



Planning Inspectorate
Arolygiaeth Gynllunio

Hearing Transcript

Project:	Light Valley Solar
Hearing:	Recording of Issue Specific Hearing 1 (ISH1) - Part 3
Date:	30 July 2026

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FULL TRANSCRIPT (with timecode)

00:00:06:03 - 00:00:23:22

The time is now 1340. I'd like to welcome you back to this issue specific hearing on the scope of the proposed Development and Environmental Management draft Development consent order for the Light Valley Solar project. Can I just confirm? Everyone in the room can hear me clearly still and online.

00:00:28:18 - 00:00:39:15

Can I also confirm the live streaming and recording of this event has commenced? Thank you. In that case, we shall move on to item 4.4 and I will hand over to Mr. Willis.

00:00:40:27 - 00:00:56:23

Thank you, Mr. Tandy. So the next item, as you say, is traffic and transport. Um, there were a number of issues that I wanted to or intended to touch on today. I believe the applicant's transport consultants are here. Um, so there will be perhaps a need to defer some of those to written questions for later.

00:00:56:25 - 00:01:02:00

So we do have someone from the transport team here has been able to step in.

00:01:02:02 - 00:01:35:26

Okay. Thank you. Uh, there was some, I think. Well, I'll touch on it. There was some matters that I think are still relevant to defer to written questions anyway, because they're fairly specific, and I suspect you'd need to take them away anyway. But I'll come on to those as we go. But that's helpful. So thank you. Um, so yeah, in terms of main issues, again, just a few issues I want to touch on specifically today. In particular, my questions are primarily directed towards the applicant, uh, North Yorkshire Council's local highway authority. Uh, and again I was inviting some comments from Network Rail.

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So again, they might need to defer those, but if I can move on. So the first question really was in relation to updates on the A63 and the A1 62 roundabout. Um, as I understand that, uh, around about his plan for improvements to be carried out as an upgrade work to the Friston roundabout. Um, my question really is I understand those works are anticipated to be completed by 2028. So my really my first question is to North Yorkshire Council. Can you give us an update as to whether those works and improvement works are still on track and when, if you can, they're expected to start and anticipate completion date?

00:02:13:27 - 00:02:46:00

Um, yeah. Julie Turner and I say, um, it's a long and complicated story about the 16263. And I could speak all afternoon about it, but I'll give you the brief summary. So there is works planned by four developers, three residential and one industrial to improve the roundabouts, which will improve capacity of the roundabout. It doesn't mitigate their own development, unfortunately. Um, Gascoigne

would have got a contribution coming in when they start to occupy their site, which is still under development.

00:02:46:06 - 00:03:25:02

Um, and that will make another contribution. There are other sites elsewhere that um, at certain points the section 106 monies will kick in the second mitigation scheme is not yet designed and not yet fully funded. That in itself doesn't mitigate the capacity problems at the roundabout or the projected capacity problems with the traffic modelling that's been done with all those sites being occupied. And since then, other applications have been come in, some of which have been approved, some of which have got someone else's contributions, depending on the timing of them, to pay for improvements at that roundabout.

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And that will also partially go to fund that second phase of improvement. So the first phase of improvements will probably start in early 28. And we'll probably take I'm guessing six months. And the second phase then, which is basically the conversion of the northern layby in the northern bus layby into a second lane, um, that's unfunded but partially funded, but we don't yet know the design of it, and we don't yet know when the funding will come in from the different developers. So that's the that solution is as yet on untimed.

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And we do know that that actually provides additional capacity, but probably doesn't mitigate the schemes that are within the system now for which we are trying to get more funding. So, um, there is a big capacity problem. There certainly will be ones. Um, and two, for example, is the big industrial development that has yet to be fully built out and fully occupied. It's probably about 15% occupied at present. And that's coming from the north, which is where a fair amount of the problems our Gascoyne will develop.

00:04:30:21 - 00:04:47:18

And it's also coming from the north. So there are solutions on the horizon, some in the near horizon, some in the far horizon, but they won't necessarily mitigate all the traffic that will be going through there. And it doesn't even begin to include the construction traffic from this site.

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Okay. Thank you. So so in essence then the upgrade works, as you say from those committed developments, even collectively don't provide enough mitigation to deal with the capacity from those proposals and consequently augment this proposal.

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Yeah, we believe that's the case. Yeah.

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With that in mind, I mean, I am mindful, notwithstanding that, that the the applicant's assessment includes alternative routes. I think in the event that the roundabout works aren't going to be completed. Um, so in that regard, uh, the environmental statement has assessed the routes I'm suggesting is the response you're probably going to take to me. Um, given what we've heard, though,

is is it then, uh, is it more realistic to assume that those alternative routes are likely to possibly be the routes, given the timing of the development for this commencement, for this proposed development to commence.

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Given what we've just heard about the timelines for realistic delivery of those schemes.

00:05:55:14 - 00:06:27:14

For the applicant. I think, given that the excuse the pun, roundabout ways in terms of the way this can be delivered and funded. Um, absolutely. Possibly yes. But also possibly no. Um, and I think we've done the assessment, as you say. Um, I think part of this will be the point in time that we're approving the TMP. Sorry, the council approving the TMP. Everyone will know what a the position of the roundabout is, but also be what our final construction numbers actually are and when they're going to be going through that roundabouts.

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And if they can be managed to some other way in terms of managing the number of movements as opposed to necessarily having to direct them all down the alternative route. Um, so it is a possibility, but I think that's, that's in a realm of a range of possibilities.

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Can I just add. Alex Welsh, on behalf of the applicant. We've never actually relied on on that mitigation scheme at the roundabout. So the construction traffic management plan would look to introduce timings. So off out of peak timings that we'd we'd look to actually schedule. Most if not all of the construction traffic. So that's the fallback as well as you say in terms of the routing options that we've got. So a mix of a mix of options mitigation schemes that we can put into place.

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So am I right in saying arguably your preferred given that the preferred route, actually if it's not relying on that route would be the alternative route. Is it?

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I think our preferred route is is still through through the roundabout with that mitigation that it doesn't run through those peak peak peak timings where the capacity issues are.

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I mean, obviously I'll be expecting the local impact report to give some steer of commentary with regard to the routes, but can I just have a quick question on that about those alternative routes? That one was that was Highway Authority satisfied with the alternative proposed routes that have been identified with the environmental statement?

00:07:59:06 - 00:08:32:11

We've not got to the position yet that we're satisfied with them. It's an ongoing piece of work. Um, we've discussed it. We've had a couple of site visits of most of the sites with the applicant and reviewed, um, the different routes and the other routes are smaller. That's the problem. Um, they go through smaller places, smaller lanes. And so we will be looking at those very carefully. If that's the

routing that's proposed, we will look to see what the impact would be on those routes. Ideally we would like them to use the A roads. But with the case of this roundabout that's difficult.

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Okay.

00:08:37:26 - 00:09:08:21

Our next question really relates to traffic regulation orders. And I kind of touched upon this briefly yesterday, but I'm mindful. I think North Yorkshire Council weren't here as well. So I just want to touch on that. So yeah, my understanding from certainly relevant representations that the council has consulted on some potential possible new regulation or the traffic regulation orders. And it was suggested yesterday that some of those could be along routes to social development site four, which is from the A19 chapel, Hattersley.

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Um, really my question was firstly North Yorkshire Council confirm whether it one has consulted and or recently adopted traffic regulation orders along that route. And it's just so unclear. And if so, in what form does that take.

00:09:30:20 - 00:10:01:15

Um so I understand there is a traffic regulation order went in in July I think this year or maybe last year. Um, beside. Sorry, June. Thank you. Um, Julie Turner, NYC. Um, and it's the site for, um, or it's for the village of Birkin and I think the village of Biel as well. Um, so we've looked at and I think that is the weight restriction. I can't quite remember now. I've only read it once. Um, so we would advocate that traffic didn't pass through Birkin. It doesn't need to.

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If you can make a route through route four, have a whole road through route four so that traffic actually bypasses the village of Birkin. Um, Biel isn't on their route in their construction traffic routine anyway, so I don't think Biel is affected, but it could be that there's a simpler way around. If it can be written into the draft eco that the traffic construction traffic doesn't need to go through Birkin. I think with all of these,

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it's easy to control construction traffic because, you know, they are the contractors. They can tell their vehicles where to go. The difficulty with all of these schemes is, um, the actual personal vehicles of construction workers, which will be greater in number potentially, and their free people to drive where they want on the roads and schemes I've worked on in the past, we've tried to tell workers where to drive, but ultimately they can choose their own route to go to work, so that's an impact that's not quite as controllable. Um, ales. Abnormal invisible loads are more easy to control because they're escorted than the planned, and they can be more easily permitted.

00:11:06:01 - 00:11:10:10

Um, yeah. So there's, there is a restriction in Birkin and Biel.

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Okay. So so that's in relation to Birkin. My, my question specifically, and I think this is what we've been raised in a relevant representation before, was that it was a suggestion that a regulation order had been imposed from the A19 through chapel, Hattersley, West Hattersley. I just wanted to check if that was the case, because that's one of the identified construction routes for the site. So I just want to check whether that was the case. And if it was, obviously if there's any implications.

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I'm not, as I sit here aware of the answer, I think the lady on my left may know.

00:11:47:11 - 00:12:09:19

Yeah. Lynn Dobson, on behalf of West Hamilton Parish Council. Um, yes. We received notification that the traffic order was implemented on the 15th of June this year, and it included the route from the A19 at chapel C crossroads through to the villages of Birkin and Biel and all around that area. So Ro Lane as well, I believe, was included on it.

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Thank you.

00:12:16:08 - 00:12:49:22

Okay. Thank you. Obviously, that's why I was asking the line of question, really. But so I'd appreciate it if you could obviously clarify that point. Notwithstanding that. Mr. Fox, um, think you touched upon this yesterday. I just wanted to check my understanding with regard this. You know, notwithstanding, assuming a traffic regulation order is in place, I think you referred to article 16 within the draft Development Consent order, which would allow The Undertaker to, as I understand it, temporarily suspend, if necessary, traffic regulation orders to allow access.

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During. I think it's all phases of development. Um, my question really was just with regard to the practicalities, should that happen? I'm reading of that is it would need to be approved by the chief police and the traffic authority. Just so unclear. Does that if a suspension takes place, does that suspension only exist for the Undertaker, or does it allow potentially suspension for all traffic for the period for which it's sort.

00:13:24:02 - 00:13:25:22

Of the applicant? Um.

00:13:28:23 - 00:13:46:06

Um, it's only for the scheme because the lift in article 161. The letter list follows on from the start of 161, which is may make temporary provision for the purposes of construction, maintenance and commissioning of the authorized development of spending or amending, so we could only amend for the purposes of our scheme.

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And I understand that. I now understand that. So my reading of that is you can suspend it for the purposes of the authorized development. The question is, in practice, how would that be implemented? For example, if there are signage within the highway, would that be removed for the

period for which you sought and to agree, in which case it could potentially be utilized by other road users? Or is it exclusive to you or the The Undertaker and their traffic fleet? So I'm just trying to get a feel for that in practice.

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How would that happen?

00:14:18:23 - 00:14:58:03

Absolutely, sir. So I think the practical reality of that is that it would mean essentially it doesn't. It's suspended for our purposes. But in real terms, that means that we couldn't be, um, found to have an offence under the Red Traffic Act for breaching the terms of that order. Um, what I would say, sir, is that our construction traffic management plan commits to. Well, first of all, article 1614 says that we can't do anything under paragraph one except with the consent of the traffic authority. And the TMP says more about that in terms of how any, any traffic regulation, regulation measures that we might impose would need to be agreed, including things like signage.

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So there's nothing that we could do without the council saying they were agreeable to that.

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Yeah. And I understand that point. I think what I was just trying to get clear on is that in practice, how would that happen? I appreciate there might be an approval. It was just you can see my concern would be is if it's a suspension, you take down the HGV signs, suddenly it's open to all road users, not just exclusively to the The Undertaker, which is why I was just trying to get a bit more detail on that.

00:15:23:17 - 00:15:28:27

And I said, I think it can be read as essentially suspend the effect of the order.

00:15:33:02 - 00:16:14:00

Okay. In that case, I'll. I'll move on from the next question. As I said, there was some questions that I did have about, um, on the agenda about some of the assumptions and survey timings and clarifications about potential discrepancies. I think some of those, as I say, are probably more cross-referencing points within documentation. So rather than go through those, I think it's probably better if we lay those out to you in written questions so you can look at them and compare and, and come back to me. Um, that said that one again, one point I would like clarification on because it was something, again, that's been raised yesterday is about the, um, sensitivity of receptors through again, the route we've just been talking about, which I haven't seen.

00:16:15:05 - 00:16:56:13

And also the traffic number baseline that was used in the assessment. Um, I think we touched on this yesterday that the applicant acknowledged in your relevant response to relevant reps, which was PDA 014, which was updated PDB 005, that there was an error in the baseline HGV movements that had been identified in the environmental statement. Um, I think references to numbers of 50 HGVs rather than nine, I think. Was that the reference from memory and also concerns or acknowledgement that, um, parts of the construction route could be reasonably considered as high sensitivity that had been assessed within the year.

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So it's just a question really is, given the acknowledgement of those issues, that there's an intention to update, whether you're in intentions to date that in the next version of your document to one, correct the error, and two to address sensitivity classification.

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Alex Welsh for the applicant. Um, in terms of the the implications of the the error itself, which we obviously we did highlight and thank the parish council for, for raising after undertaking a full QA process of the rest of the analysis. Um, essentially there wasn't any further error to found the implication of that error that 50 to to nine actually didn't change the, um, the severity of impact. Um, so, um, it would likely be our preference not to update.

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Um, that's not to say that we couldn't on that on that basis. Um, um, in and around the, um, the sensitivity of the receptors. Um, again, um, we take the point that was raised yesterday and that there were, were a few, few missing from that. Um, essentially having looked at that and again, we can take it away and look in more detail. But having looked at that initially, um, we don't believe again that there's any change in the actual, um, assessment due to that because of the low level of movements that are traveling through.

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Yeah, and I think that is effectively what you've said in your response. But I think my question was that whilst you may, your position is it may not change the overall findings. My question was more from an accuracy point of view. If the HGV movements you've accepted were incorrect. Is there an expectation that will be corrected in the next version? You seem to be suggesting there that you weren't going to update that in the document.

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Um, we could we can we can update. Certainly. I think it's how it would be reflected then in terms of documentation, how you would.

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Yeah. So, Mr. Fox, applicant I mean, I think that it's an issue that sometimes come up with schemes is we could if you wanted us to, we could update the chat so we could update the transport assessment. Um, if you, if you thought that was necessary. Um, but in the context of what was said there and, you know, the mitigation measures which are in the TMP. So we can do that if you would like us to. But generally we weren't planning to. Because we felt that the clarification had been provided in the submissions already made.

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Yeah, I understand that, but we talk about accuracy of documentation and numbers within documentation. The question I've got is you've put in a submission and response. You acknowledge the baseline number that's cited is incorrect, but you're suggesting you wouldn't update that number in the environmental statement.

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Well we're happy. We're absolutely happy to. I think we were really just trying to control the amount of documents that were submitted. We felt like the correction had been made by acknowledging it in the submissions. But if appreciating the point of certified documents and what you're reporting on, then we're happy to to update.

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I mean, that's that's the heart of the point, really?

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Yeah, absolutely.

00:20:26:02 - 00:20:58:09

Okay. Again, I'll just a question to the applicant really before I invite some comments from the council. Um, again, just briefly, I want to touch on construction routes. As I say, they've been identified with the environmental statement, and I understand the outline version of the construction traffic management plan. Paragraph 3.7.1 says that those routes, as set out in the environmental statement, are advisable routes for construction vehicles accessing the development and also for working at the development.

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It just seems a little vague and lacks certainty that the routes that therefore have been assessed as part of the environmental statement, whether that be they've shown on the plan or the alternative routes, will be those are to use. So it's just a question of whether that wording needs to be strengthened to make it more definitive. That rather than the construction traffic manager's playing the Advisable that it will be those routes that have been assessed and identified as part of the environmental statement.

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Talking about the applicant, sir, I believe we do do that. Paragraph 2.4.3 of the TMP so that the construction routes shown in figure 14.4 and the detail in TMP will require that those routes are followed by construction movements.

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So on that can you just check reference into paragraph 3.7.1 from a consistency point of view then because it talks about being advisable. So there seems to be a contradiction just about certainty.

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Um, yeah, absolutely. I think yes, I think that.

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On those specific points, was there any comments from the Highway Authority either about the identified routes? So it's been well, actually, I've asked that question whether or not you've made a come to a position on the routes that have been identified at this stage. So is there anything that you wanted to comment on what we've just commented on so far?

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Um, yeah. Julie Turner, North Yorkshire Council. Um, I would say that we've not yet got to the end of our assessment. I don't think the applicant has got to the end of the information they need to provide. Yet through our discussions in the past week, we've been talking about construction traffic and specifically how many vehicles will be used to, say, lay 100m of cable. But it's not just the cable drum arriving on an abnormal load. There's other movements as well. And so just trying to quantify that and, and then we can compare it to other similar sites to see whether those numbers tally or not.

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So I would say I don't think from what I've seen that the numbers are firm enough yet to satisfy us.

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So mindful that the council's local impact reports during on the 11th of August, I think it was we've talked about, um, is that going to be clarified within the local impact report by then about certainty on where the council stand on either routes or impacts of development from a traffic perspective.

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Do you return in North Central? We will have got closer to a solution or to understanding the numbers and whether they're representative or not, and whether we're happy with those. I can't say that we'll have got to the end of the discussion. I can just say it seems like we've not done a lot. As I think you mentioned earlier, this is a very big scheme, and there's been two of us working our way through it, trying to understand it. We've only just now had a PPA signed and we've got a consultant on board who's doing the very thorough legwork on it. And that's only really happened this week because the late signing of the PPA.

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So we will be getting a lot of information quite quickly, but we might not get to where where you would like us to be by the eighth.

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Okay. Thank you.

00:23:59:15 - 00:24:20:26

I'm going to move on. Um, again, just to look at the abnormal indivisible load as a question around site two, I just checked there's nothing nobody else at this point. No one else asked to speak. So I was going to move on. I'll just check on relation to traffic. The items specifically that I've mentioned. Okay.

00:24:26:06 - 00:24:27:13

Thank you, Stephen Dobson.

00:24:27:15 - 00:24:56:15

I live in West Halsey as a resident. We've had some discussion about problems in West Halsey where you've got a number of receptors. You've got a recreation park, village hall, school, children's playground, and then a single lane bridge with no footways. And that area is covered by the Traffic Prohibition Order for vehicles over 7.5 tons. My aim is to be helpful to the applicant in this regard, and I notice on the

00:24:58:14 - 00:25:53:20

CT amp that they have got an alternative route. West Hamilton I think, is chosen because it's very easy access from the moat where you go up the A19, you turn left, you go through West Halloween past all these receptors and you get to site for probably a more preferred route would be to continue up the A19. You go through the village of Berne, but there are no great receptors there. And it's a heavy it's an a road that takes you up there. You turn on to the bypass and in the CMP they have the road which comes off the bypass, um, before it gets to the village of Hamilton, which takes you through Gate Firth, uh, along the lane towards the top of sight, for if you use that route as a preferred route coming up the A19 along the bypass, it's a good turning off the bypass towards Gate Firth.

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It's a relatively straight road. It doesn't have the problems of receptors that West Hadley has, and it does give you access then to sight for. So I would like to ask the applicant to consider that perhaps as being one of the main routes. Rather than dealing with the issues that you have in West Hadley, which which really present a hazard and a risk to road users.

00:26:24:01 - 00:26:40:09

Okay. Thank you for that. Um, mindful of the time today. So I don't want to get into full discussions around all of the roads, but, um, was there anything very quickly on that point about suggested? I think I seem to recall a suggestion was put in a relevant rep from somebody, and there was a response to it.

00:26:40:11 - 00:27:03:22

But, um, as far as the applicant I think I was going to offer, I'm conscious that that was one of the points raised by the council. There was a reference to how can't you just create a whole road in your scheme? Um, so I think what we'll take is as an action is to do a small note on why the route through West Ardsley has to be used and alternatives on, on, um, palatable. Um, so we'll take that as an action.

00:27:04:24 - 00:27:40:16

Okay. Thank you. Um, again. So very quickly now, I'd like to look at the preferred, um, route for the normal indivisible load for site two, solar development site two, which is identified in the appendix C, um, annex C of appendix 14.1, which is the transport assessment. Um, I believe that identifies that there's a need for a structural assessment to be undertaken for the Monck Friston Railway Bridge before that route can be confirmed as an acceptable, um, route.

00:27:41:05 - 00:27:55:17

Again, it was a question really, has that assessment completed? Uh, if not, when would it be undertaken? Would it be confirmed, for example, during this this examination? And if not, then has an alternative route been identified?

00:27:58:17 - 00:28:00:03

Mr. Gabb to speak to that.

00:28:13:16 - 00:28:19:04

On behalf of that. That work is underway, but we do not have the result of that work as of yet.

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So I understand that, but I'm mindful on, I think, some of the other abnormal individual load routes. There's preferred an alternative route, I think on SDS sorry solar development site to only one route for abnormal individual loads has been identified which uses this route. So my question really is if that assessment has not been done about the feasibility of ability to use. The Monck Friston Railway Bridge has an alternative route to serve that site, then been identified because I couldn't see it anywhere within the plans at this stage.

00:29:13:23 - 00:29:19:24

They regard for the applicant. We have looked at an alternate route, but we would like to take that away to provide full clarity.

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Okay. Thank you. Before I move on to council, I have anything to want to comment on that particular point. Okay. Thank you.

00:29:33:11 - 00:30:01:01

I'll move on then to the next item, which is a little bit more specific in relation to site access locations in relation to solar development sites two and eight. Um, it would be helpful if the applicant are particularly referenced in the access to Works plans and annex A, the plans that are contained within appendix 14.1. So kind of perhaps start with the Access to Works plan sheet 13 on the screen. That'd be helpful.

00:30:35:05 - 00:31:09:01

Thank you. And what I'm particularly looking at is the crossing section of Forest and Common Lane. So the the access points that are identifying across, uh, the two parts, if you like, that are segregated by forest and common lane. Um, this access to work plan clearly shows the location of those accesses as being, um, as I say, straddling that that section of the of the road. Um, however, if you look at the, uh, um, perhaps it might be helpful to put this on if you can, if it's quick.

00:31:09:03 - 00:31:21:04

Um, the plans containing appendix 14.1 don't appear to align with the location of the northern access in particular. So the sheet is PDF page 1339 I think.

00:31:31:07 - 00:31:34:20

Sorry. PDF page 139.

00:31:43:14 - 00:32:01:07

Yeah. So I just wanted clarification really. I was just going back to the access to work plans. It showed the access as being effectively central to the site. This plan seems to be suggesting the access is actually located on the western edge further along, and an existing access track. Um.

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To my reading of that, that area sits outside the order limits. So I was just querying at where the location of that access is, whether it's there.

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There we go. On behalf of that, uh, on behalf of the applicant, the access to work plans are correct.

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So this plan, which shows the access to the site, which suggests it's into the northern part of the site, is incorrect.

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Then there is an access, uh, post and uh, pricing common line. Um, but it is further to the east, as shown on the access to work.

00:32:43:06 - 00:33:14:28

No, I understand the access to Friston Common Lane is further to the east. To the west. Well, well, the access to work plans show effectively entrances to the site being off the A63 and then a crossing point across the Royston Common lane, north and south. These plans, containing appendix 14, show the locations or suggest the locations of those access points. This one on screen is purported to be the entrance to the northern part of SDF two.

00:33:15:08 - 00:33:24:27

However, it seems to be in a different location to that shown on the access to work plans. This shows an existing track which sits outside and adjacent to the old limits on the western boundary.

00:33:25:23 - 00:33:33:24

Every cab for the applicant. I believe that plan is showing access one of the A63 as shown.

00:33:34:11 - 00:33:38:22

It says site to Preston Common Lane.

00:34:10:15 - 00:34:19:27

On behalf of the applicant. The access points on Forest and Cumberland are new accesses. So that plan is incorrect.

00:34:22:00 - 00:34:23:06

Okay. Thank you.

00:34:27:24 - 00:35:00:09

So my next question on that then is within the transport assessment, you've sought to demonstrate how new accesses that are serving the site can be delivered to provide sufficient visibility plays to enable safe access. I therefore seem to be missing a plan that shows that in relation to this particular access, because the suite of plans can contained in appendix 14.1. We just acknowledge that isn't the location of the site that tallies with that on any, uh, access to works plans.

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

So my request is that we can have that if that's proposed to be a new access, that you can demonstrate that annual access where its location is and that the appropriate visibility has suggested can be delivered.

00:35:14:27 - 00:35:29:17

David Gabb, on behalf of the applicant. The order limits in that area should be wide enough to contain a visible display to enable safe access. However, we would be willing to provide the plan to support that position if.

00:35:29:19 - 00:35:39:05

You could, please, because I'm just mindful that you have done it on all the other accesses. So it would seem a bit perverse to not have it for those to demonstrate. So yeah, if you could put that as an action please.

00:35:41:28 - 00:36:03:07

A similar point actually, with regard to the southern point, the southern access point. So we've got again, I don't believe there's any evidence within the submission about where that location actually is, other than the access to work plans and what works? Extensive works are necessary so that basically that has a double double request if you can please.

00:36:09:19 - 00:36:52:00

Turn in to site access three for. I think you can take that screen down now actually just for the benefit of other people who are watching online. Um thank you. So turning to site access three for again site development site two, that's located in the southwest corner of the site. And I understand it's proposed as an emergency access, but also to be used for abnormal individual loads. Um, again, I'm just mindful that the report contained within appendix C, or annex of the appendix 14.1 indicates that the abnormal and divisible loads would use access further to the east.

00:36:52:02 - 00:37:17:27

That being site, I think it's access off the A63. So again, I'm just looking for a bit of clarification. Here is the intention that site access three will be used for abnormal individual loads or the main axle. I'll say the main access but the access of the A63. And again if so, I don't seem to have anything to demonstrate that abnormal loads can be accommodated at that site. Access three.

00:37:20:05 - 00:37:46:02

As there we go for that, because there's a little bit of optionality in between those two axes. So either access one or access 3rd May be used for abnormal indivisible loads. At this stage we haven't done a full um abnormal individual indivisible loads study to um to um, fully work up access. Three um have a we could provide that if requested.

00:37:46:17 - 00:38:25:12

But yeah, again, it's just a bit of certainty. I think you say as a optionality, but I think somewhere within the transport segment, it's quite clear that, uh, site access three is emergency access only, but will be used for abnormal loads. So if you suggest actually it could be the other access of the A 63, then I think that needs to be clarified. Secondly, if we've got access plans for the access of the A 63

that demonstrates appropriate visibility plays, I need to be confident that enables uh to accommodate ail vehicles.

00:38:26:20 - 00:38:37:17

And if you're saying but it could also be site access three, then I would be asking another plan to be provided to demonstrate that that access can safely accommodate them from both directions, if that's the intention as well.

00:38:38:23 - 00:38:51:18

Stay that way. And let's talk about that and we'll take it away I think I think what we'll do is a small note on two accesses, um, to explain fully what the position is and to provide the plans you propose to do with them.

00:38:52:13 - 00:38:57:19

Okay. Thank you. Before I move on to SDS eight, was anything from the council?

00:39:00:06 - 00:39:43:17

Okay. Thank you. I'll quickly move on to eight then. Um, again, we kind of touched on some of this yesterday, but again, I'm mindful that council weren't here. Um, we talked about soul development. Site eight has three potential different access points that have been proposed as part of the project. And I do understand that for the purposes of the traffic assessment, that you've sought to assess the impacts on use of all of those accesses within the transport assessment, and I'm correcting that. Yeah. Um, and as I think we just I just want to check again to clarify, I think it was discussed yesterday, is your intention not to particularly have either one two or not to have 1 or 2 accesses.

00:39:43:19 - 00:39:47:15

It's the optionality to have all three available.

00:39:53:27 - 00:39:55:07

So you just need to turn your microphone on.

00:39:55:09 - 00:40:45:11

Thank you. Sorry. Um, yes. I think because I'm conscious of how the discussion went on this and the other day, I think the point is that, um, it's not envisaged that you would have, you know, when we're doing our main construction activity, traffic being essentially distributed across three or all three access points at the same time. It's just over the period of time that construction is happening. We may need to use any one of them because of the different constraints that we talked about, i.e. um, for the first and sexiest, sorry, first and second, um, proposals that they're constrained by the railway line so that as the the transport assessment said, says access one um, of Philip Lane that is expected to be the main, the main access for that site and that's the one that we would prefer to use, but we may not be able to.

00:40:45:14 - 00:41:03:15

Some circumstances where we're not able to then go to use access to. But that might not be possible because that's also a railway line. And so then we need to use access three. So we need the optionality

to be able to use all of them during the period. But it's not necessarily that they would all be used at the same time on a given day.

00:41:03:17 - 00:41:16:03

No, I understand that point. But on that point, from a practical perspective, then there is an intention to provide, construct or utilize all three.

00:41:18:03 - 00:41:18:29

Am I right? Yeah.

00:41:19:01 - 00:41:21:14

Yeah, yeah. To be able to use all three? Yes, sir. Yeah.

00:41:26:17 - 00:41:56:25

I had had a question for Network Rail on this and I'm mindful they're not here. So we'll follow up in writing perhaps an action point for them to respond to. Um, but just so it was clear, my question was primarily, I think from the relevant rep, I was seeking a clarification as to whether there was any preference in their position as to which of the, say, two routes to the south would be used. Because I believe I believe two different lines across.

00:41:56:27 - 00:42:07:25

So it was it was seeking whether there was a clarification from that. So I'm only saying that so you know what the line of questioning was going to be. We'll put that to Network Rail and hopefully try and get a response to that.

00:42:07:27 - 00:42:27:13

Thank thank you, answered Mr. Fox and the applicant. I think I think I would say, sir, is that they may answer that question and and give a preference, but that would be their preference today. Um, but in the midst of a construction period or just before about to construct, you know, who knows what might be happening on either of those lines. And that's why we need the flexibility.

00:42:27:18 - 00:42:48:17

And again, just just for clarity, because this will be provided to I'd also ask the question around mindful. Both of those have level crossings and whether or not They were satisfied with the arrangements that exist on both of those crossings to accommodate traffic, or whether there was any need for anything to say, for example, improvements to be carried out. But again, that's a question we'll direct to them.

00:42:48:19 - 00:42:53:27

Thank you sir. I would say from our discussions with them, there's not been any indication that that would be necessary. But they will confirm that.

00:42:58:16 - 00:43:05:17

Any questions? Anything from North Yorkshire Council, local highway authority. Want to comment on anything we've just been talking about. Now.

00:43:19:05 - 00:43:49:21

Again, it might seem a point about consistency, about access to work plan. So I want to look now again, just very quickly on the scale of lane access on a solid development site eight. I think that's been identified as the third access, if you like, that's been identified. I think the access to work plans show the location of the access at the entry point to, um, further to the north, whereas the access plans in this statement appear to show it closer to Fairview.

00:43:49:23 - 00:44:10:08

So I just wanted to check there's consistency about you're physically looking to construct an access for Scout for the lane entrance closer to Fairview, not further to the north. I just want to check that. Does that make sense? If I if I can give you reference. So the sheet 17 of the access to work plans

00:44:11:25 - 00:44:31:09

specifically shows the access points as being to the north, whereas the plans contained within, again, the annex of appendix 141 show a location a lot further south, closer to a property. So I just wanted to check my understanding of that.

00:44:54:26 - 00:45:21:08

I'm happy for you to take it away and have a look. If you wish to. It was. It was more again, about. I'm just mindful that you seem to have shown access plans for how you would create a new access with visibility, displays, etc. but the location of that access which is being created as shown on the access to works plans, isn't in the same location. And so I'm just questioning there's also there's not a need to do anything at the, uh, the northern end.

00:45:34:29 - 00:45:41:04

I will take that away because I think the wind plan is difficult to read in this. On this laptop, this screen.

00:45:41:21 - 00:46:03:04

That's fine. Um, and again, I think so that really close that I think north. Sorry. National highways we're attending online or indicates that they're attending online. Uh, and did I think at the introduction so that they were well, available to speak on this item? I just want to check if there's anything specific they wanted to raise at this stage.

00:46:07:22 - 00:46:12:10

Julie Russell on behalf of National Highways. No, not at this stage. Thank you.

00:46:13:28 - 00:46:15:04

Okay. Thank you.

00:46:16:22 - 00:46:20:28

In that case, is there any other comments from the council or any of the parties?

00:46:23:21 - 00:46:24:06

Council.

00:46:24:22 - 00:46:35:24

I am Julie Turner, North Yorkshire council. Um, there's quite a few issues that have not been raised, particularly here. I don't know if now is the time to raise them. It may be that you're satisfied already with what you've read.

00:46:35:26 - 00:47:06:12

No, as I said from the outset, the purpose of today's here, and obviously I've identified a number of issues. That's not to say there aren't others. I'm just mindful that there's a number of issues I wanted to raise early on. So he may well be there will be other matters. But for the purpose of the efficiency of today's hearing, I wanted to focus on those particular. If there is anything else, then obviously there's an opportunity to make that in written submissions and we can follow those up. So yeah, I always don't think the only issues I've raised today might be that that's it.

00:47:06:15 - 00:47:15:19

There will be potentially other issues that come about and we may need to explore. So yeah, if you could please, if there's something else that's not been raised in written submission

00:47:17:16 - 00:47:29:25

in that case, that concludes item 4.4. Sorry, I just checked, Mr. Fox. You okay? Nothing. Yeah. Okay. In that case, we'll move on. I'll pass it over to Mr. Medlin to pick up on the next item.

00:47:31:04 - 00:47:37:19

Thank you, Mr. Willis. Moving on to agenda item 4.5. Ecology and biodiversity.

00:47:37:24 - 00:48:12:17

Have a few questions relating to this topic. Questions will be aimed towards the applicant as well as possibly the Environment Agency and the local authority, North Yorkshire Council. Natural England has notified the examining authority that it will not be attending the hearing, but it will be engaging in the examination through written submissions. If any IPS have comments or points to raise, then we will provide the opportunity at that relevant point. So with this in mind, can I confirm that those attending on behalf of the applicant are present?

00:48:16:09 - 00:48:52:21

In the interests of time, I won't be seeking anything on the screen for this. However, please do remember to cite the exam library reference where possible to aid the process. The first subtopic within this item, 4.5, relates to surveys and methodology. I want to first ask a few questions about functionally linked land and mitigation. The Examining Authority notes Natural England's comments in its relevant representation and ongoing discussions between the applicant and Natural England.

00:48:53:12 - 00:49:24:20

Issue. Any one of Natural England's representation relates to functionally linked land. Natural England has agreed or supported the use of one year of survey data, but qualified that this is not its usually accepted approach for solar farm schemes, and generally Natural England requests two years of survey for wintering and passage birds associated with European sites. Natural England's full response is obviously set out in its relevant rep. That's RR 1039.

00:49:25:09 - 00:49:46:24

I'd like to start by inviting you to explain justify their approach to this element of ecology and biodiversity, particularly within the cable route corridor, and to understand further. At what point did the survey work influence the order limits of the cable route corridor? For example, surveys being undertaken before or after the order limits were set?

00:49:49:07 - 00:49:59:05

Mr. Fox Smith, applicant, can I just check on that last point with that? Generally, are you not just birds or um, was it just about birds?

00:49:59:29 - 00:50:12:05

This was specifically relating to functionally linked land. However, I would welcome any update that you may wish to give. Again, being brief because we have a number of items to get through today.

00:50:13:19 - 00:50:21:19

Um, okay. I'll let I'll introduce Mr. Winner, who will talk about the, um, approach to the, um, survey data, etc..

00:50:22:15 - 00:50:23:14

Kim Donahoe. On behalf of.

00:50:23:16 - 00:50:24:01

The.

00:50:24:03 - 00:50:58:14

Applicants and the methodology aligned with Annex Natural England's guidance for assessing functionally linked lands associated specifically with Lower Derwent Valley and the Humber Estuary Ramsar sites, the field methodology for both the solar and the Cable Route corridor elements was agreed with Natural England through the Discretionary Advice Service, which is documented in appendix four. Up to 23 of the shadow HRA Natural England Standard advice set out within annex generally recommends the two year survey data to account for the representativeness of the change in landscape, i.e.

00:50:58:16 - 00:51:56:00

for crops changing annually. However, Natural England's request for two years was specifically in relation to solar Development Site one in isolation, as set out in the correspondence dated November 20th, 2024. It's important to highlight that the approach to one year was not solely based on a single year of field survey data in isolation, and the rationale for adopting a one year survey baseline was developed by reviewing the field survey data between 2024 and 20 and March 2025, and presenting this to Natural England in April 2025, which then began the process of introducing multiple lines of evidence and dynamically presenting the field results to Natural England through consultation and their guidance to confirm whether the survey during the one year was representative of long term conditions, and this included five years worth of cropping data, flooding and wetland bird survey data from the associated designate sites.

00:51:56:12 - 00:52:33:13

The. The correspondence contained within appendix four, which spans across over 100 pages, demonstrates an iterative process of engagement and documentation and revisions between the applicants and Natural England's throughout the process. Natural England sought additional information and the applicant provided further evidence and clarification where this was appropriate and the evidence base was progressively refined to deliver a robust data package to demonstrate that representativeness of one year. Following this engagement, the applicant provided further evidence and clarification in the shadow HRA.

00:52:33:22 - 00:53:05:07

So together with the support and evidence provided, was that the field surveys undertaken within 2024 and 2025 were representative of the long year and long term conditions, and the information was sufficient to inform the assessment and conclusions of no adverse effects on the integrity of the Spa and Ramsar sites, and this is stated within R1 039. Natural England have also stated that the bird mitigation area delivers beyond what is actually required for the lifetime of the development, which will also aid this agreement.

00:53:06:17 - 00:53:07:06

Thank you.

00:53:07:27 - 00:53:09:13

Thank you. That touches on.

00:53:09:15 - 00:53:10:00

A.

00:53:10:02 - 00:53:11:19

Further question of mine.

00:53:12:05 - 00:53:12:25

Um.

00:53:13:28 - 00:53:37:00

This issue about the survey was raised by South Milford Parish Council as well at yesterday's open floor hearing. I'm not going to dwell particularly long on it. I will just invite. North Yorkshire Council in the first instance, if the local authority wishes to comment on the extent of survey work.

00:53:38:22 - 00:53:39:07

From.

00:53:39:09 - 00:53:56:10

Boris Hendry, North Yorkshire Council. So we acknowledge the shadow HRA adopts a precautionary approach to functioning land and the proposed mitigation area provides a clear response, in our view, to the effects of non-breeding bird species. Specifically, breeding bird species have a different view on that, but I'll leave that.

00:53:59:28 - 00:54:00:18

Thank you.

00:54:06:00 - 00:54:06:15

Mr. Fox.

00:54:07:09 - 00:54:08:21

Apologies. One second.

00:54:10:08 - 00:54:15:09

I will just invite any other IP before we go back to the applicant.

00:54:20:18 - 00:54:21:26

Okay, Mr. Fox.

00:54:23:06 - 00:54:54:05

Mr. Fox, Mark the applicant. Just to note that you asked the question about the cable recorder. And that's why I asked. I checked about whether you're referring to birds only, and, uh, my colleague can explain in detail, but that the baseline summary of our results there is reported in the HRA and concludes a paragraph 6235 that the cable route corridor requires in temporary land use. However, any exceedance reserves are spread out across the area due to its large scale densities of qualifying features.

00:54:54:19 - 00:55:30:07

And then, um, when the assessment is done in section seven and eight of the HRA. Um identifies that through standard mitigation measures, um, the seasonal restrictions that we've committed to that impacts, uh, will be able to be managed. I think the key points there is that there is not a kind of loss of function link land for the cable route corridor. Given the nature of those works, um, and um, therefore, there wasn't a change to the order limits derived from surveys for non-breeding birds in the cable route corridor specifically.

00:55:32:00 - 00:55:56:28

Er, Kim, on behalf of the applicant. Yeah. Naturally they were comfortable with that um approach in terms of restrictions. And there are construction restrictions from solar development site one and through to around Fort Willoughby in areas which overlap the triple site impact zone. And these are constrained to the passage period alone as surveys were not undertaken during the winter period. Um, so we were unable to assess that and naturally they're not satisfied with our approach.

00:56:00:03 - 00:56:06:03

Thank you, Mister Henry. Did you have anything further to comment?

00:56:06:23 - 00:56:09:03

Henry. North Yorkshire council. Not. Not on that issue. No.

00:56:09:05 - 00:56:09:25

Thank you.

00:56:17:01 - 00:56:41:03

So just thinking now about the bird mitigation area secured in work 99 be schedule one, which provides design details along with requirement seven. The Bird Mitigation Area Management Plan secures the creation of the mitigation plan. The Examining Authority visited this Park Place development in its unaccompanied site inspection in June.

00:56:43:13 - 00:57:36:25

Japan has already touched on this. I'm going to ask the applicant to comment a bit more on Natural England's comments that the size of the mitigation land is larger than the outputs from the calculations individually, and that after application of the multiplier, Natural England considers this to be sufficient. That set out in Natural England's relevant representation. I'd like your view on that and for you to confirm that the bird mitigation area is therefore correctly sized and it is there a correct size or is it oversized if it is oversized? What steps did the applicant take to correct any overcompensation or over sizing? What's the justification for that bearing in mind? If it is oversized, it may require land which is over and above that which is necessary for the proposed development to be implemented.

00:57:38:21 - 00:58:14:20

On behalf of the applicant. So with regard to the scale of the bird mitigation area, a single line of evidence used in bird calculations were used against the field survey data, and this came out with 16 hectares and with the buffer multipliers, which were applied and presented to Natural England. This came out to a further 30 hectares. Now the bird mitigation area wasn't designed in isolation to support non-breeding bird species. It's also to account for ground nesting birds. So yes, it is oversized for non-breeding bird species, but it also accounts to support ground nesting birds, which also require large spaces and open vistas.

00:58:19:04 - 00:58:20:11

Okay. Thank you.

00:58:20:22 - 00:58:24:18

Mr. Fox. The applicant, I would just add that the land.

00:58:27:10 - 00:58:32:11

That land is under the same option for the same landowner as the rest of said development site one.

00:58:33:28 - 00:58:35:02

And. Yeah.

00:58:46:20 - 00:58:48:08

Thank you. Okay.

00:58:54:16 - 00:59:01:23

Just on that issue of bird mitigation area in North Yorkshire. Counsel to comment.

00:59:02:11 - 00:59:34:10

Everybody in North Yorkshire Council. yeah, the document state that the bird mitigation here is specifically there to offset the impacts of the functioning land, which which we accept. We don't

accept that it can compensate adequately for site for due to the distance. It's about 20km away. And the management plan for the mitigation area doesn't mention breeding farmland birds at any point, so don't accept that compensation. Also post submission of environmental chapter 12 Environmental State in chapter 12.

00:59:34:16 - 00:59:52:00

I understand that the data initially submitted at that point was due to subject to data corruption. Actually, the numbers of ground nesting birds, particularly skylark and corn bunting, are significantly higher, so that hasn't been compensated or recognized in their documents to date.

00:59:54:04 - 00:59:58:08

Thank you. Comment on that, please, Mr. Fox.

00:59:58:18 - 01:00:33:29

Yes. Mr. Fox, on behalf of the applicant, um, just want to make a first of all terminology point about, I think we need to be careful between, uh, referring to mitigation as opposed to compensation. Um, the breeding birds aren't an HRA, so it's important, obviously, as you'll understand in HRA terms, but also in terms in terms of impacts that are being mitigated versus compensated and the breeding birds being relevant to EIA rather than HRA. Um, and we say that our proposals are mitigation for both centres. Um, the issue around um, the data corruption just mentioned there.

01:00:34:01 - 01:01:14:11

So we acknowledge that, um, something that we've been discussing with the council, um, at um, as well as kind of the positive discussions that we're having with them around our proposals around bird mitigation generally. Um, given some of the statements that were just made there, um, we are endeavouring to come to an agreed position. Um, and we were in we will put forward a note at deadline Si, si. Yeah. Um, to, um, set out essentially what that corruption data was, what it means for assessment and our and our mitigation proposals isn't before you.

01:01:14:13 - 01:01:40:09

So you can only take so much value. And what can I say? But we've already started that work. And the clear conclusion is it makes no difference to the conclusions of our assessment. But obviously we need to set that out and you need to be satisfied. Um, the aim, sir, is to share that with the council, if we can, prior to deadline, to to give them more time to review it so that in the statement of Common Ground deadline three, um, we're able to record an advanced position on that. That's the aim.

01:01:41:21 - 01:01:51:15

Thank you. And you'll be working closely, therefore, with Mr. Henry and North Yorkshire Council on providing that information.

01:01:51:28 - 01:01:58:27

And service to the applicant. So we've provided the, uh, corrected information already and we did that some time ago.

01:01:59:18 - 01:02:13:03

Kim Donnelly, on behalf the applicant. Yeah, that was around a month ago. So we presented the baseline results. And we also represented the overall assessment and stated that the remainder remained unchanged.

01:02:14:05 - 01:02:20:09

Um, but we will provide that in a, in a formal note which they will see. And then you will also see if you.

01:02:31:14 - 01:02:41:27

Have any other IPS. Anything to comment so far? I'm thinking I know the Environment Agency has joined online today.

01:02:48:13 - 01:02:49:18

I'll take that.

01:02:49:27 - 01:02:52:14

No, we have no comments on that matter.

01:02:52:19 - 01:02:53:04

Thanks.

01:02:55:20 - 01:02:57:12

In that case, I will move on.

01:03:02:29 - 01:03:19:28

As functioning land and habitats will be sorry. The bird mitigation area will be something that we will be returning to throughout the examination, including through written questions. I'll turn now to methodology and survey work.

01:03:21:21 - 01:03:27:22

So this question relates to ecological surveys. It's in two parts. I'll start with part A.

01:03:29:24 - 01:03:54:22

And at that point the response may satisfy an examining authority for now, in which case I will hold back part B or adapt it for written questions. So regarding the ecological baseline, can you confirm whether all ecological surveys remain current and representative site conditions and identify any limitations or constraints and assumptions relied upon during the survey program?

01:04:01:20 - 01:04:05:20

I'm part of that because I'm going to bring in my colleague speechless.

01:04:07:15 - 01:04:14:04

Olivia McKechnie Downing on behalf of the applicant. Could you just repeat that question again, please, so I can understand the exact points?

01:04:16:07 - 01:04:38:12

Yeah. So the question regards the ecological baseline and relates to methodology and survey work. It's for the applicant to confirm whether all ecological surveys remain current and representative um representative site conditions. Identify any limitations, constraints or assumptions that have been relied upon during the survey program.

01:04:39:15 - 01:05:18:13

Thank you. Um, Olivia McCartney Downing on behalf of the applicant. Um, firstly, touching on survey scope. Survey scope was agreed with North Yorkshire Council and Natural England prior to the surveys commencing. Um. The vast majority of surveys were completed as per guidance. Um, following the habitat survey results that we received. Um, when that were completed, um, there were a small number of instances where it wasn't deemed proportionate in some cases to complete a full, um, suite of surveys following specifically guidance.

01:05:18:15 - 01:05:48:23

And I'll just run through those instances now for you. Um, the majority of these are to do with the cable corridor. Um, so firstly, touching on water bottles. Um, within the solar development sites themselves, the standard two surveys were completed within the surveying window. However, within the cable corridor, only one survey, um, was completed at prescribed crossing points that were indicated along the cable corridor between April and September.

01:05:49:06 - 01:06:24:00

And this approach was agreed with North Yorkshire Council, and it was deemed a proportionate because the majority of the watercourse habitat within the Cable Route corridor was of low suitability for waterfowl, and construction works impacting those ditches would be largely temporary and small scale. Um, so this is a lesser impact for the species. Um, and there will also be a negligible impact during operation. Um, furthermore, these ditches will be resurveyed prior to the construction phase.

01:06:24:08 - 01:07:02:08

Um, so we deemed that proportionate for the species. Moving on to, um, commuting and foraging bats again within the um, solar development sites themselves. A full suite of activity surveys were completed. However, within the cable route corridor, um, no night time back walkovers or static deployment surveys were completed and again this was agreed with North Yorkshire Council. Um, this was because, uh, the cable route corridor was sited to avoid important back commuting and foraging features such as ponds, woodlands and trees.

01:07:02:20 - 01:07:34:07

Um, and it's aimed to utilise existing crossings in roads and ditches wherever possible. So that'll again reduce impacts. Um, the habitat survey is completed along the cable corridor, confirm that the majority comprised arable or hard standing roads. So this is suboptimal commuting and foraging habitat for bats. And again the works along the cable corridor will be small scale and temporary, and any vegetation removal will be reinstated within two years of the start of works.

01:07:34:09 - 01:08:07:21

Therefore, the impacts of commuting and foraging bats within the cable corridor are anticipated to be very low or negligible. So, um, the not completing the activity surveys was deemed proportionate. I

would also like to note that, um, roosting surveys for trees that may be removed within their um development was completed for the entirety of the order limits. Um, and no roosts were found with any of the trees surveyed. Finally, um, from my terrestrial ecology perspective.

01:08:07:29 - 01:08:28:17

Um, moving on to great crested newts and all ponds within the solar development sites and 250m of the solar development sites have been surveyed for Edna, noting that 12 ponds we aren't able to access, so they have been assumed to be positive on a precautionary basis.

01:08:30:19 - 01:08:31:04

Yeah.

01:08:31:18 - 01:08:32:10

Um.

01:08:34:24 - 01:08:35:15

So

01:08:37:09 - 01:09:31:00

moving on to the cable route corridor again. As I've mentioned, there's no ponds within the cable route corridor. However, there is 29 pawns within 250m. And as I've mentioned previously, as the works within the cable route corridor will largely be temporary, small scale and extend over suboptimal GCN habitats such as cropland and hard standing roads. Um and also the um cable route will be micro sited to try and best avoid the 250 metre buffers of any ponds where possible, and also the day to day search record showed that there was, um, GCN were mainly absent from the southern section of the order limits and mainly only concentrated around the um, around site one and north of cable route corridor 1 to 4.

01:09:31:12 - 01:09:51:20

Um, so for these reasons Edna surveys were not deemed proportionate. Um, and instead any limited impacts on GCN that may be experienced during the works in the cable route corridor can be suitably mitigated through precautionary working methods detailed in the AU camp, and this was agreed with North Yorkshire Council.

01:09:52:07 - 01:09:52:29

Thank you.

01:09:54:12 - 01:10:00:15

Now I'm just going to add a couple of points that were raised there. I'm conscious that particularly in relation to.

01:10:13:02 - 01:10:13:29

Our application.

01:10:16:11 - 01:10:29:02

And how we were going to do the surveys that have been mentioned. So I just wanted to confirm that as implied by those statements in chapters, we will be submitting event reports to evidence that later surveys that we've done. Okay. That's a great question. Yes.

01:10:29:04 - 01:10:43:04

Thank you. Okay. I will turn to North Yorkshire Council. So we have heard a overview summary there of methodology and survey work. Is there anything you'd like to add.

01:10:44:15 - 01:11:25:29

Please, Henry? North Yorkshire council. Yeah. So, um, sort of water voles, great crested newts. We welcome that precautionary approach given the limitations that you've discussed. In particular, I think water voles, we think waterfowl may have been underrepresented in the survey data because of very dry summer. And you did note in the report that there were some intermittent hydrological flows. But, um, so we think they're probably slightly underrepresented given that precautionary approach. We think it's very important, critical that for both those species, the species groups, that those controls are adequately recorded and controlled through the Operational and Construction Environment Management plan.

01:11:28:10 - 01:11:29:14

Okay. Thank you.

01:11:31:05 - 01:11:37:19

I'll just check if any other IP wishes to speak on surveys, but I'm conscious of time.

01:11:41:07 - 01:11:44:04

Mr. Fox, did you have anything further to add?

01:11:44:27 - 01:11:50:25

Mr.. I only say that we consider the various mitigation measures are properly secured through through the camp.

01:11:53:04 - 01:12:02:26

Okay. Thank you. And that has been helpful. We will now move on to the next subtopic of the agenda, which is habitats,

01:12:04:16 - 01:12:07:25

habitats and species. I'll start with habitats.

01:12:09:16 - 01:12:17:19

Again, I know the Environment Agency is present online. May have some comments on habitat and watercourse questions here, at which point I will bring in the Environment Agency.

01:12:19:13 - 01:12:30:10

On question one, can the applicant explain which habitat types would be permanently or temporarily affected by the development, and how avoidance of habitat loss influenced the design process?

01:12:35:06 - 01:13:11:29

Olivia McCartney Downing on behalf of the applicant Um, I'd just like to start by saying, um, regarding the mitigation hierarchy. Um, this has been fully embedded in the proposed development process. So this, um, outlines the retention of the most valuable habitats, which are of local importance or above. Um, these are arable field margins, neutral grassland, scrub, woodland, ponds, scattered trees, hedgerows, etc., etc.. Um, so these are generally located at boundaries and surrounding ditches and hedgerows so easily retained within the proposed development.

01:13:12:03 - 01:13:43:21

As the development extends over the cropland habitat largely. Um. The Kemp also details within the cable route corridor. As I mentioned previously, it's going to be micro sited. So um, impacts to important ecological features again will be minimised or avoided where possible using gaps in hedgerows and ditches. Um additionally within the cable route corridor, there's going to be some locations where trencher solutions are employed, um, to cross watercourses.

01:13:43:23 - 01:13:51:09

And this again, um, avoids impacts to those high quality habitats, um, within the rivers. Um.

01:13:53:18 - 01:14:29:05

Um buffers are also going to be provided around important habitats. And that's going to be outlined in the Kemp. Um, and these include measures and approaches to limit the likelihood of impacts, um, around those retained habitats through damage and pollution and disturbance and such um, location of protected species that we recorded from the species surveys has also been incorporated into the proposed development. Um, for example, the location of the known badger sets and their buffers around these have been incorporated into the development.

01:14:29:07 - 01:15:03:11

So those badger sets can be retained. Um, and where there are small areas of habitat removal, such as hedgerows for access or the creation of the bird mitigation area. And those hedgerows are going to be replaced, um, with large lengths of high quality hedgerow. Elsewhere in the development, which is shown in the bag calculation, providing an over 70% gain in hedgerow units um with regards to species where impacts are unavoidable.

01:15:03:13 - 01:15:37:28

For example, there is one crossing where um where waterfowl have been um confirmed and there may be some works required to that crossing point. Um where currently in the process of um agreeing a waterfowl mitigation licence with Natural England so they can provide a letter of no impediment, and this will provide a company, a, um, a class license for waterfowl, so we can ensure that it's not going to be any, um, unacceptable impacts on the species.

01:15:38:00 - 01:15:45:17

They'll be protected through the works. And also, um, we're creating additional habitat for the species within the order limits.

01:15:47:24 - 01:16:11:24

So I'll just add to that. Sorry, Mr. Smith. Applicant. Um, there's a reference there to the camp, which is during the construction period. There's also the design parameters and commitments document, um, which makes a number of commitments in terms of buffers to ancient woodland trees. Um, for various types, the bank types of watercourses, public rights of way, etc.. Um, so we've embedded that as part of our commitment to good design.

01:16:11:26 - 01:16:12:17

Thank you.

01:16:21:29 - 01:16:27:19

Mr. Henry from North Wiltshire Council. Anything to comment on what you've heard?

01:16:27:22 - 01:17:01:08

Yeah. Henry, North Yorkshire council. Um, just take care. So I went to meet a bit earlier. So Kemp is obviously quite a key document. We agree that as an overarching framework it's generally very appropriate. However, we feel that there should be some strengthening to that about, particularly around the authority of the Ecological Clerk of Works, procedures for ecological incident reporting, the management of instances where it's the outcomes are materially different from the pre-construction surveys, compliance monitoring, measuring and habitat protection.

01:17:01:10 - 01:17:05:20

So some of those things need to rethink that needs a bit more clarity and strength on those.

01:17:06:01 - 01:17:29:25

Thank you, Mr. Henry. Something I think we touched on this morning also was that any reversion of habitat creation to agricultural land. I think you expressed the preference of North Yorkshire Council was that that would be retained as habitat creation. I know it was discussed this morning. Can I just seek your view on that.

01:17:31:23 - 01:17:55:18

Yeah. So we'd obviously welcome those habitats being left in situ where possible. I accept, as Mr. Fox said, that some of those are beyond the control of the applicant, but where those can be left in situ after it's not just removed, there'll be 30, 60 years on, the trees will be fully mature, you'll have mature hedgerows. I think removal of those would be detrimental to the overall impact of the scheme.

01:17:56:15 - 01:18:00:12

Thank you, Mr. Fox. Anything to.

01:18:01:03 - 01:18:36:06

Mr. Fox? Yes. In relation to the comments about the the Kemp with almost any suggestions for changes. Um, and obviously we'll comment on, on whether we can accept them or not. Um, you can do through the written submissions. Um, and I think on the decommissioning point, I don't think I said earlier we can't control that, but I mean, just for I Space. We all know this, but the reassurance that to the extent that those habitats have value in 60 years time, they would be protected through licensing.

01:18:37:08 - 01:18:39:21

Thank you. Okay,

01:18:41:14 - 01:19:14:09

Ken, just cognizant of time. I've got some further questions on hedgerows, which I think I will put as written questions. Something else that was touched on earlier and yesterday at the open floor hearing and through various relevant representations, this issue of wildlife corridors or fencing and segregation of wildlife corridors. Again, Mr. Henry, I think, touched on this from North Yorkshire Council's view this morning.

01:19:14:26 - 01:19:16:23

Is there anything that you.

01:19:19:06 - 01:19:27:14

Could add on? Um, basically wildlife movement through various aspects of the fencing and how that has been taken into account.

01:19:29:07 - 01:19:59:12

Olivia McKechnie Downing on behalf of the applicant. Um, firstly, uh, we the applicant has maintained, um, commuting corridors. Um, around maintained habitats. So where, um, hedgerows, ditches, um, those sort of linear features surrounding the, um, cropland fields, they've been retained and buffered. So this, um, allows permeability for fauna through the proposed development along those existing commuting corridors.

01:19:59:19 - 01:20:10:01

Um, furthermore, there's large commuting corridors that have been in um included in the proposed development that allow um,

01:20:11:17 - 01:20:42:07

a large variety of species, including deer, to move through and commute through the proposed development, again maintaining connectivity and reducing fragmentation of habitats and a point on fencing. The fencing has been or will be constructed to allow the passage of um small mammals, um, not including deer, um and other a wide variety of fauna. Um.

01:20:42:11 - 01:20:49:25

The deer are, however, able to commute through the wide commuting corridors that are unfenced through the center of the development.

01:20:52:23 - 01:20:53:13

Thank you.

01:20:53:15 - 01:21:07:03

Just add to that, Mr. Fox applicant, the, um, that point about the fencing is secured pursuant to the Design Parameters and Commitments document. And then also note that the design of the fencing is separately subject to a DCA requirement.

01:21:07:11 - 01:21:14:24

Okay. Thank you. That's all. Also touched on the the Kemp and DCA requirement 12.

01:21:17:06 - 01:21:24:24

Can I first ask the applicant whether in its view this identifies all reasonable ecological receptors and

01:21:26:09 - 01:21:42:21

the approach and about the approach to culverts and culvert replacement of watercourse crossings. I will then seek views of North Yorkshire Council on the control documents, whether it is sufficient to consult and seek agreement with North Yorkshire Council

01:21:44:18 - 01:21:55:00

and any further views of North Yorkshire Council before moving on. So the question is around the long term management arrangements for enhanced habitats.

01:21:58:21 - 01:22:31:29

On behalf of the applicant, I think trying to I like to some of them and then bring in Mr. House just to talk about, um, our measures in the camp around um, crossings and aquatic receptors. So in relation to the point of the camp and does it identify, um, all the, all the receptors that are affected? Um, I answer to that because this has been raised by Natural England. Um, is that the role of the Kemp is to ensure that there are appropriate mitigation measures for all those species types that could be affected.

01:22:32:17 - 01:23:09:08

Those measures are there. There's the um, I think it's specifically mentioned to lamprey that was raised by Natural England Environment Agency. We have measures specific to the lamprey. I don't think it's not the role of the management plan to say where every single receptor is located in the scheme. That is what Natural England essentially is asked for. To say, here are all the receptors and all the locations where they could be affected. That's not the role of a management plan. That's the role of your assessment and your, um, relevant baseline documents. The key point is that the management plan, uh, sets out that the species, wherever they meet, may be, um, are, are mitigated.

01:23:09:10 - 01:23:47:08

And in the context of the lamprey, we recognise it's the issues where, where there needs to be specific control measures and so specific control measures have been put in place. So you don't you don't need a section of your management plan that says, here are all the receptors in here where they are. Because that's what your S does. Um, in relation to the point about the long term management of the habitat measures. That's not requirement 12. That would be requirement six. Um, and sorry, seven and nine. Um, which is the um, landscape and economic landscape ecological management plan that has to be approved and the DCO requires it must be implemented as approved.

01:23:47:23 - 01:24:14:16

Um, so the outline landscape management plan sets out the various descriptions, how that's managed and the detail of that would have to be approved by the council. Um, and similarly assignment nine, which is to do by biodiversity net gain. Um where similar um logic applies. Um, and then since you bring in Mr. Horses, our aquatic ecology expert, who would just explain the measures that we put into the camp in relation to aquatic ecology.

01:24:15:22 - 01:24:16:07

Yeah.

01:24:16:09 - 01:24:18:01

Tom House, on behalf of the applicant.

01:24:18:03 - 01:24:18:24

Uh, yes.

01:24:18:26 - 01:24:20:00

There's, um.

01:24:20:03 - 01:24:20:18

Various.

01:24:20:20 - 01:24:21:25

Measures that have safeguarded.

01:24:21:27 - 01:24:23:20

Aquatic ecology and fisheries.

01:24:23:22 - 01:24:25:01

Uh, in the scheme.

01:24:25:03 - 01:24:25:19

Um, whether that's.

01:24:25:21 - 01:24:26:06

Through.

01:24:26:08 - 01:24:26:26

Avoidance, through.

01:24:26:28 - 01:24:27:13

The.

01:24:27:15 - 01:24:28:24

Gentlest techniques.

01:24:29:01 - 01:24:29:16

That.

01:24:29:18 - 01:24:30:03

Avoid.

01:24:30:07 - 01:24:32:12

Um, disturbance, physical.

01:24:32:14 - 01:24:32:29

Surface.

01:24:33:01 - 01:24:33:16

Disturbance.

01:24:33:18 - 01:24:36:04

To, uh, aquatic habitats. Um.

01:24:37:09 - 01:24:38:00

There's always.

01:24:38:13 - 01:24:39:12

Also commitments.

01:24:39:14 - 01:24:40:09

Around.

01:24:40:24 - 01:24:41:09

The design.

01:24:41:11 - 01:24:41:26

Of.

01:24:41:28 - 01:24:44:03

Temporary and permanent culverts, and that they will provide passage.

01:24:44:05 - 01:24:44:20

For fish.

01:24:44:22 - 01:25:16:05

During construction and will be suitable for the hydrology and the fluvial geomorphological processes sort of operating in those regions. Um, and, and uh, lastly, there's the um around lamprey and specifically and the cable depths around the river crossing, which is um, by far the most sensitive crossing we have in the scheme. It's a no migratory route for, uh, salmonids, Atlantic salmon, sea trout, um, uh, lamprey and eel.

01:25:16:07 - 01:25:30:16

So, um, focuses on that crossing in particular. Um, and, and we've also agreed with natural, uh, sorry, with the Environment Agency, uh, timings for that, um, HDD, uh, underneath the river crossing.

01:25:33:22 - 01:25:34:13

Thank you.

01:25:37:01 - 01:25:51:22

So I'll just turn again to North Yorkshire Council to seek any views on those measures. I think you've already touched on a number of them, certainly relating to the Kemp, but any of those other measures which have been set out.

01:25:52:15 - 01:26:16:12

Here and Boris Hendrie, North Yorkshire Council. Yeah. So I laid out those ones earlier in terms of, um, you know, further brevity. I won't repeat myself on those. Mr. Fox did mention about biodiversity net gain now. And we just want to say that we welcome the commitment to being and the figures. But what we would like is a bit further clarity on how that predicted the energy outcomes would be secured, monitored and audited throughout its lifetime.

01:26:18:09 - 01:26:35:05

Thank you. As we have referenced the Environment Agency, I'm going to before going back to the applicant, just invite the Environment Agency to comment on some of those measures regarding, uh, river crossings and watercourses.

01:26:36:10 - 01:26:45:20

Uh, Jane field, environment Agency I'd just like to invite my colleague, William West, fisheries officer, to make some comments with regards to this matter.

01:26:47:22 - 01:26:50:04

William West, on behalf of the Environment Agency.

01:26:50:06 - 01:27:20:21

Um, I've just got a couple of points, uh, to raise around culverts and also electromagnetic fields and fish. So, um, recently received a, uh, a draft update of the Outline Construction environmental management plan, which is app 192. Um, there are a couple of water bodies, the Selby Dam, and have Holme Dyke that, um, are proposed to be culverted and any, uh, any outline.

01:27:20:23 - 01:27:42:03

Kemp. Um, it states, um, that the fish passage provision will be, um, will be included at construction, but the expectation is that those culverts should have fish passage provisions for their entirety. Um, when the, the existence of them being in those water bodies.

01:27:44:08 - 01:27:48:01

That needs to be updated and detailed in the in the in the outline. Kemp.

01:27:52:08 - 01:27:55:09

I can go on to my MF. Um.

01:27:56:03 - 01:28:06:21

Thank you. Whilst you're here. Yep. Mr. Wester is a question for later that I was going to turn to you on if you want to make that point. Now, that may move things along.

01:28:08:10 - 01:28:41:03

Yes. So the um, again, we've we've recently received the, uh, the draft update to the outline, uh, construction environmental management plan app 192. Um, the, uh, in the outline says that the minimum depth of the cable would be five meters below the riverbed, which which is, um, an appropriate depth to mitigate, um, uh, EMF impacts on fish. Um, but what we want to see is in the, uh, commitments Register app.

01:28:41:06 - 01:28:54:16

145 um, for, uh, continuity that that that is also detailed in, uh, The Commitments register and uh, refers to um EMF impacts on fish specifically.

01:28:55:00 - 01:29:17:12

Okay. Thank you. Thank you. As I say, that was my next question regarding species and EMF impacts on fish. So in What we've heard. I'm going to turn back to the applicant to provide comment on what's been said by North Yorkshire Council and the Environment Agency. And then I think I will move us on.

01:29:17:26 - 01:29:29:25

Thank you sir. Um, I talked to the applicant. So in relation to the culverts point, the reason that that's, um, any reference to construction in the camp is because those culverts are only required during the construction phase.

01:29:31:12 - 01:30:03:06

Um, in relation to, uh, EMS. Um, yes. We'll we'll update the commitments register. And we, we were planning to do that alongside each submission of all the updated management plans as part of the updated, sorry, updated application documents and access point. Um, so we will do that each time and we'll reflect that. There was, um, your own agency had quite a few comments on the commitments register at um in their earlier representations. So we've been trying to account for that, um, in various ways. And we will we will do that.

01:30:03:14 - 01:30:34:09

Um, in relation to the council's point about, um, kind of how the being commitment will be will be managed. Um, I think, um, in that instance, I would encourage that. We'd welcome comments on how the, the length can be worded on that. And the reason I say that is because I appreciate there is a separate requirement in this DCA, and I know you'll be aware that every DCA does a bit differently because I'll be it. Well, until the new regime gets turned on in a few months.

01:30:34:12 - 01:31:12:08

Um, as to whether it kind of gets subsumed in the length requirement or it's a separate one, and we have put it separate so that there's clarity that, you know, there is going to be a strategy for that. But any strategy we produce will also need to be consistent with the length, because the length sets out the details of the the green infrastructure that we're providing, including the ecological habitat. So they will come one and one and and the reason I'm saying, I think to focus on the length and what's in there is because how we manage the bag areas won't be separate from how we manage the green areas in

the general sense because it has multi purpose and multi results, so to speak, in terms of delivering mitigation and being.

01:31:12:11 - 01:31:32:08

So if you're seeking changes to clarity on that point, then we'd welcome comments on the on the length to, to do that. Um and once once we have that says we will consider if we need to make any cross-referencing links within the bone biodiversity alignment to make sure there's consistency across the two.

01:31:32:10 - 01:31:52:09

Thank you. Okay. I'm just going to check I think that's covered the majority of what I wanted to get through today. As I said, a few further questions which I will put into written questions. Um.

01:31:55:06 - 01:31:59:28

Just looking around the room to see if anybody else has any final comments.

01:32:02:21 - 01:32:04:06

In which case.

01:32:06:09 - 01:32:08:18

That concludes my questions for this topic,

01:32:10:16 - 01:32:17:08

and we'll now hand back over to Mr. Tandy for item 4.6.

01:32:21:18 - 01:32:33:15

Thank you, Mr. Medlin. We've been running for a good hour and a half. I think it's probably a good opportunity to take a short break again. Um,

01:32:35:12 - 01:32:49:20

oppose. Just over ten minutes again. So if we were to come back at 15, 25, would that work for everybody? Yeah. Thank you. At that point, this, uh, hearing is adjourned until 1525.