



Planning Inspectorate
Arolygiaeth Gynllunio

Hearing Transcript

Project:	EN010157 Peartree Hill Solar Farm
Hearing:	Issue Specific Hearing 3 (ISH3) – Part 2
Date:	11 December 2025

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It's 1120 and the hearing is resumed. Um, I was going to hand over to Miss Milliken for agenda item six. I just noticed, Mr. McManus, you have your hand up.

00:00:18:05 - 00:00:49:21

Yes, indeed. George McManus, can I ask for a quick point of clarification, please, chair? Just following on from what was said before, before the break by Jim Toth on behalf of the applicant, it comes back to this question of statutory or non-statutory consultees. Mr. chair, we have other nationally significant infrastructure projects in this area that are going to be going to examination next year. So I would just like clarification because there seems to be some confusion.

00:00:49:23 - 00:01:12:11

And Mr. Tuff mentioned that there was a bill going through Parliament at the moment which might change this. You were under the impression, correct me if I'm wrong, that Humberside Fire and Rescue were statutory consultees, but Jim was under the impression that they are not so good. Could we please clarify what the situation is? Thank you chair.

00:01:15:19 - 00:01:38:22

So my understanding is they're a statutory party and they've been consulted on this application throughout. Um, they have responded. They've been liaising with the applicants all the way through as well. Um, they've as I said, they submitted the additional submission also. So they've been involved and consulted throughout the process is my understanding.

00:01:39:27 - 00:01:50:00

Yes. I fully appreciate that they have been consulted. It's whether or not they have the status of statutory consultees that I would like clarification on.

00:01:50:05 - 00:01:57:00

Okay. Let's see if we can get that answer to you once and for all by the end of the hearing. Um.

00:01:59:23 - 00:02:06:14

It does better with us. We'll come back to you by the end of the hearing on that point. Thank you, Mr. Landis. Sorry.

00:02:06:16 - 00:02:37:25

Said um, Tom McNamara on behalf of the applicant. Just just to clarify things as well. So, um, we think the important thing and I think you've highlighted it yourself. The important thing is that the fire and rescue authority are a and the terminology is a prescribed T for the purposes of the application to prescribe forms and procedure X. And therefore they were consulted in relation to this application. They have um they have therefore been engaged.

00:02:37:27 - 00:03:00:29

And you've seen the response that they've made at the last deadline. And in addition to that, they will be consulted formally on the requirement A to be the DTO. So we're not quite sure what, if anything, turns on whether they're a statutory quantity or not, that in substance they are part of this process and have been engaged accordingly.

00:03:03:11 - 00:03:18:09

Yeah. So yeah, we call them statutory parties. Applicants. Correct. They were prescribed consul tea. Um, so, yeah, I'm a bit confused. That's to.

00:03:21:09 - 00:03:22:15

Answer your question.

00:03:24:03 - 00:04:02:11

No it doesn't. If I can just raise this point, then, Mr. Chair, it has been me. I have been told by people in the Fire and Rescue Service that this is an important point due to potential allocation of resources when participating in this sort of process. As my wish to ensure that Humberside Fire and Rescue have all the resources they need to make comprehensive, as comprehensive submissions as possible. On what? Is a really important issue.

00:04:02:13 - 00:04:50:23

And my understanding, because this is what I have from members of the Fire and Rescue Service, is that without that statutory status, they do not necessarily because they have no legal obligation under statute, they do not necessarily have all the resources available in order to make as comprehensive suggestions and reports as possible, doing all the research and everything else. That was why that was one of the reasons why I was hoping that someone from the Fire and Rescue Service would be here this morning, unfortunately, but at least as has just been explained by the applicant, they are a prescribed consultant I think, and not a statutory consultant.

00:04:50:25 - 00:05:01:00

So at least that is the reason for me raising it. And I think the situation has therefore at least been clarified, for which I thank the appointee and yourself.

00:05:05:07 - 00:05:06:00

Okay.

00:05:07:15 - 00:05:12:23

Thank you. So this would not just confirm you're satisfied with the information you've been given.

00:05:18:27 - 00:05:19:29

Yes. Thanks very much.

00:05:20:18 - 00:05:24:21

Okay. Thank you for that. Um, in that case.

00:05:27:19 - 00:05:36:25

Yeah. In that case, I'm going to hand over to Liz Milliken for agenda item six, um, titled population. Thank you.

00:05:39:17 - 00:06:12:06

Thank you, Mr. Hudson. Um, so you'll see from the, um, published agenda for the hearing on the basis of the representations that the ex has received thus far between, um, that's from otherwise limited and the applicant, um, we had wanted to have a discussion regarding the perceived level of harm to be attributed to albums is limited as business interests. However, clearly we had quite extensive discussions regarding this yesterday.

00:06:12:08 - 00:06:28:06

So whilst I don't think we need to repeat what we discussed, I think if I'm just going to ask if either party has anything brief they wish to add and they can do that now. So I'm going to firstly ask album wise limited please.

00:06:34:21 - 00:06:46:24

Mark Wiseman Smith for album wise. Um, I think as you've indicated, you have uh, our position and you clearly understand it. So we don't need to.

00:06:46:26 - 00:06:47:11

Uh.

00:06:47:13 - 00:06:57:14

Repeat ourselves at this stage. Obviously we'll confirm what we said yesterday, uh, in writing in the post hearing submissions. Thank you.

00:06:58:13 - 00:07:01:17

That's fine. Thank you. And then the applicant, please.

00:07:04:17 - 00:07:15:09

Mr.. Uh, for the applicant, um, again, we're not going to repeat what you've you've already read, but just a brief submission from Mr. Ben Twiss

00:07:16:25 - 00:08:19:19

and Swift on behalf of the applicant. Um, obviously the, uh, change request to was submitted, um, previously, um, which in total 9.101315 table 9.1 concludes, um, that there would be no material new or different effect that would arise as a, as a result of change. Nine. Um, I'd just like to, to, to add a point that, um, given the, the extensive discussions around climate 16 yesterday, um, the yes was previously submitted prior to the climate 16 um being introduced into the DCO, which we currently have a slight adverse residual effect on businesses reported, which is not significant across both construction and operation, which arguably um requirement 16 in terms of open life would potentially reduce this effect even further.

00:08:19:21 - 00:08:28:18

And therefore, um represents in, in our opinion, a worse than worst case scenario currently in the US.

00:08:30:05 - 00:08:31:06

That's all. Thank you.

00:08:34:19 - 00:08:40:27

Thank you. Um, does anyone else have any comments to make on this particular agenda item?

00:08:44:00 - 00:08:47:01

No. Mr. Hutson, have you got anything you wish to ask?

00:08:49:05 - 00:08:50:24

No. Nothing for me. Thank you.

00:08:51:11 - 00:09:21:18

Great. Thank you. Um, I'm going to move on then to agenda items. Item seven, please. Which is land? Soil and groundwater. Um, and this one's quite brief. It's it's regarding, um, the deadline, five submissions between the Environment Agency, um, and the applicant. And this is relating to the matter, um, regarding the sealed drainage system, a request from the Environment Agency for the best units.

00:09:21:20 - 00:09:40:15

And clearly, the Environment Agency have taken quite a strong position on on this matter and which is reiterated in their additional submission that we received yesterday. So I guess my question to the applicant is, um, does it intend to make any alterations or amendments in order to deal with this issue?

00:09:45:26 - 00:09:54:20

Thank you. Tom, on behalf of the applicant, I'm going to pass over to Mr. Goody, who will address you on this, uh, on this item.

00:09:55:19 - 00:10:37:09

Thank you. Um, Patrick Goody, on behalf of the applicant. Now, we don't intend to make any substantive changes to our, um, to our approach. Um, obviously, the evidence that we've, um, we've put forward, um, is, is strong and based on, on on the, albeit limited, um, empirical evidence collected on best buyers in the UK and abroad. And I don't know if now's a good, a good chance for me to just, um, run through our response to some of the the main points that the EA raised at deadline for.

00:10:39:17 - 00:10:46:24

You can you can do that. Um, this yes. If that's brief. If you can do it in brief, that would be great.

00:10:47:29 - 00:11:21:13

Okay. Yeah. No. No problems. Patrick. Good for the, uh, for the applicant. Um, so the the main, um, uh, issues, really that the Environment Agency introduced, which they hadn't done before, was the introduction of a review of a scientific paper, um, from the from the United States, um, which was a lab test of, um, uh, providing, um, uh, a test of what could happen if a back the unit was compromised.

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Um, we've interrogated that paper, um, and feel that it's not relevant to this case, but, um, for the main reason that, by its own admission, the paper that they, um, refer to doesn't actually take into account any filtration. So what it did is it just, um, compromised a small battery which was representative of a of a, of a best unit, um, and it basically just collected the material that, that burned from it. So it had no, um, containment of any of the contaminants, and it had no filtration of the contaminants, and the paper was stated that very, very blatantly.

00:12:01:02 - 00:12:39:02

And so therefore it's not a fair test to what would happen in the real world and the mitigation that we've put forward in our Water Framework Directive screening and scoping report. And the other point that actually this this paper, um, uh, conclusion this paper came to was that actually it is quite difficult to, um, initiate what's called thermal runaway, which is overheating of the battery units. To put it simply, um, and they actually had to, to, to get the thermal runaway to, to engage, they had to apply direct heat through a Bunsen burner to these batteries.

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So, um, the paper in a way, kind of provides good evidence, um, to one of the assertions that we make that battery fires are actually, um, quite difficult and quite rare and quite unlikely. Um,

00:12:55:13 - 00:13:17:05

I think that's probably the main, um, the main, um, aspect that's come up since, since last time, we've obviously provided a more, um, in-depth response to the environment Environment Agency at Deadline five, um, which will take you through in more detail. But I think that was the key, um, difference from last time.

00:13:20:02 - 00:13:22:11

Okay. Thank you. Sorry. Apologies.

00:13:22:13 - 00:13:52:15

Thank you. Um, and just to just to confirm and embellish what Mr. Goody has said. Um, and it's just to note that, um, the applicant's approach to best siting is, is that that it's adopted across its portfolio projects. Um, and most recently in, um, in the buyers Guild decision. Um, and it's on that basis, we're not proposing any, any changes to siting in respect of this application. Not to change what Mr.

00:13:52:17 - 00:13:55:10

Goodier said, but just to an additional point.

00:13:56:16 - 00:13:57:13

Thank you,

00:13:58:29 - 00:14:40:29

Mr. McManus. I know your hands up, but I've got one further question. Then I'll come to you, if that's okay. Um, clearly, if it's looking like this issue won't be resolved by the close of the examination, then the ECA will have to report on it and we'll have to take a view. Um, so I suppose any further information for us is useful? Um, so without prejudice, can I ask, um, what revising the documentation in order to provide a sealed system would entail, just in terms of amending documents or plans? Um, and then what sort of would it have any known knock on effects onto other documents? Um, if you're able to do that.

00:14:41:01 - 00:14:41:22

Thank you.

00:14:55:26 - 00:14:56:11

Thank you.

00:15:08:29 - 00:15:23:13

Thank you. Sorry about that. On behalf of the applicant, I was just confirming colleagues. Um, we think it would require a change to the outline battery safety management plan, and that that would be the home for it. But, um,

00:15:25:00 - 00:15:45:14

we would need to understand the implications of that because we think it could potentially be significant. Um, I wouldn't want to underplay the potential implications of a change to the outline plan in terms of other documents. So, um, that is something we can we can go away and address by means of a post hearing note.

00:15:48:15 - 00:15:56:00

That would be helpful. Thank you. If we can make that an action point, please. Um, Mr. McManus.

00:15:56:08 - 00:16:40:23

Thank you. George McManus, on behalf of your ears, I had three questions to ask on this, but Mr. Milligan has just asked one of those, so that is really appreciated. Is that the implications that this might have? Can I therefore clarify that the the applicant is not intending to install a sealed drainage system? And can I ask both the applicant and the x ray if they are because the applicant just mentioned limited empirical evidence when they were looking at this? And I think there was reference made to false for small fires that have taken place in the UK and the report that had come out of the United States.

00:16:41:11 - 00:17:34:10

Uh, I was disappointed when I read the cover letter from the Environment Agency, which I received yesterday, uh, which said which gave apologies for non-attendance this morning and Clarified their possession as far as sale drainage system was concerned. And so I was gonna ask. But fortunately, the applicant has given quite a bit of background on this. So my final question, therefore is are is everyone aware because we are talking about limited empirical evidence, which I think is a significant phrase, uh, of the report that was carried out two years ago by the South Korean government and to 28 battery fires that had occurred in South Korea between 2019 and 2021.

00:17:34:22 - 00:18:35:21

The the government, the Ministry of Trade, did an extensive investigation and concluded that they were linked and probably came about due to rapid growth, safety standards and poor workmanship. When I read the cover letter from the Environment Agency. Yesterday I read that statement about the sealed sealed system. It caused me to do quite a bit of homework, so I spent quite a bit of time last night reading up on this to try and get my head around what was going on, and the subtext of the South Korean Ministry of Transport report suggested that between 2019 and 2021, there was a bit of a gold rush going on in South Korea, with developers coming in to take full advantage of a new developing technology that was clearly in the ascendancy.

00:18:36:00 - 00:19:13:22

My fear, Miss Milliken, is that we are entering into a similar scenario. And although I would never, ever dream of undermining or attempting to undermine the professionalism and the high standards that a company like RWC Implies. My fear is that without being able to get clarity on these issues, the other issues that I was talking about earlier with regard to fire and safety could lead us down a very unfortunate path with purely unintended negative consequences.

00:19:14:00 - 00:19:27:18

And so I look forward to seeing how this therefore, that brought me into the third question, which you just asked about the potential impact this should have on the application as a whole. Because if the Environment Agency are

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holding out and holding this position as strongly as they do, and they are coming up with very, very sound arguments to justify their position, particularly in an area like ours by which I refer to the East Riding as a whole, very low lying, flood risk and everything else that goes with that. Then I think it really does have to give us cause for further reflection, and I would hope that if there is a potential, if there is room for the examining authority to give an extension to the examination timetable, that that will be looked at.

00:20:11:12 - 00:20:12:19

Thanks very much, Mr. Miller.

00:20:15:07 - 00:20:53:05

Thank you, Mr. McManus. Um, firstly, um, I'm going to answer this twofold. So I heard what you said. Um, and the documents you reference. Unfortunately, we can't go hunting for those. But if you could submit those, um, in the form of a written submission by deadline. Next deadline. Deadline nine. That would be appreciated. So that we have that information before us, please. Um, and

secondly, with regards to the evidence that we have before us, um, you know, as I say, we are required to make a judgment based on all of the evidence before us.

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Um, and but that's bearing in mind national policy. So I hope that's helpful. But, um, I will pass over to the applicant to respond now, please.

00:21:05:11 - 00:21:16:07

Thank you. Madam. Um, we do have a number of points that we'd like to make in, in response to those submissions. So I'm going to hand over to Mr. tough to, to to do that.

00:21:17:20 - 00:21:49:25

Uh, no, ma'am. Jim Toth on behalf of the applicant. Um, okay. In in answering, uh, Mr. McManus questioned, and I've made some notes because there were several there. Uh, water containment and firefighting. Well, uh, the modus operandi by the uh, FRS, uh, for best fires is not to directly apply water to the fire. They, they operate a system called, uh, containment and boundary cooling, and they watch the fire burn out, and they just let it sort of no come to a graceful end.

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So there is no direct water onto the fire. Allied to this, the, uh, the best units are, um, uh, protected through ingress of dust and water is called IP rating. Uh, generally IP 65, which allows them to sort of operate in the open environment without any ingress of water. Uh, so likewise, anything that is inside the best will stay inside the best unless the fabric is, uh, destroyed in the fire itself. And there is an element of a lit with inside all the best units, which can contain a substantial amount of, of any certain debris arising.

00:22:26:27 - 00:22:58:16

So, uh, the spectra of, uh, you know, lots of water going to ground, massively contaminated is negated, uh, with reference to the, uh, the Korean government, the I believe it was the, uh, the Ministry of Trade, Industry and Energy from Korea's research paper on the, uh, fires between 2019 and 2021. Uh, the bulk of these fires actually occurred in warehouse type situations, so they were not best installations as we know them, as in the containerized version.

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They were warehouses stacked high with lithium ion technology, and they were hastily run out in an attempt to, you know, resolve an energy crisis that Korea was experiencing. Um, also 2019 to 21 was pre national fire prevention agencies release of their 855 document safety systems for buses, which then spurned the Underwriters Lab guidance for industry under UL 173, the safe design of buses and UL nine 540 which is the certification of buses, including the long term burn test under nine 540 Alpha.

00:23:36:14 - 00:24:03:07

Therefore, any of the the units in Korea that were of a container type uh uh, setup would not have been subject to that criteria. So, um, in essence, I would say that the MLT paper from Korea is inadmissible in the, uh, you know, sort of setting it against what we are trying to design here. So I think that concludes all the questions that were raised by Mr. McManus.

00:24:07:19 - 00:24:09:05

Thank you, Mr. McManus.

00:24:11:16 - 00:24:12:18

No. Supplementary.

00:24:17:04 - 00:24:20:12

Thank you. Mr. Hutson, do you have any questions?

00:24:23:19 - 00:24:27:05

No, I've got no further questions on that agenda item. Thank you.

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Mr. McManus, I think your hand is raised. I just wondered whether.

00:24:36:12 - 00:24:37:07

Thank you.

00:24:38:25 - 00:24:42:28

Does anyone else wish to add anything to this agenda item at this time?

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No. Thank you. I will now move on to item eight on the agenda, which is the review of issues and actions arising. Um, and we've covered a number of environmental matters today, and the updates from the applicant and other parties have been very helpful to us. So thank you for that. Um, at this point, I'm just going to run through the action points for today's hearing, and perhaps the applicant can confirm or deny that it corroborates with their list once I'm finished. I seem to have five action points.

00:25:21:16 - 00:26:01:05

So to go through them. Um, the first one is, um, regarding, um, East Riding of Yorkshire Council's concerns. Um, this is regarding requirement 15 and this is to ensure the, um, timescale of the 2024 month outage period is covered to amend the wording in section eight of the um OMP. Accordingly, the second um action point is to fix the drafting issue and requirement 16 three to separate separate car, house, farm and field house and solar farm.

00:26:01:07 - 00:26:40:29

These are the Soichiro House, Solar Farm and Velho Solar Farm. Action point three to confirm which stocks will be revised. Um regarding the reduction of plot to six. So that's the land plan works plan book a reference and action point for an update? Yes. Chapter 15 regarding the footpaths issue. So that's removal of things like references to diversions to public rights of way, etc. and um, lastly, a post hearing note on implications for a sealed, um, the best system.

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And those are all um, for the applicant um, to be provided by deadline six um, which is the 19th of December, 25. So can I just ask that the applicant that that, um, that accords with our list, please?

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Thank you. Madam. Um, it definitely does, uh, coded my list, and I'm not hearing anything from those around me or those that I'm in contact with. That it's incomplete. So we'll take that as the agreed list. Yes.

00:27:12:12 - 00:27:34:15

Thank you. And, uh. Yeah, just a reminder that the responses are due by deadline six, which is on Friday the 19th of December, 2025. I'm going to now move on to other matters. I've not been notified that anyone wishes to raise any other matters relevant to this hearing. Does anyone have anything now that they wish to raise?

00:27:36:06 - 00:27:38:24

Yes. Um, Mr. Wasserman and Smith.

00:27:39:24 - 00:28:11:21

Thank Northwestern Smith for Albin Wise. I just wanted to ask, uh, through you, if possible, whether there's been any update as to the applicant's connection date. As you know, gate two offers started to be made. This month we reported we have a gate to offer for field House Solar Farm for 2027. Has the applicant had a similar offer and can they confirm their connection date as of now?

00:28:12:25 - 00:28:19:29

I think the applicant mentioned that applied for it, but the decision won't be made till next year. Is that correct?

00:28:20:14 - 00:28:22:14

In the next chance. Right? No.

00:28:27:17 - 00:28:30:07

Is that correct for the opportunity to respond to.

00:28:31:07 - 00:28:33:13

Uh, Mr. Latif Ramesh, uh.

00:28:33:15 - 00:28:46:08

For the applicant, I'd have to take instructions and we can we can provide that as a, a an update at the next deadline as to as to what the decision timeline is and what we can say about it.

00:28:46:20 - 00:28:56:12

I think you said in one of your reps that you won't find out until early next year, which will be beyond the close of the examination period.

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Yes, that that is my understanding. I just wanted to double check it to make sure we're providing you the most up to date response.

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Okay.

00:29:06:27 - 00:29:10:24

Thank you. Does anyone else have anything else they wish to raise?

00:29:11:22 - 00:29:12:07

Um.

00:29:12:16 - 00:29:43:12

Madam, sir, it's just a very brief note. You'll appreciate that this is, um, a slight milestone for the applicant in the final formally adjourned hearing. And we know we've still got a deadline and at the end of the examination to come. But on behalf of the applicant, I just want to say thank you to the examining authority, as well as all of the interested parties and the local authorities for the consideration of this application. It's very much appreciated. So that was that was it?

00:29:44:18 - 00:29:45:12

Thank you.

00:29:45:15 - 00:29:47:14

Thank you. That's always nice to hear.

00:29:49:09 - 00:30:21:09

So if there's nothing else, I'm going to move on to the final agenda item and close the hearing. And thank you to everyone who has attended today and for your participation in today's hearing. Um, I'm just going to remind you that the recording will be put on the project webpage, um, as soon as practicable after this hearing. Um, and just one final reminder about the, um, the next deadline, which is deadline six on the 19th of December, 2025.

00:30:21:11 - 00:30:45:01

And that's to include any written summaries of oral submissions and to be made at these this week's hearings and any closing summary statements. So the time is now 1150. And this issue specific hearing in relation to the Pear Tree Hill Solar Farm is now closed. Once again, thank you.