



Planning Inspectorate
Arolygiaeth Gynllunio

Hearing Transcript

Project:	Lime Down Solar Project
Hearing:	Issue Specific Hearing 3 (ISH3) – Part 3
Date:	2 July 2026

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FULL TRANSCRIPT (with timecode)

00:00:06:09 - 00:00:39:17

Okay. I think we'll get started. So now welcome back everybody. The time is just gone 2:00 and we will resume issue specific hearing three. Now before we proceed to item three, I want to say thank you to all those of us that thus far complied with the examination timetable. We do appreciate the challenges this can sometimes raise. However, it must be noted that Natural England's response to examining authority's first round of written questions was not submitted until 26th June. The original deadline for this, you'll recall, was the 13th of June. This is a serious matter of concern for the examining authority.

00:00:39:19 - 00:01:10:24

Failure to meet agreed deadlines causes direct issues for the examination process. It reduces the time available for all parties to properly consider and respond to information before subsequent deadlines. The timetable is in place to ensure the efficient and fair running of the examination, and it is essential that it is adhered to accordingly. This should be taken as a clear reminder that future deadlines must be met. Now, as we are moving on to the ecology and biodiversity part of the agenda, I shall quickly go around the main parties to see if we have any new speakers before checking with wider interested parties.

00:01:11:01 - 00:01:20:12

I'll start with the applicant. Miss Broderick, I assume you are continuing as the facilitator with the applicant for this part of the agenda. Do you want to introduce any new speakers?

00:01:21:05 - 00:01:43:26

Uh. The applicant? Um, yes. That's correct. So we have our different topic experts available. Um, today I'll let them introduce themselves. And then equally, as I said earlier, in the event that the topic discussion requires a different member of the team to come forward and they'll introduce themselves. But I'll let the new members introduce themselves now. Thank you.

00:01:45:01 - 00:01:58:11

Good afternoon. Um, Peter Timms from Clarkson onwards, ecology consultant. I'm a full member of the Chartered Institute of Ecology and Environmental Management, and I was the author of the yes chapter concerning ecology and biodiversity.

00:02:02:13 - 00:02:11:12

Mr. Jackson Johnson, landscape architect responsible for the land condition assessment as well as the landscape ecological mitigation plans.

00:02:16:22 - 00:02:25:01

Of the outcome. Those are the new people that we envisage speaking. We do have other other team members, as I said, but they'll only introduce themselves if they are required to speak. Thank you.

00:02:25:11 - 00:02:30:23

Oh thank you. I'll come now to Wiltshire Council. Uh, Miss Shelby, do you have any new speakers for this afternoon, please?

00:02:30:25 - 00:02:31:23

Yes. Three.

00:02:31:25 - 00:02:42:23

So next to me is Emma Fisher, who's a senior ecologist at the council. And we've also got two arboriculture officers from the council next to her. Um, Kate Tate and Lisa Price.

00:02:48:07 - 00:02:51:12

Thank you. I'll come now to stop lying down.

00:02:52:15 - 00:03:09:24

I have Celia Reynolds on behalf of. Stop lying down. I'm taking the reins from Dan Gazelka, who was dealing with the morning's hearing. I'm joined today by Nicholas Flory, who is a senior psychologist at Beth Psychology and produced appendix E of Stop Lime, Dan's written representation. He's also a member of Siam.

00:03:11:10 - 00:03:27:14

Thank you. And I don't believe we have Natural England or the Wiltshire Wildlife Trust joining us. Unless I see a hand in the room or online, which I'm not. Um, I believe we have the Environment Agency online. Is that correct? And if so, if you could just introduce yourselves, please.

00:03:29:21 - 00:03:36:27

Yes. Good afternoon. It's Laura Edwards, planning specialist from the Environment Agency. I'm joined by my two colleagues and I'll let them introduce themselves.

00:03:39:00 - 00:03:45:15

Hi. Good afternoon. Um, I'm Josephine Humphreys. I'm the biodiversity technical specialist in the Environment Agency.

00:03:47:22 - 00:03:53:09

Yeah, it's William West, and I'm the fisheries technical specialist in the Environment Agency. Thank you.

00:03:55:27 - 00:04:04:02

Thank you very much. Now, are there any other persons who have registered to speak on ecology and biodiversity part of this agenda who I've not called out?

00:04:06:12 - 00:04:52:20

I'm not seeing any hands in the room and I'm not seeing anyone online. Okay. That being the case, let's get straight into item 3.1, which is survey work. I'm going to turn to the applicant. First I want to start by inviting the applicant to explain and justify their approach to ecology and biodiversity within the cable route corridor. And at what point did the survey work influenced the order limits of the cable route corridor? For example, with surveys undertaken before or after the order limits were set? Now, I would like you to justify why the extended UK Habitat Classification Survey and Modular River Physical Survey, without the benefit, the the benefit of a complete suite of species surveys was is an appropriate approach.

00:04:52:22 - 00:05:01:08

Before you start though, please note I have read your response to examining authorities question EB 1.2. So I'm looking for a bit more detail and clarity, please.

00:05:04:28 - 00:05:40:00

Peter Timms, on behalf of the applicant. Um, so, uh, the cable route corridor in terms of the order limits, we, um, going back a bit to the to peer stage, we had a, you know, a wider, a wider area which was termed the search corridor. Um, so from the peer stage that was refined, um, based on, um, and that's the ecological surveys. Um, so the ecological habitat surveys that were done along the corridor, um, helped to define that.

00:05:40:02 - 00:06:10:20

Um, in particular, we considered the placement of temporary construction compounds, um, which, um, would be helpful to review those locations? Um, but we, um, those were we considered potentially more, um, about sort of higher potential impacts than the rest. Most of the rest of the cable route, based on the larger land take required and the sort of nature of of works in temporary construction compounds.

00:06:11:13 - 00:06:13:26

Um, so we

00:06:15:19 - 00:07:10:16

our surveys, we, we looked at, um, where, uh, habitats that may be particularly sensitive or, you know, particularly affected by, by siting temporary construction compounds. And the surveys were, you know, identified that the, the eventual location of those compounds were on habitats which were relatively low value for biodiversity. Um, they were sort of arable fields and species, poor, uh, agricultural grasslands. Um, we also considered during the course of the habitat surveys considered where um identified uh watercourses suitable for migratory fish, which we felt were particularly

sensitive to cable installation works and where any watercourse was identified, which is which we've we've we assessed the suitability for migratory fish.

00:07:10:24 - 00:07:41:17

They are included in um avoidance areas which are located on the plan um one seconds prep 3036 key construction phases. Features. Figure two two structure phase features. Um. And those avoidance areas are locations where cable installation will adopt trench loss techniques, such as horizontal to actually horizontal directional drilling to avoid directly impacting, um, those features.

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Um, so that's sort of um, that's how the sort of.

00:07:46:26 - 00:07:57:02

Okay. Thank you, Mr. Timms. That's that's helpful. So in terms then, I'm just. I'm trying to just get the the order of events straight in my head. So

00:07:59:00 - 00:08:29:14

when were the surveys undertaken? I mean, I appreciate what you said about construction compounds and what you've said with respect to avoidance areas. That's all fine. And I think we'll probably touch on some of that later on. But when when was surveys done. They had habitat surveys done and so on in relation to setting the order limits where the order limits set first. And if so, how were they set. And so yeah, I think you understand my question.

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So I'll leave that to.

00:08:50:23 - 00:09:23:26

Peter Timms on behalf of the applicant. I just want to take it back slightly again to the peer stage and the the work that was carried out to, um, refine the order limits at that stage. Um, so that took into account, um, all sort of, you know, statutory designated sites, um, ancient woodland. Um, that was a sort of desk based study. We at the peer stage, there was a, um, a local wildlife site at LW s within the, the, the, um, search corridor at that point, um, which has got quite a long name.

00:09:23:28 - 00:09:36:07

Um, but that then was removed from the eventual order limits. Um, but the surveys were carried out. Um, forgive me. Um, before March.

00:09:38:21 - 00:09:39:11

One second.

00:09:45:18 - 00:10:18:01

I'm sorry. From from March 2024. Um, uh, and yeah. So, um, that was that followed the, um, a refined corridor. It wasn't that wasn't the, um, the entire research corridor, but, um, and as I say, the those as those habitat surveys progressed, we identified, um, you know, we highlighted that construction compounds. Uh, it may be suitable to go there. Um, so in some cases, it was a case of, um, we've identified a, uh, a site for a construction compound, and we hadn't been there yet.

00:10:18:03 - 00:10:23:11

And then we went there to then confirm that it was a suitable location, if that makes sense.

00:10:26:21 - 00:10:56:26

Yeah, that that makes sense. So you're starting off with a again, testing my understanding. You're going from point A to point B, point B being the substation at Melksham. Um, and you have like an area of search. I don't mean area of search and the formal terms, but sort of lower case. And within that corridor, you're sort of refining that through the stage. And then you come down to an order limit, which is what we have in front of us.

00:10:57:21 - 00:11:28:13

Is my understanding of that part. Correct? Because then the next question I want to ask is the actual on site habitat surveys, because I know you did a, um, sorry, extended UK habitat classification and the modular River physical surveys within that order limits. So again, I'm just testing my understanding with at that point how those order limits were set and what work was done to inform those with respect to those surveys that I referenced.

00:11:53:06 - 00:12:25:03

So just to appreciate the question that's being asked, I think in terms of putting it into context, it might just be helpful to explain that obviously between that wider search corridor and then refining it down, that took into account lots of different information across a wide range of, um, of the disciplines. So there were it was a range of survey work being done in terms of different elements of the scheme and further desk based, um, assessment work being done to refine that corridor down.

00:12:25:06 - 00:12:57:17

And then um surveys were undertaken of the, of that corridor to check that it was suitable. And to the extent that the corridor, the refined corridor, um, was identified as being suitable or having sufficient room within it for microsites. Then there wasn't necessarily a need to then, um, change that. But in the event that the error was found to not be suitable, then the, the, the um, the area would have shifted if that. If that makes sense. So it's a sort of, um, iterative process where you're looking.

00:12:57:20 - 00:13:18:03

Um, and Mr. Barrett and his team are taking into account information across a wide range of disciplines and refining that corridor down. Um, but in terms of, I think the specific question you're asking is, were surveys done on land outside of the red line that you're asking, then the answer, yes. No.

00:13:18:05 - 00:13:20:08

Yes. That that's that's what I was coming to.

00:13:20:10 - 00:13:28:17

And then as in for the surveys we're talking about, obviously there are other surveys that were outside. But in terms of the specific surveys. Um.

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No. That's helpful. Thank you. So. Moving on then.

00:13:42:16 - 00:13:51:27

How why is that approach without specific species surveys. Appropriate. And again I have read the response to examining authorities questions.

00:13:58:25 - 00:14:41:22

Petitions on behalf of the applicant. Um, we we consider that the, um the the the impacts in the corridor, um, because of the nature of works, particularly the, um, the sort of, uh, short term and, um, although it's a long linear scheme in any one location, it's a relatively small, small sort of footprint of works. Um, and, and so we felt that, um, where you can, uh, you, you obtain habitat survey information and you can use that information to, um, to define to to determine the likely suitability of the habitat for species that may be impacted.

00:14:42:09 - 00:15:13:10

And then where you can uh, and you can you, you can do that based on, uh, sort of, uh, known sort of home ranges of species or sort of population densities. Um, and where you can then, um, define, you know, you, uh, decide mitigation, your mitigation approach, which can result in a, um, which results in avoidance or, or minimal impacts to those species. Um, that's, that's that's the proportionate approach to, to survey work.

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Um, and it's um, in comparison to the, you know, much more extensive surveys that were taking undertaken at the solar PV sites where the, um, the change of land uses and um, the, the impacts are much longer term.

00:15:29:05 - 00:16:04:17

Now, I, we touched yesterday on The cable route corridor and how that physically is developed this project. You'll recall that we had a brief conversation about about that. Now I understand I don't want to touch on hedgerows because I've got I've got questions about that and field margins etc.. So we'll stick to the high level discussion. Now I understand that you're going to have direct effects digging the trench, etc., but you also have indirect impacts on species lighting noise to examples for example.

00:16:04:19 - 00:16:42:06

So although you're saying those works are temporary, you could end up in a situation where you're working the cable route corridor and you are working on a section concurrently. You know, we could we had this discussion yesterday so you could end up working concurrently at an end to end or middle to top, etc.. So you could end up with sections currently, could that not have a longer term effect? Could that not be an impact of several months with noise and and lighting, for example. Noise is probably the main one, but could that not have an effect? And and if you could just sort of help me understand that element of it, that would be that'd be appreciated.

00:16:45:01 - 00:16:52:24

It seems on behalf of the applicant, yes. We do acknowledge that that, um, that impacts, you know, um, that it could

00:16:54:12 - 00:17:16:01

be over a longer period than the actual sort of direct works going on. But, um, we do that has been what we've assessed it on. Um, based on the, uh, the corridor works taking up to 18 months. Um, in total. Yeah. That we've assessed that potentially works could be going on in some parts of the Cape for, for about 18 months. Yeah.

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Okay. No thank you, I think.

00:17:23:21 - 00:17:26:24

Yeah. Okay, I think I, I, I sort of understand.

00:17:29:11 - 00:17:32:13

While you've taken the approach that you've, you've done.

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Um, but I just I just want to explore it a bit further, please. So in terms of chapter nine of the environmental statement, how then, without species surveys and

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without knowing how the cable corridor will be or the cable will be delivered physically in terms of that, those construction works and those indirect effects we've just discussed, how can the level of importance be determined on species without the surveys? Now, what I'm getting at here is when I look at the statement of common ground with Natural England rep 3112, we see a number of entries that refer to concerns over the approach. Now that that's regardless of whether or not it comes up in as an agreed item, there is wording in 3.3.13, 3.3.15 and 3.3.17.

00:18:27:09 - 00:18:54:06

There are also similar concerns raised about your approach from Wiltshire Council and from Stop Lying Down. So can you just explain a bit more to me about when you've said when you've apportioned importance within the environmental statement to these, to to different species? Again, without those surveys, I'm just curious in terms of the methodology. How can that be determined, please.

00:18:56:19 - 00:19:31:07

Peter James, on behalf of the applicant, um, it's yes. That um, determination of importance. We we can there's there's a few things you can do, but one one being um, where the you've got the habitat similar to the solar PV sites where there has been sort of extensive surveys for certain species. Um, you know, we identified that, um, at the solar PV sites, it was, um, sort of 90% coverage of arable land. And So I don't have the figures actually turned at the minute, but it's a similar proportion, uh, within the cable corridor.

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Um, and similarly, you know, we reported the hedgerows were of a sort of similar structure and, and, and species, um, species mix. Um, so, um, and it's all sort of, um, there's no, no different habitats, you

know, um, sort of large bodies of water or anything like that. Um, which, which might mean that the, it might be different to what's at the site of sites, um, and,

00:20:00:27 - 00:20:34:08

um. Yeah. And also based on, you know, knowledge of, of, uh, of habitat preferences by species just in general, um, regardless of the location, um, you can use that information as well to, um, to determine a low level importance. I do acknowledge that, you know, detailed surveys would help to clarify that. Um, but we, we maintain that the, the surveys that have been done are proportionate to the, to the potential impacts.

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Um, which is why we haven't, haven't done those detailed ones.

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And when we use the phrase proportionate, it's relative to the level of impact with respect to the gilly and the cables that my understanding correct.

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Pete Sims, on behalf of the applicant. Yes.

00:20:49:05 - 00:21:30:08

Uh, for the applicant. Um, and also proportionate to inform the nature of the mitigation measures that might be required. So the applicant considered that it had sufficient information both to determine the suitability, um, of the cable route corridor, but also the, uh, the fact that mitigation measures, um, were would be adequate should the surveys that will be undertaken pre-construction identify particular locations, then there would be obviously space to microsite if that was the is one solution, obviously, because we're talking about a much narrower corridor than is applied for on the order limit.

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So you would do your more detailed surveys once you actually were coming to construct. So it would be up to date information and that would allow you to microsite. And then there's a range of mitigation measures that are, um, very standard, um, across this type of activity. And the applicant therefore has great confidence that those mitigation measures are suitable. So I think the the position of the applicant is that it had enough information to, um, to assess the impacts and determine the um, suitability of the mitigation measures and that it didn't need those detailed surveys to be done at this point in time to inform those elements.

00:22:12:01 - 00:22:17:27

But obviously those those surveys will be done, um, prior to construction. Thank you.

00:22:19:03 - 00:22:35:05

I am going to go around the other parties in a second. But but Miss Broderick has just touched on the mitigation hierarchy. So I think what I'll do is I'm going to perhaps ask my next question, then come round the other parties to facilitate discussion. Uh, so.

00:22:37:27 - 00:22:50:13

First question perhaps was something that that Mr.. Tim said about the survey work is and and the, the assumptions and I do understand what you're saying, but is there a danger that something gets missed?

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Pete Sims, on behalf of the applicant. Um.

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Quite a lot of, um, there's a long list of, um, species surveys you could do, uh, based on the fact that suitable habitat. Um, but a lot of those are, um, just they just tell you presence, absence. They didn't, you know, um, particularly things like, um, sort of a, you know, um, waterfalls or otters. They don't really tell you, um, the, um, the population size or anything like that. It's quite often just presence, absence. So, um. Um, that that doesn't.

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So the we've gone straight, we've gone straight to assuming presence, um, and not having, not not having done those surveys. Um. Um, based on I say, based on the suitability of, of the habitat. Um, and then, as I say, take into account that all species are present in all in all suitable habitat and jump straight to the, to that approach. Um, because even, um, say even doing something surveys there sometimes um, you can mis miss species then particularly where you've got where it is a sort of, um, linear schema here.

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Um, you know, it's, it's it might be that, um, where you've only surveying, say, for example, a certain section of a watercourse, um, that, uh, It. You still wouldn't rely on absence data because you haven't surveyed them. You know, a longer section of that watercourse, if that makes sense.

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So

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assuming for what you just said, sort of the surveys might, might confirm something like presence absence.

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Is there a chance then. Be mindful what I say here that you are overestimating presence.

00:24:47:21 - 00:25:02:08

On the applicant. Yes, absolutely. I think that's that's fair to say. Um, yeah. We are we are assuming presence in all suitable habitat. But, um, uh, there's a there's a fairly reasonable chance that species aren't present in, in habitats.

00:25:02:29 - 00:25:34:21

No. Okay. No, that's that's helpful. Thank you. Right. I know I said I was going to touch on mitigation before, but actually I'm, I'm not I'm going to come round the other parties first. Clear up the applicant's Response to where we've got to so far. And then I want to touch on mitigation hierarchy. So first of all, I'm going to come over to um Wiltshire Council. And I will just say to parties as I'm, as

I'm sort of turning to face a particular party, I may not see if you have a hand raised or something like that, but I, I will come with you as I sort of turn to raise your hand and catch my eye.

00:25:34:23 - 00:25:58:11

So I'm going to come now to Wiltshire Council with respect to what you've heard. And again, I've, I've read your submissions, um, in detail. And is there anything beyond what you've said that you would like to respond to from what you've heard the applicant today and I'm not I'm not suggesting any form of cross examination. ET cetera. It's just a question of any comments you would like to feed into what I've just been told.

00:25:58:19 - 00:26:28:28

And I'll, I'll just start very briefly. I shall be for Wiltshire Council and then turn to Miss Fisher to see if there's anything to add. I mean, definitely nothing that's been said resolves the concerns the council has set out in writing, and I think that's the key point, the the issues you raised about the possibility of things being missed and the challenge of species being given appropriate levels of importance and the appropriateness of mitigation. How that's possible without doing the proper surveys. And in terms of the the idea that presence has been assumed.

00:26:30:28 - 00:27:01:14

Okay. The applicant said they've taken a precautionary approach in terms of what's there. But part of the council's concern is what does that really mean? So is there an assumption that vaccines bats are roosting in every tree? What does it actually mean to assume presence of everything everywhere? And has that really been done on a worst case basis. And the council's not clear that it's been shown that it has to do has been. And the other the other point just to add is that that we heard there that more surveys would be coming post consent.

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But the starting point, I mean, familiar guidance, case law and respect of European protected species is that you shouldn't be waiting until consents been given to do surveys when you're discharging conditions or discharging requirements, and there is issues of European protected species arising here. So that that is a concern for the Council. And I don't know if Mr. Fisher wants to add anything. Or.

00:27:25:06 - 00:28:00:15

Emma Fisher for the council. Um, yes. I think, um, Michelle, just, um, Chavez just covered off very well, actually, the points that I was going to make and, um, I think what I would just add, if I may as well, is that obviously, you know, we all work to a professional code of standard and conduct. We're all aware of the various guidance that's out there, which quite clearly does set out the the stance that you should go in with an application, with it being suitably informed and supported by the appropriate level information.

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And that doesn't mean that you just assume everything is present necessarily. I understand taking that approach, you know, can be prudent in some cases where survey maybe is disproportionate or wouldn't add much. But for a scheme of this kind of scale and magnitude, um, which obviously at the earlier point hadn't been refined. And so obviously at that point, survey should have been done in

targeted areas to inform where it may be should be rooted or so to make those decisions without the appropriate level of survey was a and remains a concern for us.

00:28:35:20 - 00:29:06:04

Um, and uh, you may have seen from the relevant representation we provided in January that just stepping back a bit, if I may, if that's okay, to go back to the actual desk study, that of course, underpins and sort of helps to inform the decisions that you take about what surveys you will undertake. We were also concerned about that lacking as well for the cable route corridor, and that it was not really going beyond the realms of the actual sort of at that point, the defined sort of limit.

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Um, so I think Equally. Having that kind of level of information early on just helps to inform the whole process. And I know you're going to come onto the mitigation hierarchy, but obviously how can you actually demonstrate you're actually adhering to the mitigation hierarchy if you're doing everything the other way around? With all due respect.

00:29:26:25 - 00:29:38:25

No, I understand what you're saying. Um, you've mentioned the several things you've mentioned there, and actually, I am going to be coming on to those throughout time, allowing, of course. The one thing I would say is.

00:29:41:13 - 00:29:52:15

You mentioned about various bits of case law. Yes. But can you submit those, please, into the examination? Thank you. I'll take that as an action point. Um.

00:29:55:02 - 00:29:58:02

Special European protected species notwithstanding.

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What is the.

00:30:02:12 - 00:30:12:22

This might seem like a very basic question, but I'm going to ask it anyway. What is the problem with the applicant's approach. Just assuming presents. No, not like I say, EPs notwithstanding.

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Sorry you were already on.

00:30:17:19 - 00:30:50:03

Emma Fisher for Watch Council. Um, as my colleague has just sort of intimated, uh, when you assume presence of everything everywhere. What does that actually mean? Um, does that extend to assuming that in all four buildings within the cable corridor and awful buildings within the solar PV sites, that the applicant has identified, that you've got both horseshoe bats associated with the Bath and Bradford and bats roosting in there in the summer. I think this is where, you know, we're we're a little bit concerned about that sort of approach.

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Um, and you could in then in that case sort of take the view that whatever survey for anything ever then if you're always going to assume presence, why do we have BS for 2020? That clearly sets out its position in regards to the level of survey that should be undertaken and the level of information that should accompany applications for both planning applications. And obviously that extends to MSPs as well. And I would argue is probably even more important. And if I may venture, I feel that the scale of a scheme shouldn't preclude doing the requisite amount of ground work.

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Um, if anything, it sort of is more important.

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I'm, I'm I'm happy to be corrected. But as I understand the applicant's position, it's the it's not the scale of the cable corridor. It's the it's the nature of the works. That's that was my understanding. My correct. My my.

00:31:51:21 - 00:31:53:24

Pete. Tim's on behalf of applicant. Yes. That's correct. Yes.

00:31:54:21 - 00:32:05:02

Okay. Um, I would like the applicant to respond to the point about if you assume presence, are you assuming presence everywhere. And.

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I don't think it's necessarily appropriate now, unless Miss Broderick has an answer to off the top of her head with respect to respect to the various bits of case law and protected species. Happy to wait till deadline five for a comment on that. With respect to the response case law, assuming counsel will submit that a deadline for and if Miss Broderick, if the applicant can provide a response deadline five. But if we if we touch on the like say assuming presence so everywhere, what does that mean.

00:32:40:17 - 00:33:12:11

To the applicant? I'll let Mr. Timms come in. Just to be clear, when we say assuming presence, we're saying assuming presence in suitable habitats, we're not saying assuming all species could be everywhere within the cable corridor. So it's been implied that perhaps a level of assumption has taken place, which is which is not quite correct, that the applicant has undertaken a whole range of different surveys. Um, and they can provide, um, the list of different surveys that have been undertaken.

00:33:12:13 - 00:33:44:18

So we have a lot of information about the scheme. I think there's a specific point about whether there was a need for protected species surveys, or whether we had sufficient information from our habitat surveys, um, along the cable route corridor to do the particular, uh, undertake the assessment and to um, uh, confirm the types of mitigation measures. Um, I think it's important to know, obviously, um, there's an ongoing obligation.

00:33:44:20 - 00:34:17:06

It's very common for further survey work to be undertaken pre-construction. All of the projects I'm involved with in the solar projects I'm involved with have commitments to undertake further survey work prior to construction starting. Um, so that in itself is not an unusual, uh, commitment to make. And it's also important to, um, as part of the discharge of the requirements to confirm that the, um, conclusions of the assessment that were carried out remain valid at the point of discharge of that requirement.

00:34:17:08 - 00:34:32:01

Obviously, if Michelle Abbey is going to provide some specific cases that she wishes to refer to that that are applicable to this particular scenario, then we can make some legal submissions on those. But just in terms of the ongoing validity of information and completely common.

00:34:32:06 - 00:35:16:11

And it's actually it's the it's the legal opinion. With respect to your approach to European protected species. I have to I'm, I'm most keen to see at deadline five because yes, you're absolutely correct. Pre commencement surveys are a normal part and parcel of planning act etc.. I've been doing this for a long time. Yes, I get that. But again, I have to admit I didn't take from the council's comment about every species everywhere. Yes, I understood it to mean inappropriate habitat. But again, European protected species notwithstanding, I do want to park that because I think that is a larger issue that I think I would like to see the applicant going at a legal have a legal opinion on.

00:35:16:26 - 00:35:28:29

There are some matters about habitat and there are some matters about species later on. But in terms of the applicant's high level approach, I think we need to park the bus on that one. Now, in terms of

00:35:30:15 - 00:35:54:21

assuming suitable assuming species in suitable habitats, um, I am going to pass that back to the applicant. Just to perhaps explain a bit more. Yes, you've assumed presence, but I think both parties have actually alluded to this, you know, where do you draw the line on that and that that's that's probably a part that I need to distill and hone in on and understand.

00:35:56:02 - 00:36:44:27

Uh, Pete Sims, on behalf of applicant. Um, drawing the line. We do. It's, um, it's basically basically a proportionate approach. So where we know where there are likely to be greater impacts at the sale of solar PV sites, we have done extensive, extensive surveys to determine, you know, what, um, how those sites are being used by various species. Um, because that's where the that's, you know, that they could be impacted in that case, um, elsewhere, particularly for the Cape where we have assumed presence is because we feel that we're confident that, um, impacts can be avoided or minimized, um, based with the, um, with the mitigation measures that are, uh, you know, fairly standard and widely adopted.

00:36:44:29 - 00:36:57:16

Um, there is nothing sort of novel or anything we're doing. Um, and that's why we feel that, um, assuming presence where there is a proportionate approach for that element of the works.

00:36:58:28 - 00:37:33:27

Okay. No. Yeah, I understand what you're saying, but there was something you comment you made there. It's not a novel approach that you're undertaking, and I'm not going to dispute that. It's not my role dispute that my role is to interrogate evidence and come to a conclusion. Now, if I come back to the council, I will come to stop lying down, I promise. I come back to the council. The applicant said this isn't a novel approach. Now, again, EPs aside, but for non-European protected species, again, if what? What is the harm if I put it that.

00:37:38:04 - 00:38:09:01

I'm a fisher for the council. Um, I concur with Mr. Timms. It's not a novel approach. And as he says, you do do pre-construction surveys, such as checking for any newly created badger sets that may have arisen since you did last survey. So we're all aware of that being sort of a standard approach and perfectly acceptable. Um, but obviously you don't defer everything until detailed design because then you may have to retrofit or shoehorn in mitigation at a late stage.

00:38:09:03 - 00:38:48:28

That may then become very difficult to deliver, as you say. EPs aside, you could have other species that you encounter that are not EPs, um, but that still require mitigation. And it may then become very difficult or possibly unfeasible to try and, uh, provide appropriate solutions at that stage, once you've already sort of got to the point where as, as the applicant is referring to its detailed design, and they have, of course, alluded to us that their management plans and so on and so forth, if approved at this point during, you know, at the end of the examination, would effectively not materially change too much down the line.

00:38:49:00 - 00:39:04:18

So I think the concern is where would do you go from there? If things are identified at a very late stage and you don't have an appropriate mitigation strategy and approach in place and. Agreed. Um, yeah. Thank you.

00:39:04:20 - 00:39:32:24

Okay. So again, testing my understanding, the concern is without the species surveys EPs aside, that the if we get to the detailed design stage applicants on the ground, I'm thinking practically here. They're on the ground. They're digging the trench. They come to check the hedge, for example, and they come across something. Right. We can't we don't have a mitigation measure for this. Is that am I distilling that down to a basic level.

00:39:34:08 - 00:40:24:26

And the fish for the council? Yes, I think so. I mean, obviously they have said that they're assuming presents and they've sort of proposed mitigation on that basis. Um, there is obviously also the other point that the ES and the assessment they're in should of course, Account for everything. And whilst it may be the case that they've assumed presence in suitable habitats, obviously I'm not suggesting they've assumed everything is everywhere. Obviously that goes without saying, um, you know, it does somewhat undermine the accuracy and robustness of the assessment if it's not actually informed by genuine data collated on the ground, and instead sort of based on just a suite of assumptions, um, it, it just sort of, you know, undermines confidence in that assessment.

00:40:25:14 - 00:40:42:03

Okay. I'm going to come now to stop lying down on that point. And what's in my head is, is again practically thinking, what's the harm? So if I come to stop lying down, please.

00:40:43:17 - 00:41:18:03

Um, Celia Reynolds from stop lying down, I think. Stop lying down. Primary concern is exactly as articulated by Wiltshire Council that by the time these detailed species surveys are being undertaken, that it might come too late and Mr. Valeri will pick up that point in particular in terms of the the practical consequences. I'm not sure if this was something the examining authority was going to explore later, but as I understand it, there was a proposal from the applicant to make minor adjustments to the cable rail corridor on account of, say, possibly the discovery of species. And we would question the ability to effectively avoid on that basis.

00:41:18:07 - 00:41:21:01

And if you hadn't undertaken that at an earlier stage.

00:41:21:03 - 00:41:29:21

Yes, I am going to come to that next. But if we if we just focus now on the applicant sort of high level approach, and then I'm going to dive straight into mitigation. Thank you.

00:41:29:25 - 00:41:31:16

I'm grateful, Mr. Valeri.

00:41:33:17 - 00:41:34:02

Yes.

00:41:34:04 - 00:42:19:22

Just one of the points I had of concern with the sort of high level design decisions and very much is that there really isn't much of it. It's very much putting a lot of onus and responsibility On the ecological clock of works on micro siding and deciding on the spot, effectively having to make significant decisions. And I feel that they risk very much being overburdened and under-equipped due to this lack of baseline surveys, even assuming that there is even just assuming that there is presence and the like, and extending that to everything that might have a potential of reasonable potential to support it, I feel definitely risks clashing with the actual practical carrying out of these surveys.

00:42:19:24 - 00:42:51:15

I'd like to remind that the current stated target for completing these works is two years. Effectively. If at any point there is if at any point, the Ecological Clerk of Works feels that a section of habitat might have changed, or might or is not necessarily certain, there is definitely a straw for just there's definitely a strong incentive to, rather than avoiding it entirely or surveying it further because of the seasonality requirements for a lot of these things, these can be six month long delays and the like.

00:42:51:17 - 00:43:02:09

There is already a lot of external pressure on the ecologist on site, even if he is carrying things out in the best practice and following best practice in his regards. Just to give a very quick example.

00:43:02:13 - 00:43:39:26

Yeah. Sorry. Mr.. I do have a have an item on monitoring, which is what I was going to cover that on and those exact points. But in terms of the applicant's approach of assuming presence or using data that's been gathered from the solar PV sites, and then applying that with UK hab survey and the river ology survey, and then assuming presence of species in suitable habitats. And then again, I'll stress the point European protected species to one side in terms of non EPs.

00:43:40:00 - 00:44:03:26

Then what is the what is the harm with the applicant's approach to that? Now mitigation we're going to come on to. But in terms of a principle, if we for one second just assume that mitigation is sort of part of the second. But in terms of an overarching approach, is the applicant's methodology at this point.

00:44:05:12 - 00:44:07:14

Is there an issue with that?

00:44:08:22 - 00:44:57:21

Um, Nicholas Loi, first up, I'm Dan. Um, I do definitely think so as it's already been raised. Again, there could be sort of, um, cases of overestimation. But as he's also mentioned as, um, sorry, the applicant has mentioned, there is a lot of the considerations have been made on the basis of similar condition to the solar PV sites. Very much do not take much into account. A lot of the habitats around outside that already fairly wide area. It does not take into account, for instance, whether a hedgerow might be a major highway for certain animals if it cuts between if it links a triple A size such as the west, and down triple A side to woodlands on the or on the opposite side of it does not take into account areas that might need more focus over areas that might need less focus.

00:44:57:23 - 00:45:04:19

And all of this has a knock on effect on the actual on site mitigation, on where you would want to really concentrate a lot of your efforts on.

00:45:05:20 - 00:45:19:16

Okay, so there's the what you're saying there. When I understand what you're saying, the, the the risk of underestimating is quite significant as opposed to overestimating that. Is that my my understanding correct?

00:45:19:18 - 00:45:20:14

Yes, that is correct.

00:45:20:16 - 00:45:39:00

Okay. Thank you. We are skirting very close to mitigation. But before we get into that, does the applicant have anything to respond to? I mean, I think the underestimation point is a good point Mr. Blore makes. And so I'm going to pass back to the applicant just on that point, please.

00:45:39:04 - 00:46:08:05

Just. Just before Mr. Timms mentions that I do. There were some comments made about the the the ability of the applicant to have the flexibility it needs to be able to employ the mitigation measures, it said. And I just wanted to clarify that what we're talking about here, in terms of the the sort of the the

detailed design, is trying to find an appropriate place for a 1.7m wide trench in what is currently a 50 metre corridor.

00:46:08:07 - 00:46:30:04

Sorry, Miss Broderick, I will stop you. Not because I don't. Not because I'm not interested in what you're going to say. I am very interested in what you're going to say, but I'm just I want to focus on this high level approach first, and then we're going to get into mitigation and which in that point, yes, I want to I want to hear what you were about to say. Um, yeah. Sorry if that's.

00:46:30:06 - 00:46:45:15

No, no, no, I understand. I just wanted to provide some context as to why the applicant considers that high level approach is appropriate. But in terms of that specific point on underestimation, then the terms can come back on that.

00:46:46:06 - 00:47:20:20

Peter Timms, on behalf of the applicant, um, we are yeah. So without trying too much to go into mitigation, we have um, in terms of, um, the point that we're making, um, about potentially underestimating, um, important routes for commuting, dispersing species. Um, we have we have considered that and we feel that, um, mitigation approach we've adopted, which is to narrow working areas at hedgerows to a certain width, which we will come onto in a minute.

00:47:21:09 - 00:47:37:03

But yes, because what you what we have is are the exact things that 40m, 50m wide corridor in most places, and then you're narrowing that down to 10 or 12m working corridor with a trench of 1.7

00:47:39:02 - 00:47:39:17

cleavage.

00:47:39:19 - 00:47:51:23

The applicant said that the typical open cut working. Trench would be 25m through a through through a field, for example, and then at. Then it would narrow hedgerows. And then.

00:47:51:25 - 00:47:53:18

Within that trench itself was.

00:47:53:20 - 00:48:32:18

Within that 25. The trench will always be 1.7m unless we're doing if we're doing open cut, then the trench will always be a maximum of 1.7m wide. The actual working width will vary, so the standard working width is the 25m. And then that narrows depending on the features that encounters. And I wonder if it would be helpful either now or when we move on to it to show the avoidance area plans, because that gives perhaps a greater overview of the of the way the applicant has approached, um, the way it will, um, sort of undertake them.

00:48:32:20 - 00:49:09:22

What mitigation has is already built in at this stage in terms of the commitments that have already been made at this stage, and then the areas in which, um, the further survey work will then obviously

inform other mitigation measures that may also be employed. But there are certain areas where we've already identified a particular feature, and we've already agreed to commit to an appropriate form, um, of mitigation, which, for example, might be directional drilling under that area such that there isn't the impact that is being, um, that is of concern here because we've already committed to an appropriate form of mitigation for that particular feature.

00:49:10:19 - 00:49:45:25

Yes. Um, and there's a there's a good example of that on the dormice in the statement of Common Ground with Natural England. So in your response to the examining authorities question, EB 1.2, it's page 217 of Rep 3128. The applicant states where impacts cannot be avoided, appropriate measures would be adopted to mitigate impacts as far as possible, for example through sensitive timing and works, adoption of sensitive habitat removal techniques, attendance of an ecologist and a watching brief role or, where appropriate, conduct works under relevant mitigation licenses.

00:49:46:13 - 00:50:17:04

Now, I think the concern from the council and from stop time down is given. Given the order limits have already been drawn without the species surveys. How can the first part of the mitigation hierarchy avoid the be implemented? Because I know you've you've sort of said a range of. If I take the dormouse example I used in your statement of common ground with Natural England, I know it says there you actually talk about HDD trench trench loss techniques, for example, if that's required.

00:50:17:06 - 00:50:23:27

But also Mr. Valerie mentioned about well avoidance seasonal avoidance.

00:50:25:14 - 00:50:55:17

If we did seasonal avoidance each time We came across something. Now I'm thinking probably in the cable record, it's probably going to be when you come to a hedge or field margin or indeed possibly nesting birds. So what impact does that have then potentially have on the timetable? But you know, at what point does avoid come first rather than mitigate? I think that's that's what I'd like to explore is this word avoid.

00:50:57:00 - 00:51:03:02

Should we put those plans on the screen. Because obviously we've committed to avoid, as it were, um, in a number of locations. That would.

00:51:03:04 - 00:51:03:19

Be helpful.

00:51:03:21 - 00:51:04:19

Please. Um.

00:51:32:21 - 00:51:34:22

Apologies. Repeating the question.

00:51:35:26 - 00:51:42:20

We're exploring the use of the mitigation hierarchy. Um, avoid. That's that's what we're exploring.

00:51:46:14 - 00:52:07:02

Yes. So, um, with reference to the, uh, plan being shown now, um, in the first instance, we, we identified where, um, impact where impacts are, um, are likely and, you know, um, areas where, ah, where species are particularly sensitive to stable insulation and wood and.

00:52:07:04 - 00:52:18:06

Sorry, um, I don't mean to interrupt you, but again, that is informed by the habitat survey work and the assumption of presence. Yes. Thank you. And sorry to interrupt you.

00:52:19:05 - 00:52:49:15

Um, and so we did, uh, you know, identify areas to avoid. And when I say void, I mean, you know, uh, adopt trenches technologies to go underneath. Um, and then, um, we can't do that for the whole the whole cable. Um, that would be, um, you know, um, disproportionate to the potential impacts. Um, because we can't we can't, uh, you know, HDD under the wall, um, all of the hedgerows. Um, that was, uh, I'm an engineer by I assume that would, um, that's a long.

00:52:49:17 - 00:53:45:24

It takes a considerably longer time than than it would to install a cable trench. Um, so so that's where we that's how we approach to avoidance in the first place. Um, and then coming down with we then, um, consider that at a I'll take for example, a hedgerow, um, a, you know, where we've got the 25 meter working with, um, typical typical working width. Um, that would be, that could um, that would potentially have a considerable impact on, on species using that hedge but narrowing down to a 12 meter or 10m in certain areas, um, that, that sort of size of hedgerow gap is, is like and we, we consider it's unlikely to have an impact, um, um, on species particularly sort of, um, uh, you know, species which use hedgerows for moving around the landscape.

00:53:45:26 - 00:54:30:08

Um, they do uh, um, they are known to sort of, uh, take, for example, dormice who are a primarily arboreal species and um, and uh, um, spend a lot of time with their life cycle in the upper upper areas of a hedgerow. Um, they are known to regularly cross distances of, of that, that sort of size, particularly where there's suitable habitat either side. So we consider that, that, that wouldn't, you know, that wouldn't be uh, have a significant impact on, on, on dormice, for example, um, where we've taken that approach and that is and that, you know, those, Those sizes of hedgerow gaps are secured within the Outline Ecological Protection and Mitigation strategy.

00:54:31:00 - 00:54:39:28

Um, so that's that's sort of the next step from, from avoiding, um, you know, impacting that habitat, um, is to then mitigate.

00:54:43:14 - 00:55:10:00

Okay. No, that's that's useful. Thank you. Confirm my understanding of your approach that that is handy. I'm going to come now to Wiltshire Council. The applicants will set out their approach to to avoidance. And you know, we are looking at a 25 metre varying working width. Um, and within that we have a 1.7m trench. And then when it comes to field margins and hedgerows, so was it six meters, you said, was.

00:55:10:26 - 00:55:25:11

That on behalf of the applicant. Um, 12m. Um, apart from in uh, uh uh bats in Wiltshire impact zones for bats which we can provide a map of, but in those areas it will be narrow to ten meters.

00:55:26:20 - 00:55:56:15

Thank you. So that's the sort of headline approach if you like, to mitigation. Um, and I guess I have your comments on that. But again that what what are what are your concerns then with respect to the, the area. And again, we're in what, 25 meter area 1.7m trench. Yes. There's some hedgerow removal as we've heard being proposed. But again I come down to what would the harm be?

00:56:00:20 - 00:56:16:23

The watch, the council. Um, so the latest set of responses to your questions from Natural England. I think I've forgotten the reference. Apologies at ASC 018. I think that came in a few days ago.

00:56:17:13 - 00:56:23:28

Yeah. I don't think it's I checked earlier. I didn't see it would be on the library just yet with the reference number. But yes, I know the document to you.

00:56:24:00 - 00:56:57:19

They concurred with the points around harm and lack of legal compliance that could result from the sort of approach of just assuming presence and mitigating on that basis, which is that actually, again, taking on board the need to set aside EPs, but other species, such as white clawed crayfish, for example? Um, if you haven't considered whether you may in fact need a derogation, you know, a license to proceed with that work, the potential for harm is that actually a contravention of legislation occurs as a result of of the work.

00:56:58:07 - 00:57:43:00

Um, so whilst I appreciate the points that that the applicant is making, there is still a risk, albeit lower, because you are putting in place measures, but there is still obviously a risk that, uh, there could be a legal, uh, contravention, a contravention of legislation. and that works. Carry carry on. That actually should be licensed. Um, and Natural England have also flagged up the need to consider that in respect of White Crow crayfish, as I say, and highlighted that you can get class licenses and so on and so forth, just to make sure that you're proceeding lawfully and you have a legal derogation from the respective legislation where it's needed, rather than just relying on sort of mitigation on the ground.

00:57:43:26 - 00:57:44:11

So.

00:57:46:27 - 00:57:47:12

I.

00:58:02:12 - 00:58:04:07

Apologize, your microphone just isn't on just.

00:58:04:12 - 00:58:36:26

Oh, sorry. Thank you. Sorry. I'll start again for the purposes of the recording. So you're the applicant has a as a 25 meter wide working area. Let's assume for the purposes that they will get the relevant licenses and and permits that they need, because that's what's been set out in their submission. And we are going to come to monitoring and the suitability of that later in the agenda. But assuming that the applicant is going to get do what they say they're going to do with respect to the licenses, etc.,

00:58:36:28 - 00:58:53:17

and they are going to do things like seasonal avoidance, um, and those other measures that they've set out in their documentation. Again, I sort of come back to, to, to to the harm aspect. If I could put that to you, please, Miss Fisher.

00:59:15:26 - 00:59:24:08

I'm a fish of Wiltshire Council. Um, would it be permissible to consider what you've requested there and take that away and respond?

00:59:25:09 - 00:59:29:08

Absolutely. I'm happy for you to do that. Thank you. And by deadline. Four, please.

00:59:29:10 - 00:59:29:28

Yes.

00:59:30:00 - 00:59:58:06

Thank you, Mr. Betts. Similar. Sorry. It's Betts Ecology, isn't it? It's Mr. Valerie. I'm sorry. Um, sorry. Mr.. Valerie. Similar sort of question. Assuming. Sorry. I've never been told. I've always been told never to assume things. But let's let's do that. And and for the sake of sake of discussion, the applicant undertakes those measures that they've set out. Again, I'll ask the question. Where's the harm?

00:59:59:26 - 01:00:17:18

Nicholas Laurie, for representing. Stop lying down. Um, I think there is quite a the issue with just assuming presence everywhere and assuming that a mitigate having this sort of mitigation first approach is that it has a paradox. It has a paradox.

01:00:20:02 - 01:00:55:07

Though. Yeah, it has a paradoxical effect of actually having you sort of over rely on what little you do know and very much and on and very much in terms of things that you haven't surveyed ahead of time, just having to rely on what you check on the one during your pre-clearance search. I think there is very much a tendency of, um, how to put it, um, there is a tendency of very much overlying on the, on what you actually given.

01:00:55:09 - 01:00:57:12

Just a second, um,

01:00:59:00 - 01:00:59:21

what is the risk?

01:01:13:27 - 01:01:57:10

Yes, exactly. Without the without the actual, without a wider picture to inform things, you're very much just relying on findings on a particular day which are going to be susceptible to time of year, weather conditions, a variety of factors, a variety of factors. And then you're just going to have to blanket apply them to the entire to the to entire fields, to entire sections. You will have to make significant decisions under significant time pressures already. Again, given the fairly the limited amount of time you have to do a lot of these works, the fact that a lot of these surveys are being carried out with a construction crew on site, ready to go, and you will have to make decisions such as you cannot go ahead today, we will need to bring in an HDD or you cannot go ahead at all.

01:01:57:16 - 01:02:28:11

We will need to wait 5 to 6 months. These are this is very onerous decisions have to make on a single iCal when he does not have data that he can, physical data that he can point to very much all he has going for it would be there is a potential risk. He cannot say there is a risk. Anything of the sort. Once you actually start getting into the actual construction process, this starts holding a lot less sway and you start very much. The value of the avoidance phase very much is decreased to, well, how can we mitigate it best.

01:02:28:13 - 01:02:46:24

But as it's been already pointed out, this is this does not adhere at all to the mitigation hierarchy or simply going from how do we not cause con to how do we cause the least amount of harm? And I think that is very much not something you can, we can really approve of based on guide, based on our guidance and legislation.

01:02:48:10 - 01:03:18:12

Mr. Fleury, although I'm going to have the benefit of the recording. Can I ask you the deadline for to build on what you've just said and make that submission, please? I'm going to come to the before we move on. I will come back to the applicant because Mr. Flores made the point a couple of times. And it's also occurred to me, and I think I touched on it very briefly earlier. I mean, how much slack is built into the construction timetable. For if you were to seasonal requirements exactly. To avoid harm. And indeed actually.

01:03:18:14 - 01:03:25:18

So I'll just build on that before you answer. If indeed you then have to apply for permits and licensing. I don't know how long it takes to get a permit, for example.

01:03:29:17 - 01:03:50:12

Peter Timms, on behalf of the applicant. Um, it it depends on the diesel licence that you need to get for species that can range from, uh, ten days to, um, you know, um, say two months, um, potentially. Yeah. Um, but yeah, it depends on the, on the species and the sort of type of licence you, you need to get.

01:03:51:06 - 01:04:22:13

In the applicant in terms of the sort of sequencing of events. It obviously there will be a large amount of design work that's undertaken to establish the most appropriate route. There will also be a large amount of work done to change the outline plans into final plans and submit them for approval. Um, and in. That's all the work before you start your construction program. So there's a lot of work done to

establish what kind of measures you're going to need, what kind of time frames you're going to need to do then.

01:04:22:15 - 01:04:53:15

So there's, I guess, that initial preparatory work that will be done to discharge the plans and do the design. There is then a separate amount of work that that is done once construction starts, which I think might be what Mr. Malloy was mentioning about in terms of what's happening day to day on the on the ground and what decisions need to be made in that context versus the decisions that have been made in terms of refining the route, um, and establishing where that trench is going to be.

01:04:53:18 - 01:05:25:18

Uh, what I was suggesting, we said it would be just not going to turn up on the day and then decide necessarily completely where to put the trench, if that. So there'll be a large amount of design work undertaken before you commence construction. So I think there's a distinction, I suppose, between the kind of pre-construction work that will be undertaken and then the work that will be done whilst construction is ongoing. And there are obviously different measures in place depending on what type of activity or what stage in the process we're talking about.

01:05:25:20 - 01:05:56:19

So I think just touching on that point that was mentioned by Mr. Valeri about there being sort of pressure on a particular individual. Um, the applicant doesn't consider that that is a scenario that would arise in terms of we would have the information available and picking up on the other points. And I think as you think, to the extent that a licence is required, there's nothing in the draft DCO that would obviate the need for that. If a licence is required, um, then a licence is required.

01:05:56:21 - 01:06:29:18

And in the unlikely event that something, um, is if we haven't been able to microsite around something and we need a license, then we would apply for it. And in the event that you were doing works and encountered something that would require a license, then works would need to stop to enable that license to be obtained so that that those those are risks, obviously, for the applicant in terms of making sure it's got enough information to not have delays to its construction program. But there's want to be clear, there's no suggestion that there would be a scenario where the applicant would continue to do works that it didn't have a license to do.

01:06:29:20 - 01:06:32:08

There's nothing in the DCO process that would permit that.

01:06:32:10 - 01:06:54:18

No, of course. And we would have to assume that you wouldn't want to commit an offence, for example. I mean, presumably then you come across something. Again, I'm talking about practicalities here. You come across something you have to stop works in terms of your overall construction timetable. And as we discussed already, you could you could pause that element of the cable corridor, go to another part.

01:06:58:00 - 01:07:28:06

Of the applicant. Yes. And it depends what feature you're talking about. Obviously you've got hedgerows themselves and then you've got the ability to lay ducks either side of that hedgerow, even if you can't do the section where the hedgerow is. And then you've got other areas of the cable route. And there, um, there's quite a complex, I suppose, construction programme that will be developed to allocate teams to particular sections during particular activities at any given moment over the construction period.

01:07:28:10 - 01:08:05:09

Mr. Grantham can provide more information on if the sort of practicalities are useful, are useful to understand. Um, but yes, there are a range of activities that would could continue to be undertaken on other sections of the route in the event that works were needed to, um, uh, to stop um, and the outline ecological Protection and Mitigation strategy does have wording in it which basically says that, you know, should should a licence be required or unavoidable, then you would have to delay the works in that particular area until such time as you either had the license or it was with it.

01:08:05:11 - 01:08:34:24

You could apply the appropriate mitigation measure, but there's a big role in terms of the person who's responsible for programming this, to ensure that you minimise the risk of delays happening as much as you can. And so you'd have as much information as you could obtain in order to provide a realistic program, because as it's been recognized, it's expensive for construction to have to stop. So the onus would be on the applicant to try and minimize the risk of that happening when it comes to construct.

01:08:35:25 - 01:08:47:25

No, I understand that. Before we move on, Mr. Timms, you said something interesting and I want to ask the question, but I couldn't quite fit it into my script, so it's quite straightforward question, I hope.

01:08:49:16 - 01:08:57:17

Why? Why can't or not? Why can't? Because you could. But why wouldn't trench Plus all the way down the corridor would be proportionate.

01:09:05:24 - 01:09:39:17

Claire Brodrick for the applicant. I mean, it's incredibly expensive. Um, is the the short answer? Um, you would also still have to have your drill. You can't you couldn't drill a length that long. So you would have to have a maximum length that could be drilled. And then you'd have your drill pits, which are obviously quite sizable pieces of infrastructure in, in themselves at either side of the drill location. So it's appropriate to be doing where the constraint, um, can't, you know, where you've got a railway, for example, or the M4, you obviously have no option but to, um, drill under those areas.

01:09:39:19 - 01:10:02:27

And then there are other particular features where it's been determined that the sensitivity of that particular receptor is sufficiently high to warrant the use of a drill, um, directional drill technique, but it would be cost prohibitive to drill the entire section and would have different impacts as well to doing open trench.

01:10:04:06 - 01:10:20:02

Playing devil's advocate for a moment and it could open a can of worms. And I'm not inviting submissions from the room on this point, but if your solar sites were closer to the substation, it would be a very different conversation around cost of

01:10:21:24 - 01:10:22:24

of that, wouldn't it?

01:10:34:12 - 01:10:36:28

I'm talking Melksham, just for the avoidance of.

01:10:39:12 - 01:10:39:27

Uh,

01:10:41:16 - 01:11:16:13

the applicant. Um, so obviously, yeah, the longer the cable route, the more expensive it is to construct. That is obviously correct. So if you had a shorter distance then it would be cheaper, but you still wouldn't. The approach you would take would still never be to completely drill underground. Um, open trench laying is by is the accepted standard methodology for construction of underground cables, and it is only an exceptional circumstances that you directly drill for good reason.

01:11:16:15 - 01:11:21:24

Um, no project would commit to drilling directionally the entire length.

01:11:21:26 - 01:11:22:13

Appreciate the answer.

01:11:22:15 - 01:11:23:05

Thank you.

01:11:27:27 - 01:11:30:05

I have a query from Wiltshire Council.

01:11:30:09 - 01:11:31:24

Um, it shall be Wiltshire Council.

01:11:31:26 - 01:11:32:11

Just just.

01:11:32:13 - 01:11:33:15

A final point to add on this.

01:11:33:17 - 01:11:34:02

Issue.

01:11:34:04 - 01:12:04:13

Before we move on, which is part of your question to the ecologists was, well, what's the harm in terms of the species if the approach the applicant has taken and part of their response was, well, there's some uncertainty and the issue is what effects have been underestimated? And what if there's things that we hadn't anticipated because the surveys hadn't been done and we heard from the applicant in response. Oh well, if we need a lice, if we need a license, we'll get a license. That's that's all well and good, but if you need a license, that's because there's going to be harm to species that you haven't anticipated.

01:12:04:15 - 01:12:32:07

And the concern is in part harm to species. But it's also that then there's effects that the examining authority haven't taken into account in their decision because they hadn't been anticipated. So it might not be that the harm to species is. You know, in one particular instance is so overwhelming. But it's it's the, the uncertainty and the fact that you don't have the proper information to feed into the overall planning balance in respect of this scheme as well. So that's part of the council's concern.

01:12:33:21 - 01:13:04:01

No, I picked that up from your your submissions and it is appreciated. No I do understand that. Okay. I'm going to move on then. So another another concern that has been raised with the applicants approach is the lack of survey work outside of the order limits of the cable corridor beyond a desktop survey, which I think was 500m outside the order limits for existing data. And that's the environmental statement, chapter nine, paragraph 9.49.5.4.

01:13:04:24 - 01:13:35:12

So again, we're coming. And I suspect I know the answer to this, but I'm going to ask it. So how do we know? Again, without species surveys and without more site specific data from outside the order limits? Again, how do we know the impacts on species outward? And again, I understand the direct impact, but indirect impacts and also perhaps what might be coming in and out of the order limits.

01:13:38:12 - 01:14:09:01

Peter Sims, on behalf of the applicant. Um, yes. Just to so we just to we we did do a we have done a death study. It's it's just that there's a it was, um. Not as an extent. Didn't cover a large, as large area as the study for the solar PV sites, and that was based on the much sort of narrower, narrower, um, linear, um, nature of the, of the corridor. Um, but uh, again, we, we.

01:14:10:06 - 01:14:44:19

But there is but we have got species data from the, from the, from the area surrounding the cape of um, the immediate surrounds. Um, and again, we consider that, um, the, the habitat, you know, the habitat assessment you identify with again, if a habitat suitable for a certain species and, you know, you can know you can sort of, um. Um, the there's well, well publicised, you know, data on the, on the distribution of, of species of particular species that may be impacted.

01:14:44:21 - 01:15:29:22

Um, and so, um, you. You can use a variety of sources to to identify which species might be there based on the habitat available, the habitat present. Um, and again, we um, see we would consider we consider that those species, um, you know, which are potentially at the site, um, or in the surrounding

landscape. Um, we the mitigation approach and the mitigation measures that we have, um, uh, gone with would um, mean, uh, avoidance or avoidance or mitigation minimize impacts on, on any of those species.

01:15:29:24 - 01:15:39:04

So, but, but they say there are a variety of sources you can use to, um, to identify what species are, uh, in the landscape. Yeah.

01:15:39:17 - 01:16:03:29

No. Thank you, I understand. I will I will come to the council. I'm going to say, I'm going to assume that your concerns with respect to the land outwith the cable record are the same. You know, they just don't. If I sort of I'm not saying you don't know, I'm going to use this language, so please you. Please don't don't. Don't read too much into it. But they just don't know what's there.

01:16:06:26 - 01:16:49:27

And the fish for the council. Yes, that's basically it. And, um, just looking back at what we said in our presentation about that, it was just sort of a concern from our side that to sort of stop short of assessing or looking at anything beyond the cable corridor is almost sort of assuming that there is no or very limited pathway for effect beyond that, as you've sort of suggested. Actually, there could be other indirect impacts that go beyond. And I think that was our concern that by limiting the sort of search, if you like, and the desk study to such a sort of discreet area and looking, not looking beyond it, you're not considering sort of anything other than direct impacts?

01:16:50:24 - 01:17:06:13

No. Understood. Um, stop lying down. Do you have any comment on that? On land outside the order limits? Um, if if the concerns are, as you've already stated with respect to what's already been done, then I'm happy for you to say that. Um, and then we'll just move on.

01:17:06:15 - 01:17:12:03

Celia. And I'll stop lying down. I believe our concerns would be the same as Wiltshire Council. Do you have anything else to add?

01:17:13:29 - 01:17:50:09

If I may, I might also just add. I feel it also limits flexibility in a lot of ways, especially when it comes to a lot of the issues that were actually raised during the traffic and the previous traffic hearing it. Again, we also lack in the project, lacks flexibility if it ever finds that it will need a need, that it has a need for, to account for a higher degree of visibility displays if it needs to account for these factors. The fact that they're not that a lot of the surveys is just limited to desk based data and within a fairly narrow, and is only considering very fairly narrow sections that are directly impacted by the work.

01:17:50:11 - 01:18:00:02

So I think this also adds just a further layer that is limiting the ability for an eventual Ekow, as is being proposed to intervene and effectively advise.

01:18:02:13 - 01:18:05:20

Thank you. Uh, right.

01:18:07:15 - 01:18:17:19

Does council want to comment anything that you've just heard? Because I'm just going to I'm just going to move on. You're welcome to comment. If you don't have anything to comment on and you're happy with what you've said. Please say so.

01:19:18:29 - 01:19:55:17

We can come back in writing on that, but I think it's just a case of. It might just be useful if we can clarify in terms of obviously, we've got the the survey work that was undertaken within the corridor itself. But then we've also got a study area, um, and, and assessment was undertaken in terms of the study area from a, from a desk based perspective. Um, and then we've also obviously got the solar PV sites and their study. The information gained from that and their, uh, study area as well. Um, so it might be useful if we just struggling to find the right terminology, if that makes sense to describe it or really.

01:19:55:19 - 01:20:28:24

But it might just be useful if we, uh, reiterate the approach that was taken such that the applicant has confidence that the conclusions that it's reached in its environmental impact assessment are robust, because ultimately, this is what it what it comes down to in terms of do we do we have enough information to have properly assessed the effects of the scheme and then informed inform the mitigation? So we have obviously provided a lot of information, but it might be helpful if we just reiterate that, because there does seem to be the points being raised.

01:20:29:02 - 01:20:42:24

Um, seem to suggest that we haven't got enough information to actually carry out the assessment. And the applicant's position is. That's not correct. We do have sufficient information to carry out the assessment. And the assessment and its conclusions are robust.

01:20:43:10 - 01:21:14:15

When when doing so I would welcome that when doing so. And I appreciate phrases like um, professional judgment proportionate, etc.. And I'm not calling into question anyone's professional judgment. But if you can expand on that, why, you know, essentially, essentially sort of if you like, your professional judgment could be a book. I want to open that book, read it and understand it, because I'm sure you appreciate I have professional judgment, professional judgment, professional judgment.

01:21:14:20 - 01:21:45:29

With all due respect, and I need to understand that in greater detail than I think I've received, although I do appreciate there's a lot of work, et cetera, etc. but that would be handy. That would be useful for me to have in terms of deadline for that. If you wanted to hang on to deadline five, Because we've already asked for that legal opinion with respect to environmental, sorry, European protected species in response to what Wiltshire Council is going to provide deadline for. Then I'm happy to wait till deadline five

01:21:47:25 - 01:21:50:10

and that will take us to the 7th of August for that.

01:21:51:04 - 01:22:24:19

Clare project for the applicant. Um, yes. And to avoid, I suppose, having to do it twice effectively, then we could we can do that. Obviously there's a scenario in terms of what we've agreed in terms of, um, consideration of HRA related issues and those sorts of things as a separate issue. And we've obviously done some further work to get Natural England comfortable with the position that's been taken on on that and obviously, um, not sure to the extent that Wiltshire Council are up to speed with the documentation and the exchange with Natural England or matters related to, um, the HRA work that's been been done.

01:22:24:21 - 01:22:32:16

But that's, um, as far as the applicants concerned. Natural England are happy and content with the approach that's been taken in that respect.

01:22:32:18 - 01:23:06:00

Yes, I've read their response and if they were here today, I would would have a few questions for them, but I will. I will need to park those for um, for for the second round of written questions. I'm going to move on now. I want to ask the to I'd like to ask Wiltshire Council a few questions please. The first one is in 3.5.2 of the Statement of Common Ground. That's document rep 2-025. And note the council's comments and the applicant's reply. The applicant has provided details of the worst case scenario parameters.

01:23:06:02 - 01:23:35:06

Now, considering the wording of the Planning Inspectorate advice. Note nine specifically paragraphs 4.12 and 4.13. Am I right in saying your concern is that given the applicant's approach to survey work, or lack thereof, in and around the cable corridor, you consider that the worst case scenario can not be applied to any measure of accuracy, and therefore the proposal isn't consistent with the Rochdale envelope approach. Is my understanding correct? Please.

01:23:38:15 - 01:23:45:06

Do you mind? Emma Fish for the council. Would you mind if I just very quickly looked up that reference? Did you jot it down? Is it.

01:23:46:08 - 01:23:46:24

202?

01:23:46:26 - 01:23:48:27

Would you? Would that be okay if I just.

01:23:49:01 - 01:23:54:01

Yeah. Please do. I just want to test. I just want to test my understanding of your position on the Rochdale envelope.

01:23:54:09 - 01:23:55:06

Bear with me.

01:23:56:00 - 01:24:04:25

Yes, Roy, we have a statement of common ground on the screen. But if it's pins, you'll look. If there's pins. Advice note nine. You're looking at 412 and 413.

01:24:32:25 - 01:24:35:27

For the council, I would say yes, that's that's the case.

01:24:36:22 - 01:24:40:23

Excellent. I'm, I'm I'm happy. Happy to hear that. So

01:24:42:09 - 01:25:15:17

next question. Next question isn't related to that. This is I would like to seek some clarity from both applicant and Wiltshire Council please. In environmental statement chapter nine, table 9.2 it's rep 1015 and it's on page ten. If they want to bring it up on screen, which might be helpful. Um, second to last box, it states that Wiltshire council or college team are generally content with survey scope and generally content with taking an approach of assuming presence of some species in all suitable habitat, e.g.

01:25:15:19 - 01:25:28:19

dormice, reptiles and invertebrates. Although habitat removal within cable corridor will need to be monitored carefully. I'll come to the council first. Can I ask for an explanation of that comment, please.

01:25:30:20 - 01:25:34:28

Because it does rather seem to be at odds with what's being said currently.

01:25:56:02 - 01:26:19:00

So I don't share the beef for Wiltshire Council, and this obviously doesn't reflect what what Mr. Fisher has been saying during the application. Um, she doesn't recall being involved in that discussion. It may have been a colleague at that stage. Um, but we can come back to you on on why that was said and the implications, but that that obviously doesn't align with what the council has been.

01:26:19:02 - 01:26:49:05

So that's, that's obviously not the council's position now. Yeah. Okay. No that's that's fine. Um, you can understand why I needed to ask that question. I come to the applicant on that point, and perhaps out of this, this, this this, um, this event, it might be that the applicant can shed some light from this fissure on that point and who it was they met, etcetera. That's not a discussion for just now, but come to the council. I'm sorry if I come to the applicant.

01:26:49:07 - 01:26:52:03

Presumably you've been working on that basis.

01:26:53:20 - 01:26:54:19

It's. Tim's on that.

01:26:54:27 - 01:26:58:20

Um, sorry. Mr.. Tim's. Can I ask you to speak a bit louder into the microphone?

01:26:58:22 - 01:27:33:10

Yes, yes. Sorry. Um, I think that is, um, that meeting we had was in reference to the survey work at the solar PV sites themselves. Um, and at that point, the, um, you know, the Cape Cod or the habitat surveys, um, have not yet been completed. Um, and presented. And so I think the sort of general, um, the sort of, um, yes. The that, that that is in relation to the surveys undertaken at the solar PV sites and not, not the Kidbrooke corridor.

01:27:33:23 - 01:27:42:15

So I don't want to sound like a like a school teacher here, but should there have been a full stop after invertebrates or even a new paragraph?

01:27:44:20 - 01:27:50:23

Because I'm not following the way that's written and what you've just said. I'm sorry, it doesn't. I'm not understanding.

01:27:51:03 - 01:28:14:15

Yes, I think, um, I think it's probably that. Yeah, it should be. Um, that's in reference to the, to the solar PV sites. And at that point, um, the sort of, um, the, uh, survey information provided for the, for the cable corridor, um, we haven't presented to Wiltshire and, um, um, I think basically the.

01:28:16:18 - 01:28:31:28

There was at that stage, there was sort of, um, we hadn't, we hadn't, um, discussed the, in detail the survey effort for the cable corridor at that point. And that's why I think that's uh yeah. That's uh, uh,

01:28:33:22 - 01:28:38:03

that's, that's the explanation for as far as best as I, as I can explain.

01:28:38:05 - 01:28:58:01

Okay. So the first part of that relates to the solar PV site that was an element that as far as the applicant was concerned, that was agreed. And then new subject cable corridor route habitat removal needs to be carefully monitored. Okay. That's fine. Does does that ring a bell or is it something I'm just going to leave people to discuss out of this room.

01:28:59:01 - 01:29:20:02

And the fissure for which council? Um, I believe it predates my involvement, but. So my apologies that I hadn't noticed that. I feel that's potentially a little, um, incorrect from our point of view. So maybe that that's slightly I don't want to speak out because I wasn't involved at this point, but perhaps a little misleading in the way that it's been represented.

01:29:20:17 - 01:29:46:25

Yeah. Maybe a little too concise. Summary and brevity is a skill. I appreciate that, but perhaps a bit a bit too concise, so that's fine. We are where we are. That's all right. That was September September 2024 and things have obviously moved on. So that's fine. It was a curiosity that came up as I was as I

was going through things. Um, right. I'm going to move on. And item 3.2. All right. We're going for an hour and a half.

01:29:48:18 - 01:30:19:28

Let's power through habitats. And then once we get through the end of this agenda item, let's take a comfort break. So let's start off with hedgerows. Now, actually, before I begin, please note I do have the advantage of the Environment Agency being present online. So I have added um, an additional item. So we've got hedgerows, ancient woodland, field margins, existing buildings and then I've added watercourses as an additional item, very useful for examining authority to have the Environment Agency present. So Uh, hedgerows.

01:30:20:00 - 01:30:33:16

And I'm going to come to the applicant first, please. Now, I note your response to the examining authorities question. EB 1.17. However, I've got two matters with respect to hedgerows. I want to explore further. Now

01:30:35:06 - 01:31:06:08

we have a. Why would I know? You've said about cost for trench plus techniques, but is there an opportunity for older hedgerows? Because we know the hedgerows take a long time to mature and the older they are. I mean I mean I'm generalizing but as I understand it, the older they are, so the more value they have in terms of biodiversity and ecology. Is there an opportunity. And I know we also have this sort of capitalization, important hedgerows. Is there an opportunity for some hedgerows to actually to, to adopt trenches techniques.

01:31:06:24 - 01:31:38:25

And you've done a survey of hedgerows already. And is there an opportunity for some sort of criteria like ecological criteria to be able to use strenuous techniques to avoid removal altogether. Is that something which I know we've discussed mitigation, and I know that that could be used in some cases because we have the statement of common ground with Natural England, which which says that for dormice. So is there an opportunity that we could have it a bit more widespread to avoid? Again, we come back to avoid harm.

01:31:55:20 - 01:32:28:24

The applicant, Mr. Timms, can perhaps explain why the hedgerows that have been selected for directional drilling have been chosen. What I would say is that when we're looking at, um, the use of directional drilling versus open cut trenching, it is not just the feature, Obviously you then have your whole your whole road to get to the field to the north and to the south of that crossing point. So if you were to drill more hedgerows, you would need to find another way of getting

01:32:30:13 - 01:33:02:13

your construction crew to lay. So if you're coming from not going north south, if you've drilled under a hedgerow, you can't then take your construction crew north south. They would have to come in off another point from the public highway to then continue their construction activities the other side of the hedgerow. So it's not just the case of whether you can cross a hedgerow itself by directional drilling. It's how you then move your construction team along the cable route corridor.

01:33:02:15 - 01:33:34:21

So every time you do a drill, you then need to have another access point in to that corridor to then continue working down. So when the applicant is considering which features are appropriate to directionally drill. It's not just. There are more considerations, I suppose, is what I'm saying, that are being taken into account. It's not ecological on its own. It's the ecology in conjunction with all of the other aspects. Um, and that if you did a drill there, then you'd need another point off the public highway to access, to bring then your vehicles to the southern point of that.

01:33:34:23 - 01:33:42:13

So that's the kind of, I guess, the considerations that the applicant has in mind when it is deciding where to drill and where.

01:33:42:15 - 01:33:57:07

If I if I follow that train of thought, would I be correct in saying that if you bringing in the equipment might then necessitate the removal of other hedgerows, but that would because I'm guessing you can't just lump this on the back of a flatbed or a trailer, you know, trailer and a tractor, that sort of thing.

01:34:02:08 - 01:34:36:11

If you want, I think will throw for for the applicant. Um, we're sort of crossing over the ground that I think we went to kind of went to yesterday. So, so some context is helpful there. But yes, if you if we were to use the whole road for the length of the length of the scheme, the sort of to give you a rough idea of program, which I think is where we were going, you would be talking months 9 to 12 would involve the excavation, topsoil storage, a whole road being put in, hedgerow breaches being made, working right down the right, down the cable corridor. Then you would work in sections open, cutting roughly 40m per day, something like that.

01:34:36:13 - 01:35:06:15

But those first 9 to 12 months are essentially the excavation, laying the ducting and then returning topsoil and then doing it. So that's that's kind of the first, first thing. So you have a continuous duct essentially all the way along. You would then need to go back in either instance of whether you're going HDD or not. You would then need to be going back to do the cable pulling. You also need to go back in and do the joint base as well. So they would be excavated sort of just ahead of the the cable being pulled through. They'd be excavated and they'd be filled. Um, there's more complications around it.

01:35:06:17 - 01:35:40:02

But I think in terms of you were talking about what flexibility have you got? Well HDD and cold could be seasonal because it is a separate activity to the to the ones I've just mentioned in terms of open open cut trenching. So if you if you didn't have this whole road, you would have to continuously keep getting in. Now there may be existing access that can be used, but you would still then yes, you wouldn't be able to get in a cable drum into the field without that being then. And you'd need to get the team in to be able to pull it. You'd need the material to do it. So you are just moving one, potentially moving one hedgerow breach to another.

01:35:40:04 - 01:35:57:05

At least in this way, when we've come to selecting and routing this cable route corridor, if there's been an opportunity to go through one field that has two hedgerow breaches and one in consideration of all the other constraints that we've considered, we've tried to limit the amount of hedgerows that we use anyway.

01:35:59:18 - 01:36:11:10

No, that's that's helpful, Mr. Threlfall, thank you very much. I think you said Mr. Timbers was going to provide a summary of the hedgerows that you are using trench techniques with a pick that up.

01:36:12:22 - 01:36:15:22

Pete Sims, on behalf of the applicant, um, uh,

01:36:17:08 - 01:37:01:22

areas where we fought purely for, you know, avoiding for ecology reasons, we we identified that, um, you know, as I said earlier, watercourses suitable for migratory fish. You need to, um, need to avoid, uh, adopt trench technologies there. Um, there are other places where, um, it's it's the decision is made to, um, to adopt HDD um, for, for from a couple of from a couple of, um, views from a couple of sort of discipline standpoint. So um, particularly um, okay example would be woodland, wooded railway embankments, which are um, uh, a sort of higher high value than most of the other habitats in the, in the cable corridor.

01:37:01:24 - 01:37:28:19

Um, that would, you know, the, um, the woodland, the railway corridor, you would need to avoid it as well. Um, but, um, as it as it turns out, the, um, you also want to avoid that woodland. So, um, in that sort of case, it's a sort of combined combined reasons why why that's being avoided. Um, if that makes sense. Rather than, um, I don't think there's anywhere where we're avoiding avoiding a hedgerow purely on the sort of ecological basis.

01:37:29:07 - 01:38:03:19

Know that that that is helpful. I mean, yeah, I understand. Yeah, I'm going to I'm going to move on. I know I understand what you're saying about trenches, techniques for hedgerows. I mean, I may come back to you in second written questions. No. In fact, let's ask for it now as an action point. Can I get a bit more information then about hedgerows? Are an HPI a habitat of principal importance? Um and and building on what Mr. Threlfall was saying about the practicalities of that, I would like to understand that coupled with considerations for the purely ecological side.

01:38:03:21 - 01:38:23:24

So marry the two the practical considerations for construction and the ecological side. And then the efforts or the the. Yes, the efforts made for um, the HPI to the hedgerows that are being maintained through HDD or you're losing them because of. And again, building on those practical aspects, Mr. Threlfall set out.

01:38:25:10 - 01:38:59:15

That yes, we can have a look at that. And sometimes I think, as was being said, obviously if you have committed to drilling underneath the road, for example, then you would naturally drill under the hedgerows either side of that road because your drill pit would be the other side of the hedgerows. So

you you've protected a hedgerow, but the, the rationale or the reasoning was not necessarily led by the presence of the hedgerow. It was it was led by the presence of the road, but has the additional benefit of obviously then preventing the removal of two bits of hedgerow that may have been removed had the road been done by open cut trenching for, for example.

01:38:59:17 - 01:39:08:19

So I think it's just trying to give you a picture of Where there are multiple considerations, I suppose, and where it's been led by ecological.

01:39:08:21 - 01:39:42:26

No, absolutely. And also, as Mr. Threlfall said, you know, is it a discussion of well, if we do HDD there, we have to then we have to then remove other hedgerow. It's things like that. It's that sort of balanced approach that I think that would be useful to understand. And then that I think at that point I can wrap my head around exactly what's happening and why, but those practical considerations are useful. I'm staying on the point of hedgerows. I'm going to ask Wiltshire Council a question and then sort of throw it open a little bit, if you like the hedgerows.

01:39:42:28 - 01:40:14:28

Now my second point to hedgerows. It's, it's a concern raised by Wiltshire Council and their written representation. That's rep 1138 now amongst other other submissions. It's not just that one but that's that's the example. It's about the flexibility afforded to the applicant for hedgerow removal and the wording of the draft DCO schedule 12 and article 40. Now, as I understand it, at that time Wiltshire Council was seeking a specific wording in the draft Development Consent Order to ensure compliance with the Hedgerow Removal Plan.

01:40:15:00 - 01:40:49:24

Sorry hedgerow removal plan within annex of the Outline Ecological Protection and Mitigation Strategy. Rep three 102 and I note the content of the schedule of changes to the Draft Development Consent Order submitted. Deadline three. That's rep 3127 and then the applicant's response to examining authorities. Question EBR 1.17. I would ask Wiltshire Council in considering the applicant's proposed changes to the draft development Consent Order. Is the wording of schedule 12 and article 40 of the draft DCO still a concern for you?

01:41:01:00 - 01:41:53:10

Emma Fisher. For which council? Um, yes. The wording is still a concern for us. Um, we are still sort of concerned that there's an overly wide scope of powers being sort of conferred by the current wording. Um, and whilst I appreciate this is probably getting on to matters that you may want to touch on later, obviously, um, hedgerows is a sort of issue that, uh, doesn't just it's not just intrinsic issue. There are implications for the HRA and the confidence that we're being asked to entrust in the conclusions and measures that are put into the HRA around restrictions on hedgerow removal in the consultation zone, which coincides with the K route corridor for a small section of around ten hectares, and that the hedgerow removal within that area would be restricted to ten metres.

01:41:53:12 - 01:42:16:26

And the concern is that whilst we appreciate that wording in the HRA and in the EP EMS. That wording has not been transposed accordingly across into schedule 12 of the draft eco, or indeed the

hedgerow removal plans don't reflect it either, so we're sort of lacking in that confidence and certainty that that's joined up and that that would be, in fact, restricted.

01:42:19:13 - 01:42:20:17

Okay. Um.

01:42:23:05 - 01:42:27:03

Is this a point that's in the statement of common ground? Mr. Broderick?

01:42:30:20 - 01:43:08:24

That's the applicant, I believe. So is in it's in there. I mean, obviously, the applicant's position is that it is secured in the draft eco because the the power refers specifically to the management plan. And then we've also tried to, in the schedule itself, also add a footnote to again link that back to um, the management plan so that it's quite clear both in the article itself and in the schedule, um, that the powers are limited by the the plan that is secured by the requirement and it's there isn't a need to duplicate in the in the DCO the same commitment.

01:43:08:29 - 01:43:17:00

So the applicant considers that it is fully secured, um, in the way that it the way that the draft DCO has been presented.

01:43:17:27 - 01:43:35:28

No thank you, Miss Broderick. Coming back to Wiltshire Council then, I know it's not for Wiltshire Council to come up with suitable wording in the DCO to address this point, but if I could just ask the question, could you expand on your concerns and perhaps

01:43:37:26 - 01:43:40:23

sorry, I'll just leave it at that. If you could just expand on them, please.

01:43:42:02 - 01:43:53:16

Um, yes. Emma Fisher Village Council Full disclosure, I haven't fully reviewed everything that was submitted at the last deadline yet, so if there's anything that's been submitted as part of that, my apologies that I haven't yet got to it all.

01:43:53:18 - 01:44:27:07

So have you? I mean, I don't mind if you want to push this back to deadline for, but the specific changes are in the. The applicant submitted a document. It was a schedule of changes to the draft development consent order, which I had taken to on the face of it at least seemed to seem to address your concerns, seem to take on board what you were saying about the potential blanket approach to hedgerow removal. Um, it seemed to me that the wording addressed that, so I just wanted to check if there had been if again, if you want to remove that back to deadline for I'm happy for you to do so.

01:44:27:28 - 01:44:30:14

Um, official for which. I'm sorry.

01:44:32:26 - 01:44:33:20

Sorry.

01:44:36:21 - 01:44:40:25

Sorry. A deadline for being, um, next Friday. Yeah.

01:44:42:07 - 01:45:01:16

Uh, Emma fish. For which council? Um, yes, I think I probably do need to look at that. So my apologies if I missed communicated earlier, but, um, if I may just address, hopefully the point you did make about what we may suggest or any thoughts that we do have. We do fully appreciate the applicant, sort of.

01:45:01:18 - 01:45:02:03

Um.

01:45:02:10 - 01:45:32:28

Needs to not pin things down to sort of minutiae detail at this stage. And that might be nigh on impossible to sort of stipulate an exact extent of hedgerow that might need to be removed at any one discreet location. So we do take that on board. So I guess our suggestion would be, is it not permissible to specify a minimum maximum range that you may say look to need to remove? Whereas at the moment the draft eco just lists exhaustive.

01:45:33:00 - 01:45:46:18

Obviously I appreciate it's listing out all the hedgerows and their entire lengths and that's why it gives those figures. But equally it just seems that. Why is that scope needed? I guess is our question.

01:45:46:21 - 01:46:11:14

No, absolutely. I understand that. I think come back to my deadline For once, you've had a chance to review the schedule of changes to the to the DCO. And if if at that point I will if at that point, if you sort of say, well, what they've submitted doesn't quite do it, this is what we would like to see instead. That would that would help to move that issue on for the examining authority.

01:46:11:16 - 01:46:50:07

And can I, can I just clear something up here because I don't want to defer an issue, which perhaps we I could just clarify what the position here is. So just to be very clear, the maximum widths of the hedgerow removal are secured in the um ecological Protection and Mitigation Strategy. The DCO is saying that we have the ability to put that maximum width anywhere within a particular length of hedgerow, so the maximum width is secured in the in the ecological um and protection mitigation strategy, the final version of which Wiltshire Council will need to approve.

01:46:50:09 - 01:47:51:27

So they have control over making sure that that maximum distance hasn't changed. But we can't, that there isn't a need to to duplicate that information because it is already there and already secured in the DCO. What we're saying is the DCO has to list all of the hedgerows within which that, for example, ten metre width could be located, but the fact that it's a ten metre width in a particular location is already secured in the outline management plan. So we don't feel that our strong position is that we don't need to duplicate the reference to the maximum widths on the face of the DCO, because they are

already in the management plans, but perhaps I'm pretty sure we've got a draft DCO hearing tomorrow, which, um, it could come up, but what I didn't want to sort of suggest is that it what Wiltshire Council are looking for is to have the the widths on the face of the order and the applicant's position is that it doesn't need to do that because those are in the management plans and the management plans for them in a much more appropriate place to put that level of information.

01:47:51:29 - 01:48:12:00

Okay. That's understood. Thank you. Um, I'm not going to come back to Wiltshire Council because I'm. I'd rather you respond to that deadline for when you've had a chance to fully consider the applicant submission. Um, I'm going to come first. Ta ta ta. I am definitely going to Miss Lever first.

01:48:13:17 - 01:48:43:29

Um, it's just from Wiltshire Council. It's following on from what Miss Broderick said. Um, in the event that you just haven't had a chance to to review that revised DCO, the relevant probably version to look at is the tracked version at deadline three, which was rep 3006 and at the very I mean, I've got the printed copy of the tract version here, but at the back of schedule 12, there is a footnote, and I think that's what Miss Broderick is alluding to. So in terms of your response to Mr.

01:48:44:01 - 01:48:54:19

Love, um, you might find that that satisfies your query. I don't know if it does, but just in terms of the signposting, that's probably where to look.

01:48:57:14 - 01:48:57:29

Thank you.

01:49:00:21 - 01:49:02:27

Oh, come to stop lying down. Thank you.

01:49:03:02 - 01:49:38:18

Thank you. Celia Reynolds, stop lying down. This is just a question. Um, to be directed to the applicant. Um, we were wondering. And it may be this has been provided in a document, but I haven't seen it. Um, just for clarity on whether decisions to remove particular hedgerow will be informed by hedgerow quality and if so, at what stage that that assessment of the quality of hedgerow is being taken? I know that there has been some assessments been completed for the purpose of biodiversity net gain. Um, but at the moment, I believe all we can see currently is assessments of whether or not there are species present in the hedgerow.

01:49:38:20 - 01:49:44:18

And what we're wondering is whether or not decisions will be taken to remove which hedgerow on the basis of its ecological value.

01:49:47:03 - 01:49:50:13

I suspect I know the answer to that, but I'm going to pass that over to the applicant, please.

01:49:52:02 - 01:50:22:02

Peter Timms, on behalf of the applicant. Um, yeah. So the way we have identified, um, as part of our biodiversity net gain assessment, the relative value of particular species of particular hedgerows. Um, but, uh, the decision, the final decision will be based on, um, I know of where a hedgerow removed is, will be based on, um, ecological constraints or, um, you know, um, anything that, um, uh,

01:50:23:24 - 01:50:57:06

the, the, you know, the, the, the type or the, um, type of hedgerow, shall we say. Um, we it's one of the reasons why we are securing a sort of quite relatively narrow width of any hedgerow so that, um, so it doesn't say the, um, it doesn't really matter so much about, um, quite what the, the value intrinsic value of the hedgerow is at any one location. That's why we, um, we are securing a sort of, um, as narrow, narrow width as possible as practicable.

01:51:00:03 - 01:51:00:18

Um.

01:51:01:28 - 01:51:03:22

So I'm happy to come back to you.

01:51:03:28 - 01:51:38:06

Sorry. I'm just, I suppose I, I stopped lying down. Wasn't the question wasn't necessarily directed at securing it. Maybe I'm missing a point here, but it's not necessarily the concern about securing the width. It's about if you say, found a really nice patch of hedgerow that was really ecologically rich, it's just a practical question of would you then choose to go to a less ecologically rich area of hedgerow, and at what stage are those assessments being performed? Because obviously for biodiversity, net gain, it's very broad where the areas are being identified.

01:51:38:08 - 01:51:45:20

So we're wondering on a practical day to day basis when it's coming, basically what steps are being taken to inform that decision.

01:51:49:22 - 01:51:54:14

And also whether it's provided within, say, any of the method statements which have been submitted.

01:51:56:26 - 01:52:41:13

On my understanding, before the applicant comes in. My understanding is that hedgerow removal is being within the within the order limits is being driven by. And I'm happy to be corrected to being driven by development pressure being by. We have to get a cable for me to be we need a, you know, ten meter, 12 meter wide removal of cable. And my again, my understanding of that is is the eco goes does the assessment does the check. And regardless of the ecological richness of the hedgerow, if there's no dormice, for example there, or they need to or the applicant needs to stop seasonally or they have a mitigation in place, a mitigation plan with it.

01:52:41:15 - 01:52:59:19

So whether it's a license, whether it's, um, you know, stop works for two months or whatever it is, I understand that's what's driving hedgerow removal. Now, the big question, I do have a point on Benjy, but that's my understanding about what's driving removal of hedgerows. Am I correct there?

01:52:59:21 - 01:53:30:27

That's Broderick Claire project the applicant. So when the applicant is doing its detailed design and deciding where to microsite it, ecology will be one of a number of factors that are taken into account. So there will be other things that the applicant needs to avoid. So existing utilities that may be in the ground, archaeological interests, um drainage related matters, ground conditions for example. So ecology is part of the mix of deciding where to finally site the cable in here. But it is only one element, if that makes sense.

01:53:30:29 - 01:54:14:08

So to the extent that you could microsite to, to use the terminology, Avoid a really nice bit of hedge. Then. Then you would obviously try to do so, provided that you had the flexibility to to be in a different area in taking into account all of those other types of considerations. So it's one element of the decision making process, but it's not the sole decision making process, except where we have identified specific avoidance areas or where we're saying we're definitely not going to remove a tree, for example, where we've committed to removing not avoiding trees and things like that along the cable route, then obviously those commitments will then take priority, and we would have to work around some of the other factors.

01:54:14:10 - 01:54:15:06

For example.

01:54:15:27 - 01:54:18:20

Does that. Does that help Mr. Reynolds?

01:54:18:28 - 01:54:26:02

Yes it does. Our primary concern was just about how avoidance is being fed into that process. But the applicant's answer answers that question.

01:54:26:04 - 01:54:30:24

And Wiltshire, sorry, do you have a comment to make on this on this point?

01:54:32:18 - 01:54:35:19

Kate Wiltshire council um.

01:54:35:24 - 01:55:14:09

Yeah, just from an agricultural perspective, from hedgerows as well. Obviously hedgerows has been placed into ecology and something that we deal with on a day to day basis. Uh, a great deal. Um, our concerns with some of the wording in some of the, um, statements is concerning, um, the removal of, um, high quality trees due to the development where we're not involved in the decisions of them being made. So and this, this hedgerow removal, we understand about, uh, being able to remove a certain amount to be able to facilitate getting, um, access.

01:55:14:11 - 01:55:46:06

But the removal of trees, again, is, you know, we have this very high category trees within these hedgerows because these hedgerows are technically, um, protected. If they weren't coming underneath

the DC under the DCO, they would be protected under Hedgerow Regulations 1997. So, um, We have an interest, really, in the trees that are within the hedgerows and wanting to make sure that we're not losing a category B category. Ancient veteran trees in in in these hedgerows.

01:55:46:21 - 01:56:22:18

Off the bat. The fact that they can just remove ten metres, 15m, 20m. Um. And then, then we go down the route of trying to determine, um, you know, how we, we mitigate for that loss of what could potentially be a 200 year old tree within this hedgerow. So, um, yeah, I think whilst they understand that the, um, the makeup of the hedgerow is from an ecology point of view is, um, it's obviously a matter, um, for, for um, on our, on our part from an agricultural point of view, I think actually we have quite a big interest in this.

01:56:22:24 - 01:56:26:00

Um, yeah. Just purely from larger cultural point of view.

01:56:26:07 - 01:56:28:00

So the, um,

01:56:29:25 - 01:56:31:28

I'm just going to say cultural, I'm just going to set up

01:56:33:18 - 01:57:05:07

a board of Cultural Trees. Yes. Hasn't. Hasn't been lost. Hasn't been lost in amongst the volume of information coming in. It's certainly something I do want to cost, but I think I think that point probably comes down to the practicalities of when the applicant is, is, is sort of within there. I'm focusing on the cable corridor, but with any part of the development and they're sort of checking see. Right. Which they've got a range of matters like um, existing or existing infrastructure, archaeology etc..

01:57:05:12 - 01:57:40:05

And then who is making that decision to go where, who's who's making that balance? Uh, I would certainly suggest a 200 year old irreplaceable tree because very high in that balance. But I'm going to ask the applicant because I think it's a good question there. Um, and it's what I want to make sure we ask because it would be a part of my monitoring, but we may need to move that along because I'm aware it's two minutes to four and we've been going for two hours. Um, I've come to the applicant in terms of, again, the practicalities of that cable corridor route, and not just the cable corridor, but the solar PV side as well.

01:57:40:19 - 01:58:06:01

And I know you've got a range of matters to consider, but ultimately who who's going out there and checking, you know, I know we have the Ekow but Ekow presumably isn't going to be there. They have a very specific focus, an ecological clerk of works. Um, so who is going to be making that decision and what role, if any, would the council have in determining which chunks of hedgerow, if you like, were to come out?

01:58:08:21 - 01:58:09:06

Uh.

01:58:09:20 - 01:58:40:14

Clare, budget for the applicant. Um, so just in terms of the point about sort of ancient and veteran trees. Um, the applicant has identified, as I understand, we don't have our arboriculture list here, so I'm just weeding out the information that's been given. Um, so my understanding is that there's a total of nine of ancient and veteran trees just picking up on the point about trees specifically recorded within the cable route corridor. Um, and they have those will all be retained.

01:58:40:16 - 01:59:10:24

So there is no intention to remove any, um, ancient or veteran trees that are within the cable route corridor. And so the applicant will, will microsite around those trees. So that is a commitment that's been made in terms of um, non ancient and veteran trees. Then obviously there like we're saying that there would obviously be an approach to trying to minimize avoidance, but there may be a potential need for removal in the event that it's not possible to microsite around.

01:59:10:26 - 01:59:42:02

I'm just trying to see whether there is any. We can provide further details on the on the numbers, um, potentially in, in as opposed to hearing. Nate, I think the question you're asking in terms of the practicalities of the discharge, so the final plans will identify the sections of hedgerows that the applicant is proposing to remove, so that all information will be given to Wiltshire Council and they will need to approve that, and the applicant will need to demonstrate that that it fits within the parameters that were assessed.

01:59:42:06 - 02:00:27:06

In practice. What happens before you formally submit that plan for approval? Um, is that there's a great deal of discussion between the applicant and the council to agree those plans and take into account comments, because what you don't as an applicant, want to do is to submit your plan and then have it refused. So you would have those conversations in advance of submitting it for formal approval to ensure that the council, um, are happy. You'd also have had those conversations with any other stakeholders that, um, needed to, um, you needed to get their opinions as to whether you're discussing it with Natural England, for example, because again, there's a formal requirement for them to be consulted, and you wouldn't want the first time that they see those plans to be as part of that formal consultation process.

02:00:27:08 - 02:00:42:00

So in terms of, the council will have an opportunity to comment on the sections that have been selected, and then they also have final approval over the plans that are submitted before any of those works can take place. So.

02:00:44:13 - 02:00:57:29

The whilst there's a lot of factors that get taken into account in terms of microsites. The onus is on the applicant to obviously demonstrate to the council that the approach that it's taken. I've just been told that there are um.

02:01:01:07 - 02:01:40:04

200, uh, sorry, 201 trees, as it were, within the cable route corridor that have been identified as in falling somewhere within that 50 metre. And in some cases, as you'll have seen on the works plans, the cable um, route corridor is very wide, much wider than 50m because this really allowed for flexibility for microsites. So that is the total number of trees that have been recorded that includes both groups of trees, 69 groups of trees and 132 individual trees exist within the cable route corridor order limits.

02:01:40:15 - 02:01:48:02

Um, but obviously not all of those will be affected because we are the working area is much narrower than the order limits itself.

02:01:48:17 - 02:02:19:14

Chris Jackson, about half the applicant. Just just to follow up on my colleague's point, what were the where the cable route corridor was looked at those, um, those breaks as it comes past the hedgerows or groups of trees. The Agricultural impact assessment has looked at all of the trees within that order limit. So where it where it picks up that 201, those, those 69 groups and 132 trees, it's assumed worst case because it's looked at well, the cable route has not been microsites at this point.

02:02:19:16 - 02:02:35:11

So it could come through that, that that hedgerow, that group at any point was like what its looked at is worst case. It's assumed that all of them would go. Obviously in reality, that's not going to be the case. It would be Microsoft down to be the most direct or at least level of impact that that that crossing point.

02:02:37:15 - 02:02:39:06

So that's helpful. Thank you.

02:02:47:07 - 02:02:49:06

So I'm just gathering my thoughts.

02:02:52:19 - 02:03:27:27

Now at first written questions, Miss Broderick DCO 1.26 we asked should article 41 40.1 if you will include a requirement to seek to consult, seek agreement with Wiltshire Council failing, lopping or removing before it invokes that power. And their response was that consultation or agreement is not considered necessary. And that's to the extent that works or trees are acquired for the construction of the scheme, and this will be set out and controlled in the Construction Environment Management Plan or the, um, the lamp.

02:03:28:19 - 02:03:38:05

Similar provision will be made through the Operational Ecological Management Plan, though the scheme has been designed with appropriate standoff distances, that encroachment from trees is not anticipated.

02:03:40:06 - 02:03:48:10

So are you testing my understanding? Are we saying there that there is sufficient control within the operational documents?

02:03:50:17 - 02:04:09:23

For the applicant? Yes. That's the applicant's position that it's they already have control of those plans which will set out, um, tree removal and hedgerow removal, and therefore there is no need to add an additional obligation to, um, consult within the, uh, standalone power that's in the DCO itself.

02:04:12:04 - 02:04:47:07

No. Thank you, I understand. Any comments from my colleagues? No, no. That's fine. Um, I'm wary of time, and I've got a lot I want to get through. Um, I understand the applicant's position on on trees. There are. There's more on trees. Okay. A lot, not a lot more. I'm going to have to move things into some things, into a second round of written questions. But but I, um, if there's if there's a burning comment anyone wants to make on the control of removal of trees and hedgerows, please do so now, Miss Tate.

02:04:48:16 - 02:04:52:25

Okay. Tate, Wiltshire Council. Um, yeah. So with the, uh, clerks of.

02:04:52:27 - 02:04:53:27

Works that are.

02:04:54:01 - 02:05:26:05

Listed, I, we noted that arboriculture was not on there, and that's obviously a bit of a concern. Um, we think that our agricultural clerk works, um, wherever, um, is necessary, should be, should be a focus. And we've also asked that the qualifications. Um, and, um, what have you are made available so that we know that the people that are going to be monitoring the works that are carried out to the trees or around the trees, or within the pay of the trees, um, are appropriate.

02:05:26:23 - 02:05:27:08

Okay.

02:05:29:11 - 02:05:31:21

This project, you want to comment on that?

02:05:39:26 - 02:05:47:25

Once we have a comment from Miss Broderick, I'm going to move on to ancient woodland in particular. Um, North Pinkham Woods.

02:05:48:20 - 02:06:04:09

The applicant. Um, we do believe there is one. We're just trying to find the, um, a particular provision that refers to, um, uh, agricultural clerk of works. So, um, there is a commitment to do.

02:06:04:14 - 02:06:04:29

Something about.

02:06:05:01 - 02:06:16:22

That. We just couldn't immediately find, um, where it is, but we will perhaps give the, um, in the, uh, written summary of our oral submissions, we will, um, provide the cross-reference, but that commitment is in there.

02:06:16:24 - 02:06:39:04

And I think there's the I think Wiltshire Council's other point was, was worth, worth, uh, worth commenting on about, um, details of the. We see suitably qualified does that. Does that wording need to be expanded beyond suitably suitably qualified I appreciate that. So that's the term I've come across a lot in my career, but does that need to be expanded?

02:06:39:15 - 02:06:58:24

Er the applicant at the moment, we say it will be suitably qualified with at least five years relevant experience. So it's not just a qualification. They do also need to have had actual experience as well. So the applicant's position position is that that is suitable to ensure that somebody who is both qualified and experienced is, um, is engaged.

02:06:59:08 - 02:07:13:06

So Wiltshire, that that you're not going to get someone who say just they've graduated on the, on the Friday and they start job as the agricultural clerk of works on the Monday. Does that does that provide you some comfort that that wording.

02:07:14:13 - 02:07:19:08

Kate Wiltshire Council. We have known it to happen. So yes it does. Thank you.

02:07:21:02 - 02:07:22:00

Okay. Thank you.

02:07:22:14 - 02:07:46:03

Yeah, we just found it. It's apparently in the, um, table for which is section 3.5 of the Outline Construction Environmental Management plan. I knew it was in there somewhere, which is the latest version of which is rep 3-092. So it's within the, uh, the Kemp rather than the um, ecological protection mitigation strategy does.

02:07:46:05 - 02:07:51:27

Do we need something similar in the operational one for when you're, um, replacing components?

02:07:54:03 - 02:08:21:28

Uh, Clare project for the applicant. We will w I think a lot of the, um, the provisions cross where you're doing replacement activities. The, um, provisions cross refer back to the measures that were appropriate that were set out in the Kemp. So I believe that's already covered because we've committed to putting back in place the same measures that were undertaken during construction, to the extent that they're relevant to do so. Apparently it is in in there. So we'll we'll find the reference.

02:08:22:00 - 02:08:37:25

I'm thinking yes, I was I like I said, I'm certain I'd read it somewhere. So I'm glad you found it. I'm going to move on to ancient woodland, in particular North Buncombe and surrounding the woods. Now I'll just get to the relevant part of my notes.

02:08:40:21 - 02:08:41:10

Now

02:08:43:04 - 02:09:05:27

and note the applicant's response to examining authorities. Question EB 1.16, and that alternative arrangements have been made to maintain the 15 meter buffer at North Buncombe Woods. I haven't seen the detail of that, and I just wondered when will receive the detail of that. And my other question is, has the council seen the detail of that?

02:09:06:10 - 02:09:36:16

And Shelby Wiltshire Council know that this was a concern? We launched a raise today because in some places it says they are going to provide that buffer. But still, in a number of documents submitted for deadline three, there's no change to those. And it doesn't say that. And in fact, in the latest draft statement of Common Ground sent to the council at one place, it says the buffer will be provided, at the other place it doesn't. And there's even some concern that somewhere in the latest round of docs, there's a suggestion that the track would be changed from temporary to permanent. So we really would seek full clarity and full details of the plans on that issue.

02:09:41:17 - 02:09:45:20

I will seek comment from the Council on sorry from the applicant on that point.

02:10:27:21 - 02:10:48:19

Can we just clarifying the exact changes that it's correct to say that the plans have not been updated to reflect that change in terms of the, um, the plans, um, uh, an annex to the Olymp. So Mr. Jackson can just explain that there will be some amendments made to those particular plans in the next iteration.

02:10:49:09 - 02:11:15:23

Chris Jackson applicant. Um, yeah, obviously we've been we've been looking at the, uh, the layout, that facility and that that commitment to the ancient woodland. So what we are currently undertaking is, is rerouting that access track and to, to a location outside of that 15m buffer from the ancient woodland, but we'd still retain the the existing trackway within the old limits and the ability to to use that.

02:11:18:00 - 02:11:25:21

What does that actually look like? Because I mean, I've been to that track. Um, you know, we have woodland track.

02:11:28:00 - 02:11:28:18

Verge.

02:11:28:27 - 02:11:30:23

Ditch. Hedgerow.

02:11:32:28 - 02:11:47:23

Chris. Jackson. Absolutely. So it'd be our understanding that given the embedded buffers to the hedgerows, that we'd end up having to move that access track to the, the north of that hedgerow. So essentially within the field boundary somewhere.

02:11:48:16 - 02:11:54:17

Right. Okay. Know that that from what you had written, that was my understanding what would have to happen. Okay. And

02:11:56:17 - 02:11:58:17

coming to the council then

02:12:00:13 - 02:12:31:01

it sounds like there could be some implications there for removal of of hedgerows and things. I don't want to open that can of worms again, I'm afraid. But because we haven't got the detail of what the applicant is doing. That's that's why, um, not that it isn't worth revisiting. It's just until we have the detail, we don't know what's proposed. But if you do have any comments, I'm happy to hear them. And first of all, if that does address your concerns with respect to the ancient woodland appreciate it might then have other queries.

02:12:31:03 - 02:12:34:15

But in the first instance, does it resolve the North Bingham Wood concern?

02:12:37:04 - 02:13:10:11

88 Wiltshire Council. Um, to a certain extent, however, we want the 15 we want. We would like to have the 15 metre buffer because it is an ancient woodland and, um, the whole purpose of the 15 metre buffer is to prevent encroachment, um, to prevent negative impacts. And if we don't have that, if it's still being used for something other than the buffer zone, then, um, those impacts could still possibly happen irrespective of what purpose they're going to be used for.

02:13:10:13 - 02:13:34:24

So if you're taking out hedgerows to facilitate the track, um, then obviously that's an ecology, um, point of view as well. So that's something that we need to be discussed with the ecologist from, from an agricultural point of view, the ancient woodland does require to have a 15 metre buffer so that there is no, um, encroachment into that zone.

02:13:35:13 - 02:13:37:03

Yes. We need to see the detail, I think.

02:13:37:13 - 02:13:40:13

Absolutely. Yeah, I think I think that's definitely Miss Brodrick.

02:13:40:15 - 02:13:44:00

When when do you hope to submit that detail, please?

02:13:54:15 - 02:14:27:29

At the applicant, I think we're hoping to be able to update the plans for, um, Deadline for. So to the extent that that plan is. But in the event that we're unable to. Obviously, I'm aware we've committed to doing a lot of different plans. Um, so, um, it would be deadline. Fine if we're not able to update it for deadline for. But what I would say is, just to be clear, obviously it's an existing track which is used by the farmer and their tenants for access, and there may be a need for in terms of, in terms of the applicant to maintain the hedgerow that side of the track.

02:14:28:01 - 02:15:01:03

So the applicant may need to go up and up and down that track to undertake hedgerow maintenance activities. So it will we're not proposing to remove it from areas in which we may need to do some type of activity, but what we're saying is that the management plans would control the type of activity that could be done along there. So it may well be somebody going up with hedge, uh, hedge maintenance equipment or something like that. So it's just to be clear that we weren't when when there was talk about not doing any activity within 15m.

02:15:01:05 - 02:15:02:27

Obviously it is an existing track.

02:15:03:13 - 02:15:04:01

And I think.

02:15:04:03 - 02:15:36:16

As I understand it and I'm happy to be corrected. That's not necessarily the concern, taking a tractor up there with a tremor and that's an activity that already happens. I'm sure the, the, the concern would be the extent of works to the track and route protection areas, um, overhead, of course, and having to cut that back and then the overall disturbance that would have to the ancient woodland. And then we heard about then the use of that track for that volume of traffic. That was my understanding of the concerns.

02:15:38:07 - 02:16:12:17

Yeah. Lisa Price, watch counsel. I just think we need to have it clarified with regard to obviously you're moving the track, which we understand we welcome. But obviously with the use of the existing track, I understand that the hedgerows have got to be trimmed and things like that, but I'd like clarification and it actually down in a document state that is only going to be used for that particular process almost. You know, we don't know. We've got no control whether it's in the, you know, the red line of the site on what's going to be used on that track.

02:16:12:19 - 02:16:17:23

And like Kate said, it is a 15 meter buffer and it should be retained as so.

02:16:18:06 - 02:16:39:17

No I understand. And I think until we get those details from the applicant deadline for we, I don't think we can take this discussion any further forward. But I feel like we have taken it forward because we know we're going to get information and you know when to expect that information, and I think that can be moved forward. Um, so Randall Wood, am I pronouncing that properly?

02:16:41:09 - 02:16:56:08

Sir Randall Wood, sir. Um, also ancient woodland. Um, as I understand, um, similar concerns with respect to, um, the 15 metre buffer not being

02:16:57:24 - 02:17:00:00

works within that 15 metre buffer.

02:17:01:21 - 02:17:12:23

Is there any. Is there any proposal by the applicant for something similar at sandalwood to maintain that 15 metre buffer, or are you content with your current position?

02:17:26:07 - 02:17:44:05

Now if it helps, it's from the council's Local Impact report page 124. It's the second paragraph document. Um rep 1137. And it's the the um, concern regarding the applicant's incursion into the 50 metre buffer at sandalwood.

02:17:45:21 - 02:18:18:17

Uh, for the applicant. My understanding is that the, um, based on the nature of the that this is, again, an existing access track. And the view was that on the basis of the works that would need to be taken, um, there isn't any impact there in terms of just using the existing access track. So there wouldn't be. It's a different, um, type of scenario there where the position was that it was deemed suitable to use that track, um, for the activities proposed without causing any impact on.

02:18:18:20 - 02:18:20:24

From an agricultural perspective.

02:18:20:26 - 02:18:21:14

And, um.

02:18:22:22 - 02:18:26:20

I'm assuming you've laid that out in your response to local impact report.

02:18:29:29 - 02:18:36:02

At the applicant. Um, I'm just having somebody check, but, um, I believe so, but I can confirm.

02:18:36:04 - 02:18:36:19

The document.

02:18:36:21 - 02:18:37:06

Please.

02:18:37:14 - 02:18:41:22

And I'll come back to the council. Uh, yes. Come back to the council.

02:18:43:19 - 02:18:49:02

Is there anything you want to expand upon? With, with with what you've already said in the local impact report.

02:18:51:00 - 02:18:59:13

Okay, so I'll just we'll wait to hear the if the applicant to signpost me and we'll take that forward through written questions if need be.

02:19:02:10 - 02:19:50:15

Now my last point on trees relates to this morning's discussions for the works at gritstone. I'm not suggesting that's ancient woodland, but as woodland, it seems appropriate to add to my discussion at this point before moving on. And I know we had some technical issues bringing up the document, but it was rep 3066 and it was the plan on page 982. Now I do have a zoomed in copy of this plan in front of me. Now, I note the earlier comments that no trees have been removed, but there is a potential for trees to be damaged because when I or what I'm asking you is, is there the potential for trees to be damaged because I'm seeing the order limit extending.

02:19:53:06 - 02:20:05:22

If we can. If we can. But it's because we weren't able to put it on the screen earlier. So I'm hoping that perhaps, um, one of the applicants team has it in front of them, so at least we can. You know which part I'm talking about.

02:20:06:19 - 02:20:23:18

Uh, clever. Yes. We're just trying to get it on the on the screen just to confirm the response on that point about, um, surrender would was page 281 of the applicants response to the local impact report 281.

02:20:23:20 - 02:20:24:10

Thank you.

02:20:46:20 - 02:20:47:14

Existing buildings.

02:20:47:16 - 02:20:48:12

To excuse.

02:20:48:17 - 02:20:49:05

So I need to go on.

02:20:49:07 - 02:20:49:26

To water courses.

02:20:49:28 - 02:20:50:20

Before. Hi.

02:20:59:17 - 02:21:05:20

On behalf the applicant. We're just going to transfer it from from one laptop to the other so we can get it on screen. So spare us some money. Thank you.

02:21:12:09 - 02:21:12:24

Yeah.

02:21:42:15 - 02:21:47:02

Would you just be able to confirm the page number that you're on, so we can just make sure we're got the right area.

02:21:47:04 - 02:21:52:28

Of course. It's page 982 of 987. So PDF page 982.

02:22:06:14 - 02:22:39:07

Perfect. Thank you very much. So a query is now at the company site inspection. As Miss Lever points out earlier, we stopped and there was a gentleman in Littleton who pointed this junction out to us and the area to the left of the colors, bits and white in the order limits. That's all trees. And there's actually also a there's a sign up as well, which has a white signpost for directions on it, pointing to various villages and places in the area. And then there's a telegraph pole as well.

02:22:39:18 - 02:22:45:21

Now, I heard you say earlier that the telegraph pole would remain. So you're skirting around the trees

02:22:47:20 - 02:23:23:18

is now, I don't know the detail of the works there, so you might you might just be able to enlighten me very quickly. But is there potential for damage for route protection route areas, for example. And then my second part to the question is, if you scroll further north, we do have trees within the order limits. And I'm wondering then those trees from memory are within hedgerows. Is there potential for damage to those trees and hedgerows as a result of these works?

02:23:46:29 - 02:23:47:14

I know.

02:23:53:07 - 02:23:55:11

We got too many microphones on. There we go.

02:23:55:13 - 02:23:55:28

Yeah. You?

02:23:58:17 - 02:24:04:23

Are there. Okay. All right. James. Darryl. For the applicants. Um, I'm the transport consultant.

02:24:04:25 - 02:24:26:25

I'm here this morning and still here now. Um, so we're providing more detail on these passing points and passing areas, including what is actually being used for the widening. Um, it's all Virge that we're using, but confirmation of that will be included in the deadline for plans that we've promised to issue.

02:24:29:21 - 02:24:40:09

So that's useful. And I think you touched on my second question, which was there's been one example, the other areas, but you just want to set that. So, you know, I'm I'm content with that point. The thresholds.

02:24:42:08 - 02:24:45:14

Just a very quick minor point. I'm not sure where that clicking is coming from, but.

02:24:45:16 - 02:24:49:21

Um, Claire, just the case officers got her hand out, so I wonder if there's an issue.

02:24:50:17 - 02:24:55:27

Hi, Deborah. Um, the planning inspector, please, can we adjourn the hearing while we organise the microphones?

02:24:58:16 - 02:24:59:01

Um.

02:25:01:17 - 02:25:04:04

I believe there's an issue with the microphone, so we may need to pause.

02:25:04:06 - 02:25:11:26

Can you hear me, Deborah? Yeah, yeah, we can adjourn. How long do we need? We could. It's probably a good time to take our ten minute break.

02:25:14:08 - 02:25:20:27

We'll take ten. Um, we'll come back at 436. Thank you.