



Planning Inspectorate
Arolygiaeth Gynllunio

Hearing Transcript

Project:	Light Valley Solar
Hearing:	Recording of Issue Specific Hearing 1 (ISH1) - Part 1
Date:	30 July 2026

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The video recording published on the Planning Inspectorate project page is the primary record of the hearing.

FULL TRANSCRIPT (with timecode)

00:00:08:20 - 00:00:24:12

Good morning. It's now time for this hearing to begin, and I'd like to welcome you all to this issue specific hearing on the scope of the proposed development, environmental matters, and the draft development consent order for the Light Valley Solar project. And I just confirmed that everyone in the room and online can hear me clearly.

00:00:28:20 - 00:00:32:23

And also confirm that the live streaming and recording of this event has commenced.

00:00:34:23 - 00:00:49:09

Thank you. My name is Matt Tandy, chartered water environmental manager, civil engineer and planning inspector. I've been appointed by the Secretary of State to be the lead member of the examining authority for this application. I'm going to ask the other members to introduce themselves.

00:00:58:12 - 00:01:09:07

Good morning. My name is Jonathan Medlin. I'm a chartered town planner and planning inspector, appointed by the Secretary of State as a member of the panel to examine this application.

00:01:12:03 - 00:01:21:23

Good morning everybody. My name is Mark Wallace. I'm a chartered town planner and a planning inspector, and I've also been appointed by the Secretary of State to be a member of the panel to examine this application.

00:01:24:09 - 00:01:56:29

Thank you. Together, we constitute the examining authority for this application. Just like to introduce other members of the Planning Inspectorate and accompanying us today Spencer Baumann and housing Coles. Please approach them if you have any questions for those in here in the room this morning. They are located towards the back of the room on the left, and for those of you online, you will need to email them using Light Valley Solar at Planning Inspectorate. With Light Valley Solar being a single word, and I'll do a few housekeeping matters for those attending in person.

00:01:57:09 - 00:02:20:27

Everyone, please set all devices and phones to sign, please. The location of the toilets and other essential amenities are to my right. Using the door which you entered through today. We're not expecting any fire alarm, so therefore if there is an alarm sound as it is for real, you'll need to exit through the doors on the left and meet at the car park at the front of the hotel.

00:02:23:13 - 00:02:33:21

Can I also check with anyone here today as a request, or requires any special measures or arrangements to enable participation in this hearing? Example the hearing aid loop.

00:02:40:24 - 00:02:59:04

The saving will follow the agenda published on the National Infrastructure Planning website on the 14th of July, 2026, which is examination Library reference EV five hyphen 001. It would be helpful if you had a copy of this in front of you for today. I believe we should also be able to have that displayed on screen.

00:03:10:18 - 00:03:42:20

The agenda is for guidance only, and we may add or move items as we progress. In terms of timings for today, we aim to adjourn for lunch break at around 1:00 and there will be an opportunity for the break during the morning and afternoon. We anticipate concluding the hearing around 530 this afternoon. We are, however, mindful that the agenda is quite full today, and so if it looks like discussions could not be concluded by the close of today, then we may decide to prioritize some matters and defer others till later in the examination. We would also be sorry.

00:03:42:22 - 00:03:52:10

We would also request that if you when responding to our questions today and you cannot answer or require some time to collate information requested, please indicate that you will need to respond in writing.

00:03:56:22 - 00:04:27:02

Today's savings have been undertaken in a blended way, meaning some of you are present with us at the hearing venue. Some of you are joining us virtually using Microsoft Teams. We'll make sure that however you have decided to attend today, you will have a fair opportunity to participate by speaking to the agenda items. For those joining virtually today. Should you? You should not use the chat function as this is not being monitored. So should you wish to speak. Please switch your video on and use the Microsoft Teams hands up function. Then please wait to be invited to speak.

00:04:28:21 - 00:04:52:13

For those people watching their live stream, I can also advise that should we at any point during proceedings today, we will have to stop the live stream in order to give us clear recording files. As a result, at the point at which we recommence the hearing and restart the live stream, you will need to refresh your browser page to view the restarted stream. We will try to remind you of this again. At each point, we adjourn

00:04:54:05 - 00:05:25:12

A recording of today's hearing will be made available in the Light Valley Solar Project section of the National Infrastructure Planning website as soon as practicable after the hearing has finished today. The transcript will also be made available, which will utilize AI technology. With this in mind, please ensure that you speak clearly into the microphone stating your name and who you represent each time before you speak. So for those sat at the table, you'll see there's a you've got a microphone. You just press the button. When it's red. It means that the microphone is on.

00:05:25:14 - 00:05:39:00

And when it's white it means it is off. Please ensure it's turned off every time you have finished speaking. If you are not at the table today, there is a roving microphone which will be brought to you. Just please wait for that before you start to speak.

00:05:44:24 - 00:06:20:16

If you are attending virtually and don't want your image to be recorded, you can switch off your camera. And for those in the room who don't want to be recorded, there is an area at the very back of the room. Out of the camera shot. So please use that area. A link to the planning inspector. Its privacy notice was provided in the notification for this hearing, and we assume that everybody attending today has familiarized themselves with this notice, which establishes how the Planning Inspectorate handles personal data in accordance with the principles set out in data protection laws. Please speak to Spencer Harrison if you have any questions about this, and I'll just check if anyone has any questions at this stage.

00:06:24:25 - 00:06:29:05

I shall now hand over to Mr. Willis, who will go through the attendance at this hearing today.

00:06:31:09 - 00:07:04:14

Thank you, Mr. Tandy. So, as I say, I'm going to go through now the attendance list, I'm going to ask those that are participating in today's hearings to introduce yourselves. Uh, when I state your organization's name, could you please state your name and confirm who you represent and which particular agenda item you wish to speak on? If you're not representing an organization again, please confirm your name and summarize your interest in the application and again, the agenda item you wish to speak on. So if I just look at my list, I'll start with the applicant and the advisors.

00:07:06:11 - 00:07:06:26

Thank you.

00:07:06:28 - 00:07:20:17

Sir. Mr. Matt Fox, legal director at Masons, acting on behalf of the applicant. So I would suggest, given that the array of items today, that we allow experts introduce themselves as we go through each item. Otherwise, we'd be here for quite a while.

00:07:21:07 - 00:07:30:08

So that's that's fine. Thank you. Uh, in that case, can I then move on to local authorities? I've got North Yorkshire accounts, so.

00:07:32:06 - 00:07:41:24

Thank you, sir. My name is Diane Holgate, principal planning officer, North Yorkshire Council. I'm here on behalf of Linda Drake who's the case officer. Thank you.

00:07:44:03 - 00:07:49:13

Thank you. And I think there's some other parties in the room. Do you want to introduce staff now or at the relevant time?

00:07:50:15 - 00:08:00:07

Thank you sir. Thank you sir. Um, yeah, we can introduce ourselves now. I'm Diane Wilson, principal conservation officer for North Yorkshire Council, speaking this afternoon.

00:08:02:21 - 00:08:08:21

And I'm Peter Royle, principal archaeologist for North Yorkshire Council. Speaking on the cultural heritage issues.

00:08:11:04 - 00:08:17:25

And I'm parent Hendry environment and design manager for ecology. And I'll be speaking on ecology issues as required.

00:08:22:01 - 00:08:29:08

And uh, calling online. Um, I'm principal officer and I'll be covering matters on landscape and views.

00:08:32:00 - 00:08:36:01

Sorry, Mr. Jones, I haven't got you on my list. That's why I interrupted you there.

00:08:38:01 - 00:08:39:12

Okay. Thank you.

00:08:46:26 - 00:08:58:18

Can I now move to, um, move on to the Environment Air Environment Agency, which I believe are joining us online. There's a number of parties there. Is there any one particular you want to introduce yourselves, please.

00:09:00:04 - 00:09:03:29

If you put your hand up. Yeah. So I've got Jane Field.

00:09:04:28 - 00:09:06:06

Hi, I'm Jane Field.

00:09:06:09 - 00:09:19:04

Um, I am a planning specialist within the Environment Agency's national infrastructure team. Um, I've got a number of colleagues here with me. Um, I'm happy for them to introduce themselves as. And when. If that suits you.

00:09:20:28 - 00:09:24:00

Yeah. Is there a particular item you wish to speak on this morning?

00:09:24:06 - 00:09:31:20

Uh, we're looking to respond on section 4.5 ecology and 4.6 flood risk and water resources.

00:09:37:18 - 00:09:38:20

Okay. Thank you.

00:09:43:22 - 00:09:46:27

I'll then move over to National Highways.

00:09:52:00 - 00:10:24:00

Good morning, sir. My name is Julie Russell. I'm a solicitor at Gowling and representing National Highways. I'm joined this morning by Paula Bedford from National Highways and who is online with me, and by Glenn Strong, who is at WSP on behalf of National Highways. We don't intend to speak today, but we are here to assist the examining authority in connection with any queries. On item 4.4 Transport and Traffic.

00:10:27:03 - 00:10:28:05

Okay. Thank you.

00:10:31:13 - 00:10:34:03

Next on my list I have Historic England.

00:10:38:18 - 00:10:56:19

Good morning. I'm Andrew Byrne from historic England. I'm development advice team leader for Yorkshire region. And I'm here to represent Historic England. Item 4.9. We don't intend to speak, but we're here to answer any queries that the examining authority may have on that agenda item today.

00:10:59:19 - 00:11:00:22

Okay. Thank you.

00:11:10:22 - 00:11:19:07

I'll now move on to sorry parish councils. Um, so I got on my on first on my list. I've got South Milford Parish Council.

00:11:21:23 - 00:11:29:03

Yes. Good morning. My name is Kerry Carter from South Milford Parish Council. And I'm going to be speaking on traffic and transport for about four.

00:11:33:13 - 00:11:38:19

Thank you. Uh, can I move on to recall parish council then, please?

00:11:42:10 - 00:11:46:14

Good morning sir. My name is Jeff Marston. I don't intend to speak today. Thank you.

00:11:49:03 - 00:11:50:05

Okay. Thank you.

00:11:53:13 - 00:11:56:19

I move to Hambleton Parish Council, please.

00:11:57:02 - 00:12:02:15

Good morning, I'm Renee Ferris. I'm speaking on 4.7 on cumulative impact.

00:12:11:05 - 00:12:14:23

I was just checking because we haven't got cumulative impacts on the agenda for today.

00:12:14:29 - 00:12:23:03

I did ask where I want to speak on cumulative effect, and I did ask the planning inspector. She told me to quote 4.7 because it was in there.

00:12:24:23 - 00:12:25:15

Ameena.

00:12:27:17 - 00:12:34:11

Yeah. It was it was your specific concerns about landscape cumulative impact. Right? Okay. Yeah. Thank you.

00:12:34:13 - 00:12:35:11

Sorry, I won't clear.

00:12:43:09 - 00:12:46:01

I'll then move on to West Halsey Parish Council.

00:12:48:10 - 00:12:51:06

Yeah. Hello. Lynn Dobson I'm here to observe today.

00:12:54:03 - 00:12:55:08

Okay. Thank you.

00:12:58:16 - 00:13:11:02

And I will just say I'm mindful it's a bit cramped around in that corner. So please feel free to just move around the corner. Particularly if you're not planning to speak today. Then it might be better to just move where there's a bit more space. Okay. Thank you.

00:13:16:18 - 00:13:26:08

I'll then move on to individuals and interested parties that have given notification of the wish to speak. Uh, I've also got. So I've got the British Horse Society. Mr. Corrigan.

00:13:29:06 - 00:13:31:03

Thank you sir. I'm just observing.

00:13:31:05 - 00:13:33:02

Today. I'm not intending to speak.

00:13:36:14 - 00:13:37:21

Okay. Thank you.

00:13:43:16 - 00:13:45:06

I then have to.

00:13:57:08 - 00:13:59:24

Have a Sherborne Aero Club.

00:14:08:03 - 00:14:08:21

Okay.

00:14:17:14 - 00:14:19:12

Then I have a James West.

00:14:25:17 - 00:14:27:24

And Julie Turner.

00:14:45:24 - 00:14:59:15

Hi, I'm Julie Turner, I'm a senior development engineer at um, North Yorkshire Council representing the LHC. If there are any queries, I have no plan on speaking, but happy to discuss anything. And my colleague actually was misnamed. It's James Welsh.

00:15:01:00 - 00:15:03:27

Oh, okay. I apologize for that. And but you are here on.

00:15:06:11 - 00:15:07:25

The local highway authority.

00:15:07:27 - 00:15:09:06

Okay, okay.

00:15:12:22 - 00:15:23:23

We just want would you be more comfortable sitting at the table? It might be a bit more helpful. Just so, um, clearer as to your status within this hearing today. That would be helpful.

00:15:30:11 - 00:15:42:23

I think that concludes all that I've got on my list. Was there anybody else, uh, here today? Wanted to item particularly wanted to speak to today, and if so, which item, whether that's online or in the room.

00:15:47:08 - 00:15:50:26

I'm not seeing any. Oh, sorry.

00:15:53:14 - 00:15:57:11

Can you just wait one second, please? Just for the microphone, and then I'll be able to hear you.

00:16:06:24 - 00:16:10:15

Yeah. Martin Nichols, president of Skipwith.

00:16:12:01 - 00:16:17:08

Just like if I can raise a point under agenda item or five.

00:16:26:18 - 00:16:31:06

On ecology matters. Yes. Yeah. Okay. Thank you.

00:16:43:01 - 00:16:51:13

Okay. Thank you everybody. So I think that concludes this item on the agenda. I'll now pass to Mr. Medlin to deal with the agenda item two.

00:16:56:13 - 00:17:28:26

Thank you, Mr. Willis. As you'll see from the agenda for this hearing today, we want to look at in broad terms at certain aspects of the proposed development and environmental matters and the draft development consent order itself. We will begin by looking at some specific elements of the draft Development Consent Order or the draft DCO, as it is likely to be referred to. This agenda item will be led by Mr. Tandy. His questions are likely to be primarily aimed towards the applicant.

00:17:30:09 - 00:17:40:18

We will then move on and consider the scope and different environmental matters and aspects of the proposed development. We've put these as item four of the agenda.

00:17:43:09 - 00:18:14:18

Each has various subsections. We appreciate this as a large agenda item. And so we do intend to take breaks. And we will be taking it in turns to lead the discussion on each of the different subtopics. For each of these items, we will be asking questions and inviting comments from parties present today. In terms of the Draft Development Consent Order, this is an important document, so I think it would be sensible to say a few words about it ahead of discussing this today. Firstly, it's not our intention to discuss all matters related to the draft DCO today.

00:18:14:28 - 00:18:50:23

Some matters will be pursued three rounds of written questions or at future hearings. Therefore, if we don't ask a specific question or raise something in the DCO that you were expecting, it is not necessarily that we view that matter as satisfactory at this stage. We may, for example, wish to make comments on other aspects of the draft Development Consent Order at a later date, and or follow up on matters discussed today, or which are raised in submissions through future written questions. Secondly, this hearing is being held on a without prejudice basis.

00:18:51:11 - 00:19:17:02

This means that even if it is your position that development consent should not be granted for the proposed development and that the Secretary of State should not therefore make the DCO, you are still invited and encouraged to make representations both in this hearing, in writing, and at any future hearings regarding the drafting of the DCO, and that will not concede your wide position that the DCO should not be made.

00:19:18:22 - 00:19:53:19

This is important to us because, as the examining authority, we are under a duty to provide the Secretary of State with the recommended DCO, even if we end up recommending to the Secretary of State that in our view, they should not make the order. This is because we do not decide these

applications. Instead, we make a recommendation to the Secretary of State who makes the final decision. Therefore, even if our report was to recommend that development consent should not be granted, we must still append the best draft version of a DCO that we can.

00:19:53:21 - 00:20:00:03

Thereby ensuring that the Secretary of State can decide to make the order if he or she so wishes.

00:20:01:23 - 00:20:25:03

In relation to environmental matters, the expectation is that any subject matter expert providing oral evidence will do so objectively and impartially, drawing upon their professional expertise and knowledge. Where the examining authority is satisfied as to the relevance and reliability of that evidence. It may be taken into account and relied upon in reaching its conclusions.

00:20:27:06 - 00:20:43:25

Finally, please remember in your responses to our questions that we have already read the documentation submitted, so you don't need to repeat long sections of information already presented. Rather, please give us the examination library reference.

00:20:46:00 - 00:21:12:21

Also, but we have read the application documents. You will also appreciate and understand that there is a lot of information. So we might ask a question where the answer is already in the documentation. Should this arise, then please simply signpost direct us to the relevant document when responding so we can find this easily at a later stage. Okay. Does anyone have any questions about the purpose of today's hearing?

00:21:21:19 - 00:21:31:14

Oh no hands and nothing online. In that case, I will now pass over to Mr. Tandy for the next item, agenda item three.

00:21:34:01 - 00:21:40:08

Thank you, Mr. Medlin. Before we progress, can I just check if Mr. Steven Ben has now joined us online?

00:21:44:07 - 00:21:47:07

Yes, I have, I have joined in. Thank you.

00:21:48:03 - 00:21:54:25

Would you just like to briefly introduce yourself, Mr. Ben, and explain which items of the agenda you would like to speak to today?

00:21:55:24 - 00:22:20:02

Uh, well, in fairness. Um, I saw the invite come through yesterday when I was attending the, uh, the other meeting. Uh, so really, I've just dialed in to see what the, um, what this is about, rather than the one that I attended yesterday, which was when you could make comments. So I'm just trying to understand what the what this this actual meeting was about.

00:22:20:22 - 00:22:25:00

Okay. Thank you, Mr. Ben. I'll assume you are observing for the purposes of today, then.

00:22:25:09 - 00:22:26:08

That's fine. Yes.

00:22:26:10 - 00:22:28:01

Turn your microphone off now. Thank you.

00:22:28:10 - 00:22:28:25

Okay.

00:22:32:15 - 00:22:43:14

Okay, I shall move on to agenda item three, which is in relation to the draft development consent order. Can I firstly just check the applicant as all relevant representatives at the table for that?

00:22:44:12 - 00:22:44:27

Yes, sir.

00:22:47:02 - 00:23:18:22

As Mr. Medlin mentioned, it's not our intention to discuss all matters related to the Draft Development Consent order today. Instead, we would like to discuss a few matters which may influence lines of inquiry for environmental matters under agenda item four. In addition, we would like to provide interested parties attending today who registered to speak specifically about the Draft Development Consent Order to make. Their representations have, however, been made aware this morning that some of those parties, in fact, perhaps all of those parties are now not attending or, um, wish to speak on this item so

00:23:20:08 - 00:23:24:11

they're able to provide any comments they wish to make for deadline one.

00:23:34:02 - 00:23:59:12

If it helps and I'm not clear. Not sure which part is you're talking about, but in relation to the Environment Agency and Natural England, there are requests and National Highways and their requests that they've made in terms of being added to various TCO requirements or being referenced in the Kemp have been actioned in the documents that we were planning, submitted at 90. Um, so just to reassure you on that point.

00:23:59:29 - 00:24:00:18

Thank you.

00:24:02:29 - 00:24:31:19

I'll start with an action actually for the applicant, if agreeable, based on your responses to relevant representations, I anticipate you will likely be submitting an updated draft development Consent order early during this examination. I'd like to suggest you take the opportunity to review and update the explanatory memorandum to ensure that sufficient, detailed justification is included for all the sort

powers. This needs to be specific to Light Valley Solar with clear reasoning. I assume that will be agreeable.

00:24:32:16 - 00:24:42:15

To folks about that. Yes, and we were anticipating submitting an updated Spanish memorandum with each version of the DCA. So you can see how it's evolved in response to your questions.

00:24:43:12 - 00:24:54:18

That'll be useful, I think. I was just labeling the point that it'd be a good opportunity to review what's currently in there and submitted, and ensuring that there is the justified reasons for the sort of powers at the same opportunity that would be useful.

00:25:03:00 - 00:25:30:11

Okay, I shall move on to some of the definitions within the draft development consent order. Um, I don't propose need to have that on screen, and it may be useful to remove the agenda from the screen as well. So the definition of permitted preliminary works in article two is quite a broad list. Can the applicant explain why these works need to be preliminary, and I would like the answer to be specific in relation to Light Valley Solar.

00:25:35:25 - 00:26:08:06

Mr. parks and the applicant. So the approach that permitted preliminary works. Um, I do appreciate you've asked that in the context of Light Valley Solo. Um, but with the exception of items K, L and M of the definition and n don't know. Sorry. So there's a few there, but the list before that are um, reflects a common approach to schemes, which is that these are types of works which do not, um, cause, uh, significant effects.

00:26:08:11 - 00:26:44:21

Um, and therefore it's appropriate that we should be able to continue on to do these activities before undertaking essentially the main phase of construction works. Um, I say that so in the context that, of course, where it is relevant to an impose a control that has been done through the requirements in respect of those items I specifically mentioned. Um, those, um, have been put in place, um, similar for similar principled reasons, but in the context that it would make sense to do those works first.

00:26:44:23 - 00:27:21:15

So for example, the bird mitigation area, um, as per the various seasonal, um, timing restrictions we've already put into our documents, it makes sense to do that first. But the requirement, um, the number in front of me. But the burden mitigation area requirement requires us to get the bird mitigation area management plan signed off before we do that, so that the works to create that are appropriately, um, signed off by the relevant bodies. Um, the advanced planting referenced in um, um m paragraph m of that definition, um, that flows from, uh, the assessment in the um,

00:27:23:03 - 00:27:46:27

Printing glare assessment and the commitment that we've made in the camp to do planting as early as possible for those properties here on the basis of detailed modeling, are still shown as received, potentially receiving glinting glare effects, and then works nine, B and eight. Um.

00:27:49:05 - 00:28:16:28

49 B sorry, was the burn mitigation area. Apologies. The permission path, permissive paths and the accesses, um, of course accesses are the first thing you need to do to be able to get on to the land to build your scheme. Um, and don't in themselves, um, require, um, you know, main works, I suppose. Um, so it makes sense to be able to do those works first, um, to facilitate the main delivery of the scheme.

00:28:20:29 - 00:28:58:19

Thank you. I think part of your response is referring to these are works that are often included in our standard, um, included in maid orders. Of course, we need to understand the examining authority. Whether the preliminary works are suggested, are reasonable and are required in relation to Light Valley Solar. The reason for that is that permitted preliminary work sit outside the scope of commencement, and can therefore be carried out prior to the discharge of requirements contained in schedule two of the Draft Development Consent Order and the approvals required therein.

00:28:59:03 - 00:28:59:22

So.

00:29:02:03 - 00:29:22:21

I'm not sure from your response there whether there is for all of the items that you've mentioned, the justification needed for those works in relation to Light Valley Solar. So don't if you want to revisit that. But at the same time, could you explain How those works would be controlled.

00:29:24:24 - 00:29:29:09

Based upon the fact that the scope of commencement would invite.

00:29:29:25 - 00:30:03:01

Mr. Foxman past the applicant. Um, so I can go through each. Each one if necessary, sir. Um, we feel that where there is a relevant requirement that would be, um, relevant to construct, needed to control those works, um, that has been accounted for. Um, and another example of that I mentioned, the burden mitigation area works. But then another example of that is the intrusive archaeological surveys, which we wouldn't do until the archaeological mitigation strategy requirement was signed off as part of the drafting of that requirement.

00:30:03:09 - 00:30:12:05

Um, so, so non-intrusive environmental surveys, geotechnical surveys and um, as a starting point.

00:30:22:07 - 00:30:22:27

Please continue.

00:30:27:02 - 00:30:52:20

Yes. Sorry. So? So that comes for the Archaeological Service requirement 11, that the authorized development must be carried out in accordance with the archaeological mitigation strategy. The authorized Development definition includes all aspects, including permitted preliminary works, so those archaeological surveys would need to be carried out in accordance with the archaeological mitigation strategy as suggested. Um, so going back to the definition.

00:30:57:12 - 00:31:30:08

Non-intrusive environmental surveys and geotechnical surveys. So the um these are surveys that you need to do before you can commence any of the main works and non-intrusive environmental surveys, for example, any updated watercourse surveys, uh, badger surveys, bat surveys, etc.. Um, you know, we've made various commitments in the camp to delivering those. Um, and this ensures that we can do that without having to get all of the details of the entire scheme signed off.

00:31:30:10 - 00:32:00:18

If we just need to do those initial surveys. And similarly for geotechnical surveys, um, which um inform essentially the detailed design. Um, say for example, we were then going to discharge the detailed design requirement. In order to do that, we need to do the technical surveys to inform that detailed design. Um covered archaeological surveys, um removal of plant machinery, site prep. Um, I would take together site preparation.

00:32:00:20 - 00:32:31:26

Sorry. Would take together. So, um, that is in order to, um, undertake the work, you essentially need to peg out a construction compound area. Um, and again, we would consider that that's not an activity that would cause um. Effects. And therefore, um, is, uh, something appropriate to be the preliminary work? Um, remedial work and perspective and contamination or adverse ground conditions.

00:32:32:06 - 00:32:32:23

Um.

00:32:50:10 - 00:32:50:25

I'm sorry.

00:32:51:04 - 00:33:30:07

I'm just going to have to get back from the definition, the requirements. Um, so that that, again, is not considered to be likely to cause environmental effects. And our whilst our, um, submitted preliminary um, risk assessment, something with the application identifies um limited um contamination pathways. So they do um arise then it would make sense to them. Um and given that we've included in the investigation of person setting ground conditions. Again, this comes to site preparation. The first thing you do is just, you know, understand in full the ground that you're about to build on, um, the version of laying apparatus.

00:33:30:09 - 00:34:05:10

Obviously, within the scheme, TCA, we have a number of sets of protective provisions which protect the interests of those companies, of the people who have the apparatus. Um, and that would apply, um, in relation to, um, preliminary works. And of course, again, it's the same principle that in order to put anything in the ground, you don't want to put it through an electricity cable or a gas pipe or whatever the case may be. Does it make sense to do that first? Um, and provision temporary means of enclosure and temporary site.

00:34:05:12 - 00:34:33:12

Um, site notices and adverts. Um, again, I think they're for the same reasons it's discussed for item E, um, and um in relation to Jay, um, that is uh, appreciate it. So there is duplication between D and J. We'll take an action to to go back to that apology, sir. Um, but again, that's the same, same principle. In order to be able to do anything, you need to move things out of the way.

00:34:38:21 - 00:34:42:01

I think that covers them because I started off by covering the, um.

00:34:42:03 - 00:34:42:24

Yeah. Okay.

00:34:48:05 - 00:34:58:00

I think part of your answer is suggesting that there aren't significant environmental effects anticipated associated with the permitted permits. How those works have been defined.

00:35:00:14 - 00:35:12:03

But of course, they wouldn't be controlled because they are pre commencement. And I think you suggested that there would be some control through the construction environmental management plan. But again if these are pre commencement.

00:35:14:02 - 00:35:21:27

Could you confirm whether that construction environmental management plan would actually need. Would that bite on on these works.

00:35:22:01 - 00:35:46:03

This talks about the Atkins. Sorry if I wasn't I wasn't clear that my reference to the camp was just to illustrate the point that the campus said that we would need to do various surveys before commencing, and that I was just to explain that therefore it makes sense for them to be permitted. Delivery works because that's the first thing we need to do. And then developing the measures that are in the detailed camp for the main construction works, you would want to take account of the surveys that you've done pursuant to that power.

00:35:47:14 - 00:35:49:15

So go back to.

00:35:49:17 - 00:35:50:02

The.

00:35:50:18 - 00:35:58:13

Sort of follow on question then. So on the basis of these permitted preliminary works would sit outside the scope of commencement.

00:36:01:22 - 00:36:05:26

And the applicant confirm or explain how these works would be controlled.

00:36:09:26 - 00:36:28:21

On behalf of the applicant. Um, so unless directly referenced in the requirements. So in relation to the archaeological surveys, um, and um, the bird mitigation area, um, and then they wouldn't be on the, on the current drafting of the DCA.

00:36:41:22 - 00:36:59:23

If you consider that there is a need for some wording for some of those requirements to include for the permitted preliminary works. This is an approach that's been taken on other, uh, made orders. I can point you to, for example, spring. Well.

00:37:01:28 - 00:37:06:21

Which did reinsert some preliminary works back into some of the requirements.

00:37:08:23 - 00:37:19:16

Uh, Mr. Parks and Parks for the applicant. Um, I think I can say that we'd be happy to take away that point, um, and provide an update in respect of our approach on that matter.

00:37:21:02 - 00:37:21:22

Okay.

00:37:23:23 - 00:37:54:09

I'll put that down as an action. I think it would also be useful. As part of that action is to provide some more explanation for the justification of all of those permitted preliminary works and the reason why they are required, and with some consideration that they would be required, that those permitted preliminary works would be within the whole of the order limits as currently drafted. And again, whether that is deemed necessary and proportionate to the light value silver

00:37:55:24 - 00:37:56:16

project.

00:37:58:09 - 00:38:16:15

So Mr. Parks, the applicant. Um, on the second part of what you just said there, in terms of the appropriateness of them being applied across the whole the whole limits. Order limits. We can certainly take that away. On the point about the justification for them.

00:38:18:12 - 00:38:51:04

They are all. And as for my submission oral submissions, they're essentially all variations on a theme, which is they are the first things that you would do before you actually commence the main works construction. Now, I understand your concerns here about making sure that the effects of those works, in and of themselves are, um, how they are controlled. But the point about why we need to do them first is a is a point about construction methodologies that applies to every scheme.

00:38:51:06 - 00:39:06:20

And in reference to that, many, many other details have this concept of delivering works. And for each of them the justification is the same. These are the types of activities you would do before you begin make construction works, with the limited exceptions of the list at the end. So it's just.

00:39:06:22 - 00:39:07:07

To.

00:39:07:24 - 00:39:13:15

Manage expectations. I suppose that I don't think I'd be able to say much more than I have already just said.

00:39:13:21 - 00:39:14:15

Yeah, I think there.

00:39:14:17 - 00:39:15:02

Is.

00:39:16:06 - 00:39:40:07

Sometimes a, um, a need to consider what is preliminary works and what is just works that need to be phased early in the construction phase. There is a there is a need to consider what those are.

Preliminary works are there to facilitate the construction phase. And the reason I'm pointing this out to you, specifically relating to Light Valley Solar,

00:39:41:25 - 00:39:43:26

is that there are, um,

00:39:45:18 - 00:40:04:25

some of the permitted works you have mentioned to, but haven't quite given you a full explanation.

We can follow this up as an action, but the definition includes for several work numbers. So these are described elsewhere in the draft development consent order within schedule one as associated development. So there appear there could be some conflict between.

00:40:06:24 - 00:40:10:28

associated authorized development and what is preliminary work? Would you.

00:40:11:00 - 00:40:11:16

Agree.

00:40:11:21 - 00:41:01:03

Mr. Fox, on behalf of the applicant, sir? No, I wouldn't, um, to go through them. So we're at number nine. B that's the bird mitigation area. That is, we've committed to that being one of the first, um, things that we do in the area of site, um, side development site one. It is essentially a preliminary activity to be able to then, um, continue on with the construction in that area work. Number eight, which is the highways and access works, as I touched on, essentially to be able to access the site for HGTV's or our normal indivisible loads, we need to do the work to be able to create the access to get on the site, um, and to remove vegetation as necessary to facilitate the access,

00:41:02:19 - 00:41:57:00

um the footpath works are in there because the diversions that we are undertaking are essentially to move the footpath out of the way, to be able to then do the works, the, the, the main works. Um, and

then work number ten, which is the permissive paths. In a similar way, it's to make sure those are in place so that everything else can be, um, can be built around them. Um, and so it may be that, um, you know, we can look at whether we need to delete the word, um, preliminary, um, or rephrase them as, as some other definition, um, because I don't think it necessarily the fact that they are preliminary does not in itself mean that they're unacceptable to be done early.

00:41:57:03 - 00:42:30:24

The point of that definition is, I think you've touched on, sir, is the need or otherwise to get any or all of the requirements signed off. That is the question of is that acceptable? Have you. Have you got the relevant controls in place? The fact that that means that those things would happen first. I don't I don't think that necessarily matters. That's not that's not a planning question. The question is are they appropriately controlled. So if there is a concern then maybe we can look at calling them something slightly different.

00:42:30:29 - 00:42:43:13

Um, but I think that the point is that they are they are things that we would do first. And in the context of scale of this scheme, I mean, we would say they are preliminary because they are the things you do to be able.

00:42:43:15 - 00:42:44:00

To.

00:42:44:17 - 00:42:52:09

Get on with that. But I just I was just, of course, keen to make the point that it doesn't necessarily matter whether they're preliminary or not.

00:42:53:10 - 00:43:00:07

It's down to the control of those works. Yes. And I think you've agreed to take the action and you understand the reasons why probing around those.

00:43:02:19 - 00:43:06:03

I think there is just one further point on this, which is that.

00:43:09:21 - 00:43:37:10

The preliminary works were undertaken before commencement. So as the Draft Development Consent Order is currently drafted, that could be to five years prior to the start of construction. And the construction period is for is for up to three years. So if so, has this extended period of time being assessed in the environmental statement for the relevant effects?

00:43:39:23 - 00:43:46:03

Chapter four of the Environmental Statement explains the assessment includes for a construction phase of up to three years.

00:43:47:23 - 00:44:04:00

But of course, we've just discussed how some of these works, which you explain perhaps they shouldn't be classed as preliminary. That's just what needs to happen. First, as the order is drafted would allow them to commence. It would would allow them to be undertaken before commencement.

00:44:06:17 - 00:44:36:21

Mr. Fox, on behalf of the applicant. I think it's true to say that, yes, there's no specific control on that matter, I think. Well, there's a question about how much that matters depending on which preliminary permitted work you're talking about. Um, I think there's I suppose I would argue that needs to be a sense of realism here, that it would be odd for a, um, for the works that, I don't know.

00:44:36:23 - 00:45:11:15

For example, the access works because they have the potential to be have more effects than, say, for example, doing a bird survey which is just walking down a path. Um, you know, there's are extensive costs that would be involved in doing that. And I don't think that any promoter would go to the effort of expending that cost to do that. To then sit around and do nothing with the results for 3 or 4 years. I appreciate imagine you're going to say that we can't control that. Um, and so in that sense, um, one thing.

00:45:11:21 - 00:45:33:04

Um, we are, um, contemplating doing, um, is adding a requirement in the DCA, um, which, um, reflects, um, requirements that you have, you can have seen in other DCS, which is that we would, um, submit a phasing plan to the council.

00:45:35:21 - 00:45:54:10

Prior to the undertaking of the works, so that, um, the council would be able to see if it would be able to be notified of, um, how the permitted works are being brought forward in the context of the wider plans for phasing of the delivery of the scheme.

00:45:54:22 - 00:45:59:21

That would be required Before the preliminary works? Or would it be titled commencement.

00:46:01:08 - 00:46:16:26

Before the preliminary work to deal at this point? So. Um, I think we would look at the drafting to allow for that to be able to be. Updated as things go on. But that would allow the council to have sight of that. How the phasing is anticipated to work.

00:46:19:00 - 00:46:22:06

Okay. Is that anticipated for your submission at deadline two?

00:46:22:08 - 00:46:22:23

Yes.

00:46:29:05 - 00:46:32:12

We don't need to add that as an action point. You're already doing.

00:46:32:14 - 00:46:32:29

That.

00:46:45:00 - 00:47:17:05

I just want to come back slightly to the point before we move on, just around what has been assessed within the environmental assessment in relation to the timings, as it previously said in the environmental statement. Chapter four explains that the assessment includes for a construction phase of up to three years. But as we've just alluded to, and it's usually just confirmed that some of the permitted works as defined can be undertaken prior to commencement. And if the order was made, that would allow for that to happen for up to five years before construction.

00:47:17:07 - 00:47:51:21

So in total, that could mean in the worst case, eight years. And I'm sure in reality it wouldn't be eight years because it's a you know, you have to the undertaker would have to start to, um, working forward once they had received an order, if that was where it was to go. Nevertheless, the period that these works could be undertaken is longer than what is the three years in the construction phase, as has been assessed in the in the environmental statement. So I'd like to understand how the environmental statement is there for representing and assess the worst case scenario.

00:47:53:16 - 00:48:27:01

For the Because I think that comes back to the point I was making a couple of minutes ago. I don't think that it is, um, a reasonable worst case to assume that any developer would go on site, do any preliminary works, um, and then have a five year gap before they do anything else. And I'd also want to make the point that from from an effects point of view, even if there was that, um, delay in relation to the construction period length, um,

00:48:28:18 - 00:49:00:18

these primitive preliminary works are the small scale preliminary works, which we say don't have any effects in themselves. So the fact that we would have done those works in a hypothetical scenario that I, as I said, don't think would actually happen, um, would not be would change would not change the conclusions of our assessment when it comes to the length of the construction period. because there are such small scale works that they barely make a dent in relation to, for example, traffic numbers.

00:49:17:04 - 00:49:47:08

Maybe best that you explain in writing why you believe that these works are only small scale and wouldn't have effects beyond what's been assessed in the environmental statement, as the construction period is for three years. And this because we've just established these good works could happen for longer. And within the assessment methodologies, within the environmental statement, they are linked back to the duration of works, and that has influenced the magnitude of impact within that environmental statement.

00:49:47:10 - 00:50:10:15

So if some of these works are for longer. So for example, if I can see you're not quite convinced. But for example, you would have, um, the enclosure so that all of the order as the order is written on the face of the order, all of the order limits could be enclosed for up to five years prior. And I understand you're saying.

00:50:10:17 - 00:50:11:03

That.

00:50:12:02 - 00:50:19:15

Perhaps I'm going to take it would be unlikely to do that, but perhaps they would. They would need to do that for the purposes of the work that you're there. But you wouldn't be asking for.

00:50:19:17 - 00:50:20:02

For.

00:50:20:07 - 00:50:47:04

The power to do these permitted works. So the access to, for example, to that land would be for a longer period than has been assessed. And so therefore the, the effects of that, are they truly reflected as a worst case scenario within the environmental statement for the purposes of today? Because I can see where we're at, it may be best that you take away in writing to come back, unless you have anything immediately.

00:50:47:07 - 00:51:28:27

No. No, sir. It's not from the applicant. I think the example that you've just given is definitely something we can take away. Um, but I'm struggling to see for the other aspects how that would because I think an important point there is, yes, that is something that, uh, would be something that is there for, for a period of time. Um, and then there's question about how that means for the assessments. But for, for example, uh, highways access provision, the impact that's being assessed is the fact that, for example, we need to take out the vegetation, that vegetation is removed at the point in time that the access is created.

00:51:28:29 - 00:52:04:00

There's not a five years worth of effect of that access being in place. Um, and I think that essentially all of those that need the creation of a bird mitigation area, if we did that and did nothing for five years, that's not causing an ongoing environmental adverse effect. It's we've created more bird habitat. And similarly for if we moved from it to pass or the footpath that's done, that's not an ongoing six year effect. That's done at the time that it's done. And that assessment that, um, impact has been assessed and the surveys are not an ongoing aspect.

00:52:04:02 - 00:52:38:10

You do them and you're done. And for example, the intrusive archaeological surveys, to the extent we ended up having to do any trial trenching that's controlled by what's in the archaeological mitigation strategy. So we will take that away. But I think the point of trying to raise is these are in the main one off activities or activities where to the extent that they've been, they've been assessed, the period is irrelevant to the extent of that assessment. But I do accept that at that point about, um, fencing is different because it would be there for that period of time.

00:52:38:12 - 00:52:56:14

So we will take that away. But I think that's the general proposition. So it's a not it doesn't mean doing those works. Doesn't mean the construction period is changed from 3 to 7 years. Yes. You do this

activity, you go away. There's no kind of permanent, permanent effect that's not already been considered in the assessment.

00:52:58:17 - 00:53:03:20

We'll add it into the action around. This is a general. You got that, Mr. Medlin?

00:53:06:15 - 00:53:25:27

Just like to offer North Yorkshire Council an opportunity to speak to this. And it's for its views, particularly in relation to the pre commencement and also the referenced um requirement coming, a new requirement being added for deadline two, which would be around a phasing plan.

00:53:28:20 - 00:53:50:04

Diane Holgate for North Yorkshire Council. Thank you sir. Um I'm working from um notes provided by my colleague. So this is not my scheme. So if you just bear with me, we may have to come back to you in writing. Um, I think the phasing plan would be welcomed by the council. Um, so that we're aware of what preliminary works are going to be undertaken and when.

00:53:52:27 - 00:53:53:22

Thank you.

00:53:55:06 - 00:53:56:00

Thank you.

00:54:02:00 - 00:54:33:09

Henry. And parts of North Yorkshire Council. Just if I could just pick out the point about fencing and if it was in there for a long period of time prior, one of the concerns that we had was around the permeability for mammal species through that fencing. So we wanted a bit more detail around the exact design of that fencing and how it would enable those statements made environmental statement about permeability. So obviously, if it was in there for a longer period of time in advance of works, that would be an increased concern and then an increased adverse impact in my view.

00:54:35:16 - 00:54:36:07

Thank you.

00:54:41:21 - 00:54:48:05

Any other comments from North Yorkshire Council? I appreciate your kind of slightly dotted around the room and online, so just check.

00:54:50:00 - 00:54:50:17

No.

00:54:52:14 - 00:54:53:17

Any other comments?

00:54:55:28 - 00:55:25:15

No, I shall not move on. So I'd now just like to look at the definition of maintain in the draft development consent order. And again this is quite broad given that it includes remove, reconstruct and replace with no upper limit such that reconstruction or replacement of the whole of the authorized development could be possible. Can the applicant briefly explain the extent of replacement works that are anticipated and how they would be undertaken in practice? Please.

00:55:26:06 - 00:55:56:03

Mr. Fox and the applicant. Um, so this this is an issue that comes up on a number of schemes. Um, and in advance of that, we have therefore in the ES specifically assessed, uh, maintenance, um, and replacements and put in place the relevant controls that are in the Outline Operational Environmental Management plan. There is deliberately no upper limit on the scheme. Sorry on this definition because we have undertaken that assessment.

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

Would you just like to take the opportunity to explain how this would be undertaken in practice? The replacement works.

00:56:10:16 - 00:56:11:01

Um.

00:56:12:01 - 00:56:17:01

Mr. Fox, on behalf of the applicant. Um, yes. If you can just give me a moment.

00:56:27:28 - 00:56:59:09

To talk about the applicant. Um, so this is described in section 2.8 of the environmental statement, um, which talks through, uh, operational from a general maintenance point of view, but also in relation to specifically maintenance, and paragraph 2.832 sets out our assumptions that we've used in terms of. Operational life. Expected number of replacements. What that means for the accesses.

00:57:00:07 - 00:57:44:20

Um, given what you said is that I won't read those out, but it's, you know, for example, for the solar panels, they have an expected operational life of 40 years or more. So with a 60 year lifetime, we would expect to, uh, the panels over the course of the scheme to to be replaced at least once during the operational phase. And that's anticipated to be replaced over a maximum 1224 month period. The best compound infrastructure, um, the battery energy storage system, compound infrastructure based up to five times um, and then the operational uh, environmental management plan talks in terms of the environmental controls that would be in place to manage things like traffic impacts.

00:57:45:00 - 00:57:49:15

Um, archaeology and not archaeology. Um, soils and so on.

00:57:57:01 - 00:58:29:02

Just building on that from how it's been assessed within the environmental statement. How does the applicant safely demonstrate that the baseline data in the environmental statement is a reliable reflection of the future baseline when the replacement works would be undertaken? For example,

there could be new residential developments in 30 to 40 years time. Um, or certainly much more sooner than that for the battery energy storage systems would be different established habitats.

00:58:34:17 - 00:58:36:19

Yes, sir. Could you just give me one moment to.

00:59:18:06 - 00:59:36:12

The applicant. So for example on that point in relation to traffic. So the Operational outline operational Management plan commits that we would put in place relevant um traffic management measures. Um, so at the point in time we would then be able to um,

00:59:39:22 - 00:59:52:26

How we've taken account of the latest updated baseline position. Um, I'm aware so that that response is slightly vague. Um, I think it's probably best if we take this as an action, just to be clear about how that point is covered off.

00:59:52:28 - 01:00:08:21

But do you currently have your environmental specialist here with us today? They've obviously assessed this as part of their work in the environmental statement. Perhaps we could hear from them as to how they've assessed and how they've established the future baseline for their replacement works.

01:00:14:14 - 01:00:20:23

You'd like to introduce yourself as well. For the first time, you speak and just perhaps bring the microphone down a little bit so we can hear you. Thank you.

01:00:20:25 - 01:00:32:02

Uh, Kate Hardie, on behalf of the applicant. Um, sorry. I was looking at the decommissioning works, which obviously it was about replacement works, wasn't it? Apologies. Um.

01:00:34:14 - 01:00:58:00

So this is in relation to the operation phase, so during that phase it is included. For the replacement of the whole of the scheme within that time frame of 60 years. And my specific point I've asked is how does the applicant safely demonstrate that the baseline data in the environmental statement is reliable to reflect the future baseline for when the replacement works will be undertaken?

01:00:58:21 - 01:01:17:11

Um, yep. Kate Hardie, on behalf of the applicant, um, a number of the chapters do actually present a future baseline for their topic. Um, it's based on sort of projections, etc.. Um, and they've looked at that in terms of what the future baseline may look like. And then the impacts, um, in relation to that future baseline.

01:01:19:25 - 01:01:21:25

So I'm sorry.

01:01:30:21 - 01:02:03:03

About that. But I would just emphasize, um, and there's reference in section 5.6 of the chart spot assessment that in any replacement phase, um, the vehicle numbers would be significantly reduced from the position at the construction phase. Um, because, um, for example, we're not going to be replacing things like mounting structures in a kind of by by not I mean, obviously some things might break that might happen in the course of a lifetime.

01:02:03:05 - 01:02:36:18

But in terms of a consolidated replacement campaign, for the want of a better phrase, um, we wouldn't be replacing things like mounting structures, cabling, the on site substation. Um, we wouldn't be replacing the the cable as part of a and a significant number of our traffic movements come from the cable route corridor, um, and the like. So, um, and that's not quite the question you're asking, but I think it needs to be seen in that context so that we're not talking about, um, a number of movements that are anywhere near what we have for the construction phase.

01:02:36:28 - 01:03:13:01

Um, I think I think so. The the the point here is that it comes this the answer to this question comes from having controls to ensure that that's the case. And the reason I say that is because because we don't know in what year this this might happen. So for say for example, we were replacing a large portion of the panels in year 41. I don't think it would actually be possible for an assessment to be able to be done. And what the traffic, uh, right now, of what the traffic impacts would be of those less transport movements in year 41.

01:03:13:03 - 01:03:47:22

Not right now. I don't think any chance modeling could do that. Um, so I think the point comes down to ensuring that, you know, the the, um, conclusions that we've reached are still the conclusions we reach at the point in time that those replacement claims campaigns are taking place. So if we did need to do some form of reassessment to take account of what's actually happened in the intervening 40 years time, we would do so. So that's why I think it's best that we take this away, to make sure that the wording in the outline operation environmental Management plan is sufficiently robust and sure that happens.

01:03:53:21 - 01:04:20:00

I think there lies the problem in that. You say that you can't assess the effects of replacement works during the operation phase now, but but yet the environmental statement is saying that they have been assessed, and the draft development consent order allows for the whole replacement of the authorized development. And that is the reason for the line of questioning.

01:04:21:25 - 01:05:03:26

About that, because I think that specifically in relation to traffic impacts, in relation to the other aspects that we've considered. Um, that's I mean, for example, let's take ecology. Um, that's that's a set of activities. Um, and that has been assessed and we've put in place in relevant mitigation measures to ensure that, you know, that doesn't happen, um, that no significant environmental effects occur. But we've also, as with construction, allowed for surveys to be taken place to ensure that the mitigation measures are appropriate to ensure that conclusion could still be reached for the water environment, to the extent that any crossings would be required.

01:05:03:28 - 01:05:34:27

That's already catered for in terms of, um, you know, we were getting to that line of questioning on Tuesday in terms of what assumptions we've made about when access might be used during operational phase and therefore needing crossings that has been accounted for in our assessment. Um, the um, other impacts, um, for example, noise, the types of activities that we're doing are lesser than what we're doing. Construction, as you said, in relation to the amount of things that are being replaced.

01:05:35:04 - 01:06:07:29

Um, and with the application of the measures that are in the OMP, which reflect what we're in the camp, you'd be able to avoid like significant effects. Um, so in relation to traffic, I just want to emphasize again, this is significantly less movement, given the conclusions of the construction phase in relation to, uh, traffic movements, which are no significant effects are identified. Uh, and we were having significantly less movements. I can't see a scenario where even if we were required to do

01:06:09:24 - 01:06:35:25

to take account of baseline construction and baseline traffic movements as they are in year 42. Um, but those conclusions would change because of the, um, numbers that we're talking about and the fact that appropriate mitigation measures would be able to be put in place to manage these kind of things similar in a way that they are done in a construction traffic management plan. So for example, avoiding peak hours, um, and so on.

01:06:37:14 - 01:07:09:11

I spoke a lot about the transport there. I think there was clearly much wider range in environmental effects as well. And as we've established around the concerns of how reliable the future baseline for those replacement works is represented in the environmental statement, I think you alluded that you would take an action to go away, to look at this and to come back to us, and I would ask that that is done on an environmental matter level basis, not just an overarching level for the environmental statement.

01:07:10:26 - 01:07:41:25

You've mentioned to me that these sorts of, um, effects would be controlled through the Operation Environmental Management plan, but that's environmental operation. Environmental management plan is focused on for maintenance activities rather than replacement, and it is agreed at the final commissioning stage. So can you explain to me how the replacement works would be controlled at the point in time when they would be undertaken? You mentioned 40 years time.

01:07:42:27 - 01:07:45:16

The requirement bites at the final commissioning.

01:07:50:18 - 01:08:22:16

Of the applicant. So I think I would say that the outline environmental management plan, where it has been relevant to do so, has made commitments in relation to um replacement activities. So for example, table 33 which deals with biodiversity, which talks about reasonable avoidance management, reasonable avoidance measures for management of replacement activities,

preconditioned site walkovers before replacement works, updated species surveys and an eco sorry ecological clock of works in place.

01:08:22:18 - 01:08:30:11

Fencing for fencing for replacement activities being designed to let small mammals through. Um,

01:08:31:28 - 01:09:07:11

just as. Way by way of example, um, in landscape and visual, there's reference to um. Managing existing vegetation during replacement activities. Um that section. Arbor culture has a number of aspects in relation to replacement activities. Um, and so on and so forth and on lithology, etc.. So this management plan was deliberately designed to not just be about, um, ongoing small scale maintenance. It was also designed specifically in relation to replacement activities following the um assessments undertaken.

01:09:07:20 - 01:09:24:11

And that would be agreed at the point of final commissioning. The outline of the operation environmental management plan. Yes, sir. So if it's agreed at the point of final commissioning, how does that then control unknown mitigation measures that are required in 40 years time.

01:09:25:29 - 01:09:41:10

Mr. Fox, on behalf of the applicant, I think I mean, and this is part of what we can take away. Um, I think our argument is that these measures that we've committed to in the Outline Operational Environmental Management Plan are sufficient, even if the baseline changes.

01:09:48:00 - 01:10:02:05

I think for the purposes of this morning, we will get you to respond in writing, clearly setting out your argument around that. And like I've already said, this should be done on an environmental matter level basis and not on a generic basis.

01:10:02:09 - 01:10:02:24

Yes, sir.

01:10:06:26 - 01:10:16:27

North Yorkshire Council like to comment at this point in relation to, um, the replacement activity during the operation phase.

01:10:18:06 - 01:10:27:05

Diane Holgate, North Yorkshire council. Um, none from me, sir. I don't know whether any of my specialist colleagues have gotten a comment. I'll defer to them. Thank you.

01:10:28:04 - 01:10:29:19

Thank you. I'll just check around the room.

01:10:32:04 - 01:11:03:27

Boris Hendrie from North Yorkshire Council. Whilst we accept that the operation, the outline operation, Environmental Management Plan provides an appropriate framework for managing those

operational ecological effects. We do think greater clarity, clarity is required regarding the relationship between that and the landscape environmental management plan. The nature of the operation of ecological monitoring and reporting, the governance over that process and what the processes are for addressing unforeseen ecological effects or conflicts with, particularly with biodiversity.

01:11:03:29 - 01:11:04:21

Net gain.

01:11:12:12 - 01:11:15:06

I don't see any of this. Anyone else online at all?

01:11:21:08 - 01:11:24:02

Don't see anyone else. Before I move on, would you like to respond to.

01:11:24:04 - 01:11:56:17

That just briefly on that, on that last point, just to reassure that the requirements in the DC in relation to the landscape ecological management plan and the being biodiversity net gain strategy, they subsist throughout the lifetime of the um, process development. Um, and because we have to comply with them, any replacement activity would have to ensure that we do not breach the terms of that. The management prescriptions that are in place for landscape and ecology, including for the bag areas.

01:11:56:26 - 01:11:57:11

I.

01:12:04:07 - 01:12:07:19

Don't have any further comments or Hans for this.

01:12:11:04 - 01:12:49:20

I was now going to give an opportunity for interested parties attending today to, uh, specifically speak to the draft consent order, however they have decided not to attend or not to speak to this item. I will instead just briefly, um, go back to revisit a point that we discussed on Tuesday at the compulsory acquisition hearing, which relates to an article of the Draft Development Consent Order as article 21. I've given I've had the opportunity to revisit that article again, and I'm not sure that it does satisfy my concern that we spoke about compulsory acquisition.

01:12:50:19 - 01:13:26:16

Um, and my what I'd asked on Tuesday was where the final form of the proposed development remains uncertain whether the applicant could explain how the examiner authority can be satisfied at the right sort are required. The purposes of section one, two, two of the Planning Act, in particular how it is deemed to be necessary and for the extent of those permanent rights established, where the ultimate requirement appears to be contingent upon information and investigations or design development that would only be available after the development consent order has been made.

01:13:26:18 - 01:13:29:02

Should the Secretary of State be minded to do so?

01:13:30:28 - 01:13:45:10

We spoke about alternatives and optionality on Tuesday, and there are optionality where sections of land and land plots are would. You would only take those? Some are not others.

01:13:47:14 - 01:14:18:21

Ask just again today, how would that be secured in the draft development consent order to demonstrate that the compulsory acquisition powers would only be sought for the final routes. And when would a landowner be told that their land is no longer required? And is it that there's just a potential need to look at a draft requirement or modification that restricts the compulsory acquisition powers, perhaps within article 21, to only the elements of the scheme that are confirmed to be implemented, would that be. That's not an unusual approach.

01:14:18:27 - 01:14:20:19

That might be the simplest answer.

01:14:25:18 - 01:15:02:23

Sorry, Mr. Foxman. The applicant say article 21 states that the UNSC may only acquire compulsorily so much of the land as is required for the authority's development, so that if it's not required and we sought to, um, execute a general, investigate a general vesting declaration for the land, that general declaration could be challenged on the basis that we've not been able to demonstrate that the land is required for the authorized development. So it would be, as my colleague said on Tuesday, ultra vires I outside the scope of what is authorized by the consent order.

01:15:04:23 - 01:15:26:01

Would it not be as simple as just to list the land plots which are. You would even take those listed in A or those listed in B, depending upon what's finally required, and therefore there is clarity. Certainty that only the land that is required for the purposes of the development is taken to allow you to continue with the optionality which you seek.

01:15:28:01 - 01:16:10:08

Mr. Fox, on behalf of the applicant, um, I think, um, I'd put this there are separate kind of issues at play here where there's a question of optionality. Um, and the fact that there would be a point in time where we had chosen a, the cable recorder, for example, which is what we discussed on Tuesday. Um, and we chose one route over another. And the question of then how, you know, the landowner shouldn't be under the kind of shadow of acquisition when there's powers aren't going to be used, because if you're already exercised in relation to the other, the other route that you've chosen to take.

01:16:11:05 - 01:16:24:01

That is one point, sir, and I think that, um, would agree to take away, um, whether there is, um, drafting that we could put in place, whether in the DCO or separately to deal with that specific issue.

01:16:25:17 - 01:17:13:16

The the other separate issue is the question of, um, the flexibility sorts in the order, I suppose, in more general terms, in the context of, say, in our 50 metre cable corridor, sorry, our standard 50 metre cable corridor. The actual easement width would only be ten meters, which I think there is a it's a separate point. I see how they're related, but it is separate. Um, and that is where we were seeking to say that at

the point in time that we came to, uh, decide where that easement was, having put the cable in in the ground, we would only be able to use the powers over the place, over the easement width for that cable because of article 21.

01:17:14:08 - 01:17:45:20

Um, and the the I suppose of stepping back and that question about section one, two, two tests in that context. I think that comes back to what we were saying, that this is a standard approach. The, the, the, um, the land is required to ensure that the scheme can be delivered. That's that's the fundamental point is we need to be able to deliver the land to deliver the scheme within, um, that width that we've allowed for.

01:17:49:02 - 01:18:02:14

Okay. Thank you, Mr. Chair. We've added that action on. We'll add that on for today under item three. Um, which you said around looking at some of the drafting for the optionality points.

01:18:02:16 - 01:18:10:09

Yes, absolutely. Yes. I think we had kind of taken that as an action from Tuesday. Okay. At that point about optionality and what do you.

01:18:10:16 - 01:18:11:14

Think that's clear?

01:18:14:24 - 01:18:22:21

I don't anticipate there is anyone who wishes to speak to this point, given it was really related to an item on Tuesday, but I will just check.

01:18:25:18 - 01:18:27:14

No. Okay. Thank you.

01:18:29:21 - 01:18:43:28

I'm going for just under an hour and 20 minutes. So I'm going to propose that we take a short break now before we move on to item four. Would that be agreeable? Probably for ten minutes approximately. Something like that.

01:18:45:14 - 01:19:00:18

Yeah. I don't see any concerns. Um, so if we return it 1130, it just gives just over ten minutes. And that would be useful to the time is now 1119. This meeting is adjourned.