition Hearing 2 (CAH2) – Part 2
Date:	10 December 2025

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FULL TRANSCRIPT (with timecode)

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Good afternoon. It's 155, and the hearings resumed. Um, so we're on the agenda item four. And so I'd just like to ask all the wise, limited and, um, the representatives of otherwise limited and other entities, um, if you would like to put forward your oral representations, please. Uh, thank you, sir. Mark Wesson, Lynn Smith, on behalf of Alvin Wise.

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May I just start by making it clear that Alvin Wise does not object to the principle of the proposed development. Indeed, it is supportive of this type of development. And as you know, sir, is a promoter of this form of development. Or interests in the order land are set out in the relevant representation from album wise, that's RR 054, pages 4 to 5, and that broadly falls into two categories.

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And the first, where there's no, um, objection in principle. And those relate to plots on sheet ten of the land plans and work plans. And sheet 17, where the objection arises relates to the um, change application that was made in September of this year and that relates to plot to A5 temporary possession and to a four and six seven in relation to new rights for access.

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And as we've explained, the position is there's an objection, uh, in principle, um, to, to a five and in principle to two, a four and six, seven in that the use of CA powers are not justified. But we have made it clear in relation to those two plots that we are prepared to enter into an agreement subject to its design and terms, essentially to manage the interaction between field house, solar farm, car farm, uh, solar farm, uh, and the proposed um development.

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The same is not the case in relation to plot two A5, albeit I do indicate that if an agreement can be found that utilises small parts of two A5 adjacent to plot to A4, and namely where there are no arrays or the substation proposed as part of the field House solar farm. Then clearly Alvin and I's will seek to act reasonably and can see a way that agreement could, um, be reached.

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So I make it abundantly clear that although we have an objection in principle to the change request on the basis of a lack of justification for the power sought, we are prepared to negotiate. We have been negotiating, but we haven't got to a position yet where our concerns have been resolved. We'll continue to talk to the applicant and seek to do that. But as you'll be acutely aware, time is running out in terms of the number of days left in this, uh, examination.

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And in order to come to an agreement, we do need to descend into a little bit of detail in order to understand and manage the interactions of the various schemes. So. So would you believe what I propose to do is just touch on a number of points that relate to the use of the CPE and temporary possession powers. And then hand over to Mr. Buchan to deal with access design. And then Mr. Scott to deal with safety.

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Um, in terms of health and safety, use it on the use of the access. So, so the first point I want to make is about the nature of the powers sought and the powers sought. Compulsory acquisition and temporary possession are draconian. They sanctioned the appropriation of property against the will of the landowner. Now we get very use in development, consent order, applications and examinations and to the use of the powers.

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But that should not that familiarity should not somehow overtake the nature of the powers that we're dealing with here. And I'd refer you to the press and Secretary of State for Wales Court of Appeal decision, which was about compulsory acquisition. Powers sought for some sewage works by Welsh Water. And there, in that case, the affected party offered an alternative and site, and the Court of Appeal laid down some principles and said first of all, the use of compulsory purchase powers um are only available when it's necessary and in the public interest.

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And you see that reflected in section one two, two of the Planning Acts in relation to um, the requirement for the land to be necessary to for the development or to facilitate it. And the compelling case uh to s. The Court of Appeal also said where the scales are evenly balanced either way for or against the compulsory purchase powers, the decision should come down against um, compulsory purchase and reasonable doubt on the matter.

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Um should be resolved in favour of the landowner. And finally, the onus of showing the justification, of course, lies with those seeking the compulsory acquisition, um, powers. And what the court said was the taking of a person's land against his will is a serious invasion of his property rights. Uh, the use of statutory authority for the destruction of these rights requires to be most carefully scrutinized.

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And that's all we seek here. So that's the nature of the powers, and I should say. Temporary possession powers are distinct from compulsory acquisition powers, but similarly require the applicant to show that the powers are required, i.e., they are necessary for the delivery of the scheme and that the interference with the private property rights is justified. So the net effect is the test that substantially similar.

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The second point I just want to touch on is the nature of the change application. And we say that the nature of it is instructive. First of all, it was made late in the process. We have an application here that was made in February of this year. On the basis of the new lane access, which, it should be noted, is substantially retained.

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And it was made on the basis that that access was acceptable and appropriate. And given that it's not being sought to be replaced in toto. That remains the applicant's position today. And but this change request was made in September, just three months before the schedule. Then the way of the examination it was due to complete in December originally. Secondly, the change itself, it's evolved materially during the August consultation on it, and an initial proposal was sent out in the letter of the 6th of August.

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It was amended on the 14th of August, essentially by expanding, um, the, uh, land take on the highway and also, um, adjusting what is now a plot to a four. But in neither of those, um, communications, was there reference to plot to A5 that was referred to in a letter on the 29th of August? Um, and that was only five days before the consultation period expired.

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So the change application was originally conceived without plot to A5, which tells you perhaps something about whether or not it is necessary. Thirdly, the change request was made with a flawed Understanding of the position on the ground. And I think in a document published yesterday in rep five, A031 on page five, the applicant has said now that it had understood that album wise had a flat, did not have a fixed layout for the field House solar farm and that there could be optimisation of its proposed site.

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Um, and so that was the basis on which the change application was conceived and brought to A5, um, included. But of course that's just wrong. You have the planning consent. It's appendix one A to our relevant RR, A5 four, and you'll see that it is a detailed running consent. Um, it was dated July 2022. And what it indicates is the applicant didn't look at the planning register for the land it proposed to take.

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And that's surprising because it's difficult to make a proper judgment as to the proportionality of interference with property rights. If you do not fully understand how the land could lawfully, um, be used.

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Fourthly, and this is a point we made in the summary of oral submissions following the last compulsory acquisition hearing. That's in rep 4086, and it's pages 13 to 15, paragraphs 31 to 36. And the point was that the EIA of the change nine was flawed. And you'll recall that's because the update to the transport assessment and says there was no baseline data for the track of the A 1035 and so assumed zero daily vehicles, where, of course, it's used for farm access for a considerable amount of land to the south, some 360 hectares, and is proposed to be used for the two solar farm schemes, as well as for the properties at field House and farm.

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So all in all, those strands rather indicate that the change request has not properly been, um, considered. So the third point, and it's an important one, is the basis for the change request on the applicant zone case doesn't come close to discharging the required tests. And it's instructive in this regard. See how the applicant articulates the justification and in rep 2149 at paragraph 9.1.3.

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And it said that to reduce the use of newline in the change application has some attraction, given that it's a narrow route with existing weight restrictions in force. I mean, that does not get remotely close to compelling case or to necessity. And indeed, it's not really reasonable to seek to acquire a compulsory land on that basis when it's so far from meeting

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the tests.

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Now, turning to the applicant's subsequent justification that was provided at C.H. CHA1, and is recorded um, in the, uh, summary of oral submissions and repeated in, uh, AP 5A031 on pages 6 to 7. Um, the applicant relies on a number of points, the first of which is it says that the change will allow the removal of 26,181m² of land identified for permanent acquisition from the order limits.

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Now, that's a reference to plots 212 and two uh, 14. Um, and what those plots provide is a corridor along a boundary between two agricultural, um, fields. Um, for the purpose of access.

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And because the corridor is along the boundary of two agricultural fields. Actually, when you look at it, there is minimal interference with the agricultural use of the land. So although there is a requirement there to permanently acquire because of the need to put down a track, actually the proposed use, uh, doesn't materially interfere with the agricultural interests.

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Um, and as a result, the concerns expressed by the landowners. Um, that's Mr. Sinckler in relation to 213 and Mr. Caley 214 and don't relate to impact on agricultural land use. Uh, they relate to, um, the use of new lane and the removal of hedgerows in the main.

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And more importantly, the point it looks only at one side of the scale. It doesn't look at the addition of over 42,000m², over which. Compulsory acquisitions or temporary possession powers is now sought. Under the change nine application. Um, and of course you have to look. At both sides of the ledger when looking at the comparative merits of what is being proposed.

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The second point the applicant relies on is the elimination of the interface with a tree. It's T38 one. It's a veteran tree which is along the boundary between the two agricultural fields. I think it's important to you. 14.

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However, the application was made in full knowledge of T38 one and it's dealt with in the agricultural Impact assessment. So its app 115, page 38 and paragraph 4.2.4, and where it explains that prior to works commencing, the route protection area for the tree will need to be fenced off and a no dig construction load, uh, spreading.

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Um, the road is laid using a 3D cellular confinement system, um, which will protect and minimise route impacts. So the application was made on the basis that T38 one could be appropriately retained and protected. Um, and if that hadn't been the conclusion, they could have easily sought delay access either to the north or south. But they didn't, because the mitigation proposed meant that there would be no material impacts on the veteran tree.

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So again, that can't justify, um, creative powers over other land. The third point they rely on is the reduction of the need for associated hedgerow vegetation clearance. Um, in the area of plots 213 and 214. And um, what is required there is the provision of an access track. Um, and so we're unclear as to why, any more than, say, 20m given an access track is about four and a half, uh, meters wide, would need to be removed from that point.

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But more importantly, no assessment has been made of the requisite hedgerow removal from the proposed new access track under the change application. So again, there's no comparative analysis. And so if you look, for example, um, at the alternative access plan we provided, which is uh, appendix four to our relevant ah 054, what you can see is if you trace down plot, um, to, uh, a four.

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And as it gets to the southern edge of the field house solar farm, it turns sort of 90 degrees to the south east. And at that point on the aerial, you'll see there is a hedgerow. We think it's about 40m long. And that hedgerow would need to be removed. So you've got to look at both sides of the ledger and of course the removal of hedgerows or avoidance of removal of hedgerows.

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And even if there wasn't, um, additional hedgerow removal caused by the change application wouldn't justify the use of, um, draconian powers.

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The fourth point is the applicant says the reduction in the use of Merlin during construction um, by approximately 25% for land, air traffic accessing area E and 50 for area D is a benefit. But of course, that route was thought to be fine when the application was made and the route will remain part of the application, and that was not a casual Conclusion.

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It was the result of detailed work in the Transport Assessment and Environmental Statement and AP 050, which is chapter 14 of the US Transport and Access. Pages 90 to 91 has table 1434, which is the

assessment summary. And it says the predicted residual effects on Meulan are all minor adverse and not significant.

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And that assessment is repeated in the September version of the Transport and Assessment Report to zero 60. So on the applicant's own analysis, the use of the proposed access does not materially change the predicted effects on new learning, and those effects were in any event acceptable for a prior to the proposed changed again. That is in our submission, not a sound basis on which to suggest the legal tests for CA are met.

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And then the fifth and last point is it said that the use of the access route directly off the 1035 would provide additional resilience in the context of incidents or closures on New Lane. And that's overstated because, of course, Mill Lane is still retained and relied upon exclusively for the construction and access to substantial areas of the proposed development. But again, that resilience wasn't thought necessary from the off and in itself wouldn't justify, um, CA bars.

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So the long and short of it is, all these points amount to what the applicant states. Rep

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35831. Sorry. Page four. As an improvement, the applicant considers that the use of this alternative access would represent an improvement. But again, improvement is not sufficient to meet the tests. So that's the applicant's own case. Can I then the fourth heading is just come to plot two A5 and just say in terms and we've touched on this in submissions, I'll be really brief.

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Um, it's unsustainable in terms of seeking TB powers. Um, we've addressed this in rep for A006 at pages 2 to 6, but the short point is the case that we made out because what is required is an access track 4.5m wide. What is taken is a plot of up to 136m wide. The plot as a whole is significant. It's some 14,500m², or 3.6 acres, and we haven't been provided with justification for the extent of that land taken.

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And that also means that the applicant doesn't know what it's going to do with all of the land over which it seeks powers, and that's another policy requirement. And the consequences are potentially severe. And again, they're set out in the written representations. And as previously identified, the plot to A5 forms an integral part of the field House solar and farm scheme, including, importantly, its substation and ability to connect and deliver the energy it generates.

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Um, the connection date is September 2027, which means we need to seek completion by that date. And so album wise is seeking to continue to implement um in order to meet that date, which would be materially imperilled, um, if this change proposal is confirmed. And although it said requirements 16 addresses the situation.

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And so we'll look at the detail of that under the DCO heading um tomorrow. Um, but it doesn't provide certainty as to whether or not, um, field House Solar farm could meet the September 27th, uh, date. And we set out the stage. Um, the project's I have explained that it's been implemented. It's being marketed now for investment. Um, in order to meet the connection date and the impact on the progress of that.

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It is material. It has been going well to date, and we've said we had 11 expressions of interest in August. We've got three bidders, um, now by the end of September and looking to identify a preferred bidder shortly. Um, but as we set out in rep for A006 page five, um, the commercial director of the investment advisory firm has set out the impact on those negotiations. And I won't read that quote to you.

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You have it, um, in writing. Now, it's no part of government policy to allow for larger schemes to cannibalize smaller schemes. Um, on the contrary, all the policy support that the applicant pleads in support of its scheme. Supports the field house, solar farm and indeed national policy requires development to be planned to properly coexist as part of good design.

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And that's the aim. You can see that in N3, paragraph 2.5.2. And we do say that at the moment, this change proposal at least is a failure against that requirement. And any potential damage to another solar farm is a substantial public interest consideration, which weighs heavily against the powers sought. Now, the applicant has been reluctant to descend into detail at this stage, saying that detailed design will follow, as it often does in schemes of this nature.

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But there's a particular issue with this change. Um, proposal, and in the context of showing needing to show that the land is required and indeed showing that requirement 16 is a reasonable requirement for the Secretary of State to impose, there is a necessity to descend in some detail. As you will be aware, requirements 16 says. Amongst other things, the undertaker must, unless otherwise agreed with, otherwise ensure the route of a relevant access to and from the authorised development doesn't require the removal of any above ground constructed infrastructure constructed pursuant to the field House solar fund and planning permission.

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And I just asked you in your own time to look at the alternative access plan. That's appendix four to RR 54.

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And because it's incumbent on the applicant to explain how that might be achieved anywhere in plot A5 other than adjacent to, um, plot uh, to a four because uh, other than adjacent to two A4, you're looking at arrays and the substation. Um, and as such and if it's. Well, if it's been suggested that one could find a route through, um, between the arrays and the substation, for example, um, that isn't

appropriate because it's our understanding that the applicant would need to dig in order to put in an access track.

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And of course, as you know, so having dealt with this form of schemes and this application, and the arrays are connected firstly to inverters and then to the substation using underground cables. So if A there's no point protecting above ground infrastructure in the form of arrays, if you go along near them and take out their connection to the inverters and or the substation, it is effectively making them redundant.

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So we do not see how it is possible to comply with requirements. 16. Um and um

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use anything of plot A two, a five other than those parts, you know, that are an adjunct to effectively plot to a four. So in summary, in terms of consequences, it's causing investment uncertainty. And as you will appreciate, as investors do not like uncertainty. And unfortunately, we face that at the moment and that imperils the 2027 date.

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It may also devalue the investment. There will be some costs associated with um, coordinating um between the various um projects. Um, and and as I said, there's a risk to the program. So that's the fifth point. The sixth point is that the land take in port six seven is also not properly justified. We said this in our relevant A5 for page 18.

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Um, but as we understand it, the tracks will be for 4.5m wide. But the corridor that's proposed to be taken is 20m wide, and we think that results in about 2.7 acres of farmland being occupied with a right over it and that wouldn't otherwise need to be. The seventh point and final point before I turn to, uh, Mister Buckhorn. Is that the compulsory acquisition case can't be made out where there are reasonable alternatives.

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And that's because if there's a reasonable alternative and it goes back to the press case I mentioned earlier on, then it's difficult to show a compelling case in the public interest. Now there are alternatives here. First, if we look just at plot to A5, um, plot two A4 is an alternative. Um, but there are also secondly, alternatives to plot to A4. Um, firstly Muir Lane, which is part of the original proposals.

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And then secondly, as we've said in our relevant rep, A5 for pages 11 to 12, in appendix four, there is also the access route along the Dogger Bank, buried cables. Um, and that's not been investigated to any degree that we can see by the applicant. And there are two cables circuits in that zone. And um, in order to lay those two cables circuits, they would have been a haul road down the centre of them.

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The two points that were raised in yesterday's document. Rep 5A031 at page 31 against that is, first of all, the applicant says it would disturb undeveloped land with potential impacts on ecological receptors, but it's just been subject to consent for the laying of the cables and then built out as cable runs and and the necessary temporary haul road to install them. And the second point is there would be continued interface with the various solar schemes.

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And that is true. But it's less constraint for the majority of the access and avoids plot to A5 in its entirety. And so it doesn't damage field House Solar Farm in the same way. And we just say that the fact that there are alternatives weighs heavily against the making of the change. Nine provisions. And with that, I'm going to ask Mr. Buchan, who's, as I mentioned earlier, transport consultant at Pel Friesland.

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And just to deal with the issues he's identified with regards to the proposed new access, firstly, secondly, to comment on the acceptability of the new lane as an access as originally proposed. And thirdly, comment on the fact that East Riding are content with the proposed changes, which is the point that the applicant, um, points out. Um, and then when Mr. Buchan's made his point to Mr.

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Scott to briefly explain the extent to which he has safety concerns with the use of the proposed new access, and then so you'll be pleased to hear that is broadly what we propose to say. So may I just hand over to Mr. Buchan?

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Thank you sir. Gordon Buchan, on behalf of album wise

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general.

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Points, I'd like to make sir relate initially with the site access junction onto the A 135. The inability for the access junction to accommodate the combined construction traffic and currently with HGV traffic unable to pass each other without the aid of a batsman. On a 50 mile an hour speed limit road, I believe, is suboptimal in terms of its operation and will create the potential for significant road safety concerns, and it would appear that there have been little effort made to design out some of those attended.

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Road safety risks. The junction layout and the junction itself is used by a number of different road users. Not just construction traffic, it is used by residential agricultural traffic as well as the various construction traffic associated with both the service schemes.

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The proposed mitigation of a booking type system proposed by the applicant, assisted by multiple bandsmen, does not really take into account the practical issues that will undoubtedly arise on site.

These will include two different sets of contractors with competing priorities, different schedules, access requirements, a whole range of issues there. But the theoretical proposals that have been presented on paper, um, don't really consider there's no real consideration of what will actually practically happen on site when everything comes together.

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The use of marksman as a mitigation measure. I believe the law is a failure of design and proper risk mitigation, uh, where the two schemes have to share the current access junction,

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the in addition to one and possibly two banks at the public road junction, the applicant is also proposing one at the further passing places, resulting in potentially up to further five banks. And Um, there's little detail on how this would work. Presented within the construction traffic management plan. Um, before you, sir. Um, if the applicant's access is founded on the use of multiple banks, then. Then this information really needs to be detailed at this early stage, given the sensitivities of this area and the latest version of the outline construction traffic management plan, which is ready 5-071 it really fails to provide any detail or meaningful, uh, information to help reassure, uh, my client, uh, on the operation of this junction.

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The applicant really should be providing further detail within the outline construction traffic management plan to ensure that any commitments they are made or making just now can be legally relied upon and delivered within the DCL was the CMP, the finalized version of that being a requirement of the DCL, and therefore any commitments made in that time required to be delivered.

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There's no detail provided within the construction traffic management measures of how different projects, construction traffic will be differentiated between um and how the bank is going to know which vehicle is for which scheme. This will undoubtedly lead to a delay and confusion in what is a constrained area coming straight off the 50 mile an hour speed limit road, and potentially causing tailbacks into that public road and placing the banks in an even more dangerous position? Uh, there.

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It is also worth noting, I think so, to recognize that the banks can only guide and they have no powers to stop or called traffic. The constrained nature of the junction, um, results in sharp turns being made into the junction. There's also no signage proposals presented. Uh, again, this lack of information could lead to confusion where traffic should go for either project and again leading for the potential for delays resulting in tailbacks onto the public road.

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The applicant has also not really committed to wear and tear agreement for alluvial access tracks and water crossings. Now in their most recent um, production, um, which, uh, they have said that the wear and tear elements are included in the, uh, CMP. That's ref 5071 uh section 6.3. However, the relevant text from that says and I quote Therefore, the survey area will encompass the sections of Carling um brackets, Arnold curling brackets, Long Ruston, Meaux Road, Moline Blacktop Lane and Arnold Lane West.

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There is no commitment to include my clients infrastructure, their access tract or access junction, which are critical to the operation, the safe and efficient operation of their agricultural interests, and also critical for the access, not just for the phone, but for the residents that live in this area. Um, and we note that, you know, despite, uh, comments to the contrary, um, the commitment there does not include, um, the, uh, the protections required.

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We're also quite concerned, sir, that the applicant has not undertaken any reviews of the existing water cross crossings, uh, within the wider urbanized. Otherwise. Sorry. Um. Access track network. Um, that's also within their response to written representations, which is rep five, A-031 paragraph 1.1, 1.1.32 on page 77.

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So the applicant can guarantee that there's no remedial works are required because they haven't undertaken assessment, they haven't undertaken any of that review information. And the lack of that detail casts doubt on the ability for any temporary works, uh, being able to be accommodated within the DCO limits and the ability of advisors, agricultural traffic, being able to maintain access to their wider land building.

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Is also worth noting. So if I could maybe draw your attention to page 101 of the response to written representatives, that's rep 5A-031. When you align some of the drawings there with the boundary of the DCO, um, the limits, it also appears some of the works stray outside the the extent of the DCO area there, which would suggest that that drawing cannot be relied upon. All those works, um, delivered within the limits of the DCO and that the applicant should reconsider this this area here,

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as has been mentioned earlier, um, the no lane access options does not affect album licence traffic. And as such, you know, my client has no objection to that access option and believes it to be a superior option to this late change request. In terms of the, um, mitigation, there are a number of simple options that the applicant has overlooked to avoid some of the road safety concerns that are being raised today.

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And foremost of those is to ensure that the construction periods did not coincide, and ensuring that the proposed development does not commence deliveries on the access Track network until the Consented Field House scheme is complete. This would remove a number of our safety concerns.

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In addition, there are a number of documents that the applicant has in front of you. For example, the Transport Assessment Report 425, which includes those of what we believe to be out of date. Her plans on pages 2412244255258.

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Um.

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Which shows that there's some still perhaps some confusion on what is before you. So

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we are concerned that the proposals, um, have been rushed. They haven't taken the ability to design out some of the inherent risks which we believe are there. And whilst the local authority has said it is generally supportive, it has not seen the detailed um proposals because, as the applicant has said, a lot of the detail is yet to be provided. There is no road safety audit provided. There are a number of other detailed elements that are still to be provided.

00:44:06:27 - 00:44:26:13

The lack of this detail, so um, shows that there are a number of concerns still, um, relevant to this application. Uh, and, um, my colleague, Mr. Scott will now take you to some of those safety matters that he has, um, picked up in his review. Thank you.

00:44:31:00 - 00:44:32:17

Uh, thank you, sir. Um, Pete.

00:44:32:19 - 00:45:16:02

Scott, on behalf of all wise, um, Just personally, I just get a bit of background. I've worked in construction my whole life and I'm over four years experience in construction, 25 years of that as a safety advisor, uh, consultant, and acting on a consultant basis for Urban Wise. Um, I'm the background. I was asked to give my opinion on the proposal to use the existing access has previously discussed, and my focus has been on advising on how the, uh, potential proposal may affect.

00:45:16:04 - 00:45:19:18

I've taken as far as possible, a

00:45:21:06 - 00:45:36:03

separate view, as if I were being asked by any client on my views on it. Um, my review mainly focuses on documents. Rep 5036 and re Three P5 071.

00:45:37:26 - 00:46:32:15

Um, I took an opportunity to study accidents related to vehicles operating on construction sites. And the main area of the potential risk for accidents is always at the site access. And from that moving forward that, um, my review focused heavily on that area. Um, excuse me. Uh, current legislation and associated guidance, uh, relate to vehicles with reviewed um movement on site was clearly focuses on the aim of reducing the number of uh should sorry uh aim on reducing the number of vehicles that are entering and leaving the site and aiming to segregate vehicle to vehicle and, uh, vehicles, vehicle and vehicle to people into place.

00:46:33:05 - 00:47:07:27

Um, all of this is related specifically to health and safety guidance documents. One through six. It's a guide to transport safety. HSG Health and Safety Guidance 144 which is safe use of vehicles on

construction sites and guidance. Lea 53 which is directly related to CD construction design and management regulations. Um, and that's focusing on health and safety on construction sites.

00:47:08:24 - 00:47:51:07

I know although there has been a swept path survey, I actually question whether the current site access is adequate. And the reason for this, I have actually been to site myself and know the access, and have used the access myself to allow the vehicles entering and leaving the site at the same time. Um, I have had Mhm. Big, uh, a lot of dealings with, um, managing transport, um, plans for large projects in London, including, um, some, uh, very large well known projects and the, and the focus has always been wherever possible to avoid these types of interface.

00:47:51:18 - 00:48:26:15

The reason I question the vehicles entering and leaving is the need. Although the proposal has been put forward for the left in, left out, um option or um rule that there is a very tight, sharp, uh, quite um, sharp turn. And this highlights comparing against previous accidents, the risk of, um, the, uh, interface between vehicles and peoples.

00:48:27:24 - 00:48:34:00

If if I were to be asked what my thoughts on.

00:48:37:24 - 00:49:09:15

The grounds that it had been agreed it would be needed to be used for both of projects, I would absolutely say there needs to be some major improvements. Uh, from the outset, um, I was unable to ascertain whether the potential risk had been considered about delaying vehicles that were delaying coming onto site, which would in turn caused delays and vehicles resulting in the vehicles queuing on the highway.

00:49:09:20 - 00:49:43:06

That is a major concern because if there were no other vehicles on the highway and they were only lorries, one could argue that the drivers would understand the need for queuing. But unfortunately members of the public are not so Well-informed, should we say? And there has been several, um, accidents where members of the public have attempted to pass these queues of vehicles. So I question whether that's being considered fully.

00:49:44:19 - 00:50:16:06

Obviously, that in turn presents risk to other road users. And this is especially an issue during times of poor visibility during the winter months or bad weather. Even though this this issue may be actually on the highway as if it were a, it would result in a highway incident direct. Because it is in relation to the project itself. There would be some liability for the principal contractor.

00:50:16:08 - 00:50:50:25

And in respect of this, my client, um, representation. Uh, I understand, that has been recognized. There is a potential of potential potential of another axis of mule line, and that in itself being recognized as in itself, would be a potentially a safer option than sharing site access that is simply almost within my profession, a common sense approach.

00:50:51:09 - 00:51:17:19

Uh, but I question why this, um, option hasn't been pursued further, especially if utilizing the separate access could potentially reduce the level of risk. Ultimately, uh, as previously stated it, the whole focus in any of these situations should be about reducing risk so far as is reasonably practicable.

00:51:21:19 - 00:51:29:21

I'm not absolutely convinced. That really has been the focus in this case. Thank you.

00:51:31:03 - 00:52:04:14

So sir, thank you sir. So that really is what we wanted to say under agenda item uh, for um, by way of summary. Um, we're we started off by saying we are prepared to, um, negotiate with the applicant. That remains the case. But at the moment, we are not, um, close enough to a, uh, commercial deal.

00:52:04:16 - 00:52:26:21

And whether or not we get to that commercial deal. It remains the case that the applicant has failed to provide sufficient justification for the compulsory acquisition and TPI power sought for the reasons. we've set out. So thank you for that opportunity, sir.

00:52:29:18 - 00:52:35:19

Okay. Thank you very much for that. Um, I think before I ask the applicant if they have.

00:52:35:21 - 00:52:36:11

A response, I.

00:52:36:13 - 00:53:10:03

Have just a couple of questions for all the wise. First of all, um, maybe just Mr. Scott's first picking up on something. We talked about vehicles entering. Well, yeah. So when the exit is left and when they enter, it's left. So it's basically no crossing over the A 135. But you mentioned about vehicles entering and exiting at the same time and how that would be dangerous.

00:53:10:05 - 00:53:49:24

My understanding is the applicant is proposing, but that wouldn't happen. And that's through the use of, They banked people so there would not be a circumstance, I don't think, where vehicles would enter that at the same time. Am I correct and I, I can only speak from experience, and I totally respect the, um, the applicant's statement about, um, the use of banks, people, banks and traffic marshals, I think probably would be technically the more preferred term in this case.

00:53:50:22 - 00:54:25:16

In in my honest opinion, and from my experience, best will in the world. Um, it just it just would never happen. Um, you are talking about a perfect scenario where the lorry planned to turn up at 10:00, turns up at 10:00, not five past. And the lorry that's due to leave at five past is there at 10:00. So it's it's an option. But leaning heavily on using traffic marshals, banks, people.

00:54:25:18 - 00:55:00:23

Whatever term we use is not, in all honesty, a a perfect option. Banks and traffic marshals should be used as an addition to a control measure to rely heavily on people or, or banks and traffic marshals is

uh, I, I it's not something I would advise. I would advise the use of traffic marshals or banks people, but I wouldn't rely on them being the ones ultimately controlling the potential situation.

00:55:00:25 - 00:55:38:12

It takes very little, very little. And unfortunately, I've been involved in investigations, uh, the slightest distraction of one of the the banks and traffic marshals during an event, uh, during a lorries coming in and off. Lorry driver who's anxious to get off and doesn't want to hang around while the other lorry comes on. Unfortunately, that's a fact of life that that happens. So, um, I have to say, to say they would, to say you can prevent the likelihood of vehicles colliding by the use of traffic master sanctions.

00:55:38:14 - 00:55:45:24

I'm sorry. With all due respect, I don't accept that. Okay. Thanks, fellas. I'll just ask the applicant.

00:55:45:26 - 00:55:48:19

Is my understanding of that correct that you envisage.

00:55:49:09 - 00:55:51:27

There would not be traffic, uh, HGV.

00:55:51:29 - 00:55:55:29

Passing each other at the access because one would be held back while the other entered, etc..

00:55:57:14 - 00:56:04:23

And he said, uh, Mr. Ramesh, for the applicant, I'm going to ask Mr., uh, Kallum Gill to answer your question.

00:56:05:27 - 00:56:07:02

Uh, um.

00:56:07:12 - 00:56:09:21

Alan Goldberg, on behalf of the applicant.

00:56:10:02 - 00:56:12:09

Um, that is um, certainly.

00:56:12:11 - 00:56:12:26

A.

00:56:12:28 - 00:56:13:13

Intention.

00:56:13:15 - 00:56:35:01

And as we discussed with East Riding of Yorkshire Council when initially looking into designing up the access, um, the, the their request was to provide space off highway for a vehicle, uh, exiting um to allow another vehicle to enter.

00:56:35:12 - 00:56:52:15

Okay. Thank you. That's great. Thank you very much. Um, I just wanted to clarify that point. Um, moving back to. Otherwise, I'd say there's a hand raised. I'm not sure which one of you. Thank you. Sir. It's Mr. Buchan. He just wants to come in on the same point. Yeah.

00:56:52:26 - 00:57:23:18

So I'm Gordon Buchan, on behalf of all the wise, the access operation that is proposed, this doesn't take into account you have two different sets of contractors who will also employ two different sets of subcontractors, all arriving there. So for this theoretical solution to work, there has to be perfect harmony between the two sets of contractors and also with their subcontractors as well. There has to be defined slots and times.

00:57:23:23 - 00:57:59:20

How does that work? Who gets precedence in terms of determining, well, I have to have concrete or I need to have this element that I need absolutely for my program at this specific time if there's two competing contractors. So how is that determined? How is that managed onsite? How is that even practical? But it also ignores the fact that we have an agricultural active agricultural business here that in times of harvest will be having tractors, which are large vehicles coming up and down the road using that junction.

00:57:59:22 - 00:58:38:15

Now, the applicant has said that HGV traffic will be subject to a left in, left out and we're fine with that for the HGVs as well. For our Ascii. That's in the the bits and pieces there in terms of the planning, but it doesn't take into account attractors. It doesn't take into account Vance doesn't take into account cards. They can be at that juncture with an EP coming in. And if you look at the applicant's path drawings, their maximum legal HGV vehicle, which is, you know, is a great vehicle to use, sweeps right across the centerline of the junction on the minor arm and then the back end of the trailer comes round.

00:58:38:19 - 00:58:51:05

Okay. Yeah, yeah it was it was more that I just wanted a clarification. That's what the applicant was actually envisaging. So I understand I understand your your concerns and points. Uh, Mr. Scott.

00:58:53:12 - 00:59:40:00

Just a quick note. I'd like to add that, um, regarding the discussion about the, the shared access and and the, the the the traffic marshals or the banks met. I would say in reviewing this, um, situation that I do take a kind of, um, if you almost want a, a future view that if there were an accident looking at current legislation, could we honestly say that we have fully risk assessed, look, to reduce risk and follow best practice or health and safety guidance, some of which I mentioned earlier.

00:59:40:02 - 01:00:10:22

And I can honestly say that if that question was asked in that case, I don't honestly, honestly believe that we could say that we had in in a situation like that. Okay. Thank you. Um, so I just wanted to well, first of all, I want to thank the applicant and all the wise for continuing liaising. Um, I think productively. Um, I just did want to ask the question.

01:00:10:24 - 01:00:24:21

I suppose, whether you consider it likely that you will reach an agreement with the applicant on all matters prior to the close, or whether it's going to be down to the day to make decisions on all of these matters.

01:00:25:19 - 01:01:02:10

As things stand. I'm afraid you may well have some decisions to make. Um, but we, um, will meet with the applicant and hope we can do that during the course of next week, accounting for what we've heard, by the way, today. Um, and we will try to reach a commercial agreement. It will take some movement from the applicant that we haven't. We're not confident that they're prepared to make at the moment. And so, um, you know, to some degree it will be in the applicant's, um, choose to move.

01:01:02:12 - 01:01:25:24

Um, we will be flexible. All we want is sufficient certainty that the proposals of the applicant will not in in danger. Investment into field house solar farm. As we speak now and then the interfacing thereafter we we think we can commercially manage.

01:01:26:27 - 01:01:48:00

Okay. Thank you. Um, just some confirmation. Um. Car farm. Solar farm. My understanding is that's no longer a concern with regard to implications for its delivery. With regard to the importation of Battery Hill Solar Farm, where it's go ahead. Well, so.

01:01:48:02 - 01:02:00:15

It would take an appropriate interface agreement because it uses the same access track as is proposed in, um, in change nine.

01:02:01:01 - 01:02:10:15

And I'm certain that you'll say there's no crossover of construction period. So car, house, car farm, solar farm is no longer. Well, that's.

01:02:10:22 - 01:02:41:19

That's on the basis of current understanding of construction periods. Um, and it will depend like we don't know whether, um, the proposed applicant. Sorry, the applicant has a gate to offer, for example, for its development and when it will actually be building out to, etc.. So whilst we've got a gate to offer for field, um, House Solar Farm 2027, that in a sense is subject to not being damaged by this proposal, kind of in stone.

01:02:41:21 - 01:02:51:19

Other parts of the jigsaw are moving, but on current time estimates. That is correct. But we still need the interface agreement.

01:02:51:25 - 01:03:08:25

Okay, so I suppose my other question on from that was car farms. Solar farms, not uh, affected as such, does it still need to be mentioned in requirement 16? And I think you might have answered my question as you think.

01:03:09:11 - 01:03:12:09

I think yes, yes, for the reasons I just that way.

01:03:13:23 - 01:03:14:29

Okay. Um,

01:03:16:25 - 01:03:56:27

so the applicant talks about well, they added to requirement 16 and talked about, um, not removing below ground infrastructure, which, you know, I understand otherwise has a issue with not also including sorry, above ground infrastructure without including below ground infrastructure. The applicant responded to that to say that the DCR includes protected provisions which are in um, schedule 12, part one of schedule 12 of the DCO for statutory undertakers for this type of apparatus.

01:03:56:29 - 01:04:08:29

So Effectively, you know, that's not required because you'd be protected. Um, in any event. So I just wondered what your a brief view on that would be.

01:04:09:01 - 01:04:42:18

Uh. Well, the brief view is that Albon Wines, which is the current landowner and uh, doesn't have protection from protective provisions, so it doesn't apply to alpine wines. Um, at this point in time, who will build out the scheme is not necessarily know and accept that it will be operated by someone with a, um, a licence. But between now and then, um, uh, things are not absolutely clear.

01:04:42:20 - 01:05:17:14

And really the question, the real question that arises is if that protection is afforded to, um, those that benefit from the protective provisions, what is the harm of putting the same protection in a commercial agreement that would provide us with certainty and allow us a free ride in terms of seeking the investment at at the moment. So that is all we're seeking. It doesn't need to be on the face of the order. It just needs to be in a commercial agreement. They do that. And um, and broadly speaking, um, you know, will be a very close to an agreement.

01:05:18:22 - 01:05:26:10

Okay. So you're saying you don't you don't think it shouldn't be necessarily on the base of the order about below ground infrastructure?

01:05:26:28 - 01:05:44:12

Uh, well, sorry, in terms of requirement 16, in order to provide us with the protection, we do seek it on the face of the order. What we're not seeking is to suggest that we want our own protective provisions that could be done in a side agreement. Okay. In effect.

01:05:44:14 - 01:05:44:29

So.

01:05:46:18 - 01:06:17:06

So maybe something is that if it says you can't do anything to below ground infrastructure, that that means that they couldn't be moved and relocated for example, under the protective provisions that's already already in the DCO. So the protective provisions allow for movement of apparatus and infrastructure below ground, as long as it doesn't harm, you know, the statutory undertaking, which I guess couldn't happen if if you said no below ground infrastructure could be moved.

01:06:17:22 - 01:06:23:00

So I'm just trying to understand why the well, well, well don't cover you already.

01:06:23:02 - 01:06:50:07

Well, I think requirement 16, which we look at tomorrow, does say without the written consent of album wise. So you would be able to move it and with a side agreement that said effectively, um, what the protective provisions as you've just described, um, say, um, then you know, that that would provide protection to album wise at the moment doesn't exist.

01:06:52:20 - 01:07:20:08

Okay. Thank you. Um. Another thing. So just when. When planning permission was originally granted. I'm standing. Is that it was expected that a grid connection was to be in 2033. Um, can I just ask, noting appendix three of your relevant representation, whether you've made the capsule contribution payment yet for the earlier connection in 2027?

01:07:20:21 - 01:07:32:06

We have and we can also report that the only connection is now, uh, confirmed. So, um, that payment has been made and we've got a firm offer of 2027.

01:07:32:29 - 01:07:40:24

Okay. And is that offer, is that payment like should it. What happened is that you get refunded that payment. Uh.

01:07:42:24 - 01:07:46:03

I'm sorry. You got the answer? Yes. Yeah.

01:07:46:14 - 01:08:18:07

Um, yeah. So, Chris, thanks for presenting. Um, so the, uh, capital contribution payment that you might see in the um, technical limits offer, which was appended to our relevant reps. Forgive me, I don't have the reference to hand. Um, but that is part of a stage payment. So there have been payments made which are part of that earlier that. But those are part of a sequence of payments which we made up to the point of connection and energised in 2027.

01:08:22:22 - 01:08:30:27

Okay. Are you saying you'd lose those payments? Where were the development not to commence in 2027 or would you be?

01:08:32:15 - 01:08:59:13

So the payments are made to contribute to the works undertaken by the relevant grid network companies. Um, and so were there to be an excess of funds because they are being kept cash positive, then that would be refunded. But if they were to say that, well, actually progressing the design works to date, then we have exhausted all of those funds with funds which have been paid. Then there would be no refund.

01:09:00:27 - 01:09:31:06

Okay. Thank you. And also you make reference to the importance of field House Solar farm and its delivery of electricity in 2027. In terms of the government's objectives and obviously concerns, this may not happen where the deeds to be answered. Um, for my reading of appendix three of your relevant ret. It would appear that even if this was to be the case, other projects would be offered the availability of the available capacity instead. So

01:09:33:04 - 01:09:36:18

can you just comment on that observation, please?

01:09:38:03 - 01:10:15:14

Um, well, um, sir, I think to put it very colloquially, the government policy in relation to solar generation and other forms of renewables is the more the merrier. The earlier the better. And this would be, um, essentially a failure against that policy and against the M3. Paragraph 3.4.3 um, requirement of good design to coexist with projects and essentially to avoid schemes cannibalizing each other.

01:10:15:20 - 01:10:48:17

Um, there is um, you know, constraints in terms of grid capacity. That's a reality. Um, and um, so grid capacity not taken up will be taken up. Um, but we accept that. But, um, ultimately, um, it, it would be against, uh, government policy to have one renewable energy generates a damaging, um, another.

01:10:48:28 - 01:11:25:10

Um, especially so where it's not necessary and there are alternative ways of dealing with it. Or as we say to, um, the applicant, um, you know, with a sensible commercial, uh, agreement on the side, um, we can get to a position where, despite the powers not being justified, we can coexist appropriately in the real world. So, um, so I think, you know, it would cause damage to a solar farm and whether or not the capacity was picked up.

01:11:25:12 - 01:11:28:23

Likelihood it is, um, that doesn't meet policy.

01:11:29:28 - 01:12:00:01

Okay. Thank you. And then thank you indicate that potentially I think you give the figure at 1.25% of the electricity generation might be affected. were the solar panels in plot 205 affected. I was just wondering, what weight do you think the exercise should afford to that reduction in output? Um, also noting that it would be for a short period.

01:12:00:21 - 01:12:01:06

Yeah.

01:12:01:15 - 01:12:02:03

Um,

01:12:03:18 - 01:12:34:00

uh, material, uh, weight? Um, because it's not necessary, and the two can coexist. Um, uh, clearly you phrased the question carefully to avoid the substation, which would have much more widespread effects. But if you narrow it and look at the arrays as per the question. Um, because it's not necessary to lose those arrays. And that is the, the applicant's case. C requirement.

01:12:34:02 - 01:12:50:07

16 D um, then um, you should put material weight on, um, their potential loss in particular with, um, below ground infrastructure isn't protected.

01:12:51:26 - 01:13:12:29

Okay. Thank you. Um, and then regarding the two way traffic at the entrance to the A 135 thing you picked up on it that the highway authority satisfied with the arrangement? I mean, again, what what weight do you think we should the taxation for to the local highway authority's view on that matter?

01:13:14:24 - 01:13:15:09

Uh.

01:13:18:02 - 01:13:44:05

So regarding parking on behalf of album wise. So the, the issues with the access junctions occur outside the limits of road adoption. That's where the vehicle conflicts can occur. That is where queuing can occur. And given that the outline TMP that is before you just know does not specify particular.

01:13:44:18 - 01:13:45:05

Clear.

01:13:45:07 - 01:14:23:27

Details of how all those conflicts can be managed. The Road Authority can only really comment on the area within the limits of road adoption. You know, when you start to look into the the going back into the site where the, um, the, the access track throttles down to a one way system going along the east west axis of blockage there will result in blockages coming back there. So, you know, it's interesting, the applicant has said that they have not done detailed designs and that's understandable in some elements of it.

01:14:23:29 - 01:14:54:17

Um, but they haven't done the detail and they haven't provided a road safety audit. I believe that the applicant has stated that the um, local authority is content with the principle, But the devil is in the detail and we know we need to see more of that detail. I think maybe the local authority may wish to see more of that detail. They may wish also to consider the information that we've put forward as well. It would be interesting to see.

01:14:54:19 - 01:15:09:18

Having reviewed the statement that we've put, do they still share that in principle element there? I don't know if the local authority has contacted you, said sir, but I think it would be of interest to see if they still share that position and also when we get further detail.

01:15:10:10 - 01:15:33:19

Okay. Thank you. And could I just could you just confirm whether, in your view, is there space for a HGV to be held back before exiting whilst whilst a HGV turns left into the access is that is, this is a space within the parameters of the proposed development theoretically to be able to do that.

01:15:35:28 - 01:16:06:27

Yeah. Got my name right. Sorry. Gordon Buchan, on behalf of Alva moyes. Um, theoretically, there is the potential there. However, it's that mechanism to ensure that that is the issue here. Having a batsman stood on the verge of a 50 mile an hour road in all weathers and all conditions. Snow, sleet, rain, fog, the lot. How are they going to determine is this vehicle coming towards them at 50 miles an hour potentially slowing? Is it for. Otherwise it's slowing for something else.

01:16:06:29 - 01:16:54:10

Is it for um pear tree. What is this vehicle doing. And then having to liaise with another person further into the junction and then liaising with another five, potentially five on the lay bys along the access track. How is that communication going to work? And then you've got the added complication with the two different sets of vehicles that could be approaching it. It's very On paper it looks very simple, but in practice, when you've got a filthy wet day, as you can have in East Yorkshire, um, how is that going to stand the acid test of your wet, rainy day and people cold and going there, isn't it? That's the question one needs to be asked.

01:16:54:18 - 01:17:24:10

Okay. Thank you. Um, and just in terms of the abnormal indivisible load options, my understanding that the applicant is not just relying on the a one, three, five, I think there's two ale loads, um, in total, one. Which one needs to come down to your access anyway? The other one, because there's a different, uh, onsite substation,

01:17:26:06 - 01:17:49:29

uh, the one that possibly would there would be other options for that. I understand, so the applicant is not Necessarily relying on the access of the 1035 for AOS. I guess it's saying that there would be further investigations undertaken, and were it to be found to be okay, and they might use that because that the understanding as well. So otherwise.

01:17:51:09 - 01:18:14:09

Yeah, go forward and back and on behalf of all the wise. Um, so the, um, the documents that the applicant has put forward has have suggested that, um, just going to find the reference for you. Um, but they have said that, um, Merlyn in one of the documents, uh, and it is.

01:18:16:22 - 01:18:50:15

Uh, read 5071 paragraph 513, page 12 is that, uh, Moline is sufficient for the safe and efficient access and egress in relation to their large load vehicles. Although a road closure would be required in terms of road safety, so it is important to note that the abnormal load would be escorted. Um, and, and you know, it is of us as a bigger vehicle, um, with obviously with a police escort and civilian escort.

01:18:50:21 - 01:19:29:28

It is a lesser concern because it is well managed. It you know exactly which day it's going to arrive at one time. And there'll be constant updates. That one we're not as concerned with. The main concern in terms of traffic management, but the main concern of the abnormal load and the attendant crane, which has not been considered in the applicant's documents. Um, because you obviously need to take the load off the vehicle, is the ability for that to make the turns on the, um, access track network, that album wise own and operate and require for their agricultural, uh, business.

01:19:30:05 - 01:20:09:12

Um, there is also the ability for the water crossings, which are currently, uh, fine for tractor use, but it's bringing on, um, the abnormal load vehicle, but also the crane, which actually has a higher axle load, uh, than the potential abnormal load itself. Whether or not those, um, culverts, those water crossings require upgrades or improvements. And the attendant issue is if they do need work, how can the applicant ensure agricultural access for album wise business? How is that going to be maintained? And that's why we're calling for more detail on this.

01:20:09:15 - 01:20:26:24

Also more detail on the access road design, because if you have to improve that road or put in other elements of infrastructure, how is album wise going to maintain constant access, um, for its farming interests? And that's why we're making those points, sir.

01:20:26:27 - 01:20:41:23

Okay. Thank you. I suppose the point I was making was that the applicant is not simply solely relying on your access for that. It might use an alternative access if it was found not to be. Not to be possible, for example.

01:20:42:07 - 01:20:58:28

Potentially 5%. But but if if that abnormal load is, um, going down the field house then has to go that way or it is in that vicinity and yet it's transferred to Moline, then why bring everything else through otherwise.

01:20:59:04 - 01:21:00:00

Property.

01:21:00:02 - 01:21:16:15

Through the album uses consented solar farm. Why go through all this pain and heartbreak? Um, if it can do it for Moline, then for that load, surely. Can you then have the tree protection elements or the other elements there? Why not just bring all the construction traffic that way?

01:21:17:17 - 01:21:40:25

Okay. And then the wear and tear issue, um, that I was I picked up on that as well. The depth and say section 6.3, in the outline construction traffic management plan is sort of making good, but it appears to only cover public highway rather than private tracks and the like. Um, because the applicant just confirm that if I'm correct in my reading of that.

01:21:46:25 - 01:22:00:16

Uh, thank you so very much for the applicant. Um, we believe that's the case. Um, and I might need to take instructions on, on any adjustments that might need to be or can be made in relation to that.

01:22:01:14 - 01:22:04:25

Okay. Thank you. And then finally, I think

01:22:06:22 - 01:22:20:03

second, finally, the applicant indicated in that like five submissions that it's going to update the outline construction traffic management plan for deadline sets following further engagement with. Otherwise

01:22:22:00 - 01:22:43:10

it's my understanding. Um, I just wonder. Well, we've just had that light side. But I was just wondering, is that something that happened yet, or is it due to happen over the next week? And what kind of updates are you expecting and is otherwise open to conversations with the applicant around that?

01:22:47:05 - 01:23:12:27

For the applicant? The short answer is yes. We are planning to submit an updated outline, uh, construction traffic management plan, which is based on the discussions that we've had with organ wise. And we can probably get into some of the detail of what those updates are, uh, in our response to what you've just heard. But the short answer is, yes, we are. We are planning to submit an update.

01:23:14:09 - 01:23:21:08

Okay. Thank you. Um, might just make connection for that then just to confirm that as part of this

01:23:22:27 - 01:23:33:16

Um, and then. Yeah, the interface this interface agreement has been. Is there any update on that or any movement recently? Is that still in dispute or.

01:23:35:24 - 01:23:37:21

What are the main obstacles about that?

01:23:41:24 - 01:23:44:27

Uh, I don't I don't like to respond. Otherwise maybe.

01:23:45:16 - 01:23:55:19

Um, well, Mark Austin Smith, for album wise, um, we're really discussions on the interface agreement. I think

01:23:57:12 - 01:24:15:21

really the stumbling block is, uh, the level of detail. And, um, we have indicated some of the protections that we require, and, uh, the applicant, um, isn't willing to provide those. So we

01:24:17:13 - 01:24:36:25

whether we're at impact or not, I don't know. It depends on, um, whether the applicant is, is prepared to move any, any further. But I think it's it probably doesn't help you to go into the detail of it, but, um, we are trying to progress it. Um, and the applicant knows what we're seeking.

01:24:37:16 - 01:24:56:21

Okay. Thank you. Uh, so there were all the questions I had, but otherwise, um, I'm just conscious of the time. I obviously give the applicant an opportunity to to respond, but I was wondering if it might be worth taking a ten minute break now and then. We don't have to rush or anything.

01:24:57:10 - 01:24:57:25

Thank you.

01:24:57:27 - 01:24:59:01

So we're happy with that.

01:24:59:03 - 01:25:00:04

Happy either way.

01:25:00:27 - 01:25:01:12

Thank you.

01:25:01:14 - 01:25:13:08

Okay, I think I think it's probably worth. We'll take a ten minute adjournment. Um, come back at 330, please. So the hearings are hearings adjourned until 330. Thank you.