



Hearing Transcript

Project:	Oaklands Farm Solar Project
Hearing:	Issue Specific Hearing 1 (ISH1) - Part 4
Date:	23 October 2024

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FULL TRANSCRIPT (with timecode)

00:00:04:24 - 00:00:21:02

Everybody. The time is now 10 a.m. and this issue specific hearing, which was adjourned yesterday afternoon, is restarting. Please could a member of the case team confirm that I can be heard clearly and that the live streaming and recording restarted? Thank you.

00:00:22:17 - 00:00:30:29

Um. As yesterday. Please keep your microphone muted until I invited to speak. Um, could a copy of the agenda be shared on the screen, please?

00:00:43:04 - 00:00:46:22

Thank you. And we're restarting at agenda item seven.

00:00:53:10 - 00:00:55:24

That could be zoomed in a little. That's great.

00:01:02:13 - 00:01:04:19

Thank you. So, um.

00:01:06:12 - 00:01:43:20

Carrying on from yesterday. Um, I'll go through the items in order set out in the agenda. So seven a, um, is a in relation to a series of concerns raised by Derbyshire County Council and South Derbyshire District Council in relation to traffic and transport. Um, including outline construction, traffic management plan. Um, and I won't go through all of the concerns raised previously, but there have been um, submissions that have highlighted ongoing discussions between the councils and the applicant.

00:01:44:11 - 00:01:57:26

Um, so I think for the purposes of today, um, could Derbyshire County Council possibly start just by summarising the progress and which particular matters remain to be agreed? Okay. Thank you.

00:01:57:28 - 00:02:32:23

Sir. Steve of county council, sir. Um, well, the first question there is about the outline construction management plan. I think that's been the focus of our discussions with the the applicants and their consultants for, um, you know, quite a number of months now. So I think all parties agree that the main traffic impacts of this proposed scheme will be during the construction phase. Um, I think let's say all parties agree that, um, so, um, folks have had discussions of quite a few months and I say we've been the consultants on the outline construction traffic management plan.

00:02:33:07 - 00:03:08:14

Um, I think we've reached a point now where most of the county council's, uh, concerns and issues have been addressed in that that traffic management plan, you'll be aware there are particular, um, constraints in this local area on the highway network, which are, you know, fairly unusual. We've got two, two bridge crossings over the Trent Chapman Bridge and one on Trent, which are both got Like

restrictions, which, you know, has played a quite a significant part in the applicant's consideration of the county council's consideration of the the best and most appropriate route for the construction traffic to to reach the site.

00:03:09:00 - 00:03:51:10

And as the applicants will probably allude to fairly shortly, we've been presented with a number of options by the applicant of potential routing options for both the heavy goods vehicles and the sort of like vehicles to the site. Um, the county council agrees with, with the applicant. Um, you'll see probably from presentation from colleagues later on. Option two is the preferred option of Derbyshire County Council. Um has said the the preferred option would be with a scenario where the the new Walton Bypass and Walton Trench crossing was in place, but given the construction time scale for that with the promoters of that site, that scheme, we think that's unlikely.

00:03:51:12 - 00:04:24:05

So we think the most realistic option services option two way, which is, um, the routing option you'll see there through the 838 um, through button on the main bridge, crossing there through Stephen Hill and accessing the site from the north. Um, so as I say, I think we've resolved most of the issues there, and the focus has really been trying to minimise the the impacts of this on local communities. Obviously, this is a very rural location. We're very, you know, sort of sensitive and aware of the concerns that have been raised communities locally through county and the Armstrong list.

00:04:24:07 - 00:05:09:21

And so again, that that's been the focus of our discussions with the applicant, trying to minimise impacts on local communities as much as possible. And again, I think that's reflected in the the county council's preferred option for routing the traffic through the essentially the strategic road network, if I can put it like the higher, higher level, higher hierarchy of the road network rather than the the rural road network. Um, I think a positive outcome of the work, the discussion we've had with the the applicant as well, is that we've agreed to work with the applicant to set up a traffic management liaison group, which involves both the applicant, the consultants, the county council staff, county council, Leicestershire County Council, interested parties and local businesses, and particularly a number of events organisers.

00:05:09:25 - 00:05:44:04

You probably picked up as well. So during the the course of the year, there are a number of events that do generate a lot of traffic at certain periods of time. So again, that's reflected in the construction traffic management plan, building those particular events into sort of assessments of when the pinch points are traffic's going to be. Um, I noticed that we are holding ongoing and regular meetings with the applicants and their consultants to to consider all of the impacts. But I think through the the traffic management plan, I think we've just about resolved all the issues and certainly the county council with the applicant.

00:05:44:06 - 00:06:31:08

We've got an agreed and preferred solution to how the site will be accessed during the construction phase. I think so too. So you've probably picked up so that colleagues at the city council, County Council Week, we did commission an independent consultants appraisal of the, the the the applicant's transport assessments and by and large and that's come back with positive positive outcomes. Basically, I think it's a sound and robust piece of work with flags of a number of issues yet to be resolved, and probably the only one I'll probably mention is about swept path analysis for some of the abnormal, um, abnormal deliveries, abnormal load deliveries to the site, which is that's probably the only ongoing discussion we we need to have and will have with the applicant going forward, sir.

00:06:34:14 - 00:06:38:27

Thank you. Is there an update on when the Walton Bypass might be delivered?

00:06:39:12 - 00:06:49:08

Um, I'd like just to we understand, I think construction probably the end of 2025. I think that's, that's the most up to date position. But colleagues at the district council may have.

00:06:49:10 - 00:06:49:28

A.

00:06:50:00 - 00:06:50:15

May be.

00:06:50:17 - 00:06:51:17

Able to assist. Please.

00:06:51:24 - 00:06:52:09

Thank you.

00:06:52:17 - 00:07:24:10

Stephen Saunders, head of planning at the District council. Um, there's a, um, approval, um, granted through planning committee to amend the timescales in the section 106 agreements, uh, which will require the bridge to be open to traffic at the latest by the 31st of December, 2025. Uh, that is an ambitious timescale. That is the agreed position in the section 106 agreement.

00:07:33:14 - 00:07:34:00

Okay.

00:07:42:12 - 00:08:06:18

I'm wondering whether the construction traffic management plan is sufficiently clear if that does open during the construction period of the solar farm, which sounds as if it may be possible whether the construction traffic management plan is sufficiently clear about it being required to use that route when it's available. I think that's my only.

00:08:07:22 - 00:08:25:14

Yes, sir. I think that's a fair, a fair comment. Um, I think from what I've seen in the traffic management plan, it doesn't specifically set out, um, obviously that's the preferred option. But yeah, I think that's probably worth exploring whether that can actually be confirmed through the DCO or the traffic management plan. That's a good point, sir.

00:08:25:27 - 00:08:26:12

Okay.

00:08:27:27 - 00:08:28:12

Um.

00:08:50:14 - 00:08:53:18

Could I ask the applicant to respond, please? Um.

00:08:55:24 - 00:09:18:26

What timescales were envisaged to finalize those discussions? Um, I do have quite a list of the previous concerns raised by the two councils. Um, it would be helpful to me to see how each of those, you know, have been addressed. And perhaps the mechanism is a statement of common ground for that. Um.

00:09:19:17 - 00:09:28:20

Yeah, I can confirm that, sir. We've been working with the applicants very recently. Um, well, we actually finalised the statement of Common Ground Matters, which is either been submitted or will be submitted fairly shortly.

00:09:28:22 - 00:10:04:28

Okay. Yeah. It's helpful to me to see, you know, I have a bullet point list of maybe 12 or 15 different issues that have come up. So just to my own audit trail of seeing that they've each been, um, resolved would be helpful. Um. Thank you. Um. Is it envisaged that the discussions. So the sweat path analysis discussions you particularly referred to, um, is it envisaged that those would be resolved by the next deadline? Are we close to resolution?

00:10:05:10 - 00:10:38:00

Um, possibly not from the county council's point of view, I think probably set out in the statement. Um, much depends on on the time of if the scheme gets permission, but the specifications of the vehicles that are going to be accessing the site, particularly of normal loads, I think, from the county council are going to be I think we're happy to perhaps delay that discussion until if and when the scheme gets a sort of a mission, and then particularly if we're when the the specifications or vehicle are finalized, I think that's probably the appropriate time for us to enter into those discussions in detail with the applicant.

00:10:38:08 - 00:10:44:05

So the abnormal loads there, 2 or 3 is that it's a relatively small number.

00:10:44:07 - 00:11:06:01

It's, um, it's two, uh, two trips essentially. So to, to deliver the, uh, prefabricated, uh, transformers. And so it's sort of it's, it's two trips, one in, one out. So. Yeah. And one in, one out. So with the the load, without the load. With the load, without the load. Yeah. So it's yes, it's very limited in terms of abnormal loads. Just just two, two movements to and from the site.

00:11:06:03 - 00:11:12:14

And the, the council's comfortable that there is there will be a workable solution to that.

00:11:12:16 - 00:11:42:29

Yeah. We've certainly got a preferred route um for the, the normal loads through through Coton in the Elms. Yeah. Um, again with normal practice with a police escort and a, you know, a sort of maintenance vehicle, um, which is sort of pretty standard practice. So. Yeah, we're satisfied. I think the abnormal load issue has been adequately addressed as well. And we're satisfied, as I say, we've we've met on site where the applicant looks at the constraints on the road network and my highways colleagues are satisfied with with that route that's been proposed. Yeah.

00:11:56:28 - 00:12:00:21

Anything from the applicant on these things?

00:12:00:27 - 00:12:32:16

Thank you. Sir. I'll just briefly introduce myself first. Um, I'm Andrew Ross. I am a director with ITP Transport Consultants, who produced the assessment on behalf of the applicant. And I'll be responding on transport matters. I don't have an awful lot to add to what Mr. Burrell, uh, said, because clearly we've been in close engagement, as we have with, um, uh, South Derbyshire District Council.

00:12:32:18 - 00:13:05:15

I'll just start this. If I could draw your attention to paragraph 3.3, one of the An outline construction traffic management plan. That's rep 4032 uh, and it states that scenario one preferred if the Walton on

Trent bypass is built prior to the construction phase commencing, all construction traffic uses the bypass Main Street and Walton Road.

00:13:06:10 - 00:13:15:21

So I think there's perhaps a finessing of that. So if it's not, if it's built during rather than prior. Could it accommodate that situation as well.

00:13:16:21 - 00:13:21:15

Okay. So it's it's probably around when it's open for you to use.

00:13:21:17 - 00:13:32:21

So the wording you just read out said if it's completed prior to construction then it will be used. Ah it's also the case of if it's available during if that could be finessed that would be helpful I think.

00:13:33:27 - 00:14:11:02

And just on uh Ale's Paragraph 5.43 gives, um, a firm commitment, um, to kind of underscore Mr. Buffers comments. And Leicestershire's, which I know were later on in the agenda, gives a firm commitment to undertake a full Ale plan when the specification of the vehicle is known and sets out the powers whereby, if any highway alterations are necessary, they can be undertaken.

00:14:11:04 - 00:14:35:13

And this is pretty typical, typical practice. We have produced some broad outlines in appendix 10.7. That's up 154 just to satisfy ourselves that the path is achievable, but more detail will be provided as part of the finalised Oct and b thank you.

00:14:35:15 - 00:14:40:27

And in terms of recouping any costs of that for the council. There are mechanisms to achieve that.

00:14:42:23 - 00:15:03:14

There are mechanisms. So I'm not aware that we've probably gone down that route that I can think of any, any, any schemes before, particularly eco. So I think it's something we'll have to consider. I know Staffordshire County Council's. Yes, as soon as on this issue, something we, we perhaps haven't given a lot of consideration to. So perhaps if we can consider that by deadline. Five more. More advice to you if I could. Yeah.

00:15:25:09 - 00:15:30:12

Does the District Council have anything to add on this topic, please?

00:15:32:20 - 00:15:33:12

Add no, sir.

00:15:33:14 - 00:15:55:26

No thank you. It's really thank you, Thank you. Thank you for, um, the work that's being done to move this forward. Um, grateful for that. Um, obviously, the sooner that we can close these matters out, the better. It sounds as if we're quite close, but, um. Thank you. But to move on to item B, um,

00:15:57:18 - 00:16:32:05

Staffordshire County Council, um, are not able to join the hearing. So, um, I'm not proposing to go through their concerns. Um, uh, today they did make a submission that was published yesterday. So that's available on the website. Um, it does highlight that they have some remaining concerns, um, including in relation to use of construction routes to a and to be whether more than one route might be used at the same time.

00:16:32:22 - 00:16:58:27

Um, provisions for the Highway Authority recoup costs in the way that we just described. And they seem to have some outstanding concerns about the outlying construction traffic management plan. Can I leave it for those to be progressed by the applicant with Staffordshire County Council directly, and then to report to deadline five, if possible, on progress against that?

00:17:02:02 - 00:17:19:19

Thank you sir. Andrew Ross, on behalf of the applicant. Uh, yes. We we are in engagement with Staffordshire. In fact, the, uh, um, the submission to the examination was a result of an email exchange from with me and Mr. Chadwick earlier this week.

00:17:21:10 - 00:17:37:14

I do think, though, we're getting close to a stage where we're not going to reach agreement on a couple of the matters, uh, particularly the route in, issue. Um, and, uh.

00:17:37:16 - 00:17:38:01

Okay.

00:17:38:13 - 00:17:46:13

As you said. So you're not minded to go into that today, but I'm happy to elaborate on our position that is, in that submission.

00:17:46:16 - 00:18:13:20

I think I think I probably have an understanding of, um, the conflict. Um, the conflict is a strong term, but the difference of approach that's been suggested. So, um, I don't think we need to go through that today. I think I understand the situation. Um, it sounds as if it's not going to be possible to satisfy all parties on that matter. And I can understand, um,

00:18:15:08 - 00:18:42:24

the applicant's proposals. Um, so, yes, I can understand why there may not be agreement on that as well. So I think the important thing, um, for my reporting is to have a clear statement of the closing positions of each party. I know that you haven't been proposing a statement of common ground with Staffordshire County Council. I believe that's correct.

00:18:44:25 - 00:18:45:10

Yes.

00:18:45:15 - 00:19:07:21

That's correct. So in the absence of that, it would be helpful to maybe in your discussions with Staffordshire County Council if you could request on my behalf and I can put it into questions later, would be very helpful to see their closing position on matters which have not been resolved.

00:19:09:12 - 00:19:16:03

Happy to do that, sir. I'll reach out to them as soon as possible. After. After this hearing.

00:19:16:12 - 00:19:17:07

Yeah. Thank you.

00:19:22:03 - 00:19:35:12

Yes. I don't I don't think I see merit in going through the pros and cons of one route or part of two routes. I think I understand the issues around that. Um, sufficiently, I think.

00:19:38:10 - 00:20:12:12

Okay, so Leicestershire County Council. Um, again, I'm not attending today. Um, a submission has just been published from them indicating, um, that, um, their concerns, they have no remaining concerns, although they have made a comment. Um, within the submission, whether we're hoping for something slightly different. But they accept the position, I think. Um, I don't think that I need any more, um.

00:20:14:15 - 00:20:16:07

From them?

00:20:27:29 - 00:20:52:13

No, I think there's sufficient detail in their submission to. So there are no remaining concerns that need to be set out of that sort. I think they've done that clearly already. So, um, I think that, um, content that deals with, um, item 70, um, 70, if we could move on to that, please. Um, sorry. Let me just catch up with my notes.

00:22:02:09 - 00:22:04:08

Okay. 70. So, um,

00:22:05:27 - 00:22:39:19

um, Diane Abbott helpfully highlighted, um, National policy statement in one section, five 1418 um, which I'll quote, um, that paragraph states that a new energy and CIP may give rise to substantial impacts on the surrounding transport infrastructure. The Secretary of State should therefore ensure that the applicant has sought to mitigate these impacts, including during the construction phase of the development. And this is the following point is the key one here.

00:22:39:21 - 00:22:59:16

By enhancing active public and shared transport provision and accessibility, um, enhancing active and public, active public and shared transport and accessibility. Do the councils have a view on whether

00:23:01:04 - 00:23:09:00

there has been sufficient enhancement of active public and shared transport provision and accessibility, please.

00:23:11:07 - 00:23:12:09

Derbyshire County Council.

00:23:12:11 - 00:23:28:12

People for Derbyshire County Council. So um, mainly through um the requirement, we suggest you to a travel plan to be incorporated in to the, um, I think the construction management plan. So we think issues can be addressed in there. We haven't raised any particular concerns so far and what we've seen.

00:23:30:05 - 00:23:36:02

So that's particularly in relation to um transport for construction workers.

00:23:37:00 - 00:23:42:06

Yes. Particularly for construction workers getting to and from the site. Yeah. Again by alternative means.

00:23:44:02 - 00:23:49:19

I'm wondering whether the, um, national policy statement is expecting

00:23:51:11 - 00:24:06:21

more than that. So not not just, you know, members of the community or other users of, um, the roads and, um, public rights of way, etc., I wonder whether.

00:24:09:13 - 00:24:13:21

In fact, I feel sure it does expect more than the transport of construction workers.

00:24:14:14 - 00:24:16:12

Um, so if I may, in.

00:24:16:14 - 00:24:20:05

Fact, sorry if I can come back to you. Thank you. Um,

00:24:21:29 - 00:24:32:08

it's. Is that feels to me a fair interpretation. Does the council's have any views? There will be local policies that relate to these matters.

00:24:33:00 - 00:24:59:08

Yes, certainly through South Derbyshire Local Plan. I think in terms of wider accessibility issues, again, that there are a number of public rights of way around the site and through the site. But again, colleagues have assessed those within our footpath team. I think they're happy that those footpaths will remain in place. Um, you know, if they need to be diverted, then appropriate consultation will be undertaken with the county council. So that's another issue we've considered through the the wider travel.

00:24:59:17 - 00:25:14:29

There is an additional footpath, um, a new footpath through the site. Um, I think it's been it's very clear the works to maintain existing public rights of way seem to be up to me to be well considered. Um.

00:25:17:16 - 00:25:24:18

The only enhancement I'm aware of is the New footpath, I think. Do South Derbyshire have any comments on this?

00:25:28:05 - 00:25:28:20

Um.

00:25:30:18 - 00:25:42:19

No, I don't think so specifically. So echo what the county council's, um, just said. Um, and obviously noting there is an additional footpath through the site. Um.

00:25:45:03 - 00:25:47:15

I don't think there's anything to add, sir. Okay.

00:25:48:27 - 00:25:50:23

Sorry. Applicant, please.

00:25:52:04 - 00:25:57:29

Thank you. Sir. It was just a point of policy clarification. That's why I was trying to interject. Um,

00:25:59:15 - 00:26:41:03

I think that's the, uh, power is further clarified in paragraph five 1421 of n one. It states that the Secretary of State should only consider refuse and development on highways grounds if there would be an unacceptable impact on highway safety. Residual cumulative impacts on the road network

would be severe and importantly then goes on to say or does not show how consideration has been given to the provision of adequate active public or shared transport access and provision.

00:26:41:13 - 00:27:12:00

It's interesting that use of or so the applicant's position would be that the, um, the development addresses the first qualifying, uh, criteria and it does not give rise to substantial residual, substantial, uh, or severe traffic impacts due to um mitigation that limits HGV demand.

00:27:12:29 - 00:27:43:09

Um, an access strategy uh and associated haul road that limits interaction with non-motorized users on the rural highway network, aligned to careful selection of construction routes. And as Mr. Buffett pointed out, there's an Oct, uh, outlined construction traffic management plan that controls, monitors and enforces construction traffic movements.

00:27:43:11 - 00:27:56:17

So it's just questioning whether that second qualifying quality area applies to the the development, given the, um, the context of the proposals and the settings.

00:27:56:19 - 00:28:10:24

Let me I'm going to test the system here. I wonder whether it's possible to try and get. So this is national policy statement in one. Could we possibly try to share that. Apologies to colleagues because this is unplanned but.

00:28:14:09 - 00:28:17:15

Could I have an indication. Thank you.

00:28:21:21 - 00:28:25:24

While while that is, um, being found. Um.

00:28:29:27 - 00:29:02:05

There are many policy measures that don't relate to whether or not consent should be granted. So it's not only the policy measures that apply to whether or not consent that should be granted that I need to consider. A lot of the policy measures are in relation to, um, the provision of mitigation. So even though the recommendation may not hinge on them, the policy still has a a expectation that those policies will be met.

00:29:02:21 - 00:29:03:11

So.

00:29:05:24 - 00:29:14:05

It's I'm not just paying attention to the matters which hinge on refusal or granting of the consent. Yeah.

00:29:18:03 - 00:29:20:09

Thank you. Um,

00:29:21:26 - 00:29:25:17

which paragraph was the applicant just referring to?

00:29:27:24 - 00:29:32:02

It was five, 14, 21, sir.

00:29:36:10 - 00:29:38:21

Right. Let me just read that.

00:30:12:15 - 00:30:30:18

So my reading of five 1421 is that consent could be in fact, consent could be refused if there are unacceptable impact on highway safety. Residual. Residual. Let me read that more slowly.

00:30:32:12 - 00:31:11:10

The Secretary State should only consider refusing development on highways grounds if there would be an unacceptable impact on highways. Highway safety, residual cumulative impacts on the road network would be severe or and and you stress the or so my reading of that are are minded to read it in this way. I'm not going to be definitive on it at the moment. Um, is that the second part of that, the bit after the or if there hasn't been sufficient consideration to the provision of adequate active public or shared transport, that in itself could be grounds for refusal.

00:31:11:12 - 00:31:11:27

Peugeot.

00:31:13:01 - 00:31:20:24

So even if highway safety residual cumulative impacts are not severe.

00:31:24:11 - 00:31:34:21

The all means that the consideration given to provision of adequate active public or shared transport access and provision in itself could be grounds for refusal.

00:31:36:17 - 00:31:40:03

So I think I think it's. Does the applicant agree?

00:31:40:18 - 00:31:50:02

Sir, if I may, Patrick Robinson for buyback. I wonder if the those in control of the screen could just drop it down so we can see five 1418 to.

00:31:50:04 - 00:31:56:27

Oh, right. Exactly. It's a section. There we go. Oh, look, could we zoom in a little if possible, please? Just a little then.

00:31:56:29 - 00:32:13:09

If I can throw another consideration into the next. It's actually five 1419. It actually reads in a sort of, um, cascade. And five 1419 I think Engages the following two paragraphs or doesn't.

00:32:17:17 - 00:32:33:02

So five 1418 um, going to the Secretary of State to ensure that the applicant is considered enhancing active public and shared transport provision. Five 1419.

00:32:37:22 - 00:32:47:06

Relates to the mitigation of adverse impacts on transport networks. So that doesn't specifically talk to active public and shared transport.

00:32:49:25 - 00:33:21:26

So it doesn't. But it's it is where the proposed mitigation are insufficient to reduce transport impacts to acceptable levels. The Secretary of State should consider requirements as set out below. So I think the point Mr. Ross is taking us to is Everything rotates around the acceptability of the impacts if there if they have been mitigated. We're in one position, and I think you read all of those four sections in that light. If they're not, you're in a different position.

00:33:22:07 - 00:33:46:05

So I suspect our position is there isn't an interpretation of this policy that says, regardless of the acceptability of the impacts, if we haven't provided adequate active public or shared transport provision where contrary to policy, I think we would resist that. That is, only that position could only arise if there were unacceptable, unmitigated impact.

00:33:57:17 - 00:34:02:21

Okay, I think this needs to be read all very carefully. Um.

00:34:06:09 - 00:34:31:12

And I'm not going to commit to my position at the moment, I think. I am struck by the final phrase of 514, 18, and I will be looking closely at whether the applicant is sufficiently considered enhancing active public and shared transport provision and accessibility.

00:34:35:00 - 00:34:47:18

So has it clear that the applicant has given sufficient consideration to that? It's very clear that that, um, paragraph is very clear. Um, and

00:34:49:03 - 00:35:02:00

I think that clearly relates not just to, um, construction workers. I think that, um, appears to be more general to just construction workers.

00:35:06:06 - 00:35:13:17

I'm going to I'm going to leave five, 14, 19 and 20 at the moment. But the end of five, 14, 21.

00:35:16:08 - 00:35:23:12

I think reinforces the end of five, 14, 18, um, and actually strengthens it rather.

00:35:25:25 - 00:35:28:01

Clearly by saying that.

00:35:35:10 - 00:35:55:25

Consent. The Secretary of State could consider refusing development if consideration has not been given to the provision of those things. So I think it's um, so it's not saying whether or not additional facilities should be provided. It's saying that

00:35:57:17 - 00:35:59:29

it has to be clear that they've been considered.

00:36:02:11 - 00:36:03:14

May I make a comment?

00:36:04:03 - 00:36:06:24

Let me just, if I may. Sorry. Just, um.

00:36:07:24 - 00:36:23:18

So I wonder if it's worth me just briefly going through how we feel we meet that policy to us because some of these measures, they could be termed mitigation. They could be termed enhancement as well. So um,

00:36:25:16 - 00:36:53:08

so just very briefly so the temporary haul road from a transport perspective and non-motorised users is a key consideration in that, uh, that avoids the need for deliveries to use the local road network,

just providing two points of access, thus avoiding the settlements of Walton on Trent and Ross in turn.
Um,

00:36:54:25 - 00:37:40:00

the whole road itself has safe crossing points, uh, which eliminates Conflicts with users of the local road network. You mentioned earlier the public, uh, rights of way. Uh, and there's a robust management plan there, which means that the cross Britain Way will will remain open throughout construction. Um, and the, uh, outlying camp commits to, uh, a public rights of way, plan to minimise impacts on amenity and safeguard public rights of way users.

00:37:41:00 - 00:37:41:15

Um.

00:37:41:29 - 00:37:46:19

I certainly wouldn't say that as an enhancement that's maintaining existing facility.

00:37:46:22 - 00:38:09:02

Coming on to that, sir. So you you mention the new permissive footpath provision and that will be installed across the site to offer a new safe walking link from large square Eve in the south Of the site to Rossington and Walton on Trent via the Cross Britain Way. Um,

00:38:10:29 - 00:38:21:29

and of course, there's the measures that have been agreed in the TMP, which are most, most definitely, um, mitigation measures. But they all, uh.

00:38:24:05 - 00:38:40:12

They all, uh, add up, if you like, to ensure that there's not those, uh, significant severe impacts, uh, to non-motorized users or other users of the the highway network.

00:38:40:24 - 00:38:42:17

Okay. Thank you. Diane Abbott, please.

00:38:43:16 - 00:39:17:07

Um, so my comment and possibly it would be helpful if Staffordshire was here, Staffordshire County Council. Um, my son might be going to school in Burton. Uh, in the statement Hill area. Um, it's very busy in the mornings in that area. And I think the added transport and the HGV movements in that area, um, will make that even worse than it is today. Um, I'm aware that there's lots of houses at the Draken estate, and there is no provision for active travel for them to get into Bourton along that road that the HGVs will be using.

00:39:17:09 - 00:39:47:12

So that's very difficult and that's not enabling, um, children that live on that estate to go to their local school safely using active travel. Um, the schools in that area, they start as early as 8:00 and finishes late as 5:00. So I know the applicant proposed um, limiting their HGV, um, working hours, but they did not specify a time, a timeframe that makes it safer for pupils of those schools. So I think that needs to be considered.

00:39:47:27 - 00:39:48:12

Um.

00:39:50:10 - 00:40:22:09

And also and also something else, but and also at the moment, I can't walk on the road outside my house to get to the local village that's only a mile away. I can't take my son that way because there is

no provision for active travel. This site bounds that route there, having fences put in place, and they will have to be maintained adequately. So, you know, it's almost a win win if you put a route around the site where people actually live and get around the site.

00:40:22:11 - 00:41:00:07

So you made a similar comment at the open floor hearing last night about opportunities for footpaths along the edges of the proposed development. Um connecting um communities together could bring quite a significant local benefit. Um, I was quite struck by that, as you know, and having I've actually walked all of those roads as well as driven them, the walking was not particularly comfortable, I have to say. But um, so I feel that I have quite a good feel and you know, for the difference that type of provision would make.

00:41:00:18 - 00:41:31:22

I think we are very much at the mercy of the applicant on this one, because there isn't a I'm not aware of a definitive requirement to provide enhancement, but I do think it's it's an opportunity for the applicant to provide some additional community benefit. Um, so it's something I'm sure the applicant would want to consider carefully. Um, I think that and we're not just looking at the construction phase. We're looking at all phases.

00:41:31:24 - 00:41:50:29

We're looking for the 40 years of operation, which, you know, is a substantial period of time. Um, so could I pass this back to the applicant to. I'm only aware of the footpath, new footpath as being an enhancement. Um,

00:41:52:16 - 00:42:01:00

I question how valuable that is, seeing the start and end points of that, how valuable that is for communities. Um,

00:42:02:23 - 00:42:33:12

it does appear to, on the face of things, for there to be opportunities that may not be a significant cost. Um, but it's for the applicant, I think, to decide how it wants to progress these matters as an absolute minimum. Um, I would very much welcome a statement from the applicant clarifying how it is considered enhancing public and shared transport provisions, because the policy does clearly request that.

00:42:34:00 - 00:42:52:14

So if that could be set out for the next deadline, that would be very helpful. And if it's able to make any progress on other enhancement means there is time remaining to do that. But I think that's at the applicant's discretion. How it progresses those things. Is that is that reasonable?

00:42:53:12 - 00:42:58:11

So yes, Patrick Roberts will certainly take that away. You've made that clear for us. Thank you. Thank you.

00:43:04:03 - 00:43:05:04

Sir. May I just.

00:43:05:06 - 00:43:06:04

Add one point?

00:43:06:16 - 00:43:08:15

Just bear with me a moment, please.

00:44:04:03 - 00:44:05:12

Councillor Wilton. Thank you.

00:44:05:19 - 00:44:38:13

Thank you. If we could also just remember from last night the equestrian point. There are at least five liveries within a couple of hundred meters on the Grange Wood Road. Um, and it is very used and people have contacted me and asked with the questions that you raised and wanting the feedback. Can I, um, give out the insight? I don't think you'll have lot um, but the planning email because some of them weren't originally registered, so don't have any number.

00:44:38:15 - 00:44:43:16

Sure. You know, can I give that as a way for them to contact you?

00:44:43:21 - 00:45:21:21

So so I can accept submissions to the examination at my discretion, whether it's interested parties or not? Um, at the open floor hearing yesterday. Um, I can't remember the name of the person who was the unused and who's overseas. Um, so, um, and who's mentioned, uh, equestrian use. Um, overseas area in particular. But obviously I had knowledge of equestrian uses in the area, so, so I did, um, request last night for more information about equestrian uses in the area.

00:45:22:10 - 00:45:29:20

Um, so against that background, I do very much welcome other submissions, and. I'm sorry. Yeah. Thank you.

00:45:29:22 - 00:46:02:11

So. Um, no, thank you, sir, because I've been contacted by people that were watching on teams about the equestrian. Okay. Um, around Khotan. And I just wish to add, we've had terrific trouble because there is no footpath. Um, because it was never designed in by the county council from the current Draken estate, which is being built out very fast to where children go to secondary school in Steep Hill. So currently that road, which is where the four additional proposed Bess, that's their route in.

00:46:02:15 - 00:46:35:18

Plus, if the Bailey bridge is built out, that's their routine. Plus the 20,000 at bloodstock and two other events break up and build down. That's their routine. Um, and there is no. Currently people literally dice with death because there are no footpaths. There is no bus, there is no anything yet because it's being built out. And oddly, um, the head of planning can confirm because it's a 20 year old section 106, it's the sustainable travel is actually driven by Staffordshire County Council.

00:46:35:20 - 00:47:06:28

So I think there can be complications to to get things in place. So that road currently has children walking and although it will improve over time, there will never be a footpath and you daily see people walking that road to go to school and there are no shops on site, there are no residential amenities yet and they are, you know, some years away. So I do think I do, I'm afraid, disagree with the the mitigations.

00:47:07:00 - 00:47:19:20

There is nowhere to mitigate it. It's taken me 40 minutes the last two days to come, 6.1 miles, which I find astounding. But I do worry for the Walton Road. Thank you sir.

00:47:19:22 - 00:47:50:04

Thank you. I'm sure the applicant has heard the comments about a question uses and will factor that into its considerations. I would reiterate we are at the applicant's mercy and the applicant is inheriting a problematic situation as well. So I'm mindful of that. But there do seem to be opportunities for

enhancement that would make a lot of difference. So I very much look forward to seeing what the applicant Proposes. Um, so could I. Just one. Well, it's in my mind.

00:47:50:06 - 00:48:04:22

Sorry. The traffic management liaison group was mentioned. Um, is there any representation on that group that it would bring to the table the issues that we've just been talking through.

00:48:06:09 - 00:48:26:20

Mostly for free county councils? It is the intention to also include in that group the promoters of developments in the local area, including Drake Park. I'm pretty sure colleagues across the table confirm that that is the intention to. There are quite a number of developments taking place in the local area, and certainly so those promoters would be part of that that so liaison.

00:48:26:22 - 00:48:32:22

I'm also thinking of people with particular interests in active public and shared transport provisions.

00:48:33:01 - 00:48:44:11

Yes, sir. I think as I say we it's something work in progress really establishing that group and the terms of reference and the representations. So certainly something we could take away. Certainly, sir.

00:48:44:27 - 00:48:46:16

Councillor. Will. Tony, are you aware?

00:48:47:27 - 00:48:48:12

Um.

00:48:48:15 - 00:48:49:00

We.

00:48:49:02 - 00:48:52:14

What would what would be effective representation into that group?

00:48:52:19 - 00:49:24:13

We already, for example, have a bridge steer um, and Drake low steer meeting. Um which which is those slightly separate has worked very well. That was set up through planning. I mean, you could get people on this. The difficulty we have is when you come to the events, and I don't mean to be in any way disrespectful. Derbyshire County Council just say we mitigate it and then the roads are left stationary for 48 hours. So I do always welcome these types of meetings, but there is no funds.

00:49:24:15 - 00:49:43:29

There is nowhere to mitigate it. So, you know, I can always get people myself to volunteer to sit on these. But the difficulty you have is, you know, when we bring Derbyshire County Council to parish meetings with respect to the events, they just say it's mitigated?

00:49:44:01 - 00:49:48:10

Yeah. I don't want to get into this territory. I appreciate that. Um, I think, um.

00:49:49:26 - 00:50:06:21

I think it would be helpful if it could be considered for the Traffic Management Liaison Group. The remit of that group to include considerations of active public and shared transport provision. Does that seem reasonable?

00:50:08:07 - 00:50:16:00

If so, could he could the, um the description of that in the management plan reflect that please?

00:50:20:01 - 00:50:20:16

Uh.

00:50:20:20 - 00:50:23:03

So yes, we we can we can do that.

00:50:23:05 - 00:50:23:29

Yeah. Okay.

00:50:24:08 - 00:50:27:06

So what I would say is, uh.

00:50:27:22 - 00:50:41:10

Paragraph 6.4 of the Act amp, um, does make provision for parish councils and interested parties to feed in a traffic management group.

00:50:41:26 - 00:51:03:13

If if the if the enhancement of active public and shared transport provision could be specifically identified, then that will give me some confidence that it will be included on the agenda, if you like, of that group. It would be very tempting for those sorts of things not to be on the agenda.

00:51:08:16 - 00:51:14:20

So if the TMP could specifically identify that, I think that would be helpful, if that's agreeable.

00:51:50:00 - 00:51:52:03

Sorry. Sounds too obvious. Please.

00:51:53:07 - 00:52:32:00

Thanks. I'll be very brief. It was really just to reflect back on the discussion that we've just had, um, from the, uh, District council's point of view. I think reading the, um, the guidance, uh, the policy alongside you, I think it it would be our view that it is necessary for the applicant to show how they've considered, um, the provision of, uh, active travel, um, and without taking you through different bits of the, um. The policy also does say the applicant should also provide details of proposed measures to improve access by active, public and shared transport.

00:52:32:06 - 00:52:42:26

That's at parallel five point 14.7. Um, and um, I think obviously recognizing that most of, um,

00:52:44:12 - 00:52:52:22

most of what was referred to by the applicants were clearly mitigations rather than enhancements. I think it's important for you, sir, to have that information.

00:52:52:29 - 00:53:00:10

Thank you. Thank you. That's helpful. Thank you. Okay, let's move on from that topic. Um.

00:53:02:20 - 00:53:06:05

Item seven E um.

00:53:08:13 - 00:53:11:06

Excuse me, sir, I just want.

00:53:11:08 - 00:53:11:23

Please.

00:53:11:25 - 00:53:12:18

Yes, please. Yeah.

00:53:12:20 - 00:53:41:27

It's back to the, um, construction transport plan I noticed in the documents, and I haven't got the references, but different times of day was specified as the for the schools. No. Not schools. Okay. No, um, I think it was Saturday working, and I think it was. Does it finish at 12 or does it finish at two or something like that. There were discrepancies between different areas of the documentation, and I'm sorry I didn't write it down, but, um, there's definite that needs checking.

00:53:42:00 - 00:53:47:09

Thank you for highlighting that. I'm sure the applicant has heard and will check, as will I, in fact.

00:53:55:09 - 00:53:57:18

Sir, could I just clarify that point?

00:54:00:16 - 00:54:01:06

Please? Yeah.

00:54:01:19 - 00:54:39:09

Ashley Mckinnis, um, on behalf of the applicant, we we have undertaken, um, to make those changes already in the updated TMP, so the construction hours will be consistent for I think there was potentially a difference in the CMP and another document. So we have checked that and we'll ensure that that information is correct. And just on the um school times that you mentioned earlier as well, we have engaged to the statement of Common ground to, um, a measure to ensure that appropriate school opening and closing times are factored in.

00:54:40:00 - 00:54:58:13

The advice we had from um representatives from some of the counselors was certain schools have different start and end times, so we're trying to figure out a mechanism to ensure that that was appropriate. So I think maybe Andrew can clarify that further. But that piece of work is underway.

00:55:01:03 - 00:55:02:28

Thank you very much.

00:55:04:22 - 00:55:08:19

Okay. Let's, um move on. Sorry. Bear with me a moment.

00:55:33:07 - 00:55:34:23

I to me, um.

00:55:37:03 - 00:55:49:26

There have been exchanges around these works, um, which the applicant said weren't required previously. Um, and, um.

00:55:52:15 - 00:55:57:08

However, ASC one remains on schedule eight of the DCO.

00:55:59:08 - 00:56:00:29

Um, should that be removed?

00:56:03:19 - 00:56:30:27

So Patrick Robinson for, uh. Yes. Um, we are trying to do this tidying up. We we think it. Yes, it comes out of schedule eight. Um, but, uh, the same area is also plot 358. Um, and, uh, we propose that does remain, um, subject to article nine. Uh.

00:56:32:18 - 00:56:39:17

And article ten powers to improve accesses. So, um, uh,

00:56:41:02 - 00:56:44:04

eight is, um, I believe, temporary position, isn't it? Um.

00:56:45:25 - 00:56:50:06

We'll, we'll we'll come on to the land rights issues quite this afternoon, if we may.

00:56:50:08 - 00:57:01:29

That's it. So it's, um, the AC one reference in schedule eight we don't think is there, but the improvement of the potential need to improve accesses, which is still relevant to that.

00:57:02:04 - 00:57:13:11

Okay. Well, we'll deal with that this afternoon if we make. That's a temporary possession land rights type issue. For the purposes of this hearing, AC one will be removed from schedule eight. From schedule. Correct? Yes.

00:57:22:07 - 00:57:23:23

Thank you. Um.

00:57:31:12 - 00:57:32:09

Item F.

00:57:59:15 - 00:58:11:08

There was a. I raised a question that in the second set of questions in relation to, um, articles nine and ten of the DCO, um.

00:58:16:20 - 00:58:19:25

The applicant had previously said that it expects

00:58:21:16 - 00:59:00:19

to come to council, said they expected the applicant to fully engage with the housing authority to assure that any proposed temporary or permanent Alterations to the road layout or structure acceptable in terms of highway safety and for the long term future maintenance and maintenance of the highway. Um, the applicant responded to um, my question at deadline for um, which I'm not proposing to go through in detail. Um, does Derbyshire County Council have any remaining concerns or any concerns about articles nine and ten? Um, of the DCO?

00:59:01:21 - 00:59:19:27

Uh, Steve. Preferred option, County counsel, sir? No, I think that was particular issues you mentioned there. We think they can be sort of covered through our requirements. Five and ten. I think we'll give this more consideration and some that will be further details at deadline five, but no particular concerns at this time. Thank you.

00:59:32:07 - 00:59:40:13

1970. Any other matters in relation to traffic and transport that anyone would like to raise, please?

00:59:42:02 - 00:59:49:22

No. Thank you. Um. Let's. If we could show the agenda again, please. Thank you. We are on the agenda.

00:59:53:04 - 01:00:03:21

The mind reading is working brilliantly. Um, so let's move on. I think straight to item eight, and we'll have a short break after item eight.

01:00:04:03 - 01:00:08:05

So, if I may, Patrick Sabovic, we just do a quick change of personnel as we're doing that.

01:00:08:07 - 01:00:08:24

Thank you.

01:01:14:07 - 01:01:15:03

Are we ready to?

01:01:17:03 - 01:01:17:18

Yeah.

01:01:24:19 - 01:01:30:10

I think we start. So the heritage is just a way for a second. But we're not on heritage okay.

01:01:34:04 - 01:02:07:17

Right. So item A, um, the councils by which I mean Derbyshire county councils in South Derbyshire District Council, um, had previously raised concerns about, um, their resources, um, to enable consideration of submissions, approvals and monitoring as necessary. Um mention had been made of, uh, discussions with the applicant and the drafting of a planning performance agreement, um, as a mechanism to, um, deal with those concerns.

01:02:07:28 - 01:02:18:24

Um, could the councils give an update on the progress and, um, any concerns that they continue to hold, please?

01:02:21:21 - 01:03:06:21

Thank you. sir. Um, yes. I'm not aware that there's been any significant progress on this, um, matter specifically. Um, as I say, other than, um, some previous discussions around, uh, the potential for a planning performance agreement. Um, I don't think that went particularly, um, much further than those initial discussions. Obviously, the issue for, um, both Derbyshire County Council and South Derbyshire specifically, obviously South Derbyshire, it's a it's a um, it's a fairly, uh, normal district authority in that, um, you know, typically it doesn't have a huge, uh, internal resource.

01:03:06:24 - 01:03:36:27

Um, this is obviously a significant, um, project. And by its very nature that will involve, um, a great deal of work on the part of, um, both the district council and the county council, both in terms of, um, dealing with the necessary future submissions, um, approvals and the monitoring required for mitigation. And that has a significant resource burden on a small, relatively small authority. Um.

01:03:39:17 - 01:04:14:12

As you'll have seen from the last few days and the responses to, um, the application so far, sir, um, the council has had to bring in additional resource and expertise that it doesn't hold within the authority itself. Um, whether that be to look at glints and glare or transport matters, etc.. Um, that's obviously something that's essential for it to do, to give the comfort and the confidence to, um, both, uh, members and to the community that it has properly scrutinised.

01:04:14:20 - 01:04:51:05

Um, those the evidence that that forms part of the application. So, um, I suppose Ongoing, uh, the concern of the authorities is that, um, there will be a mechanism in place to sufficiently support the resourcing of that, um, of those submissions and that ongoing, um, monitoring, mitigation and, uh, enforcement as necessary. Um, obviously, it's something that, again, the authority doesn't have a huge amount of experience with in terms of nationally significant infrastructure projects.

01:04:51:21 - 01:05:26:20

Um, we understand that, um, deed of obligation under the Localism Act, um, is a potential mechanism similar to a section 106 agreement, um, to enable the authorities to secure um, financial contributions, um, and that that, um, can be used for monitoring and enforcement purposes as well in terms of those obligations. So through you, sir, um, it's really to explore the potential for, um, a deed of obligation.

01:05:27:00 - 01:05:34:09

Um, and how that might be, uh, embedded within the DCO, um, going forward.

01:05:36:10 - 01:05:37:03

Thank you.

01:05:42:29 - 01:05:44:22

So obviously, it's, um.

01:05:47:12 - 01:06:08:19

Not a surprising position, given the nature of national infrastructure projects. Um, and, um, the reason I'm here today, the reason the regime is set up is, is to recognise, um, the differences that those types of projects and the different challenges they bring. Um.

01:06:11:28 - 01:06:25:02

It's no surprise that the district council doesn't have the expert resources necessary to deal with such a such a development. Um, so very much recognize those issues. Um,

01:06:26:28 - 01:06:56:17

it's also important to have comfort that mitigations will be properly managed. Um, and the role of the, um, South Derbyshire in particular, as the consenting authority is absolutely key to the successful, um, operation of the DCO. So it is it is key to ensure that that role can be fulfilled appropriately. Um.

01:06:58:28 - 01:07:16:20

I think it would be helpful to have some very firm undertakings around this, um, before the examination is completed, if possible, rather than it being something that's passed to the Secretary of State to consider. Um.

01:07:20:23 - 01:07:23:19

Could the applicant respond, please, sir? Sorry if I'm sorry.

01:07:24:01 - 01:07:59:02

Sorry if I might just add to that. Um, as I say, the discussion, um, there has been some brief discussion, as I understand it, around the potential for a planning performance agreement. Um, which,

um, clearly is a is a mechanism that can be used to, um, agree. Um, a way of working between parties and, um, can obviously be resourced in itself. I suppose the concern of the district authority is that a planning performance agreement is, um, you know, with the best will in the world, a gentleman's agreement.

01:07:59:04 - 01:08:14:03

It's not an enforceable mechanism. Um, going forward. And I think it's important for the authorities to have that level of certainty, um, in terms of resource provision. So sorry, just to add, please.

01:08:14:05 - 01:08:17:12

No thank you. It's important. It's important that

01:08:19:01 - 01:08:52:08

there is absolute clarity on what will be provided. And, you know, I think we have an opportunity here to secure something appropriate. Um, I'd like to hear. Planning performance agreements are obviously it's well and they're well understood generally. Um, they often work very successfully. Um, on other national infrastructure projects as well. Was, was seeing more and more use of planning performance agreements. Um, what are the applicant's thoughts, please?

01:08:53:04 - 01:08:54:01

Yes. Thank you, said.

01:08:54:03 - 01:08:54:25

David Harvey.

01:08:54:27 - 01:09:01:20

Day planning for the applicant. So I think the first comment I'd make is we recognised the applicant recognises.

01:09:01:22 - 01:09:02:07

Here the.

01:09:02:09 - 01:09:07:12

Burden that's placed on authorities by this process. Um, both the process.

01:09:07:14 - 01:09:10:04

Of engagement prior to the application.

01:09:10:27 - 01:09:12:14

Dealing with the application itself and.

01:09:12:16 - 01:09:14:12

Then what follows after.

01:09:14:14 - 01:09:44:02

I think for context here, the applicant has offered a PPA during the preparation of this application. One wasn't required ultimately because the authorities sought funding and secured funding from elsewhere, which the applicant has appreciated. But that commitment to ensuring that the process is properly resourced remains from the applicant. I think, as the councils have said, the way that's been proposed at the moment is a planning performance agreement.

01:09:44:04 - 01:09:45:00

And I.

01:09:45:02 - 01:09:54:19

Echo the comments you've just made. That is a mechanism which we feel works well in these situations, but it is one where at the moment perhaps doesn't provide the formal commitment.

01:09:54:29 - 01:09:56:08

You've just mentioned to the.

01:09:56:10 - 01:09:57:00

Application, so I.

01:09:57:02 - 01:09:59:17

Think so if we can take this away, having.

01:09:59:19 - 01:10:01:12

Heard what we've just heard today.

01:10:01:21 - 01:10:09:23

And look at what other cases have done, and look at how we can achieve that hope that gives you the comfort that we are working for this end.

01:10:10:15 - 01:10:26:11

And it may be something that falls outside the DCO. It may be a side agreement between the applicant and the councils. Um, that may indeed be the most appropriate way forwards, but it would, um, I think, be very helpful to have sight of,

01:10:28:09 - 01:10:48:21

um, firmness of that before the end of the examination, if possible, for that to be shared with us with the examination. Um, it is, yeah. It is key to the DCO being functioning in the way that it's intended to.

01:10:52:02 - 01:10:52:22

Okay.

01:10:56:11 - 01:11:08:02

Would that potentially satisfy the councils if there is a separate agreement between them and the applicant that provides firm.

01:11:09:26 - 01:11:16:12

provisions for support through a planning performance agreement. That sounds like a potential way forward.

01:11:17:19 - 01:11:48:21

Um, I think so. Um, it probably does. Um, in terms of, um, obviously it being a binding agreement, um, that the authorities can, um, rely upon, I think, um, we would also want to, um, explore the sort of the precise mechanisms and mechanics of how that relates to the DCO and whether it's a separate, um, legal agreement or whether it forms part of, um, the DCO.

01:11:48:23 - 01:11:57:22

But we that's something that obviously we can explore on our side. But, um, that would a thing go a long way to, um, alleviating some of those concerns. So thank.

01:11:57:24 - 01:12:10:16

You. And yeah, it's important that it's a firm commitment. That's that's key isn't it. It's it gets it's not a gentleman's agreement. It's a firm commitment. Yeah. Okay. Um.

01:12:58:10 - 01:13:22:08

Okay. Item eight b um, a statement of common ground between the applicant and Heritage England was submitted at. Deadline for um. The statement of Common ground doesn't deal with archaeology which um has been discussed um during the examination. Um

01:13:23:23 - 01:13:33:12

should that statement. Can I I'll turn to South Derbyshire for me. Would South Derbyshire like to see

01:13:34:28 - 01:13:46:06

Heritage England's position on archaeology included and recorded in that? Or is it happy to make representations continue to make its representations?

01:13:49:18 - 01:13:53:10

So it's the county archaeologist is the county archaeologist. I'm sorry.

01:13:56:01 - 01:14:12:09

I didn't see that statement on the ground. Would be very useful to us, sir. Um, so we are, uh, uh, making comments on archaeological matters on behalf both of the councils at the moment. And so I think that would certainly be helpful to us, I think. Yeah.

01:14:13:03 - 01:14:28:12

I think it's that. Could the applicant give a view on that? It was known to archaeology is one of the particular areas that we're grappling with around, um, heritage matters. And it it doesn't appear in the statement of common ground at all.

01:14:29:23 - 01:14:36:18

Thank you sir. Sorry. Um, Melissa Conway Luke. Historic environment. Uh, acting on behalf of the applicant.

01:14:37:02 - 01:14:41:19

Um, we did cover archaeology in the draft statement of common Ground.

01:14:41:21 - 01:14:43:03

If I missed it, I apologize.

01:14:43:05 - 01:15:18:06

No, no. Um. There's a reason that you. That you missed it. So it was in the draft, one we shared with Historic England, and it was taken out at their request. Okay. And that is because there are no archaeological assets within within Historic England's remit, which we currently predict effects upon within the s and the assessments there. So there is effectively no role for them to speak on archaeology within that. And it's our understanding that archaeology should be just covered in the statement of common ground with Derbyshire and South Derbyshire.

01:15:18:27 - 01:15:26:14

In which case could the statement that there is nothing in their remit be included in the statement of Common Ground? Yes, please.

01:15:26:16 - 01:15:28:19

We'll seek to add that in an update.

01:15:57:04 - 01:16:10:04

Um. Item eight see the statement of Common ground, um sets out, um, some matters that weren't agreed between the applicant and um.

01:16:12:21 - 01:16:15:06

And Heritage England. Um.

01:16:19:11 - 01:16:51:15

So if I'll just quote from the relevant part. So not agreed, the proposal will cause harm due to the change in setting of the heritage assets due to the nature of the development with metal security, fencing, lighting and CCTV. There is potential for further landscape mitigation to be introduced to reduce the harm caused by these features in an overtly rural and agricultural landscape. We, being Heritage England, have highlighted the assets of most concern and the possible mitigation measures methods.

01:16:51:17 - 01:17:01:14

Excuse me for these assets. It is up to the applicant to consider whether they are suitably addressed these or if increased mitigation can be provided. So, um.

01:17:04:18 - 01:17:25:10

Heritage England had made some suggestions about further mitigation that the applicant hasn't adopted. There's no visibility to the examination of what those suggestions were, um, or the applicant's reasoning for not including them, um, not securing them. So, um.

01:17:27:16 - 01:17:34:18

Can I suggest it would be helpful for the applicant to share that information with the examination? Um.

01:17:37:22 - 01:17:49:25

Even if they're not secured and the applicant doesn't feel that they're necessary, I think it would be very helpful to understand the detail of those discussions, particularly as they're referred to in the statement of common ground.

01:17:54:13 - 01:17:59:24

Thank you, sir. We have some context to add on Matt, if I may. Um.

01:18:02:01 - 01:18:32:06

Historic England initially raised some concerns about a wide range of assets, which are referred to in the statement of common Ground on page ten. Um, it transpired fairly early on that they hadn't seen some of the information submitted as part of the. Yes. So we supplied them the screen Z TV, which we included in an update, uh, to the iOS chapter figures and uh, the Historic Environment Assessment appendix 7.1 at deadline one.

01:18:32:13 - 01:18:45:15

Um, and then they then undertook their own site visit to further assess based on that information. After that, they highlighted that they still had some concerns around measures such as the security fencing and the ones you've just just described.

01:18:47:12 - 01:19:16:06

But we think having reviewed those, it's possible that they may have misunderstood how extensive those measures are. Um, so just to briefly talk about how extensive they are, um, the majority of fencing around the proposed development would be defensive. So wide wire mesh on wooden posts,

the security fencing and lighting will only be around the substation and best compound within the center of the site.

01:19:18:22 - 01:19:51:00

The that fencing will be either in existing hedgerows or will have hedges planted to eventually screen them. And owing to the height of the panel arrays adjacent to the compound, the the fencing won't really be visible from much distance away from the immediate compound vicinity. Um, the compound lighting. So the lighting is only on the compound. It's motion sensitive and would only be triggered by motion and not not constantly on through the hours of darkness.

01:19:51:02 - 01:19:51:18

So

01:19:53:10 - 01:20:17:26

these measures aren't so these. The lighting and the camera. The. Sorry, the fencing is not actually visible in combination with or from the assets mentioned by Historic England. Um, there will be a bit of mesh fencing around the entrance on Coton Road. Um, that's going to essentially be temporary as the hedges that are planted there grow up. Um.

01:20:20:15 - 01:20:44:26

But essentially it seems based on that, that, ah, those measures would not be visible in combination with any of the assets historically expressed concern about. We've gone back to them and ask them what specific assets they are still concerned about and where they see applying these measures as appropriate. But we've not had any more detail on that. So.

01:20:47:13 - 01:21:18:16

Again, with the CCTV, I think they're imagining something that's more extensive than what will be deployed because its dome cameras on on posts around the perimeter rather than, you know, the sort of big ones jutting out on arms and being very, very obtrusive. Um, so that's why we're not proposing additional mitigation, because as we understand it and as, as our assessments have indicated, there should not be any effect arising from these measures.

01:21:20:08 - 01:21:21:08

Thank you. And.

01:21:23:19 - 01:21:43:09

The position that I'm in is that Heritage England are not engaging with the examination at the moment. I'm quite relaxed about that, provided that there is sight of their position. And the statement of common ground is a very useful mechanism to provide that. Um.

01:21:46:12 - 01:22:20:28

But it does rather rely on the detail being provided in the statement of common ground about the latest position. It sounds like there's some very useful, ongoing discussions with Heritage England, which may indeed result in the not agreed being resolved being agreed. I don't know, but, um, it's certainly sounds as if there's some potential to develop move that forwards. Um, I think it would be very helpful for the statement of common ground. I'd encourage the applicant to continue to try to seek agreement with Historic England.

01:22:21:23 - 01:22:45:25

Um, and I would encourage it to really be transparent about exactly what has been agreed, what hasn't been agreed. What Heritage England have suggested that has been discounted to include that sort of detail? Because this is the only mechanism I have, and the Secretary State will have to understand Heritage England's position at the moment. Um.

01:22:48:24 - 01:23:00:07

If we can get that clarity in here, it will help to avoid any need for the Secretary of State to consult with Heritage England at a later date. So.

01:23:02:07 - 01:23:07:22

If we can get as much transparency as possible, as much progress as possible, in simple terms, we will.

01:23:07:24 - 01:23:09:16

Seek to get that from them. Thank you.

01:24:08:20 - 01:24:10:17

Thank you sir. Item eight de

01:24:12:09 - 01:24:12:24

um.

01:24:18:27 - 01:24:36:25

Do the councils have any concerns that the, um. The mitigation measures for micro cycling have been updated in the outline camp? Um, do the councils have any remaining any concerns about the mitigation that's secured?

01:24:39:18 - 01:24:44:28

Steve Derbyshire County Council said I confirm we've got no further concerns that we'd like to highlight on that.

01:24:45:00 - 01:24:49:00

Thank you. Item e um.

01:24:56:22 - 01:25:28:03

Uh, Derbyshire County Council is being at deadline for. Um have noted that the nature of site preparation work has the potential to harm below ground archaeological remains, and consider it essential that the initial phase of the archaeological work, the agreement of the written scheme of investigation, the on site evaluation trenching is carried out um first before any other intrusive groundworks. Um, there are there is some precedent in recent orders.

01:25:28:05 - 01:26:05:09

So the Cottam solar project made order. Um has provisions for additional trial trenching to be submitted and approved. Um and then um In the written scheme of investigation to be updated following additional trial trenching. Um in the case of Cottam Solar project. Um, the timing for this was that the authorized development may not commence until in the case here.

01:26:05:11 - 01:26:27:19

I think we're in the territory of additional trial trenching and written scheme of investigation updates. Being before site preparation works because of the potential concerns about potential harm during the site preparation work. So that's my reading of the Derbyshire position. Yes.

01:26:27:21 - 01:26:36:20

Essentially, sir, I think through previous developed consent, it's an issue that's occurred. So yeah. Yeah, it's about the the investigation prior to site preparation works. Really.

01:26:36:22 - 01:26:54:04

Yeah, yeah. Okay. So um, could the applicant comment? There seems to be precedent that could be built on, but with the slight refinement to the measures being provided before the site preparation works.

01:26:54:22 - 01:27:32:29

Thank you sir. We have already proposed an updated wording to the DCO which covers undertaking archaeological works ahead of site. Those relevant bits of site preparation that could give rise to the effects. Um. Just want to add a little bit of context on this, because we have a slight concern that maybe some of the consultation we undertook with DCC about the timing and nature of works possibly didn't make it into the local impact report. So, um, and also how well Malham and Cottam parallel the situation we have at Oaklands.

01:27:33:01 - 01:27:39:12

So if you don't mind, I'll start with that parallel first. Um, so

01:27:41:00 - 01:28:14:15

with Oaklands, we are in a very different situation regarding archaeological potential to proceed at Mallard and Cotton. On those schemes. There was a clear knowledge early in the life of the scheme that there would be that there were complex multi period archaeological assets out there and the potential for more, as yet unrecorded ones of a very similar character and complexity. Um, they included assets that could be very easily be of high importance. So later prehistoric to Roman settlement and funerary activities.

01:28:14:20 - 01:29:04:23

And both sites deployed extensive programs of evaluation in the form of geophysical survey and trial trenching to characterize that resource, so that an appropriate scheme of works could be developed. Um, and that echoes reflect that. Um, with Oaklands, we are in an area of relatively high archaeological activity, but that's mainly concentrated on the floor of the Trump Valley. So when we started looking at Oaklands, it looked like it was essentially a blank area, which was why we've deployed geophysical survey to understand if that is an actual blank or just reflects a lack of investigation of the site, because traditionally the intent, the archaeological activity has focused on the valley floor, but it's been driven by gravel extraction.

01:29:05:21 - 01:29:40:21

Um, our geophysical survey did pick up very few anomalies, likely to be archaeological in nature. And owing to changes in the site boundary, only one of those which it looks to be a relatively straightforward ditch actually came up on the on the survey. Um, so we see our situation and as far as we understood, um, Steve Baker, Derbyshire saw a very similar picture to us was that our site is unlikely to contain archaeological assets which are extensive or of high importance.

01:29:41:00 - 01:30:13:16

Um, so that's why and that consultation is documented in the table 7.1 in Aria's chapter. Um, that's why we didn't agree a scope of trial trenching at that point with, um, the DCC archaeologist. Um, because we need to discuss what is an appropriate method to characterize and understand what features may still be there. Um, and, you know, whether the geophysical survey is reflecting a true picture of the archaeological assets that are there.

01:30:14:19 - 01:31:03:00

Um, we have the opportunity to use other evaluation techniques and other research. Um, so we could undertake detailed analysis of historic aerial photography, which was not possible at the time. We did our baseline assessments because of restrictions due to Covid. Um, and we could deploy other geophysical survey techniques to look at the areas of the site where we have an increased magnetic response which could be masking archaeological remains. I think what concerns me, what concerns me at the moment, would be that writing in a specific scope of trial trenching into the DCO could

commit us, could partly shortcut that process of further consultation with Derby, Derbyshire, sorry, and potentially committing us to a programme of fieldwork which might be more extensive than is required.

01:31:03:02 - 01:31:34:00

So I think our preference would be to have the wording as it is. So we have reference to the PSI needing to be completed in time for those site preparation works sort of completed and agreed, um, that have the potential to disturb archaeology and undertake the further consultation we need to do with Derbyshire to actually refine that, see to something that's realistic and achievable, and building appropriate review points as those bits of further evaluation and research are completed.

01:31:34:22 - 01:31:38:00

Thank you for that clarification. And, um.

01:31:40:08 - 01:32:11:12

I can understand the comments about Oaklands being different to the other cases. So we need to be specific to what's appropriate for Oakland's farm. So, um, that point was clearly made. Um, the quotation I gave earlier, though, was from a recent was from a deadline for submission from the council, and I believe it would it have been written by the county archaeologist. So, um, a deadline for, um, the county archaeologist was of the clear view that, um.

01:32:13:16 - 01:32:50:01

It is essential that the initial phase of the archaeological work agreement of the WSI on site evaluation, trenching is carried out first and before any other intrusive groundworks. So that so that's what's before me from the archaeologist at this stage, which is different to the approach you've set out. And it may well be that your approach is, it makes sense that other forms of evaluation, non-intrusive evaluation, might be preferable and might be appropriate, but it seems as though there might be some distance, some things to resolve between the applicant and the county archaeologist on this.

01:32:50:25 - 01:33:26:05

Um, so, um, rather than put Derbyshire on the spot at the moment, I think it would be appropriate to continue those discussions to see whether a way forward can be agreed. Um, I would be anxious to secure measures within the DCO in this respect. Um, it would need to be worded appropriately so that it doesn't give a, um, inappropriate, um, commitment to trenching, if that indeed isn't the way forward.

01:33:26:21 - 01:33:53:22

Um, it may be that some of the other survey methods could be included in the wording on the face of the DCO. SEO. Um, but I think it's, um, given the president of these these areas being covered on other decoders, I think we need to, um, include any archaeological investigation work to see the timing of those things within the DCO. Does that does that appear sensible to the applicant?

01:33:54:00 - 01:34:24:07

Thank you sir. I think what I'd like to do, is it still Steve Baker? Marvellous. So, um, get in touch with Steve after today's hearing and check why his position might have changed and where we are now, and run through the options we have, but certainly seek to reflect that. As I understand it, I think the wording we have in the DCO allows for archaeological work to be in and covered by the WC, so we'll need to just check the wording and see if we think that there are any updates required to that. But yeah.

01:34:24:09 - 01:34:58:29

So it's from my point of it's understanding also what additional survey work is required to inform the WSI and the timing of those things. Um, I am quite taken by the comments of potential disturbance to archaeological archaeology during the site preparation works because those doing include invasive

works. So that that feels to me quite compelling. So there needs to be consideration of archaeological mitigation before then. Um, so if I could leave it in the applicant's hands, if that's acceptable.

01:34:59:01 - 01:34:59:16

Yeah.

01:34:59:18 - 01:35:00:27

Yes, I suppose so. You'll take that forward.

01:35:01:00 - 01:35:11:19

Thank you. Yeah. And, um, you know, to seek agreements as quickly as possible. And if, if the agreement could go as far as agreeing the wording in the DCO, that would be very helpful.

01:35:12:16 - 01:35:16:00

Thank you. Will engage Derbyshire further on that and provide an update.

01:35:16:07 - 01:35:16:25

Thank you.

01:36:42:29 - 01:36:50:00

Um, thank you sir. Item F, uh, we're moving on to, um, noise from piling. Um.

01:36:53:10 - 01:36:55:06

South Derbyshire. Um.

01:36:58:07 - 01:37:16:07

Had highlighted noise from piling during construction as being likely to be the most significant noise impact. Um, the applicant has referred to mitigation in paragraph 2.2.3 of the outline. Kempe. Um.

01:37:18:14 - 01:37:30:03

Which was updated to South Derbyshire District Council in South Derbyshire District Council content with the measures that are now secured in the Outland camp, please.

01:37:32:00 - 01:37:59:05

Thank you sir. Yeah. The, um, the outline cam, the, um, and the the noise mitigation proposed has been reviewed, um, internally by the environmental health, um, and, um, that their, uh, their position is that they're content with, um, the mitigation um, proposed, um, and the, the, um, the assessment that's been undertaken to support that.

01:37:59:20 - 01:38:00:05

Okay.

01:38:12:09 - 01:38:14:05

Thank you. Item. Um.

01:38:18:06 - 01:38:18:26

H

01:38:21:24 - 01:38:42:00

excuse me, sir? Um, please. Yes, Unfortunately. Um. Item 10.2, I think it's question 10.2, which was my, uh, comment about, uh, it's not it's not in the latest questions, but it was my comment about how the applicants had set the baselines for the movies. And I'd like to revisit that, please, if I'm not.

01:38:42:04 - 01:38:53:20

Yeah, I'm looking to take that in writing. So there are some quite detailed technical matters in there. So I'm content. I prefer, in fact, for that to be dealt with in writing. So I'm expecting that.

01:38:57:21 - 01:38:59:23

And I'm concerned.

01:38:59:25 - 01:39:01:02

That I am aware of the matters you've.

01:39:01:04 - 01:39:12:19

Raised. Yeah I'm concerned that South Davis District Council have not been able to read my information and and get to the bottom of the technical concerns I've raised there, and I like to work with them.

01:39:13:00 - 01:39:19:19

That okay. Are you aware of the comments that have been made? Yes, sir.

01:39:19:21 - 01:39:49:17

Yeah. Um, this is Abbott and I spoke yesterday evening, um, about, her particular concerns, which I recognise and understand. Um, as you say, they are. Um, perhaps technical, um, matters. Um, and I'm, I'm sure that we can obviously ask the, um. Environmental health experts to review those comments and see if there is anything, um, within that, that, um, we need to draw your attention to it. Thank you. Deadline five ourselves. So.

01:39:49:19 - 01:39:50:04

Yeah.

01:39:50:06 - 01:39:51:17

Thank you, thank you, thank.

01:39:51:19 - 01:39:53:11

That was helpful. Thank you.

01:40:08:07 - 01:40:10:18

Let's move on to item H. So, um.

01:40:10:26 - 01:40:20:24

Sir, if I may, Patrick, can I just check, please? Um, did we deal with both F and G with your your question to the council, I we might have done, but.

01:40:21:08 - 01:40:22:04

Yes, I believe so.

01:40:22:06 - 01:40:26:02

So as long as you're happy we did that. That's. That's fine.

01:40:26:07 - 01:40:27:12

Yes, I believe so. Yeah.

01:40:27:29 - 01:40:30:03

They were both about the outline.

01:40:30:14 - 01:40:52:19

Well, well, actually, thank you for the prompt. So. Um, so just to clarify, so South Derbyshire just said that they were content with the mitigation proposed in the assessment undertaken not just in relation to parking but in relation to noise overall. Is that correct interpretation. Mm.

01:40:53:17 - 01:41:23:02

Yes, sir. And I, I sort of assumed I was speaking to, to both items if you like. Um, as, as I say, it's been highlighted to me that um, there is concern about, um, the uh, operational levels, um, if you like, in the context of this being a particularly quiet environment currently. Um, and that's obviously something that we'll look at through the, um, discussions with Mrs. Abbott.

01:41:23:08 - 01:41:27:15

Okay, fine. That's fine. Thank you for highlighting that.

01:41:29:00 - 01:41:31:04

Let's move on to item H, then. Um.

01:41:34:15 - 01:41:43:08

This is really to try and close out that there haven't been any submission from East Staffordshire Borough Council around. Um.

01:41:46:02 - 01:41:51:12

Potential impacts on the air quality management areas. Um.

01:41:53:15 - 01:42:04:00

That council hadn't responded to questions that I raised at um in the first set of questions. Um,

01:42:05:21 - 01:42:20:27

the applicant suggested that it would assist in seeking a response from the council to those questions and would be able to provide an updated deadline. I realize we're not at deadline five yet, but does that remain the aim?

01:42:21:16 - 01:42:33:23

Yes, sir. David Harvey, the applicant. Yes, we're engaging with Staffordshire. We haven't had a response as yet. And we'll provide an update to deadline five regardless, but we'll continue to pursue them.

01:42:34:17 - 01:42:43:21

Yeah. What would be particularly helpful is to have something from them that sets out, confirms their position, because again, there isn't a statement of common ground with them.

01:42:43:23 - 01:42:45:24

So we'll continue to do that, sir.

01:42:45:26 - 01:42:47:11

Yeah. Thank you.

01:43:00:19 - 01:43:09:10

Item AI um cumulative projects, cumulative impacts. There's been quite, quite a lot of um.

01:43:11:10 - 01:43:16:21

Submission on this, including from um Councillor Walton. Um,

01:43:18:07 - 01:43:49:00

A large number of projects being mentioned that weren't referenced in certainly in the application documents, some of which have probably come to light since the application was made. Um, uh, the applicant, um, has stated that, um, it is seeking to, um, agree with the councils on how the cumulative impacts should be dealt with. Can the applicant give an update, please?

01:43:49:21 - 01:44:01:00

So I believe we have Jennifer Rae on teams. Apologies can be here today but I see JR icon I now see a person behind the JR icon uh who's going to address that.

01:44:01:08 - 01:44:01:24

Thank you.

01:44:02:13 - 01:44:07:25

Thank you. Yes Jennifer from Lucy. Um, on behalf of the applicant, can you hear me? Okay. Over teams.

01:44:07:27 - 01:44:08:12

Yes.

01:44:08:14 - 01:44:12:13

Thank you. Brilliant. Um, so, yeah, we've received the representations from Councillor.

01:44:12:15 - 01:44:42:18

Wilton and responses from both the local authorities and South Derbyshire and the County Council, with information on additional developments to be considered in the cumulative assessment and the presence of new schemes for consideration is not a surprise. It's obviously common for the cumulative baseline to move on once an application has been submitted. Um, new applications, um, can be submitted and others um, can be determined or withdrawn. So we've collated and updated list of schemes to be considered in the assessment.

01:44:42:28 - 01:45:16:24

Um, so this will include relevant schemes from interested parties, including the various battery storage schemes around Drake Clough. Um, we have also identified undertaking our own search of council planning portals. Um, so South Derbyshire and also neighbouring districts, as well as the um county council to identify any new schemes that haven't been raised by interested parties. Um, and we've also undertaken to update the list of cumulative schemes that were presented in the environmental statement, just to make sure we've got the most up to date information on those.

01:45:17:02 - 01:45:47:21

Um, that includes the Wiltshire Resource Recovery Park, which was referred to by South Derbyshire District Council. Um, which is an application which has now been refused. So with all of that information on, uh, new schemes and updates to the schemes we've already assessed, we are working to update the cumulative assessment. Um, we're aiming to present this at deadline six. Um, so all of the topics specialists who inputted into the environmental statement will review that list and we will provide an update.

01:45:47:29 - 01:45:58:03

Um, we don't anticipate this changing the findings of the assessment presented in the environmental statement, but we will undertake a thorough review to confirm this and get this information over to you.

01:45:59:10 - 01:46:03:17

Thank you. What form will that submission take? Will it? Um.

01:46:04:20 - 01:46:06:15

I've been looking. Sorry, sorry.

01:46:06:17 - 01:46:25:27

Sorry for me. So, um, potentially there are implications across a wide range of topics. Um, and a wide range of, uh, chapters of the environmental statement. So is, it feels to me, somewhat onerous to update every chapter of the environmental statement. Yeah. No.

01:46:25:29 - 01:46:32:08

Um, we would be looking to present it as a standalone environmental document.

01:46:32:10 - 01:46:35:03

Deal with each topic explicitly.

01:46:35:05 - 01:46:45:14

Each topic? Yes. Each topic will input into that document. Um, and then we'll provide an overall conclusion on potential changes to findings presented in the environmental statement.

01:46:45:29 - 01:46:46:14

Okay.

01:46:46:16 - 01:46:52:13

Thank you. That that's that's helpful. Um, let me just have a look at deadline six where that sits.

01:47:07:10 - 01:47:12:12

So deadline six is on the 26th of November. Um.

01:47:20:03 - 01:47:28:12

So that would leave an opportunity for comments on that for deadline seven and then responses to comments at deadline eight. Um,

01:47:29:28 - 01:47:37:21

it feels to me that's the very latest opportunity to submit it. Um, I think if it were.

01:47:41:19 - 01:47:57:25

If it were possible to, for that to be completed earlier than deadline six, then um, I would be minded to accept it as an additional submission outside the deadlines, if that were possible, just to give parties more time to comment on it.

01:47:58:04 - 01:47:59:27

So yeah, I think we can certainly.

01:47:59:29 - 01:48:00:29

Borne in mind.

01:48:01:01 - 01:48:20:04

Yeah, certainly. Look at that. I think, um, the idea was that depending on, um, other work that, um, specialists would need to do as a result of these hearings. Um, we didn't we wanted to make sure there was obviously time for everyone to do everything. But yeah, we can certainly take that away. And we'll discuss internally about, um, when to when to submit it.

01:48:21:00 - 01:48:42:03

Yeah. But but certainly I think, um, appreciate the work that's been done. I appreciate it's been a changing picture. Um, I am quite struck by the number of, um, projects in the near vicinity to the proposed development that have come forward and and appreciate Councillor Wilton's assistance in identifying those. Um.

01:48:44:06 - 01:48:49:13

Certainly, if it's later than deadline six, that is likely to cause difficulty.

01:48:49:27 - 01:48:51:27

Yeah. It won't it won't be later than that.

01:48:51:29 - 01:48:53:15

Will the little time remaining. Yeah.

01:48:53:28 - 01:48:57:25

Yeah, we'll aim to submit it. Um, I think before deadline six will be fine.

01:48:58:01 - 01:48:59:06

Um hmm.

01:49:00:07 - 01:49:03:25

Okay. Thank you. Any any comments from the councils on this at all?

01:49:07:27 - 01:49:44:12

Thank you sir. Only to, um, recognize that, um, obviously where we can. We've been, um, having an input into that, uh, that list. Um, and obviously, I have some sympathy, um, because these applications are coming in from all directions at the moment, um, in this area in quite a considerable, uh, list of particularly battery storage, um, applications coming in at the authorities, uh, having to deal with that will obviously add to, um, potentially the cumulative impact.

01:49:44:14 - 01:49:58:29

So, um, yeah, obviously the earlier that we were able to see, um, that assessment, um, recognizing that it is a bit of a moveable feast, um, the better. Thank you. So, yeah.

01:49:59:01 - 01:50:10:23

Thank you. Um, I see this as a, um, update to the environmental statement. so I think as such it would need to be, um,

01:50:12:20 - 01:50:28:22

included in the DCO. Is it schedule 12 of the DCO? So if it could be dealt with in that manner please. So there'll be consequential updates required to the DCO to deal with that. Does that seem acceptable? Thank you.

01:50:40:03 - 01:50:42:15

Councillor Wilton, do you have anything to add on that?

01:50:43:07 - 01:50:44:29

No. I look forward to the report, sir.

01:50:45:04 - 01:50:45:23

Thank you.

01:50:50:28 - 01:51:24:06

Um, item J. Um, there is recent precedent, um, for a DCO requirement in relation to skill supply chain and employment. Um, it's a very common form of um requirement has been included in requirement 17 of the Mallard Pass Solar Farm made order and requirement 20 of the Cottam Solar Project made order. Um, there isn't a similar provision for this project.

01:51:24:25 - 01:51:28:18

Um, could the applicant comment on that, please?

01:51:30:08 - 01:52:01:19

Thank you, Patrick Robinson, for by the um, there isn't. Um, our position um, has been that, um, that they are quite substantially bigger and the, um, uh, we feel we don't reach a threshold at which, um, that, uh, strategy, um, uh, would, would sensibly be applied at this point. However, we do commend that there are socio economic benefits arising from the development.

01:52:02:15 - 01:52:26:00

Um, I think probably I can cut to the chase and say, if you're feeling is that it ought to be there. Uh, we'll amend it to put it in. And, uh, I think the only action on that is that it does need an outline plan, um, to be submitted. So it forms part of the, um, for that, for that requirement to, to bite upon.

01:52:27:20 - 01:52:38:26

Could the council's comment please, have you, have you had an opportunity to look at the Cottam or one of the requirements from the other projects? Um.

01:52:39:24 - 01:53:11:29

Yes, sir. And I think, um, from the council's position, it would absolutely be beneficial to have a similar requirement, um, in the DCO, um, notwithstanding, um, the relative scale of projects, this is a nationally significant infrastructure project is a very big scheme for South Derbyshire. Um, and clearly, um, has been identified. There are and should be long term economic benefits that derive to the local population from scheme of this size.

01:53:12:01 - 01:53:51:25

And, and I suppose the, um, the impact that it mitigates some of those impacts overall, if you like. So um, I think the requirement would be that, um, a skills supply chain and employment plan be submitted and approved, um, prior to commencement, um, on obviously emphasizing local employment opportunities and training and skills, uh, and engagement with local businesses, I think that would be, uh, certainly beneficial and would obviously reflect the, the decodes, the the Mallard Pass and some several projects that have been identified, sir.

01:53:55:01 - 01:54:15:19

Could the applicant take that away? I think that's quite a compelling statement. Um, if an outline plan were provided. That could be part of the Kent, for example, rather than a separate document, but that could be left to the applicant to decide the the preferred way forward with that.

01:54:15:21 - 01:54:23:23

Thank you sir. Yes. Does your guess consider that we consider we could do it. The sense is that it ought to be there, so we will definitely take that away. Thank you.

01:54:35:21 - 01:54:39:19

Any other matters to include under this item?

01:54:41:19 - 01:54:53:23

No. In that case, will take, um, a five minute break. Um, before we move on to item nine. So if you could please reconvene at in six minutes at 12:00, please.