



Planning Inspectorate  
Arolygiaeth Gynllunio

## Hearing Transcript

<b>Project:</b>	EN010157 Peartree Hill Solar Farm
<b>Hearing:</b>	Compulsory Acquisition Hearing 2 (CAH2) – Part 3
<b>Date:</b>	10 December 2025

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File Name: PHSF\_10DEC\_CAH2\_PT3

File Length: 00:57:19

FULL TRANSCRIPT (with timecode)

00:00:05:17 - 00:00:19:15

It's 330 and the hearings resumed just before I go to the applicant. I just had another couple of points. I wanted to ask all the wise first, um, Mr. Westmoreland Smith.

00:00:29:05 - 00:00:32:05

Is always able to turn the camera, the camera on.

00:00:49:09 - 00:00:51:29

I'll just give him a minute. But, Mr. Scott.

00:00:54:22 - 00:01:28:06

Out of just message, Chris and asking. Okay. Thank you. I think they might be out there. Sorry. Yeah. No problem. Sorry. Uh, apologies. Um. That's okay. That was just a little technical interlude. Well, I grappled with an alien mouse, uh, to no avail at all. But anyway, I'm with you now. Apologies. Okay. Thank you. I had two more points to run past you. First of all, you talked about some plans in the, um.

00:01:28:08 - 00:01:58:09

I think it was in the applicants submissions that showed land outside of the outer limits. Can you. Could you? Is it possible for you to direct the applicants where those are so that we can just so I can I can sub exactly where it is that you were looking at and exactly which bits you feel fall outside the outer limits. Of course, Mr. Scott shared on the screen. Thank you. Mr.. Do you want to give those references?

00:01:59:12 - 00:02:40:11

Thank you sir. On behalf of album wise. Um, the the drawing that um, I was concerned about is on page 101 of the response to written representatives. That's red 5A-31. And it's the second band, the band that goes from the, um, east west access to the north south, uh, for the, uh, articulated um, goods vehicle. And when we do the league shape file for the order limits, there is a small section of the swept path that appears to be, um, going outside the order limit.

00:02:45:06 - 00:03:05:04

If it would be of assistance, sir. And to the applicant, we can get a drawing prepared just to illustrate this, rather trying to describe it, but we could perhaps provide that in a, in a, in a written submission, just for the applicant's consideration and for your information.

00:03:05:06 - 00:03:21:13

Okay. I mean, I was hoping maybe that we could share on the screen just so that we can, um, I'm not sure if that can compare. So two documents at the same time. And that's for you of that document? Yeah. The land plan may be that that document.

00:03:23:21 - 00:03:24:21

Yeah, sure. I'll get it up.

00:03:25:19 - 00:03:26:10

Thank you.

00:03:33:08 - 00:03:33:23

Yeah.

00:03:48:26 - 00:03:53:24

Okay, so it's kind of two. The two green images. Yeah.

00:03:56:27 - 00:03:57:19

Yes.

00:04:05:12 - 00:04:07:16

I think if you go to appendix five,

00:04:09:12 - 00:04:16:01

it's PDF. PDF. Page 101 rather than document. Page one of them.

00:04:17:00 - 00:04:17:15

Yes.

00:04:17:17 - 00:04:18:13

That's right.

00:04:20:03 - 00:04:26:00

Yeah. Okay. That's just up a bit. Up a bit further. I think it's that one. Was it?

00:04:26:15 - 00:04:59:16

Yes. Yes. And also, um, one of one of the three, which is the first page of the next appendix. But the when, when we've taken the, um, the shape file for the order limits and placed it on top where you have the square section there, which I believe is the pylon, there's a small section and we've overlaid the that drawing onto that order limit. There is a small section on the inside of the turn there that appears to just project outside the order.

00:04:59:18 - 00:05:05:04

Limit this where that mouse is there. Oh, it was there. Yeah.

00:05:09:12 - 00:05:14:05

So we can provide that overlay directly to the applicant and they can have a look at that.

00:05:14:07 - 00:05:14:28

But.

00:05:15:00 - 00:05:33:20

It will take them to overlaying the two in order to understand that point. Okay. So I'm just looking at the green which is set away from the pylon, whereas the blue land is that adjacent to the pylon. Yeah.

00:05:33:22 - 00:05:43:22

So if you go to the next drawing, the first one of appendix five, which is the um, the uh HGV one.

00:05:43:28 - 00:05:45:09

Okay. Uh.

00:05:49:11 - 00:05:50:24

And then along.

00:05:54:18 - 00:06:03:20

With all the lady to the. There just seems to be almost. When the red arrow head is there has. There is a small section there.

00:06:06:15 - 00:06:11:07

But we can confirm that in the drawing, if that's of further assistance to everyone.

00:06:11:09 - 00:06:16:06

It's just on the on the corner where it goes from, um.

00:06:16:29 - 00:06:18:20

Uh, north, west.

00:06:18:22 - 00:06:23:25

And southeast on the angle and then goes virtually north south on that. There's a.

00:06:23:27 - 00:06:24:18

Sort of sharp.

00:06:24:20 - 00:06:27:01

Corner, uh, there on the land.

00:06:27:03 - 00:06:27:21

Plans.

00:06:27:23 - 00:06:28:26

And it just tracks.

00:06:28:28 - 00:06:29:24

Across that.

00:06:29:26 - 00:06:51:12

According to our, uh, overlay outside of the ordinance. It's a minor okay point, but okay, maybe the applicant can just have a look at that and but they confirm one way or the other. And as we said, we can send the our overlay to the applicant. Um, if it helps.

00:06:53:20 - 00:06:59:05

Okay. Can I leave that between the applicant and otherwise? Have a look up together, please?

00:07:03:05 - 00:07:18:23

Um, if we can just do that as an action. I'll add that as an action as well. And then just the other point I wanted to raise with otherwise was we we discussed before about like a suppose a, um without prejudice.

00:07:21:17 - 00:07:59:13

Land plan showing possibly parts of box to A5 grayed out, for example, the sort of western side or western strip down side, which encompasses the um substation associated with the field house solar farm. Um, I was just hoping maybe just to get your view on whether that might assist with alleviating at least some of your concerns. Um, well, so it would depend on the extent to which it would be drained out.

00:07:59:15 - 00:08:41:02

And insofar as it's grayed out. Ah, points in relation to lack of justification would no longer apply because the powers would no longer apply for that, um, land. And, um, you know, we have said that we can see a route to commercial agreement using even some of block, uh, to A5, but where it's pretty close to plot to a four and we would see, you know, if we can come to that agreement, it would probably be in the agreement itself that they wouldn't use DP powers over and over.

00:08:41:08 - 00:09:22:07

Um, to, uh, sorry, two 2A5 and that would in fact be in effect be a greying out. So we don't have a trouble with that notion, but it won't, um, overcome our concerns about justification in relation to, um, any area that's not grayed out and the safety concerns in relation to the access as a whole remake. But um, but again, um, that's something that goes and can be addressed to a, um, a reasonable degree by an appropriate interface, uh, agreement.

00:09:22:09 - 00:09:37:24

So in short, it will help, but we overcome everything. Okay. All right. In that case, I've asked, um, the applicant, please to if you'd like to comment on anything but open wide and said, um, in this hearing so far. Thank you.

00:09:38:28 - 00:10:22:13

Thank you, sir. Mr. Ramesh, for the applicant. Um I apologize in advance and will try to be as quick as possible, but we've got seven key submissions to make in response to what you've heard today. The first relates to perhaps the most important question, which is before you in relation to the compulsory acquisition powers that are being sought, which is is there a compelling case in the public interest for the acquisition of the relevant plots? Now, the reason I think I can keep this point brief is because I

don't think anything that you've heard today is not something that has been addressed either, either in rep 4038 or the most recent submissions which you referenced.

00:10:22:16 - 00:11:19:25

Um, I just want to make a couple of comments on, um, some of the more detailed aspects that were mentioned. We didn't want to, um, reiterate the point, but the key aspect here is, as we said at the compulsory acquisition hearing one, We entered this examination with a significant issue that was being raised by East Riding of Yorkshire Council. We have managed to resolve their most significant concern, and I think one of the things that you will obviously be thinking about is to what extent would you have a greater number of issues to address if we had not made this change? The associated benefits of the proposal that is currently before you, in our view, do form a compelling case in the public interest for the land use powers that we are seeking.

00:11:20:01 - 00:12:04:09

That is not just the removal of the impact on the veteran tree, which the local authority considered was not capable of mitigation. It is not just the reduction of the traffic movements. It is not just being able to ensure that a greater amount of land is removed from the order limits. um, it is not just being able to ensure that, uh, we are optimizing for, uh, existing access routes. It is fundamentally, uh, something which, uh, has meant that we have been able to have a much more, um, significant, uh, engagement and acceptance of the proposals as a whole from the local authority.

00:12:04:11 - 00:12:49:13

So I'm not going to rehash the general case because I don't think anything that you've, you've, you've heard today, um, uh, cuts across the fundamental case that we have put forward in our submissions already. Um, the second uh, main submission to make relates to requirement 16. Now, I appreciate this is on the agenda tomorrow, but it is an integral part of the discussion here because, uh, Mr. Westmoreland Smith rightly makes the the point that compulsory acquisition powers are draconian, and there is a series of case law and principles that apply to their, uh, successfully being granted.

00:12:49:23 - 00:13:20:11

Um, we think that case is made. But again, to reiterate the point I made earlier. The principle here is that you cannot look at the compulsory acquisition power or temporary possession power in isolation. You have to look at it in conjunction with the restrictions and limitations that are added to that power. And in that context, a lot of the effects, the impact, the purported impacts that um, are ah, have been raised would not arise.

00:13:20:13 - 00:14:00:05

And I'll go through the detail of it. But this is why requirement 16 is so important, because it does secure cooperation between the projects. It does secure an ironclad commitment. It is not a reasonable endeavours commitment. It's an ironclad commitment to not remove the infrastructure above ground infrastructure that has been constructed. And as you rightly pointed out, insofar as there is any underground infrastructure, the protective provisions would apply, thereby securing in line with all the other all the protections that all the other statutory undertakers have the same level of protection.

00:14:00:07 - 00:14:32:15

So this is this is a very strong commitment. And I one point I didn't make earlier, which I think it is worth reiterating, is that the approach to managing managing the interfaces between projects is not novel. It's not new. We haven't invented requirement 16. We have highlighted precedents to you where there has been an overlap between projects much more significant than what we're talking about here, where that arrangement is dealt with by a provision that is that is similar to um, requirement 16.

00:14:32:17 - 00:15:03:18

And I say similar to because this actually goes much further than those precedents. And in spite of the smaller interface, the requirement um, in particular requirement. Subparagraph 2D requires, um, no removal of above ground infrastructure, as I've mentioned. It also specifically refers to construction programming. So you've heard today that a lot of the concerns are about the overlap in construction programming between the projects.

00:15:03:20 - 00:15:35:01

Now, following discussions, we have been looking at how to strengthen, um, the specific, uh, commitments that we're making on programming. And we hope to provide an update, uh, in due course, but it is already in that requirement, unlike some of the precedents. Um, I've, I've made the point about why we don't think it's necessary to provide organisers with a greater level of protection compared to other statutory undertakers in relation to Underground apparatus.

00:15:35:07 - 00:16:05:15

Um, but I also did just want to highlight that this, this principle that I have reiterated a couple of times that we should be looking at the limitations and restrictions in the context of compulsory acquisition and temporary possession powers is precedent. Um, which is separate from the precedents on the overlap between projects and in particular, um article 29 of the Silvertown Tunnel. Uh order 2018, article 35.

00:16:05:17 - 00:16:36:16

So paragraph 13 of the Lower Thames Crossing Development Consent order, as well as, um, part two of schedule six to the Galloper Wind Farm 2013, all contained provisions which seek to put limitations on the exercise of powers. Um, where there is a requirement to do so. So what we are doing is, is really not novel, and it is going above and beyond the precedents. What I also thought

00:16:38:03 - 00:16:53:06

it was necessary to do is just to to address some of the points about national policy, because Mr. Westmoreland Smith referred to paragraph 2.5.8 of n three. Now.

00:16:55:07 - 00:17:25:25

One of the things that we have had to do, and this is a preamble to the commentary on national policy, is over. Mines, as you know, have not provided any detailed comments on requirement 16. Um, they have in, uh, rep 5-103 made two points. And these these are the only two points that we can squeeze out of the submissions in terms of their substantive concerns with the drafting of requirements. 16.

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The first is a binding legal agreement is required which secures an access arrangement for the schemes. And then they go on to say, um, that they should be uninhibited by the proposed

development for the reasons we explained, the requirement does secure that already. The second point, which is which is more important in the context of national policy, is that they say such agreement must include an undertaking by RWA not to exercise any temporary possession or compulsory possession that should be compulsory acquisition powers in respect of the relevant plots.

00:18:04:19 - 00:18:38:06

So what they are asking for is a outright veto on the exercise of the powers. The position is is wholly inconsistent with government policy. That provisions of the order should not negate other provisions of the order. And we covered this briefly in the context of statutory undertakers. But to go back more broadly on the question of how does the national policy statement apply in this context? There is nothing which expressly deals with the overlap of solar permissions.

00:18:38:08 - 00:19:14:05

The paragraph which Mr. Westmoreland Smith referred to talks about, um, good design and ensuring that you, uh, act in a way that ensures the co-existence, uh, of of projects for bio for marine or terrestrial uses. Again, we would say that we've complied with that as part of our, um, uh, iterations of requirement 16. But there is a very good comparison here, and it's relevant for, for two reasons in the offshore wind context.

00:19:14:07 - 00:19:52:00

And obviously this is not an offshore wind, uh, application. There is a more overt requirement in the national policy statement that you should include, quote, an assessment of the potential effects of the proposed development on such existing or permitted infrastructure or activities. That is a very specific requirement, which has had very specific treatment by the Secretary of State across a number of decisions. It goes beyond a vague reference to coexistence or cooperation, and it requires active consideration and the minimization of of impacts.

00:19:53:01 - 00:19:53:19

Um.

00:19:56:29 - 00:20:31:01

The absence of that in the solar context, and obviously N3 deals with multi multiple different technologies we think is significant because what we are looking at as the most relevant policy in this context is not the good design, uh, principle which we say we have complied with, but instead paragraph five point 13.8, which is the Secretary of State, should consider whether mitigation measures are necessary to mitigate any adverse socioeconomic impacts. And again we say that requirement 16 does mitigate the impact.

00:20:31:09 - 00:21:07:09

Um, the specific things that we have been doing is through Auburn Wise's representations, they first raised a concern about the potential impact on a substation and panels which have not yet been constructed. So we responded to that by saying, okay, we will give you an ironclad commitment that we will not remove any above ground infrastructure. We have been told about a concern about the overlapping construction programming, so we are looking at enhancing the existing commitment to coordinate on, uh, construction programming.



00:21:07:11 - 00:21:42:20

There is a separate concern about underground infrastructure, which we say is already addressed. So insofar as that specific policy is concerned, which we think should be driving the exact requirements, we say we have complied with it. But again, It is interesting, sir, that you specifically ask the question of what weight should be attributed to a 1.25%, um, effect on, uh, Auburn developments in the context of the offshore wind projects, where there is a specific policy that directly addresses this issue.

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Unlike in the solar context, we would draw your attention to a number of decisions, including the most recent Moana Offshore wind Farm decision, where there was a

00:21:55:00 - 00:22:26:25

1.5% impact, um, uh, for some other adjacent developments, i.e. other wind developments rising up to 4%, um, of an effect on the energy output of adjacent wind developments in that case, and I'm quoting from the decision letter here, the Secretary of State accepts that there will be a wake effect impacts from the proposed development on existing operational offshore infrastructure. Noting that the precise figures cannot be established.

00:22:26:27 - 00:23:00:04

And then it goes on to quote the particular impact which is exceeds, by the way, any any figures that would apply here. And they go on to say in one case it's 4%, in one case it's 1.58%. The Secretary of State still granted consent. So where you have a specific policy dealing with an overlap between a renewable development, the Secretary of State still considered it acceptable. There is no specific policy here. And insofar as there is an impact, we are trying to do as much as is reasonably practicable.

00:23:00:06 - 00:23:10:03

And I would say we don't think it's 1.25%. We think it's 0% because of the commitments that we have been making. And.

00:23:13:09 - 00:23:47:23

The fourth main submission is you. You again questioned Aubin Wise on the view of the local highway authority. Now, in a moment, I'll hand over to, uh, Mr. Kellum, uh, Gill Quirk, who will address some of the more specific, um, safety, uh, submissions that you've heard. But I do just want to make one broad point, which is many of the issues that, uh, have been flagged or identified. Um, we have discussed those with these riding of Yorkshire Council.

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Um, we don't want you to be left with the impression that they just support the principle of change nine, i.e. the move from one access to another, and that they have not been involved in some of the the more granular discussions they have been shared. Indicative designs. We have discussed the specific traffic management measures, many of which they suggested. Um, so we don't want you to be left with the impression that the local highway authority, whose responsibility and statutory functions in this area, uh, relate to these very specific issues is somehow being kept in the dark that they're not.

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And with that, I will hand over, uh, to make our safety submissions. And then, uh, following those submissions, there are just two brief points to make. Thank you. Um, how long ago.

00:24:36:12 - 00:24:36:27

Worked.

00:24:36:29 - 00:24:37:14

On behalf.

00:24:37:16 - 00:24:38:01

Of the.

00:24:38:03 - 00:24:38:23

Applicant?

00:24:39:03 - 00:24:45:12

Um, as as Moustafa mentioned, um, whilst developing the design.

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Of the.

00:24:46:01 - 00:24:46:16

Access.

00:24:46:18 - 00:24:47:03

We consulted.

00:24:47:05 - 00:25:39:20

With the Australian and took on that view in terms of, uh, management measures that we should put in place to ensure that the access, um, operate safely. Um, and in order to do so, we've initially, um, um, implemented a left turn in a left hand arrangement. Um, which is, um, this is the same measure that's in place for field house, farm lots, solar farm and car farm. Solar farm. and that were consistent, um, in terms of the safety implications of lactating vehicles at the junction and the rationale behind providing passing places within the site and additional space for vehicles to be held back, uh, enables us to hold vehicles back within the site, um, so that vehicles HGV is approaching and about to turn left in.

00:25:39:23 - 00:25:47:03

Um, and not held on the highway. Um, so we have those particular safety implications. Um.

00:25:50:20 - 00:26:05:03

We have also got a number of other measures in place. Um, which have been brought up as well, such as the use of banks, people to assist with the movements of vehicles and holding back vehicles within the site. Um,

00:26:06:24 - 00:26:37:04

in terms of the safe, safe placing of the bags person. This would be, um, uh, part of the detailed design process which the principal contractor would be responsible for, um, such as to undertake safety risk assessments, um, which could identify possible additional equipment. Um, to make sure that the finance people are safeguarded. Um, such as the use of, of um mirrors to aid visibility of oncoming vehicles.

00:26:37:14 - 00:27:18:18

Um, and a key. Um, personal protective equipment. Um, that can make sure that that's undertaken safely. Um, and in terms of the signage, which was also discussed. Um, we would use advanced warning signage, as I said, on the TMP, to make, um, all road users aware of the, uh, construction access. Um, and the details of the signage would again be a detailed design, um, Consideration and would be in line with relevant guidance on providing signage for construction accesses.

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I think that's all.

00:27:25:01 - 00:27:47:21

Thank you. And then and just, just, um, a further submission on the on the safety aspects. I think you've heard a few references to the fact that, um, clearly we are not at the detailed design stage and that the process that is secured under the terms of the order is that we're providing as much detail as it is commensurate with this, uh,

00:27:49:21 - 00:28:55:27

stage of the development. But clearly, requirement for secures a process where we will have to consult and submit a traffic management plan, which is based on further details, which would be available at that stage, um, for approval. Um, one of the things that we, uh, have, have um, highlighted is that when we've been engaging with Auburn wise, we've sought to put forward very specific commitments in response to very specific things that they raise. Um, in light of a number of of new items being raised, I think what we are, um, going to do as part of the next iteration of the DCO is to include in requirement 16, a further commitment that will ensure that Auburn Myers is consulted as part of the construction traffic management plan that relates to this part of the development, because what we want to ensure is that, um, rather than, uh, iteratively trying to build up to the point of detailed design in an examination which would not be appropriate, that we are securing a process.

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So not only will the local authority be involved, um, uh, in the approval of a plan. Having said that, they are in principle comfortable with our proposals. In this context, we are also committing to further consultation as part of the commitments that are being provided. The, um, my final two, uh, submissions. So, um, item six and seven can be relatively brief. Um, you asked Mr.

00:29:26:13 - 00:30:03:09

Westmoreland Smith about whether an agreement between the parties was likely to be achieved before the end of the examination. Um, the discussions that we're having on that agreement are, um, you know, as you'd expect, without prejudice at the moment. So what I don't want to do is go through the details of various parties provisions. But Mr. Westmoreland Smith, um, rather happily gave you a

summary of some of the points. The key thing that I would emphasize is that it is, um, a to add to the list that was provided to you is the key commercial terms.

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Um, and, um, the key commercial terms are a significant element to what is being discussed between the parties. On top of the four, I think more substantive points that, um, Mr. Westmoreland Smith summarized. So I just wanted you to be aware that there there there is another, uh, significant item in that list which is likely preventing or at least the applicant's position is that it's unlikely we will reach agreement. Um, for those reasons. And then the final point is just on the procedure and it's, um, it flows from, um, Mr.

00:30:41:16 - 00:31:29:15

George McKenzie's submissions at the first compulsory acquisition hearing. And with Mr. Westmoreland, Smith has, um, uh, echoed some of them in saying that this was this change was proposed late in the day. Um, there are two, uh, very recent examples where, um, less time than we have provided. Uh, had a change, accepted, adopted, and then consented. So, again, I just I don't want to belabor the point, but this is we don't want you to be left with the impression that what has happened here is out of the ordinary or out of the norm, or an attempt at circumventing how we deal with, uh, uh, change applications so far as the applicant is concerned.

00:31:29:27 - 00:31:30:21

Thank you sir.

00:31:32:02 - 00:31:45:07

Okay. Thank you for that. Just one point. You talked about maybe changing requirements 16 for album rights to be consulted on the construction traffic management plan.

00:31:46:12 - 00:31:49:09

Which is a requirement for. So what the.

00:31:51:03 - 00:31:52:19

Requirement five is.

00:31:52:29 - 00:32:33:17

Sorry, requirement five. Um, the point was that we would be amending requirement 16 to say that as part of the construction traffic management plan, they would be consulted. Um, uh, if the question is, why aren't you just amending the construction traffic management plan requirement? Um, that's because we think that it is more appropriate to deal with all of the commitments so that it's very clear to see how how much we are providing, uh, in one, one single paragraph. And clearly, there will be a number of construction, the potential for a number of construction traffic management plans for different parts of the authorized development, some of which organized, will have, uh, no, no interest in.

00:32:34:23 - 00:32:40:28

Oh, okay. So you feel it's best placed in 516 rather than five to include otherwise.

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Correct.

00:32:42:11 - 00:32:48:13

Okay. And so. Okay. Um. Thank you.

00:32:50:21 - 00:33:09:21

I don't have any more questions. Um, I've heard from both sides. And. Lovely. Take us away. And considerate. Um. And thank all the wise for their contribution in that regard. But also the applicant for providing its response. General.

00:33:14:19 - 00:33:17:18

Feedback. Is that someone trying to speak or is that just.

00:33:19:22 - 00:33:31:14

So I'm just going to try and put us on mute. But my mouse is frozen, so it might be background noise outside. Um, okay. Um, Peter would like a comment.

00:33:36:09 - 00:33:37:18

Okay. Mr. Scott?

00:33:40:07 - 00:34:18:05

Yeah, just just one quick one, and I and I don't wish to, to come across as, um, kind of finding fault for the sake of finding fault or criticism either way. I am concerned, and I would be concerned if this was a client directly having this discussion with me When the response about the issue, an issue of concern about this crossover at this um, junction that the reference always drops back to, we will use trains, uh, trained banks and traffic marshals.

00:34:18:07 - 00:34:49:10

They will wear high viz the mirrors will be correct. This contractors will provide risk assessment. Absolutely. Totally agree. That's that's key. That's kind of given if you want. But again it's it concerns me that this is if again if this was a client directly to me, that I would be concerned that the focus seems to believe that that is the magic bullet that's going to, uh, addressed address this, this risk area.

00:34:49:12 - 00:35:27:08

And I just it, I can't, you know, I tried to sit here and think, you know, but I had I feel I have to say, uh, so that that that if it were my client, I would have to kind of raise red flag and say we reliance on people, reliance on behavior, however well-trained they are, however bright their hive is. However, cleaning the mirrors is never the answer. We I would always push much more to a, um, a more risk averse, um, risk avoidance, um, approach.

00:35:27:16 - 00:36:00:18

Thank you. Okay. Thank you. Mr. Scott, are you are you kind of suggesting that there's no circumstances where any at any time when two vehicles can't cross a jump at a access point? No, not at all. And in fact, I will say I'm actually dealing with a project, uh, quite near to where I'm based in

Cambridge, where a, uh, site I are sharing access. But the decision, Um, the decision had was taken early.

00:36:00:20 - 00:36:10:17

It's almost a mirror of this situation where extra effort would be focused on keeping. Um,

00:36:12:17 - 00:36:14:06

so in essence, there's two,

00:36:15:25 - 00:36:51:12

two large, um, uh, housing developments being developed on this, uh, two bits of land. Very like the situation we're talking about here in the sense. But there's only currently, because of, um, delays in approving a new access to the site. There's a there's a delay in putting a new road into the other development. So much like here, the early discussion was traffic marshals for one developer, traffic Marshall for the other developer, one would do one and would do the other.

00:36:51:14 - 00:37:23:21

The problem is, that's all well and good until you realise that the lorries coming to site and you talk about confusion. Lorries come to sight in. In most cases they're actually coming from the same transport provider. So one Manxman doesn't know that they're the McGeorge lorry. Coming to site is for him or for the other one. So what we what we focused on there is all the things. Yeah. Train banks and train traffic marshals. Um, hi viz is everything around it risk assessed.

00:37:23:23 - 00:38:05:26

But what we did do is we made the definitive decision to make two defined accesses and egress points that are controlled as total separate entities. And that involved because in this case, there was no other option. As if you like a safer option. Another access point that involved, um, a degree of work in actually physically widening the access point and putting physical barriers down, including controlled access gates are much more physical than than just relying on that.

00:38:05:28 - 00:38:11:14

The banks and traffic marshals would know what was going on. And that's that's

00:38:13:06 - 00:38:43:12

that's my, uh, if you like, the the the point I'm trying to get across, you cannot rely. It's just simply not acceptable to rely on qualified banks and traffic marshals. There are so many opportunities for things to go wrong, and unfortunately, it doesn't take a great deal of research to find out cases where this has actually led to some quite serious incidents, and not just involving people on site involving members of the public. Okay. Thank you.

00:38:43:14 - 00:38:49:07

I'll just give the applicant final opportunity to respond to that before I move on to agenda item five.

00:38:50:13 - 00:39:25:06

Thank you sir. Mustafa Latif for the applicant. Just just three things. Um, in response to to what you've heard. Um, the first is the the mitigation measures, including the use of banks, people that

we've secured under the outline construction traffic management plan are standard, uh, across the industry. And this isn't the applicant's first foray into the construction of a of a solar farm, as you know. And so it has built up a wealth of experience in implementing these projects, including in relation to traffic management.

00:39:25:08 - 00:39:29:06

The second point to note is, um.

00:39:31:09 - 00:40:05:09

The local authority, as we mentioned earlier, has been consulted and engaged on in terms of the measures that have been included. There is still yet more process if development consent is granted, securing further measures which the highway authority will have to be happy with. So if the suggestion is that there is going to be a safety issue. We say there is no evidence. And in fact, there's an additional, uh, process that will ensure the safe operation of the construction activities and the and the highway network.

00:40:05:11 - 00:40:44:19

The final point, which speaks to both the fact that this is standard and that there is an additional process, um, the the construction traffic management plan for field House solar itself includes many of the measures that are included in our outline construction traffic management plan, but ours is, uh, substantially more robust and contains substantially more measures in light of its scale. Um, but the key, the key point there is that we it's not as though we have come up with these measures in isolation or in a manner that is trying to do the least amount possible, um, compared with other precedents.

00:40:45:01 - 00:41:05:25

It contains a number of specific measures. And if there's some in-principle concern to some of what you've heard in terms of the movements or the use of Bankstown on the highway, um, we'd respectfully suggest that that's not consistent with the practice that is recorded even in the field house farm construction traffic management plan.

00:41:07:14 - 00:41:18:24

Okay. Thank you very much for that. Um, okay. I think I'll now move on to agenda item five, um, which relates to statutory undertakers.

00:41:21:07 - 00:42:05:10

Um, I'd just be helpful if the applicant can summarize any briefly summarize any outstanding matters arising from representations, including from Network Rail, National Grid transmission, National Grid electricity transmission and Northern Power grid. Yorkshire plc. Um Who also makes the relevant reps and representations. I noticed that Network Rail, in their previous representation, said that the DCO at that point didn't include protective provisions for Network Rail, but they did.

00:42:05:12 - 00:42:16:28

As far as I can say, um, so be helpful. Just understand if you liaise with Network Rail to point them towards those at all. Thank you.

00:42:17:16 - 00:42:52:00

Thank you sir. Uh, Tom Adamson, on behalf of the applicant, um, I could start with Network Rail because, uh, your rights, uh, we didn't understand their representation. Um, to be frank. And the protective provisions have been in the order for for some time. Um, we are in in discussions with them, though, and we know that in their latest representation, which was rec Nine eight. They've indicated that, um, they have a degree of confidence that an agreement can be reached.

00:42:52:02 - 00:43:26:06

Um, but I should just confirm, sir, that the version of the protective provisions that are contained in the draft development consent order before you, um, and that's rep 5004 constitute the applicant's preferred protective provisions. And we've set out in detail in rep 4037 the case for those. But as I say, we will continue to work with Network Rail between now and the end of the examination with a view to, um, narrowing down the issues and hopefully reaching an agreement.

00:43:27:01 - 00:44:02:11

So you also mentioned, um, national gas transmission and National Grid electricity. Um, National gas, if we start with with them in their latest representations, that's rep 099. They have added a further column to the table we included in appendix in the appendix to our deadline for submission. Again, that's it for Dash 037. With their response and reaction to, um, our position on the protective provisions.

00:44:02:17 - 00:44:43:24

And they have also indicated that they're confident that an agreement can be reached before the end of the examination. I think we would agree with that. Um, and to the degree that there are any outstanding points, we will add a further response to national national gases. Um, deadline, uh, deadline five submission. And the same is true of National Grid uh electricity plc. Um, they have provided comments on our latest position and on our preferred form of protective provisions, and we'll continue to work with them with a view to seeking an agreement with a view to securing an agreement.

00:44:43:26 - 00:45:24:02

But I feel, I think that it's fair to say that in relation to National Gas and National Grid, the applicant is confident that we we can reach an agreement before the end of the examination. And then I think he mentioned that, uh, northern power grid, um, northern power grid haven't made a further submission, I don't think, since the relevant reps stage. And that was our 015. But discussions are continuing in the background notwithstanding that fact. And, um, the applicant is confident that, again, an agreement can be reasonably more than powerfully, um, prior to the end of the examination.

00:45:24:04 - 00:45:55:27

But in the case of all of the bodies that I've mentioned, I should stress that the order does contain protective provisions in the applicant's preferred form, and the applicant has justified those provisions as well. I should just finish off by saying so just for absolute completeness, that we have reached an agreement with the Environment Agency on protective provisions and there in part four. Similarly, Beverley and North Holderness IDB, they are agreed in there in the DCO. And we understand that Yorkshire Water are satisfied with the provisions in part one.

00:45:55:29 - 00:45:59:15



So before that are in place and for that you mentioned sir.

00:46:01:09 - 00:46:13:05

Okay. Thank you for that. And should you reach agreement with any of them, is it would you encourage them to withdraw their objections? Sir. Yes. Certain point. Yeah.

00:46:13:09 - 00:46:26:23

Yes. That's right. So that that would um that would be the normal approach. Once you agree the protective provisions, you invite the relevant bodies, withdraw their representation. And that then has obviously implications for section 127.

00:46:27:11 - 00:46:27:26

Yeah.

00:46:28:27 - 00:46:45:28

Okay. Thank you. And I don't think we have any statutory undertakers here today. Um But should any have joined? Can I just ask if any have joined, whether they want to make any comments on the protective provisions?

00:46:52:27 - 00:47:12:28

Without seeing any hands raised? Um, so in that case, we'll see what happens at AD like six. And obviously, it might be that the vaccine has to decide between your first set and the first set of such undertakings based on the arguments put forward.

00:47:14:24 - 00:47:15:27

Okay. Thank you.

00:47:20:02 - 00:47:26:24

Okay. I've got no further questions under this item five. So I'll move on to Crown Land.

00:47:29:06 - 00:47:39:14

Um, are you able to just provide a brief update in respect of Crown land? Um, for which? is only one plot of relevance. Please.

00:47:39:19 - 00:47:40:07

Thank you sir.

00:47:41:23 - 00:48:14:06

That's right sir. And that's plot 13 for, um. So there's two strands. It's obviously in the normal way. We have the, uh, negotiations for the land agreement with the Crown that are progressing. Well, um, and discussions regarding commercial heads of terms are ongoing. A revised offer was made to the to the Crown, um, at the end of last month, and we we are awaiting a response to that. Um, but but we feel that things are heading in the right direction in terms of the land deal.

00:48:14:13 - 00:48:46:03

Um, and then the separate second strand is the section 135 consent, um, provision under the Planning Act. And I can confirm that the Crown Estate's lawyers have now presented to us drafts of the relevant section one three, five consent documents, which are, under review. Um, but all of that means that we're confident that those will be in place very shortly. I can't say. Um, and on that will be for deadline six.

00:48:46:05 - 00:48:54:12

But, um, if it's not deadline six, it should be, uh, soon thereafter and before the end of the examination.

00:48:55:14 - 00:49:17:16

Okay. And we discussed previously. Um, section 1351 and 1352. I think you said they both apply. Uh, just clarify that again, because, um, the book of reference suggests that no Crown interests are to be acquired. So I'm just wondering why section 1351 is of relevance.

00:49:18:24 - 00:49:33:25

Um, at the moment, on behalf of the applicant. So just bear with me one moment. But I think that section one, three, five applies to interests held. Otherwise the by on behalf of the Crown. Um.

00:49:38:02 - 00:49:39:06

Yes. So

00:49:40:26 - 00:49:44:19

just I'm just going to pause there for one moment. So. And, um, I'll come back to you.

00:49:51:08 - 00:50:24:19

Thank you. Sir. On behalf of the applicant, section 1351, um, applies to interests held otherwise than by or on behalf of the Crown. And so to the degree as we are that we're seeking to acquire rights that would take effect for in respect of third party interests held in Crown lands. And secondly, effect of section 1351 be is to require the appropriate Crown authority authorities consent.

00:50:24:21 - 00:50:52:10

So that is the basis upon which section 1351 consent is sought. And then in addition to that. Section 152 consent is sought because there are a number of other provisions contained in the order that would apply to Crown lands. Um, and the effect of 1352 is to require the Crown authorities consent to that as well. So that is the rationale for for both the provisions applying in this case.

00:50:53:24 - 00:50:54:12

Thank you.

00:50:58:17 - 00:50:59:07

Um.

00:51:03:05 - 00:51:15:27

I think we discussed about any impediments to not reaching agreement. And obviously, if that land were to be removed from the order limits, I would have implications to the delivery of your project. Is that correct?

00:51:16:19 - 00:51:31:08

Something like that. On behalf of the applicant. That's. That's right. So I mean, we accept as, as we would in, in all cases of interface with the, with the Crown Estate that we need an agreement. Um, and we're working diligently to secure that.

00:51:32:19 - 00:51:42:12

Okay. Thank you. Um, my understanding is. Excuse me. My understanding is there's no crown bodies present on the call, because I just want to check if I'll move on.

00:51:46:07 - 00:51:56:00

Okay. Um, in that case. Got no more questions on that, so turns right. Um, and I'll now hand over to Miss Milliken for agenda item seven.

00:52:00:14 - 00:52:44:03

Thank you. Um, I'm just going to run briefly through the list of actions that we've identified today and the deadline for which is, um, deadline six, which is the 19th of December, 2025. So if I just go through the list that I have, perhaps afterwards the applicant can advise whether it accords with their own list. So if we go number one, The applicant to remove the northern part of plot 26 from the land plans and the Book of Reference, and to provide an informative box to the effect of relinquishing all powers within this area, not simply land powers or all order powers.

00:52:44:05 - 00:53:07:21

I think is how it was described. And then action point number two to the applicant again to contact affected party regarding plot two six, um, regarding the issue above, and then action point number three to the applicant again to amend the book of reference regarding inconsistencies of power sought relating to plot 212 eh?

00:53:09:27 - 00:53:46:03

Action point number four to the applicant to amend the book of reference regarding plot 14 three to identify Beverley Pasture master's interests. Action point five to the applicant to consider whether further clarity is needed. Such as in the Design Parameters document regarding passing places, highway widths along Moe Lane, and various references to 7.5m and 8.5m widths. Action point six to the applicant to provide an update regarding plot 12.8.

00:53:46:14 - 00:53:56:08

Um, actually, I think maybe Mr. Hudson could confirm whether this action point is still required. Um, does not identify. Yeah, I think.

00:53:56:10 - 00:54:04:21

We can just confirm that it wasn't. I don't think we need a new document. Okay. Perfect. The applicant confirmed. Thank you.

00:54:05:05 - 00:54:35:09

Okay. And the next section point. Um, to the applicant to provide clarification as to where the power of sort of plot 1611 engages section one two, seven. The next section point to the applicant to provide an update regarding negotiation and negotiations with affected parties. The next point to the applicant to provide an updated version of the Statement of Reasons, as it refers to incorrect article numbers in section six and elsewhere.

00:54:35:11 - 00:55:11:17

Given that article seven was removed from the DCO also to correct other issues such as Her Majesty, for example. Um. And the next section point is to the applicant and album wise limited, which is to continue conversations with the name to move forward on matters prior to close the examination. The next section point to at the applicant and otherwise limited again, clarify matters around whether the applicant submission showing land to be used in plot two to A4 to portray to A4 lies outside the order limits, and any applications of this.

00:55:11:19 - 00:55:28:17

Implications of this. And lastly to the applicant update um, the outline construction traffic management plan in liaison with album wise the message. I think that's what I've got. Perhaps the applicant can tell me whether and that correlates with your own list.

00:55:34:08 - 00:55:46:09

On behalf of the applicant. Thank you. Um, we have been reviewing that list and we can confirm it. It matches ours as well. So, um. That's good.

00:55:47:06 - 00:55:51:22

Thank you. Okay. That's great. Thank you. Does anybody else have any comments or queries to make?

00:55:55:08 - 00:56:00:06

No. Thank you. I'll come back to Mr. Hudson then, for any other matters. Thank you.

00:56:01:11 - 00:56:14:20

Thank you. So I've had no other matters notified to me under this agenda item that people wish to raise at this hearing. Can I just confirm whether there are any other items that anybody wishes to raise after after what they've heard today?

00:56:19:11 - 00:56:52:08

I'm seeing know how I was raised. So in that case, I will move to close the hearing. I'd just like to thank you all for your contributions to this hearing. I found it very helpful and useful. Um, a digital recording of the proceedings will be made available as soon as practicable on the project web page. May we also remind you the next stages of the process, and that is issue specific. Hearing three on the draft development consent order and environmental Matters, which will commence at 9:30 a.m.

00:56:52:10 - 00:57:13:28

tomorrow, the 11th of December, and deadline sets on Friday 19th December to include any written summaries of all submissions made as hearings. The time is now 4:27 p.m., and this compulsory acquisition hearing relating to the Pear Tree Hill Solar Farm project is now closed. Thank you.