

TEXT_LittleCrow_ISH1_Day2_Session1_2104 2021

Wed, 4/21 12:51PM • 2:04:53

00:02

Good morning, everybody. It's 10 o'clock. And this issue specific hearing in relation to the application made by amgr. Solar limited.

00:13

For the proposed little crow solar Park is now resumed following last evenings adjournment.

00:21

Can all those present here and clearly see me? Miss? Hello, can you please confirm that the live streaming and recording for this hearing has commenced? Yes, Mr. God, I can confirm that the live stream is working and the recording has started live captions also on. Thank you. And I'll just check out Mr. Mel, can you hear him see me? Clearly?

00:45

Yes, sir. I can. Good morning. Thank you. Thank you. And Mr. Law, likewise, can you clearly hear and see me you're coming through loud and clear. Thank you. Good lift, we know the technology is started on a good footing.

01:01

For those people who may be watching the live stream, can I advise you that should we at any point this morning adjourn the hearing the live stream will stop.

01:16

And then it will be resumed at the point

01:20

that the hearing starts again. But you will need to refresh your browser of that pipe point to continue to

01:29

watch the proceedings.

01:35

For the benefit of anyone who didn't attend

01:38

or view yesterday, first part of this issue specific hearing. My name is Graham Gould. And I constitute the examining authority for the examination of this nationally significant infrastructure project application.

01:52

I won't go through all the opening remarks that I made at the start of the hearing yesterday. But I will remind you a few key points

02:04

the general data protection regulations and the noise event

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and the noise the need to avoid disclosing any information that may be personal or company confidential nature

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still apply.

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This recording

02:22

of the event that is being made is the only official one and it will be placed on the inspectorates website, shortly.

02:34

Given who will be participating in today's hearing, I'll just briefly remind everybody that this hearing is conducted under Section 94.

02:46

Eight of the Act.

02:50

So in essence,

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anything that might be deemed to be relevant, vexatious or frivolous, should not be stated.

03:04

Yesterday, we discussed item two and three on the agenda. So we'll be resuming the agenda item four, which relates to the draft consent order, and then we'll progress on to

03:19

the other agenda item three to seven. Just before we move on, though,

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to agenda item four. I'm wondering if I might ask Mr. Harlow

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depending on how much participation he's going to have in respect of agenda item four, if he can give some thought to what might usefully go into what I was referring to yesterday, as the technical note referring to solar farm technology. I've got a few items listed, which we'll come back to when we talk about action points later on this morning. But I wonder if you might be helpful if Mr. Harlow is able to also jot down a few notes if you haven't already done so. Just so that we can check.

04:07

The sorts of issues that we were talking about yesterday, relates to what I've got on my list, and whether he has possibly overnight thought of anything that might usefully also be added to that list. So Mr. Male or Mr. Harlow? Is that something that Mr. Harlow might be able to do in the background.

04:31

Good morning, sir. Yes, tomorrow for the applicants. I can certainly just jot down some notes

04:37

you know, it really needs to be bullet points as I've got some but it just I think useful if we cross referring just make sure that whatever you're producing is comprehensive for deadline one. Yeah, if whenever you deem it suitable joint examination to discuss that point, if you want to list them and then I can add any ones I deem would be

05:00

So, yeah, as I say, we'll come back to that under agenda item six.

05:09

But I say I've got a bit of a list going.

05:13

But it might also be worth you literally, independently of what I've got my list if you jot down something on the list, and we just see whether or not we were seeing from the same hymn sheet so to speak. Sure, understood.

05:32

Um,

05:34

are there any other general sort of procedurally type matters that either Mr. Male or Mr. Or you want to raise before we commence the discussion of agenda item four.

05:45

So if I could just come in with one you'll recall at the preliminary meeting yesterday, there was a discussion on the date on which the examination should end with regard to Section 98 of the Act. And I've looked at this a little more closely with reference to other projects since yesterday's hearing was adjourned. I think I think we were agreed that the six month period starts today. It's a question of, of what is meant by the examination being completed by the end of that six month period, and the approach that seems to be taken on on other projects and and in doing this, I've looked at some some recent rule eight letters for the the thorac flexible generation plant, the a one in Northumberland, and the Portishead branch Metro, is that that six month period would end effectively on the day before the six month anniversary. So applying that, that would mean, the examination should end on the 20th of October, as I think was actually stated in the in the in the draft timetable in the in the rule six letter.

07:10

I'm happy to confirm that separately by by email to the case officers, as we discussed, that would help. Thank you, Mr. Mayor.

07:20

I suspect there might be a slight issue within the inspector war.

07:26

There is a spreadsheet that is used in the works out these dates. And it might just have been compiled in a way that hasn't taken full account of what's said in the in the act, the the Act is a little bit unclear.

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As is the case, in certain instances with a town and country planning when

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certain deadlines are being referred to there in terms of what local authorities got to do for planning applications. I think the way it can be easier to leap resolve this issue is that we will we will just stick to the 20th of October.

08:01

As I indicated yesterday, it's unlikely in this case that one day here or there is going to make much of a difference. And we I think what we can all be clear about is closing on the 20th creates no potential issue that a mistake might be made in data. And I don't think that one extra day creates any time pressures, particularly from the applicants point of view. And it is unlikely to create any particular time pressure from my perspective or from any other IPS, interested parties perspective. So I think we will stick up the 20th. And that is what will be recorded in the final timetable that goes into rule eight data. Thank you. Thank you.

08:47

Mr. Lowe. Did you have anything else on procedurally type matter that you wish to raise?

08:52

Your Thank you. No procedural matters to raise before we get started today. Thank you, then

09:00

that takes us in to the discussion of the draft order. And some of my I've got, I suppose our questions and some of what I've got to say I suppose more just sort of general comment, which I suspect the applicant just might want to go away and think about.

09:19

Does everybody have really access to a copy of the draft order?

09:27

Or do we need to think about having it available to be brought up on screen draft order? of course being a double p 045. No doubt Mr. Mayo and your colleagues you've got Got it?

09:40

As you'd expect, so yes, yes, I do. If anybody doesn't, then then Mr. Scanlon is ready to share if needed, but perhaps more importantly, Mr. Law, have you got a copy that either in paper form or electronically that you can readily see? Yes, I've got a copy of it in front of me. Thank you. I think then it

10:00

Probably means we won't need to do screen sharing.

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which just makes it easier

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to

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engage with everybody, as we go through the various parts of this agenda. What I might suggest is if I can ask that both Mr. Male cousins, Daniel, you're going to lead on this. And both Mr. Law, if you can just keep your cameras on, and mics on, I think it just because we're likely to have quite a quick fire exchange problems.

10:40

The first item that I had under for a is the definition of generating capacity. I'm going to hold that back, we heard quite a lot about what I asked quite a lot about that yesterday heard quite a lot about it. So note that Mr. Harlow or others in the team, again, preparing is likely to inform some of what might otherwise be discussed on the items. I hold that back. If I need to come back to it later on in the examination, I'll do so.

11:13

So we now just look at the flexibility revolving around the location of the battery storage facility.

11:22

Really, I'd like some sort of indication from the applicant in particular of your thoughts about how that actually will work.

11:31

In terms of the mechanism through any made order in ensuring that there is only one battery storage facility, either I either work to a or work to be

11:46

suddenly so well, as you've seen, there are two proposed locations that are shown on the works plan to a to b. And we explored with Mr. Harlow some of the reasons why those alternatives are proposed. Most notably, if the panels have additional additional capacity did come on the market, then that might enable a smaller footprint of the site to be used. And in that sense, that would enable work number to be potentially then to come forward, which is the reason why those alternatives

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were included. And then, in terms of how those which one effectively will be constructed, is dealt with in the decio. I draw your attention to article three, three,

12:42

which provides that the undertaker may construct work number two way or work number two be, but may not construct more than one of those under the order. So that's either either one or the other. And then article three, four, requires the undertaker to notify the council prior to the commencement of any works in either of those works either to a or to B.

13:12

Which of those works it intends to construct. So so there's a process there, which sets out clearly that only one of those options can come forward. And that before starting any works on either of those options. We've got to tell the Council, which one of those we're going to be doing.

13:32

Thank you, Mr. Mayor.

13:35

Mr. Lowe, are you content with that arrangement? I suppose the slight difficulty with it is part of it in terms of notification is coming through an article rather than through a requirement. I suppose in some ways, from the planning authorities perspective, they might be looking at the requirements as being

13:59

the sort of discharge rate for various things rather than having to work back to articles. But I'm suppose it's a small point, but withdraw any thought.

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Yeah, thank you, sir.

14:12

Yeah, I think as you say, generally, following gunton over decio, we we will get involved over the discharge requirements. And that is that is generally what we're looking at in the in the order once it comes through and to ourselves. So I mean, I don't have any objection. I think that the article is clear in what it sets out. And it gives surety that only one.

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One of the works either to a or to B would

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would come forwards and that we would be notified of that. But

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yeah, for ease, it would probably be easier for ourselves if it were dealt with through a requirement rather than an article but that's probably personal preference, rather than

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any reason why it shouldn't be dealt with this way. I don't see that it actually causes a problem. No, thank you.

15:00

Mr. Malin, any thoughts about possibly switching from article to requirement? Well, I think it could be done. The reason the reason why it's expressed in an article is to put very sort of front and centre on the face of the order, what the scope of the powers granted by the order are in relation to those two particular alternatives. And from memory. So when I promoted other projects, which

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have have alternative options, then I think that that that has been set out in the in the articles in the way that's proposed in this order. And certainly what I can do is to give you some examples of where that might have been done from from other orders.

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maybe one or two examples, it's sounding like it isn't a deal breaker, so to speak. And it's obviously been something that's been accepted by at least one secretaries date, or maybe other Secretary of State, and most particularly,

16:04

it's been looked at part by parliamentary draughtsman who are content with the approach.

16:10

I suppose I'm only looking at it from the practicalities of a local throaty, what you look at in an order where you normally go to day to day to try and work out what the order is telling you. You should be doing.

16:28

Yeah. Okay. If that's something that

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you can draw some examples to me.

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And that that may allay any concern. Thank you.

16:52

Right, just turning to a sort of general point on interpretation in the order, most of the interpretation is dealt with in an article too. But there is then some that appears in requirement.

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One and requirement 18. Again, sort of, from a practicality point of view.

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Would it be simpler for all of the interpretation to be located in Article two, rather than having bits and pieces in the requirements?

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Mr. macclenny thoughts

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against you. It's almost the converse, I think, the previous discussion that we've had, in that those

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the terms and I'd have to check back, I anticipate our terms that are used exclusively within sheduled. Two, and therefore, that's why those definitions are retained there. Whereas the definitions within article

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within article two are used on multiple occasions throughout the order, I think which is, which is why are they why they're contained there. Again, it's the approach I've seen taken in other orders as well, and is primarily there. So that's when somebody is looking at what the requirements are they have everything, everything almost in one place.

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Yeah. And all I would say on that having had lots of experience of dealing with the general written development order, there are some quirky bits of interpretation that are in the main

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article in that order that deal with interpretation,

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which don't appear in some of the schedules and actually become really difficult to know what is going on.

18:56

Mr. Law, any thoughts as you're going to be the one or your colleagues of yours are actually going to be the one enforcing

19:04

the requirements and the disorder in general? Does the authority have a preference for where interpretations should be?

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Yeah, thank you, sir. I think in this instance,

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I actually quite like the approach that's been that has been undertaken. I think the the interpretation with regards to shedule two and the requirements.

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It relates directly to the requirements that we're going to be

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processing. And it's quite handy to have it there at the the top of that section, because that is the section that we'll be going straight to in the order when those applications are made.

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And again, with regards to English, here, part two.

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She's here requirement 18, isn't it there again, it is. The interpretation relates direct the

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directly to that part.

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So it actually makes it quite easy to read. I understand sort of the concern you're raising and with other sort of orders and and

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the complexity that can sometimes throw up. I don't I don't have that concern. In this instance, I think it is actually quite helpful to have to have those interpretations split into the relevant sections. And that would be my personal preference. Well,

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I wouldn't wish to upset the applecart. I've heard what the local planning authority who are

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going to be the ones responsible for

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enforcing any made order. So I don't see any reason why there should be a departure from what's in fact being drafted. Although we will come back to requirement 18, I think it is in a minute, because I've got some queries about that.

21:02

Okay, if we can now look at

21:06

article eight,

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unscheduled three, but don't particularly need to sort of bring it up, which this deals with the footpath diversion.

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And the phraseology temporarily stopped up is appearing,

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or temporarily extinguishing, in effect for footpath?

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Of course, really, what what's happening is

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the footpath is being temporarily diverted, it isn't being stopped up. And I'm just wondering whether actually, in the terminology stopped up should just be deleted. And it just simply refers to

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temporary diversion? Because you can't, as I understand it,

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temporarily. Stop up footpath. The concept doesn't exist?

22:05

Certainly, so something I'll have a look at. I think that the the wording of Article eight had been taken from a couple of other made orders that are referred to in the the explanatory memo in terms of terms of that article. So yeah, certainly, we'll take that away, we'll have a look at

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that I'm aware of a colleague who comes from a highways background, apparently has dealt with this sort of issue a lot in the past and has raised concerns that actually this is probably a glitch

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on the legal front, which all examining authorities should be seeking to try and deal with, because the concept just does not exist, apparently, under the relevant legislation.

22:50

Yeah, I do understand what he means. So that's certainly something we'll take away and look at.

23:05

And then moving on to Article 80,

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which deals with requirements and appeals.

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But also the look at requirements 16 in the same breath, because that deals with written approval.

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Is that actually a bit of duplication going on here?

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in that?

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Is it one or the other, but not both? That's actually required?

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And actually, might there be a simpler way of dealing with the written approval

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mechanism? And in effect, have that written into each and every of the requirements requires details to be submitted and formally approved in writing by the local planning authority?

24:00

I'll Break That down if I can. So I think I think there probably is some duplication between the provisions of Article 18 and requirement 16. In that, essentially, they're getting at the same thing.

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What I think probably should be retained out of those two would be the article rather than the requirement, because the article is wider

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than the requirement which of course, just relates to the discharge of requirements by the Council.

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So, if we are going to regularise the position, it would be requirement 16 that would disappear in favour of requirement 18. On that basis,

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and

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to the answer anticipating how the approach to drafting works, I would prefer to have a provision such as article 18

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right?

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than

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being repeated in every requirement that approval must be secured in writing, because then we have effectively a catch all provision that deals with all approvals.

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Thank you, Mr. Bell. Mr. Lowe, any thoughts on that, again, because your either you or colleagues are going to be the ones involved in discharging

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requirements in particular

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in terms of preference of the instruction, where it ends up?

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Yes, thank you.

25:39

Again, so personal preference would probably be for it to sit within the requirements, because, again, that is the the part of the order that we would we would go to, and, you know, whether that's as a separate requirement is currently sort of drafted, or, as you suggested, sort of written into each relevant requirement.

26:00

You know, it doesn't really make a difference to me, to be honest.

26:05

I think it's generally understood that it would be agreed in writing, and as long as there's something within there to confirm that fact, then I would be happy. But I, again, a personal preference would be for it to be within the requirements rather than as an article.

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But would I take the point that's being raised?

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I think is probably one of those situations. So we're Nothing Nothing is lost or at risk by effectively having requirements 16. retained,

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if it makes things easier for the council, in looking at the requirements in their entirety is sort of the basis on which

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the development, if sort of equate to the terms of planning conditions effectively, must be constructed, operated and maintained. So I think I would not have any great objection to the retention of both article 18 and requirement 16. I think what I would have more of an issue with is the removal of Article 18.

27:09

Because that goes, that goes wider than just the approval of the of the Council. Yeah, I mean, in terms of those wider approvals, because there's the appeal mechanism that may kick in? What other approvals are you thinking of in that regard?

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from memory. So there are various other approvals such as

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those related to the discharge of water, for example, under Article nine.

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So possibly another way that article 18 could be dealt with,

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is that it actually referred to which approvals?

28:05

Well, we're governed by it.

28:09

And that could possibly take the requirements out and put that in just solely into the requirement schedule.

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Yes, that could be the case. So we could have article 18, that refers to the to the to the approval under the Articles, effectively and requirements 16 to approval under the requirements. I think that would

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that that will probably work if I could reflect on that. Yeah. I mean, maybe this is something that you put,

28:42

yes, I suppose it's more for yourself

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to reflect rather than having some sort of dialogue with counsel over preferences, because some of these other discharging

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records are going to be for other bodies, outside of the council, indeed, and there are various other references to street to street authorities and the highways authorities, consents, as well, for example, in Article 10. So there are other bodies with other administrative functions, whether in practice at the moment, that is the council as well.

29:21

It's sounding like you've picked up on discharge in terms of handling water, which may bring the Environment Agency in, or it might be as the lead drainage authority, but it might be the council as

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responsible for all other I suppose, really aspect that maybe the best thing to do is if you go away, review the order, look at who is

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the bodies that are going to be discharging this, that and the other because it might be that

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in terms of the reference

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And to discharging body it might be that there's one catch or phrase that could be used for the council in its various responsibilities.

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And then it might just be that the only other body is the likes of the event agency. There may be

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other ways that you're skinning this particular cat.

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Sir, can I just go ahead and do a completely different matter and to cause a bit of an issue here, I've just my computer's just throwing up a message to tell me that it's about to restart in 10 minutes to instal software and I cannot close it at the minute I'll need to get in touch with our IT team to see if they can cancel that. For me. It's a forced instal from our central it, and it will not let me cancel that at the minute. So I need to get quickly on the phone with somebody to see if I can resolve that. What what I'm going to suggest then is we'll formally adjourn and till

31:01

1040 that's 10 minutes.

31:05

If you're not bad, we'll we'll understand. And if you can just rejoin at your earliest opportunity. Let Miss hell or miss Evans No. Because 1040 if you're not that I'll come out. Well, I swear I will be leaving the hearing now. I will come back in at 1040. If you haven't arrived, I'll then dip out. But then either miss home seven will then let me know

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when we expect you back when you've arrived. And we'll just resume that point.

31:38

Understandable situation

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as much as possible. And apologies.

31:44

Sorry, just saying it's Louise her will will monitor and then if you're not back, we'll let Graham know so he can come back when you're back. If that's okay, if you just wait. We'll we'll let you know once Mr. Law is back if that's okay. Yeah. Okay, so we're provisionally until 1040. But it might be a minute or two. further than that. Just it permitting. Thank you.

32:08

Welcome back, Mr. Law,

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the hearing is resumed.

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At least you able to spot the problem before it completely demolished teams which I've had.

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Or it happens in the background and some of the team the team toolbar disappears and

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total functionality only in teams on my machine for some bizarre reason.

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Thankfully, it's the first time I've had a problem, but not not the most convenient time to be fixed.

32:38

You might find that actually you can disable because I've got updates disabled on my machine for this week, which you can do there is a way of doing it.

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It depends what permissions your authority has or has not been granted for your IT team. But 14 is better it has given us the option on our machines to

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to put a brake on updates, and I've done that for these hearings, and can definitely be looking into into that in the future.

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We were looking at article 18, requirements 16.

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And how that operates. I

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hear hearing what Mr. Male has said on on the applicants behalf. I think this might be one instance where the interpretation of

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the discharging authority which currently is sitting in the interpretation section and

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requirement 80, which technically isn't a requirement because all it's actually is

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an advisory because it doesn't actually require anybody to do anything. It sets up what follows that actually, the definition of discharging authority might be better placed in Article two, because the likes of the Environment Agency

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might not be looking much in the requirements because the front end of those requirements are all planning related.

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And therefore I say it might be a better

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interpretation definition that ends up the front end of this order and not somewhere in the middle of it.

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Mr. Mayor, maybe I'll leave you to sort of go in with a think about that.

34:46

I could understand possibly why this phraseology may have be appearing in other orders maybe where there are multiple local planning authorities if it's a long linear project, pipeline or something. So

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You got five, six, or however many local authorities, some of which may be unilaterally unitary, some of which may be two tier. And therefore, you could have a multiplicity of discharging authority. But it sounds like in this instance, we've got one local authority who will be performing a number of possible functions. And there may be one external body.

35:26

And it's the external body, the Environment Agency, that is the one that may be not quite ofay with the order.

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So yeah, I think that's probably something I would suggest you take away

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and have a think about whether or not that interpretation section does best sit where it does at the moment, note itself

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before we sort of move on from article 18, is there anything that either of you wish to say further on on that particular matter?

36:01

No, I don't think so. So I think we just we need to be aware of why article 18 is there and the benefits of the generality that it provides, which is, of course, clarity on whether any approval has actually been granted under the terms of any of the articles. And, and then the terms

36:24

on which such approvals again, might have been given. So it's for the purposes really, of clarity of all interested parties and enforcement. But but it might actually knit wherever, wherever the definition in particular ends up, it might be that discharging authority needs to be clearly defined as as to which consents, in effect are caught by that umbrella, or

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bodies are caught by that umbrella.

36:51

Certainly, so I'll look into that.

36:55

We saw you content

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on that we work on that basis. Yes, sir. I'm content to work on the basis. That Mr. Mayer, take it away and see what comes back. Yeah. Thank you.

37:11

Mr. Male, I think he's making a note. So I'll just wait. That's fine. No, you're obviously making note, which is important. So that's fine. If we can just look at article 19, which is the application of landlord and tenant law. So this is one clearly for the applicant, as far as I can see, really, the query is the need for that in this particular context.

37:34

Because you're not seeking any compulsory acquisition or temporary possession powers, Article five deals with the benefit of the order, ie The Undertaker. I'm just wondering who else this might relate to. Because if I understand correctly, because no compulsory acquisition powers are being sought.

37:59

The applicant has been negotiating a lease, or acquisition with the landowner. And presumably anything that might be

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flowing from article 19 will be bound up in whatever

38:14

land agreements, if I put it in those terms, has been negotiate or is being negotiated.

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It's a fair point. So

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it is one I'll need to take away and give some to give some thought to on that particular on that particular point.

38:35

Thank you. I mean, if it's going to remain, what I would suggest is yet you'll need some explanation. So that will probably then need to go into an amended version of the explanatory memorandum so that I and others have got a clear understanding of why it exists.

38:52

When I say others, I'm talking about sexual state and anybody advising him at the appropriate time when

38:59

my report is being considered.

39:02

Certainly I'll I'll

39:05

I it. If it is retained, I will provide more more justification of why it's needed certainly.

39:25

Right, as it doesn't really fit anywhere else in the agenda, I can see if we can just look at schedule one because that sits really between articles and requirements.

39:37

The query and is really want to go, I think for outcome to go away is any duplication of what is listed in works number one to seven.

39:51

I'm thinking particularly things like fencing works or maybe some of the other aspects that actually might be covered.

40:00

In some of the earlier works,

40:04

I just thought when I first looked at that list, there might have been a bit of duplication as you get further down the works list. Well, certainly so there will be duplication in that works are some elements of works are repeated, and particular work numbers.

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But that's because

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the each work number can only be undertaken within that area shown for that work number on the works plans. So the extent that, for example, fencing may be required, as part of the the installation of the panels under work, number one, it would need to be listed there. And in so far as it was required in relation to works on the work number two way for the battery storage system, it would also need to be listed there

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because of the spatial element of the works plant.

40:58

Yeah.

41:26

I suspect I might have written this question before I had the benefits of the hard copy documentation that the

41:34

app was requested to provide, which makes reading some of the plans a lot easier.

41:39

Okay, I'll I think I get the point. And I think what I'm basically hearing is, you are content, there is no unnecessary duplication. Yes, that that's correct.

41:51

And just to sort of complete that circle, as it were, I'd refer you to Article Three, two, which is the provision that states each numbered work must be situated within the corresponding numbered area shown on the works plan.

42:08

Yeah.

42:13

The last work schedule that I looked in detail

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was, I suppose a bit more complex in the way it was drafted, and then how it appeared on the plans.

42:28

So I may also had that slightly in mind when I first crafted this question, which this one I did a long time ago, I think it was something when I first looked at the draft order. And so that was without the benefit of a lot of some of the paper versions of the plan to just make it which does make it a lot easier to understand what's going on.

42:49

Because when you can only print things a saw a4 on a site

42:55

becomes a bit difficult and on screen. There's only so far you can zoom things out.

43:01

At banchi. Keep a key readily to hand. Yes. Certainly said this may be the best time to mention it. There were there were a number of I think which were termed as inconsistency is identified in the section 55 checklist on acceptance between the order and the explanatory memorandum in terms of the way that works were described. Effectively the explanatory memo would

43:26

sort of Constantine at or summarised a particular work. The order is correct. And deadline one when we submit the revised order, we will ensure that the explanatory memo is consistent with the wording used in the order in response to to that issue that was raised then. Thank you. for clarification.

43:50

Slower Have you got anything on schedule one? Or are you content with it? Its form at the moment.

43:58

Yes, I'm content with with the four my to accept the explanation that we just said there with regards to know each work corresponding to the relevant area the relevant on the works plan. So

44:11

whilst it might initially read as duplication, I understand the reason for that.

44:19

Okay, then I think we can move on

44:23

to agenda item four D, which is

44:26

a journey through the requirements.

44:32

And the first query which is for both the Africans and the council is the issue of

44:38

the 35 year time limit.

44:43

Really,

44:45

where has that come from?

44:50

And its significance.

44:54

Mr. Mel, do you want to kick off with that?

44:56

Certainly, I mean, the temporary time limit

45:00

is something that is common to the vast majority of renewable energy development in the sense that it is promoted as as essentially a reversible form of development in that the main generating components will be removed after a certain period of time. And that's something that is common to both onshore offshore wind, and also to, to solar PV.

45:27

So, this application is consistent with that overall, General general approach.

45:36

And what is proposed to here is that

45:41

the project will be effectively decommissioned after after 35 years. And that's consistent with the basis on which the the environmental assessment has been conducted, as well. So so the environmental statement assumes that the development will have an operational lifetime of 35 years, following which it will be decommissioned. And that's simply reflected in in the wording of the requirements.

46:13

Although I think, possibly we need to have a look at precisely the consistency of the wording of the requirement three, having looked at it in preparation for this hearing with some of the documentation that's been provided in in the s.

46:53

Mr. Rowley thoughts on 35 years as a particular number.

46:58

Yeah, thank you. So I mean, yeah, I'll just confirm that.

47:02

As a local planning authority, nothing's nothing. Can you counsel, I've dealt with a number of

47:08

solar PV schemes, they all have been subject to

47:12

temporary timeframes. In terms of the actual number. I mean, it's in each case, it's been a

47:21

predicted lifespan of the, of the development of the actual equipment. As far as I'm aware.

47:27

I'm aware of that. When I first started dealing with applications this nature, I think it was about 25 years. That was the time that was put on the more recently 30. I wonder if maybe that the increasing sort of time comes about as improvements in the technology and that the panels keep producing electricity for longer now?

47:47

Not my area of expertise. I have to hold my hands up there. But that may be the answer, but I'm not sure. But

47:54

I don't think 35 years is too far away from our most recent, I think, the most recent consents that we've issued with 30 years. But that will be going back maybe

48:06

three or four years ago now. So yeah, I think it's potentially. Okay. But it'd be interesting to hear if that may be is the reason why the 35 years has come about that. That's, that's the lifespan of the of the equipment used? And maybe that is increased as time has gone on. And technology is developed.

48:29

Yes. So I mean, without without going into too much technical detail,

48:36

which is obviously not my area. I think that's that's the basic reason that underpins it. And it's something that's again, been seen across all renewable technologies, that as technology has advanced, then certainly, it's predicted operational lifespan has increased. And with

48:57

better sort of operation and maintenance, scheduling, then it's also been possible to

49:05

effectively make make those assets operate operate for longer.

49:12

And anecdotally,

49:14

I've been involved in quite a few applications at a town and country Planning Act level to extend the operational life of renewable energy

49:28

generating stations

49:31

simply because it is now possible to operate those those generating stations for longer.

49:38

Yeah, I wonder whether this is something actually that might usefully be discussed in the technical note that

49:46

Mr. Harlow or others will be working on.

49:50

I guessed it might be something to do with equipment obsolescence, but wasn't entirely clear.

49:59

But I think

50:00

Yeah, that would be a useful area to be added to the matters that will be covered in that note

50:20

on a sort of general point within the requirements,

50:26

I'm just wondering where there are references to

50:31

will. And it does occur, particularly in say, requirement nine, one,

50:37

should that be replaced with must,

50:43

which must seems to be the term that's been used most frequently amongst the requirements that require the undertaker to submit something for approval or to do something

50:57

as per a requirement,

51:00

will does seem to be there on a few occasions

51:04

must has a definite meaning will is a little bit a little bit looser. And if I remember

51:15

that sort of phraseology, not necessarily in the inset context, has been the subject of some litigation

51:25

on the Town and Country planning front, and the court found that must is a better word to use them things like will or should.

51:35

Because

51:38

there is there's no ambiguity. I don't disagree. And it's certainly been the subject of discussion at in other dcl applications that I've been that I've been a party to so so we will review that and where appropriate, we will make the necessary changes. Thank you. Appreciate Mr. Loyal content with that approach. Yes, yeah, fully in agreement with that approach. Thank you, sir.

52:29

Turning to requirement for

52:34

and in effect, the exclusion of the decommissioning of the substation.

52:44

I think this is really just something that is going to be better if the applicant responds in writing as to precisely what it is the district neck network operator would do with a substation in 35 years time

53:03

on decommissioning.

53:06

And in particular, if northern power grid have made any comment about

53:13

the retention of the facility in terms of any discussions that the outcome has had, in terms of sorting out the grid connection arrangements,

53:23

I think it'd be useful if

53:26

I could see whatever northern power grid have had to say about that aspect. Or if something can be obtained from Northern power grid to explain what it Why is

53:40

that it will be beneficial to them for the substation to be retained.

53:49

nurtured? Okay, thank you.

54:10

Thank you, Mr. Mayor. Good, sir. Thank you. Yes, yes, I can actually see because your screen was jumping up and down, which is an indicator that your your, your desk has a bit of flex in it, it does in the virtual environment. Unfortunately, because most of us can only see shoulders that we can't see. So it's very difficult to judge pin speed and things like that, which is often you know, in face to face to face event is an easy way of working out what's going on. And so we don't go too quickly.

54:41

If I can turn to requirements six, which deals with

54:46

detailed design approval.

54:51

And again, I'm just wondering whether within that

54:55

requirement, there is any duplication of matters

55:04

I'm just wondering whether for instance, requirements six, one j, might be overlapping with what's in requirement 10, which deals with landscape and ecological matters. So I think really what I'm asking the applicant is if you can go away and just check

55:22

that there isn't any

55:25

duplication arising between different requirements or within requirements.

55:30

And in fact, we will come to a requirement in a minute where I think there is some internal duplication.

55:38

And possibly, Mr. Law,

55:43

what I might do is first written question is just asked the Council also, to have a look at each and every requirement and do a sieving exercise and maybe highlight if you spot any

55:56

matters of duplication. Okay, it's perfectly fine. Thank you, sir. Noted.

56:28

I'm looking at requirement seven, which deals with the batteries safety management plan.

56:35

When I first wrote my question on this,

56:39

I thought maybe the whole requirement needs rewording because I was looking for the trigger for a management plan to be submitted for approval.

56:51

But then, when I re read

56:54

the record, what it's basically saying is, if I answered incorrectly, there is a draft plan that's been submitted, which may be actually all that's needed. And if that's the case, well, that's the one that the outcome will The Undertaker will work to.

57:11

But that might not be the case, actually, what I think

57:15

requirement seven might benefit from is a reversing

57:20

of

57:23

7172.

57:32

So it's either that there's there is a rewrite, and the rewritten version will be submitted for approval.

57:40

Or you then they wouldn't know the reason because actually, having flipped the running order, you will then be relying on two, which would be actually the old plan or the existing management plan as submitted the outcome is the one that will be relied upon.

57:59

Yeah, so it will certainly credit we can have a look at it. And I think probably what you're looking for is that the requirement is structured

58:10

chronologically, as to how you would go about the discharge? Yeah. Yeah.

58:18

I mean, generally, if you like on the anatomy of requirements,

58:30

in the same way, as for planning condition, we'll always be looking for

58:35

details, some sort of implementation requirement. If there's a timing clause, timing clause, if there's retention clause retention clause and then sort of maintenance clause.

58:48

Certainly, as inspectors it's drummed into us

58:52

through the the training that we received that we need to be looking at the anatomy of conditions it is

59:00

that's in the on the appeals front, it is still surprising how many conditions that we get. And for that matter, I've seen some requirements in draft that actually miss some of the the vital steps which means that actually you get to the end of the thing and it's not impossible.

59:19

Understand that I did that do that. There's probably a better way of expressing that service. I will take that away and look Yeah, certainly when I first read it, I thought hang with it. There's something missing here and then when I picked it actually, if you change the running order, then it doesn't make a bit more sense.

59:47

I'm moving on to a

59:50

nap sorry. I

59:53

made a post it

59:56

requirement eight

1:00:00

Which is the construction environmental management plan.

1:00:06

Again, this is one of the requirements where I thought there might be some internal duplication, particularly in paragraph two. And then when you look at item C, D, and F,

1:00:24

which are all dealing with dust noise control, dust, I think appears twice, ie appears in C, but it also seems to appear in D.

1:00:36

and then F, which I think generally deals with pollution, it wasn't clear what pollution matters f might be dealing with that might be separate to noise pollution, or other forms of pollution. So

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that might I think needs to be looked at just for clarity.

1:00:56

And some wording might need to be tweaked.

1:01:03

Mr. Law on the requirement? Did you have any thoughts as to how it's worded?

1:01:11

No, I take your point. So in terms of the potential for duplication there,

1:01:17

I would assume that the requirement is has been drafted following liaison with our own Environmental Health Officers. And obviously, as part of the saving exercise that that you'll be requesting for us to do as part of the written questions, we can certainly look at that along with the other requirements and liaise with with our relevant internal constancies.

1:01:41

To ensure you know, that we're happy that there's no no duplication and where it may appear that this duplication, you know, confirm that either there's not always necessary,

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or that it might be a slightly different form of phraseology is used just to make it explicit what that form of pollution is that that needs to be captured by that part of the requirement.

1:02:06

I mean, that might be something usefully that the applicant and the council does outside of the examination,

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just so that everybody is clear.

1:02:17

What are the the topics that need to be covered within that requirement? And there's no doubt

1:02:28

moving on to requirement nine, which I think was

1:02:33

the construction traffic management plan, my query there is with nine to see there's reference to a condition survey of any road, but then isn't any survey is undertaken. But there's nothing then flows from that in terms of Well, okay, there's a survey. But if the road deteriorates through the use of the various lorries hauling things to and fro the site. So what I suppose the question, there's a there's nothing there that that hangs on that. So it's either there's either something missing from that requirement, or it might not be necessary.

1:03:17

Okay, so noted, again, we'll look into that it may be the details of that are dealt with somewhere in the outline, ctmp but will provide will will review and provide an explanation. Thank you.

1:03:33

Um, and this is your you've got anything to say I'm, like, move on to requirements 12. And this is to say that you either if you've got an interest in any of the earlier requirements that proceed 12

1:03:47

not for Mesa Mesa that

1:03:51

requirement 12 seems to have within it, what inspectors will refer to as tailpiece which is, in effect an internal further approval of a matter

1:04:08

after the first round of approval,

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which we generally frowned upon, as sort of begs the question, what is the need for it? Because if there was some amendment or revision required, we'll all the undertaker has to do is go back submit something under requirement 12 and seeking approval to it.

1:04:33

In as I would have done in the first instance.

1:04:39

It's almost having the tail piece in there is unnecessary.

1:04:44

I don't I don't necessarily disagree with that potentially subject to what Mr. Law thinks. It also possibly comes back to what we may discuss under requirements 17 in a moment as well with the above

1:05:00

Let's see to very details that have previously been approved. Oh, yes.

1:05:07

Yes. I mean, it's actually a matter that that has come up in recent appeals, Town and Country planning that appeals that we've dealt with recently. So I am aware that inspectors are taking a dim view on

1:05:22

their pages. Yeah, it scrubs. Yeah.

1:05:27

I think, from our own point of view, as a local planning authority sometimes creeps in through using sort of old condition standard conditions that were drafted, you know, a number of years ago.

1:05:40

And that that was kind of the way things were done, as it were. But I acknowledge the point that

1:05:46

why is it needed, especially when you have a requirement that allows for amendments to agree detail? So I would definitely agree that, you know, it's, it's probably not necessary. And I am aware that it's something that we're asked not to add to conditions nowadays.

1:06:04

Well, we'll come to requirements 17 in a second, but requirements 17 might also be one that might actually not be necessary.

1:06:19

Just then, moving on to requirement 15, which deals with the temporary diversion of the public footpath

1:06:29

there's reference within it to length. And I wasn't sure whether that related to length in terms of distance, length in terms of sometimes you get with reference to time, or both. And really, it's a question of whether length needs to be clarified or different term used to express what it actually means, in this context.

1:06:56

My understanding series that we are talking about length in terms of distance, but again, I shall I shall double check and confirm.

1:07:11

Thank you.

1:07:24

Requirements 16, which is written approval we've talked about, and that's going to get dealt with

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visibly how

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article 18 is also resolved? Yeah, then we get to requirements 17 and amendments.

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Again, again, begs the question whether Actually, that's needed.

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Given that, if there were a need for something

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having been approved, then to be revised

1:08:01

with whether actually the most appropriate way to deal with that is to go back to the root or source requirement and just deal with it through that.

1:08:11

That requirement, which again, using the parallel, what happens on the country, Town and Country planning side of things, is what you would expect if if a developer came along your house builder and wanted to change a whole raft of bricks or something on various house types? Well, they more often that they would simply just go back to whichever condition it was that dealt with materials, and just seek a new approval for plots, whatever, to have brick type, whatever, in substitution of, of whatever been previously approved. And I wonder whether Actually,

1:08:45

that's the approach that should be taken with each of the requirements, rather than having this capital sitting at the back end,

1:08:54

which is getting towards the tailpiece type concern that the inspector generally has? Mr. maleeni thoughts? Yeah, I mean, I think I'm gonna say that requirement 17 is required, sir, and it's quite a common requirement that you that you now find in in other orders, and the reason why this is included is because the the development consent order sits outside of the town and country Planning Act regime, as you'll be aware, once granted, and so, what this does is to put on the face of the order, the ability to submit an agree variations to previously approved details, and it might not always be the case that you can go back and effectively re discharge a requirement. So

1:09:49

we previously discussed their requirement 15. About the the the temporary footpath diversion. There is a process there which says no

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to commence any phase until the details of the plan have been approved, and then that plan must be implemented. Now, it is perfectly possible that during the course of the development, things may arise, which might

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require or merit, a variation to those details previously approved.

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And in that situation, that's where requirements 17 comes into play, to put in place approach to this that enables that to happen.

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And certainly, I've had arguments in relation to

1:10:43

permissions granted under the Town and Country Planning Act, that in those kinds of circumstances, even if everybody agrees, you might need to submit an application for a non material amendment under Section 96. A to deal with it. Now, the the advantage of being able to put such a provision on the face of the development consent order is that it allows that process to happen in a much more streamlined and practical fashion. So that it doesn't frustrate the delivery of the development.

1:11:32

You already thought?

1:11:34

Yes, thank you, sir. I mean, it's a fairly common requirement that we've we've seen on, I think all of all of the dc dc shows that have been issued in our in our area, it has been helpful in terms of agreeing amendments. I think, particularly with regards to requirements that that don't need to be formally discharged. And one that we've we've dealt with quite commonly is sort of construction hours, where it's

1:12:06

purely a compliance condition.

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And it allows for

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amendments to conditions to requirements such as that, where normally there would there would be no no need to submit details and discharge them and therefore, you could go through that process again, as such.

1:12:27

So I do agree that that requirement 17 is is necessary. And it does provide for a streamlined method of dealing with those those issues when they arise.

1:12:43

I'm just quickly flicking off the

1:12:48

the explanatory memorandum.

1:13:04

It's a paragraph six 712

1:13:07

explanatory memo, which is on page 32. Thank you.

1:13:21

I think

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it might be the VAT expert explanation in six 712 might just be needs to be fleshed out a bit.

1:13:35

And in particularly the explanation that Mr. Lowe has helpfully given in terms of the straightforward compliance requirements is a good example as to precisely why requirement seven should be there.

1:14:12

The question? Well, the initial question I had about requirement 18. We've actually dealt with

1:14:21

I the references discharging authority.

1:14:25

Now really, as we discussed earlier, it's a question from start to go away and think about where where that best sits in in the order.

1:14:35

What I spotted in requirements 19 to 21 is there are a number of references to paragraph when actually I think that should be a requirement.

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Again, I will look at that because of course, these aren't requirements. This is a separate part of the shedule

1:15:00

setting out the procedure for the discharge of requirements.

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So effectively these are

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the convention is to refer to the paragraph of a shedule.

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Where appropriate. Now I understand the point that effectively we have a separate part of the schedule that deals with requirements here. So I will look at how that's best expressed.

1:15:53

Thank you.

1:16:01

In requirement 20.

1:16:12

Yeah, for want to better, we'll just keep referring to those requirements like because that's

1:16:18

just an easy reference. 20 point, or 20. Sub paragraph two refers to business days, which is a bit possibly in this day, and age is a bit of a vague term now. And I'm wondering whether actually, that needs a bit of a tighter

1:16:34

definition.

1:16:37

Certainly, so we can look at that.

1:16:48

requirement 21. I've got a series of questions, stroke points. And this is the one that deals with appeals.

1:16:59

In in 21, one,

1:17:03

we get for the first time.

1:17:07

Reference references to a person which is then defined as an applicant.

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I'm just wondering whether actually,

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all that needs to say is applicant or Undertaker,

1:17:24

but actually the need not to be a reference to a person.

1:17:31

Sorry, sir.

1:17:40

Then, in subparagraph, one See,

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in effect, we were seeing the introduction of an appeal mechanism to deal with matters on either section 60 or 61 of the

1:17:59

controller pollution acts, yes,

1:18:02

rather than going down the magistrate's court appeal route.

1:18:07

Really, I'd like to know the justification in effect for a partial dis application of the controller Pollution Act provisions in terms of the way

1:18:19

the magistrate's court system is the ultimate enforcer or arbitrator of that regime.

1:18:26

Well, I will summarise sir and then probably provide further sort of justification, when I go in my written submission, but

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my understanding is simply to provide a single streamlined process

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for dealing with all approvals that are required

1:18:46

to bring forward the particular development. So, I mean, you'll obviously be aware that one of the aims of this particular regime is is to as far as possible,

1:18:59

minimise the number of consents

1:19:02

required and the number of different processes that need to be undertaken in order to deliver development once those are constructed. So sorry, once those are consented, so that is simply the aim. I will

1:19:15

provide a sort of more detailed justification of that in in in a written submission.

1:19:22

Thank you, Mr. Male, Mr. Law. Any thoughts on that?

1:19:27

Hey, thank you, sir. Yeah, I understand the intention to streamline the process is, I suppose that the question arises, if if the appeal is not successful, do we then fall back to the magistrate's process?

1:19:47

I suspect that's what happens.

1:19:57

It just makes me wonder whether

1:20:01

They should just be left to the magistrates process in in the first instance, to be honest.

1:20:09

Again, so for me, if I can take that one away and address it in more detail in writing that will be helpful.

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But yeah, I mean, all I would say in something from my

1:20:42

previous experience

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in terms of

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being involved on the enforcing side of projects,

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we had one

1:20:57

contractor amongst a number of contractors on a linear project that got it badly wrong on day one on the ground.

1:21:09

And the availability of the section 60 provision, and the threat of the section 60 provision,

1:21:19

effects sort of the issue out there, and then

1:21:24

that was all to do with burning on the ground, large scale, wooden clearance being burned when it was clear

1:21:32

that that was something that was neither acceptable, and a whole raft of consents that have been dealt with, if you like under the planning side of things, as well as what was in in the environmental side of this project.

1:21:46

And I have to say, the project promoter also took a very dim view and basically told the contractor, if you do not desist, you're off the site.

1:21:57

And it was the availability of that tool that got things controlled. And actually it dealt with it, it did not delay the project. delivery, it was delivered on time.

1:22:12

And, yeah,

1:22:16

the potential disaggregate or I I take understands the male's point about streamlining but this is a particularly area where things can develop very quickly on the ground, and often need to be dealt with very quickly.

1:22:32

Gavin, just to come in again. So I think I

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totally agree with the point just made and other sort of appeal processing into the mix could could delay action, to say some something that could be

1:22:47

a serious issue, which which is developing quickly and needs to be resolved quickly on the ground. So

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the project promoters public relations now.

1:23:01

I, I agree that but I think this is an issue that probably needs a fuller explanation considered in the round in combination of issues that might be addressed under other requirements, as well. So

1:23:16

I will come back to you in more detail on that.

1:23:20

Then if we move on to subparagraph, one D,

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which is an appeal to the effect arising out of non determination following

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the discharging for the making a request for further information. And the applicant saying we're not going to provide that information the way

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one day reads at the moment, it's almost

1:23:54

an outright assumption. That would be a refusal from whoever the

1:24:00

discharging authority was, I wonder whether actually there needs to be a bit of refinement in there.

1:24:07

That would deal with the potential for

1:24:12

the design discharging authority, having the ability to review its position

1:24:18

about as to whether or not it would actually go as far as refusing the consent before the appeal is automatically triggered. Because I say that that's how I first read that wording, that the appeal almost automatically gets triggered

1:24:33

on the rejection by the applicant of the submission or further detail.

1:24:43

Excuse me. Firstly, Article 20. Sorry, requirement 21 foot scrubbing not only creates the the ability for an appeal, it doesn't trigger an automatic appeal so it gives rise to a gives rise to a

1:25:00

right of appeal

1:25:02

and experience that I have in, in relation to other other orders, both in development consent orders and transport and Works Act orders, those kinds of things.

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Is that,

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you know, practically there is there is a degree of discussion between applicants and local authorities before an appeal before an appeal is made. But what this particular provision is seeking to preserve is that that ability to appeal in those circumstances is clear and established.

1:25:41

And I think there would be issues if, to some extent that was to be qualified in some way,

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in terms of whether that right of appeal actually exists, which is what

1:25:55

requirement 21 one D is getting?

1:26:00

you through it? Excuse me. Any thoughts?

1:26:04

Thank you, sir. I mean, yeah,

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I agree with Mr. Male in practice. You know, normally, the local authority requests additional information. If an applicant doesn't agree with that request, they would generally return back to the LPA with with a position

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rather than,

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you know, or you would expect rather than pursuing an appeal, straight away, I just wonder how that paragraph could be reworded without getting overly complex

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to sort of require that process of negotiation to take place before an appeal could be lodged. It really, if that paragraph is not raising any particular alarm bells with you representing the council, then

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there's no need, I think, for it to

1:27:00

be changed in any way. Yeah, I think, sir, but I think we will probably rely on common sense prevailing in an applicant might be dangerous to do that, but and that an applicant would seek to discuss a request for further information with us rather than pursuing an appeal straight off the bat.

1:27:20

It doesn't ring alarm bells with me, I think I take the point completely for Mr. Mail. You know, it gives the ability for somebody to lodge an appeal, but doesn't mean an automatic triggering of an appeal. Should a request for additional information not be agreed with. Yeah, as you both said, in a practical sense. And certainly from my experience, yeah, usually what happens in the background is there is a discussion, and often some sort of accommodation is reached, and you move on.

1:27:52

Exactly. So without either side getting too vexed about it.

1:28:05

In sub paragraph two, and again, this, this might become clearer when

1:28:14

the interpretation section 18 is looked at, again, my query there was who or consult console t might be.

1:28:23

Because all the requirements, I think the refers to the planning authority, there are no console T's.

1:28:31

But it costs it might be the in respect to some of the other highway type or drainage matters covered by other bits of the audit, there are consultees. But I, as far as the local authority was going, I couldn't see any various capacities for the requirements that the planning authority is dealing with. But again, I think if I just leave that for you to go away and just check that it is applicable.

1:28:59

Yeah, so I mean, I can give you one immediate reference where it was under we talked earlier about requirements seven in the battery safety management plan. Requirements seven, four

1:29:10

requires the local planning authority to consult with the Health and Safety Executive and the local fire and rescue services service before determining an application under under that requirement. So so that would be one example where

1:29:25

console t would be involved.

1:29:28

Thank you.

1:29:39

And then looking at sub paragraph 10.

1:29:49

with you in effect is where there's an app that relates to where an approval has been granted under appeal. Really the query is what is the need for the whole of the file.

1:30:00

We'll second sentence,

1:30:04

which starts the starting authority may confirm any determination given by the appointed person.

1:30:12

Well, the appointed person's role is to make an appeal decision, that decision

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stands on its own face.

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I just beg the question what it actually achieves?

1:30:28

I think it is it is there to

1:30:34

make it clear so that it is the decision of the discharging authority that takes priority. And there may be some circumstances where other authorities and probably we're not talking about the local planning authority in the council in this instance, but other authorities may effectively reissue

1:30:55

a licence or an authorization to do something. And it's simply making it clear that if they do that, then they should do it in an identical form, to say I'm in the drainage, Marino's environment, is that something that might happen that appeal decision in that context? Whoever determines that appeal, can't give the licence. It has to go back to employment agency for them to issue a licence? I'm not entirely sure, sir, to be honest. So I mean, I certainly I can give some further detail and consideration. So that yeah, that's if that's what you like. And then in the reiteration of the explanatory memo,

1:31:37

if that sentence is going to remain, yeah, provide that explanation in the in the memo. Sorry, sir.

1:31:50

So I was looking at it, you know, if inspectors dealing with it, which I think is probably where most of these appeals would end up, most of as I understand it, or what I call it end up doing, it's not a planning appeal as such, but one of the other species errors work that we get involved in, they do end up issuing, in effect, whatever the approval is, but

1:32:14

I don't do that work. Because that's not seen and completely ofay. With.

1:32:29

Right, well, that was all I had on requirements.

1:32:35

Are there any other sort of general drafting matters typographic errors that either of you wish to highlight at this point?

1:32:45

or certainly, from the council's perspective, is that something that, as I suggested, in the first written question that I asked you, that gives you the opportunity to, in effect, go away and review the whole of the order? And

1:32:58

if you spot anything, that's obvious. That's your vehicle for highlighting it. Yeah, that would be appreciated. So we can go take that, take it away, go through it with a fine tooth comb and come along with any legal lawyers possibly. Exactly, yes.

1:33:13

And then flag anything up that we do find but I've got nothing to raise it at this point. Thank you used to mail from the applicants point is there anything that you feel you need to raise at this stage? There are a number of typographical errors and references that we will tidy up at deadline? One, I think probably the, and there will also be some some references to consultation that we will include in response to relevant representation. So for example, their Environment Agency has, has requested that they be consulted under under requirement eight, for example, and we'll be including that within the next iteration of the decio. I think probably the the most significant changes that you will see will be in the protective provisions, where further protective provisions have been now agreed with Anglian water. And so the the the next iteration of the DCA will include those protective provisions. And likewise, there will be some standard protective provisions that have been inserted for the benefit of electronic communication code operators. And they've been included at the request of of Openreach. So, those those are the most notable changes.

1:34:31

And what we will do when we submit that revise decio we will obviously submit a clean and attract version and also a changes tracker, which will explain the changes that have been made since the previous version and explaining why that's the case.

1:34:49

Thank you. What I would also ask

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is that

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when an updated

1:35:00

motion of the order is submitted. And it doesn't matter whether it be a deadline, when or if we get further iterations of it.

1:35:08

Can a version be submitted in word form so that when I get to work on

1:35:16

my schedule of possible changes, it becomes a lot easier

1:35:23

to cut and paste, because because it can be done from the PDF version, but then you start to get some formatting type problems. And a particular issue with the decio. Because the deepest the decio template is, if I understand correctly, it seems to use

1:35:40

a version of Word that is a number of iterations behind what most of us are now using, which makes it even more difficult to format.

1:35:51

Particularly if you're having to take it out of a PDF, and then put it into a current version of Word.

1:36:00

Certainly, so I know, I know, my pa

1:36:04

is not the is not a big advocate for the statutory instrument template. So I understand I understand the difficulties.

1:36:14

Do something about it.

1:36:17

Unfortunately, on the last case, I was involved, we had a requirement arrived quite late on in the process, because two parties agreed something very late on despite our saying that you need to sort this out through your statement of common ground.

1:36:35

But it didn't pan out that and suddenly, we got this really quite convoluted requirement, which we did need to do a bit of tweaking, and we had to end up copy typing this thing, because we literally couldn't take it from an electronic form available to us and use it sensibly. And there was a lot of text.

1:36:56

And it would be the one that scenario where not only did you have a sub paragraph, you had a sub paragraph in sub paragraph within the sub paragraph. And yeah, it became really difficult to get into the SI template.

1:37:13

So yeah,

1:37:14

I would request that each and every time

1:37:19

the T CO is updated that a word version of it arrives as well.

1:37:25

That that will be largely for my use, but it does make life a bit easier down the line.

1:37:35

And probably means that Miss Evans and her colleagues will get less

1:37:43

requests from me help. What on earth do I do to make this actually work?

1:37:59

I'm conscious that we've been sitting for quite a long time, although we did have a little bit of an adjournment in the middle. There are just a few sort of tidying up things to do. I mean, are we content just to carry on to the close of the hearing, rather than taking a German and then resuming for what might be no more than about 10 minutes? Yeah, so that's fine. Let me Yes. So that be my preference, if possible, please. Okay. In terms of the issue specific hearing in its totality. Are there any other sort of matters of business under agenda item five, that either of you wish to work raise with me? No, sir. No, sir.

1:38:41

That then takes us

1:38:48

to review of issues and actions arising.

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If I if I work backwards, because it's freshest in the memory. I think most of what we've discussed in terms of the actual draft decio is something that

1:39:09

the applicant will be dealing with in terms of its written submissions following this hearing. Or you'll be tweaking the order or you'll be tweaking

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the memorandum. And that can all be stuff that comes in at deadline one without making a specific action. And

1:39:30

Miss law in terms of detail, I will put a written question in, which will be issued next week, which will deal with your ability to review and make comment further to undertaking that review and seeking out observations from your colleagues. So again, I don't think we need any separate action from that. I don't think there's anything specifically from the discussion we've had under agenda item for that raises an action that can't be dealt with

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via

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I've just suggested. So that then takes us back to the matters that are rising yesterday.

1:40:07

Under agenda item three,

1:40:21

as ever, as you do these hearings, you get more and more paper on the desk not quite in the order that it's set out, it takes a bit of effort to find

1:40:31

the thing that you first started with, which is my list of action points.

1:40:41

Mr. Harlow, have you had the opportunity to

1:40:45

put some thoughts together in terms of what you think might usefully go into the technical note about solar farm technology?

1:40:56

Yes, thank you, sir. Tom Harlow for the applicant.

1:41:01

Run through what I had on my list.

1:41:05

And hopefully what I've got my list tallies with your list, although you may well express it in better terms, the May because of course, you're you're much more of a with with the the actual technical terminal terminology.

1:41:20

What what I would say is that this note really needs to explain things for the lay person, rather than getting too technical. Although, of course, where it does need to get technical, you might have to start with a really technical explanation, and then try and simplify it

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to get it down to some clear lay speak, or if needs be

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used late lay terms up front and maybe then in an appendix use the more technical stuff, if that's just easier to convey

1:41:56

whatever it might be, this is a big terrific tricky to get into late speak.

1:42:04

But I've got on my list, the explanation of what megawatt peak means.

1:42:13

And then I had on my list, in effect the generating profile for the proposed development January to December.

1:42:26

Yeah, how the

1:42:30

output you think will vary across the year.

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Because you helpfully explained yesterday that you you think that actually 70% of the output is focused across six months, and amongst the six months, then you get a further spike as we get nearer to the height of summer.

1:42:53

I've got something to deal with generally, panel efficiency and how that might be expected to evolve. And the sort of timescale for that evolution.

1:43:08

And potentially where that evolution might fit in with the actual delivery of this project. Because I think some of what you said yesterday indicated that actually, yeah, there is evolution going on, but possibly not quite so quickly to meet the timeline for the delivery of this project. And so if you

1:43:28

plot coverage of that sort of territory,

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something that deals a bit more explicitly about how the, what the interfacing is between the operation of the solar array, and the battery storage facility.

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And

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what the export and input

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arrangements are in terms of

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if the solar arrays doing one thing,

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whether the battery storage is in effect dormant, or it's also being charged up, because

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the network grid capacity limit has decided that the grid connection, capacity has been exceeded, and therefore whatever might be coming out of the array needs to think it

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used to top up the battery store.

1:44:26

And then I had the capital, anything else that you thought might assist the understanding of the process. So those what what those are the points that I sort of put it down from my notes of yesterday. But was there anything amongst that law that you'd got on your list that was slightly different or that I've missed that you think should go in to the list?

1:44:50

Sure. So I had gone probably a little step earlier at the very start. You may feel that it is needed to explain exactly how

1:45:00

electricity is produced by a solar panel

1:45:04

that may be too early stage? Or do you feel that would be a benefit? I think i think that's that's actually could may well be a benefit because it then helps maybe with the passage of

1:45:18

the evolution of how things are changing,

1:45:22

or might be changing? Because if you remember yesterday, I use, I think, reference crudely at one stage, is it is it? Is it the guts of what's in a solar panel that might be changing, that means that they get more efficient?

1:45:37

Or is it the just the general ability to deal with lower levels of irradiance. And again, some of that is probably would be assisted by an explanation of actually how a panel works.

1:45:53

On another point that might be a benefit is how the electricity it may overlap a little bit with the interaction with the battery storage, but or the electricity essentially gets from the solar panel, to the network itself.

1:46:11

Because solar panels actually, crew generates electricity through direct current, but we in our day to day,

1:46:18

actions use alternating current. So there's a series of steps, very simple to understand, I don't need to go into too much technical detail, but we can have, you know, maybe some kind of diagrammatic explanation, as well as some more simple terms.

1:46:35

And a radiation map for the UK might be of benefit, which gives you an idea of the difference between indoor radiation levels in Cornwall compared to say Scotland.

1:46:48

You I didn't add that to my list. That was actually something I had in a written question. But yes, I think about if, if that's something that you can easily put together, then I think that would be of assistance.

1:47:02

Yes, that's that that's that's not a problem. As I indicated yesterday,

1:47:08

part of what you're doing is for my benefit, when I'm writing a report, because none of us know, when it gets to the Secretary of State what the understanding of some of this technology is. So yeah, that might be a wider audience for this particular note.

1:47:29

So yeah, anything of that nature that you think is going to assist by all means? I'm not gonna say don't put it in.

1:47:36

So yeah, the irradiance map. Sounds good.

1:47:39

And just to dismiss picking up maybe on some point from yesterday, which was

1:47:46

the request from North links, maybe to supply some information on other solar farms. And I think you had mentioned maybe how the grid and our solar farms may impact the grid on different solar Park. Yep.

1:48:01

So, it might be beneficial to have a little note in this to explain the grid on this project and you know, it interactions are not as the case as it has with other projects.

1:48:15

Yes, I think that would be very helpful.

1:48:26

And maybe a pointing conclusion would be just general part would be the typical maintenance requirements, you know, part of what happens in terms of maintenance to a solar panel.

1:48:46

Yes, and actually, that helpfully picks up the point that of course, it did arise in the discussion of

1:48:54

the draft decio this morning,

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I suspect this note will also usefully deal with the 35 year points.

1:49:06

Yes, it can. And another point I was going to bring up is that we can

1:49:13

cause a little section in on predict projected and the term used within the industry is degradation of solar panels.

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And essentially that is the driver as to why you know 35 years has certainly become the norm and more recently, even slightly beyond.

1:49:47

Yeah.

1:49:49

Um, and now, we,

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I will be issuing

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not just this action point, but a note with the action points.

1:50:02

Are you content and I'm really saying to the applicant,

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the whole team, if I just in the action point, in effect referred to a technical note relating to the technology without having to get too detailed about what, what each element, I think I think we've we've got a clear understanding of what should be in that note.

1:50:27

Fortunately,

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Mr. Harlow and I, Morris had the same things on the list. Mr. Harlow has helpfully this morning, elaborated on my initial first stab.

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And certainly, if Mr. hollow puts more in rather than this, we're not going to turn around said sorry. That's, that's, that's more than I was expecting. I'm not gonna accept it.

1:50:52

It's an open door. But I think hopefully, the discussion we just had is clear what at least the minimum is for what goes into that note without having to make it too convoluted as to what I actually say.

1:51:07

The content of that note is as per this action point.

1:51:11

Mr. Mr. hollow. And Mr. Mac, are you happy with that approach that the act the actual action note, and doesn't need to be too detailed? on? What is you?

1:51:23

Yeah, no, that that's perfectly fine. I think there's a kind of a sweet spot between how much technical information and how readable it becomes for somebody who's not familiar with us. So we understand what

1:51:36

I'm thinking we're actually in terms of instruction, that the action point, what to do next? And of course, there is the availability of this recording as well, if, if anybody's bit unclear, they can go back into the recording and just check. And the sorts of things that should be included in there you happy then? I mean, I'm entirely happy, sir. I mean, I've got a note of the content there that you ran through. So so that's not a problem. From our perspective, just just one sort of question potentially thinking ahead, is that there may be some questions that you raise in your first round of written questions, which, as we look through, we feel might be covered off by the note, or might be more appropriately set within the context of that note, if there are such questions, and it different that the reason I ask is because different differs between different people as how they want to receive that information. Are you happy for the response to the question to be pleased, refer to this section of the note? Or would you like the response to the question to be duplicated? No, most definitely. One place, please, not not only for my benefit, but for the secretary state.

1:52:48

If they're needing to refer to a back to any documents,

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if you ever got to deal with me, in the appeal environment, and when we're dealing with things like statements or common ground witness statements,

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my bet while is actually to say to all witnesses, I do not want to see multiple descriptions of site,

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proposal, planning history policy, if there's one document that already exists, then please cross refer, rather than having umpteen references, because all we end up doing is getting more and more to read.

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And,

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yeah, then then there's a bit of doubt, because if you start see it twice, you have to read it twice, just in case, one version is slightly different to the other. Now, you have helpfully remind me of a point that I should have made or will make yet some of the written questions I might not fully edit out of the list. And you might feel you've already given an answer, or the technical note, we'll deal with it.

1:53:56

Yeah, by all means, if you feel

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that

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there has been an answered, please refer me to wherever you think the answer will. Because again, your your

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written comments on the last day in a bit. We'll also potentially have answered some of those questions. And that that will be the easiest way just make the crossword reference. Yeah, I'm all for it. And I suspect the Lord and his colleagues, whoever might be looking at this stuff with similarly because,

1:54:29

yeah, if you start to get five or six documents, all saying the same thing, it becomes very repetitive, and it just takes a lot longer to trawl through it all.

1:54:41

Mr. Law on on that action point, the technical note, but are you are you happy? That basically what is you as a as an action is, is something really quite brief. But I think everybody's clear what is the outcome is going to be going away and doing to actually

1:55:00

fulfil that action. Yeah, that's perfectly fine. So I did jot down bullet points as you run through anyway. But yeah, that's perfectly fine.

1:55:12

Um, the second action I've got was the I couldn't go away and clarify the issue about whether the coverage of panels is the 800,000 square metres that's been referred to in chapter four of the the s, which if my math is right, that's 80 Hectors versus the order limits points.

1:55:41

Where they extend to 225, Hectors, and then the array arrangement that shown on the works detail plan the whole site plan. And that's a pp 015

1:55:57

which seems to show significantly more panel coverage than 80 hectares.

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The third action point I've got is the applicants

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offering the submission of a glint and glare assessment.

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Now, as far as I can recall of what occurred yesterday, those were the only actions for the applicant.

1:56:41

Albeit that the first action, the the technical note actually has quite a lot, sort of lying behind it.

1:56:48

Mr. Male?

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Is there anything that

1:56:53

came out of yesterday as an action that I've missed? That you can recall?

1:56:59

I'm just scanning through through my notes, I don't think

1:57:07

I don't think there was no, it doesn't look like I've got

1:57:14

particularly anything else highlighted? No, that was it.

1:57:21

I was managed to keep managing to keep up. And Miss Evans in the background was also trying to keep a running list going as long as she was keeping up to that. That's

1:57:32

what I will say is there were various things on which clarification was sought. And we will provide that clarification in our written summary. So you may recall them essentially was asking various questions about where things were dealt with in assessments and, and clarity over the distance of her interested party clients property from access track, and things like that. And we'll be doing that just as a matter of course. Yeah. I'm really these action points to deal with

1:58:02

slightly unusual aspects or,

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yeah, things. I mean, the business about the

1:58:10

the area of the panels

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is something I think that doesn't need to really be looked at, because that might affect how a drawing is put together. Because the drawing if the 80,000 square metre forget is right, than the drawing is wrong, something just so that

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it is a different sort of

1:58:33

type of matter is slightly out of out of the ordinary.

1:58:38

Mr. Law, from your recollection event as of yesterday, is there anything off for actions for the applicant that you think we might have missed in what we've discussed, for the applicant so far this morning?

1:58:53

No, I think you've covered it all. So I've just been looking through my notes and the issue, the actions that we've just gone through, seem to tally, so that there's nothing I'm aware of that's been missed. Good. And then,

1:59:06

for my recollection, there was just one action from the council that arises, at least as a specific action. That's a bit bit unusual. And that is the request relating to

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the planning histories for the raven Thorpe solar farm conisbee solar farm. And then the third site that if you refer to it, I'm not sure that you actually gave an address for that. So I haven't. So I will. I've got on my note so far is the third site. Is there an easy reference for a vacation? Not off the top of my head, but it's the south side of the at

1:59:48

that? Yeah.

1:59:51

So Raven talks, it's just to the north of the 18. And the other side was just to the to the south. I did have another action from yesterday, sir.

2:00:00

as well, which was to provide you with a plan of the footpaths in the area surrounding the site and how so that you could know how they interact and are going to deal with that as a written question,

2:00:13

because there were there were a number of footpath II type matters. I think if I do that, as a written question, I can be a little bit more informative. I can set a radius, for instance, haven't gone away and have a look at some other documentation that already exists. to just help define what it is I'd like you to go and do. I think if we will leave the footpath one as a written question. Okay, that's fine. Yeah, that's fine. Thank you.

2:00:44

Right? Well, I think that, therefore deals with all of the action points.

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So that's item seven.

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And that therefore takes us to the close of this hearing.

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And

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there is no other relevant business.

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Having checked that, neither of you had any other

2:01:18

points that you wish to raise Under Item.

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Five of the A ob

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I'd remind everybody

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that deadline one, which is where quite a lot of material flowing out of this hearing will need to be submitted

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will be Wednesday, the 10th of May. And that will be confirmed, as I issue the rule eight letter next week, which will finalise

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the timetable.

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And as we discussed a little bit early this morning.

2:02:00

One thing that will be confirmed in that timetable is the closer the examination will be no later than the 20th of October.

2:02:12

The recording of this hearing will be placed on the web page for this project on the inspectorates website, as soon as practicable following the close of this meeting.

2:02:24

I'd like to thank everybody for your attendance, both yesterday and today.

2:02:32

The responses that you've given will might inform my decision about what goes into the first round of written questions. With a slight caveat that there may be some questions that remain in there. More, I suppose as flags, just to make sure that things are covered off, in terms of matters have arisen over the last day or so. Or I might just miss

2:02:56

that I actually did ask the question got an answer. And for whatever reason, I've managed to forget to take it out the list.

2:03:06

But as we were discussed earlier, if you spot any obvious? Well, we've already answered that question or we're going to answer through the technical note, then use the cross reference.

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Just say that's where we're going to answer it, or that's where we're going to deal with it. approach.

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And

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what we've discussed today and yesterday, and what

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gets submitted that deadline, one will also inform what might need to be done in terms of going forward with further hearings, as the examination rolls out. What I can say about issue specific hearings, as we roll forward, particularly the June ones

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was that there was a little bit of guidance, internal guidance issued within the spectrum yesterday, which suggests that if we do need those June hearings, they will be virtual events. It doesn't look like there is going to be sufficient movement in the COVID regime that will change that.

2:04:18

Parent Inspectorate has been in dialogue with our parent, department mhclg. And that seems to be

2:04:27

the message that's coming through at the moment.

2:04:36

So I say I thank everybody for your assistance. And I can now therefore, close the hearing. And I'll do that at 1218. So thank you very much, everyone. Except thank