

Heckington Fen_21 NOV_ISH3_PT1

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FULL TRANSCRIPT (with timecode)

00:00:05:12 - 00:00:06:07

Afternoon.

00:00:08:29 - 00:00:20:16

It's now 2:00, and it's time for this hearing to begin. Can I just confirm? Everybody can hear me clearly. Okay. And with the case team, the live stream has commenced.

00:00:21:20 - 00:00:22:05

Okay.

00:00:23:19 - 00:00:58:23

I'd like to welcome you all to this issue. Specific hearing relating to the Draft Development Consent Order for the application made by trustee HEC Finn so Limited, who were referred to as the applicant for an order granting development consents for the Eckington Fen Solar Park. My name is Susan Hansen. I've been appointed by the Secretary of State for Levelling Up, Housing and Communities as a single examining inspector to examine this application. You'll also hear and see me referred to as the Examining Authority or the Exa.

00:00:59:18 - 00:01:11:12

I'm a chartered town planner and a planning inspector, and I'll be reporting to the Secretary of State for Energy Security and Net-zero with a recommendation as to whether the development consent Order should be made.

00:01:16:00 - 00:01:44:21

The case manager for the project is Noel McGowan, who has supported it in Lincoln Today by case officer Elliott Booth and online by Harper. Call and you can contact a member of the case team if you've got any queries today about the examination process. Need help at today's events or with the technology? A couple of housekeeping matters for those who are attending here today. And I'll remind everyone, please to search all their devices and their phones to silent.

00:01:46:29 - 00:01:56:09

I'm not aware of any fire alarm test today, and in the event of an alarm, please exit via the staircase and congregate at the Sea Cadets building on Brayford Wharf.

00:01:59:07 - 00:02:05:03

It would be helpful if you had a copy of the hearing agenda published on 13th of November in front of you.

00:02:07:02 - 00:02:22:01

I do expect the hearing to continue until around 5 p.m. today that hopefully at the latest, given that we've got another issue specific hearing being held tomorrow morning, there will be an opportunity for a comfort break, a sort of appropriate time.

00:02:24:20 - 00:02:31:17

And you'll find information about the application on the project page of the planning inspectors. National infrastructure planning websites.

00:02:33:20 - 00:02:51:15

Today's hearing is a blended event. So some of you are appearing in person here in Lincoln, and others are appearing virtually via Microsoft teams. And if you wish to speak a relevant point and put your hand up or use the hand up function on teams.

00:02:53:00 - 00:03:01:18

You don't manage to raise a point at the relevant time, or if I've moved on, there will be an opportunity to do so at the end of the hearing under agenda item ten.

00:03:03:29 - 00:03:23:24

Recording of the hearing will be made available on the website as soon as possible after the hearing, and this includes a transcript. So every time you speak, you need to speak clearly into a microphone stating your name and who you are representing every time you speak out, please switch your microphone off when you finish speaking to avoid interference.

00:03:26:13 - 00:03:50:15

The recording will be retained by the Planning Inspectorate for five years. It holds a public record that can contain your personal information, and the General Data Protection Regulations apply to this, so you should familiarise yourself with the Planning inspectors Privacy Notice, because this document establishes how the personal data is handled in accordance with the principles set out in the data protection laws.

00:03:52:08 - 00:04:03:29

If you do want to make any points which contain personal information, it's best to do this in writing and then we can redact it before it goes out to publication.

00:04:06:11 - 00:04:29:22

I'll now ask those of you who are participating today to introduce yourselves. So when? State your organization's name, please say your name. Who represents and can you state how you wish to be addressed? Start with the applicant first and their advisors and firstly those appearing in person and then online via teams. The applicant please.

00:04:31:19 - 00:04:59:12

An afternoon. Madam Josh Taylor, associate director at law firm Osborne Clark, speaking on behalf of the applicant. And I have Neil Promontories, a partner at law firm Osborne Clark, to my left, and then Laura White, who's the project manager from Echo City. And I expect it will be mainly me speaking for part one of the agenda. And then at part two we may need to kind of reshuffle focus in the bench. So I'll let others introduce themselves as and when for part two, if that's okay.

00:05:02:02 - 00:05:03:24

Yeah. That's fine, thank you.

00:05:05:25 - 00:05:18:19

And for the relevant planning authorities. Could we start with the legal representation and then then Lincolnshire and then North Kesteven and then Boston Place.

00:05:25:07 - 00:05:56:23

Good afternoon. And my name is of Council. I'm instructed by Miss Martha Reeves, who sits two. To my right is a solicitor at Legal Services Lincolnshire for the North East, even a district council. To my

immediate rights. It's Mr. Nick Felton, who's assistant development manager. And to my left sits Mr. Sam Franklin, who's an agricultural and soil specialist at landscape and who will be dealing with the second part of the agenda.

00:06:01:05 - 00:06:03:07

Okay. Thank you very much. Lincolnshire.

00:06:04:15 - 00:06:07:25

Good afternoon, mum and miss Stephanie Hall.

00:06:10:11 - 00:06:30:00

Also counsel instructed by Mr. Rees, who sits to my left of Legal Services, Lincolnshire. I'm going to let my instructing officer to my rights and introduced himself also to his right. We have our landscape consultant. Would you like would it help you, ma'am, to have his name now as well, given that he won't be speaking in the first half of the agenda?

00:06:30:02 - 00:06:30:17

Please.

00:06:30:19 - 00:06:31:08

Everybody's fine.

00:06:34:00 - 00:06:38:03

Good afternoon's Mark Willis, Lancaster County Council applications manager.

00:06:38:15 - 00:06:44:27

Um, and we have Kevin Gillespie, who works for landscape consultancy.

00:06:47:06 - 00:06:48:17

Thank you. Boston.

00:06:49:18 - 00:06:53:13

Good afternoon. I'm Abby Marwood, deputy manager for Boston Borough Council.

00:06:55:04 - 00:06:59:18

Okay. Thank you very much. And we've got Mr. Rudy on online.

00:07:00:07 - 00:07:03:05

Yes, I'm online as well from Boston Borough Council.

00:07:03:09 - 00:07:04:01

Hello.

00:07:08:13 - 00:07:18:01

Is there anyone else on teams that's going to speak for the first half of the hearing on the development consent order?

00:07:20:11 - 00:07:20:26

So.

00:07:23:29 - 00:07:25:02

Boy, Mr. Scott.

00:07:25:15 - 00:07:32:24

It is Andrew Scott society be at the moment observing, but if required can make comments.

00:07:33:28 - 00:07:37:18

That's fine. Thank you, Mr. Scott. There anybody else?

00:07:39:29 - 00:07:48:14

I cannot say, ma'am. I'm Matthew Adams from Lancashire County Council. I advise on archaeology and also observing and make comment if necessary.

00:07:49:11 - 00:07:50:11

Okay. Thank you.

00:07:56:24 - 00:07:57:19

Okay.

00:08:00:03 - 00:08:11:27

And then there's some other people present, but probably more for tomorrow, and introduce themselves later in the agenda. That's absolutely fine. Okay.

00:08:19:26 - 00:08:33:10

All right. I'll now briefly explain the purpose of this issue. Specific hearing three. It's being held because I wish to explore a number of matters orally in respect of the draft Senate order and a range of environmental matters.

00:08:34:25 - 00:08:45:19

You'll be aware that the examination is primarily written process and the examination timetable is issued as part of my rule eight letter that was dated 26th of September.

00:08:47:06 - 00:09:16:08

And you'll see that this week's hearings are the last opportunity to make verbal submissions to the examination. I've received two rounds of submissions from the applicants and interested parties, which have been very useful in answering the questions that I've already raised, and both back in the first set of hearings in September and to my first written questions, which were issued on the 17th of October. And the applicant has also provided responses to submissions from interested parties.

00:09:17:24 - 00:09:52:06

There's an opportunity for me to issue a second set of written questions on the 19th of December, and that follows receipt of deadline, three submissions on the 5th of December. From those written submissions and this week's hearings, I hope to obtain the vast majority of information that I need in order to make my recommendation to the Secretary of State. And as noted previously at the preliminary meeting, I do still anticipate an early closure of the examination in February 2024.

00:09:55:03 - 00:10:25:08

The first hearing on the draft development Consent order, which was in September. That was that was very useful in ironing out some initial concerns and clarifying a range of matters. And it's good to see that the applicant has been engaging with planning authorities since then, and now have the fourth version of the draft development Consent order, which is the examination library Rep 2008, and that was received at deadline two.

00:10:25:10 - 00:10:39:01

And I note a number of changes within that have been made in response to the first issue specific hearing and the comments that have been raised by the relevant planning authorities and interested parties.

00:10:41:03 - 00:11:14:08

So items 3 to 7 of today's agenda relates to the draft of this order only. And I'll ask the applicants, provide an update of the changes that have been made at deadline too, and will ask questions and seek further information, particularly regarding schedules two and 13, which relate to the requirements and the protective provisions. And the interested parties present today will have the opportunity to respond. And I'll have a few questions for for the relevant planning authorities on those as well.

00:11:16:01 - 00:11:55:09

There may be some overlap with some of the environmental matters, particularly in relation to the requirements. And in addition, there was some discussion on draft consent order this morning relating to the compulsory acquisition hearing. But and nevertheless the discussions during the this hearing is held without prejudice to the broader planning merits of the application, and I'll be focusing on how its individual elements will be secured and delivered, and the wording of those elements, and making sure that the document is legally sound.

00:11:57:01 - 00:12:28:13

And this is with a view to issuing my schedule of changes to the development consent order on the 23rd of January. But that will only be if required, and I might not issue such a document. But there there is provision in the timetable to do so on the 23rd of January. It's the. The drafting of the the trends in order has progressed well so far and trust that it will continue to do so over the coming months.

00:12:30:07 - 00:12:45:21

I don't expect this discussion to take all afternoon. It should be relatively short. So there's then provision in the agenda to commence discussion on environmental matters. So we've got item eight and item nine respectively relating to land and

00:12:47:12 - 00:13:08:21

which is principally relating to the use of best, most fertile agricultural land. And then this provision for landscape and residential visual effects. And depending on how long those items take, there's provision for the discussion on item nine to be carried over into issue specific hearing for tomorrow.

00:13:11:18 - 00:13:45:01

Are we ensuring we stick to time? So if you need to give a lengthy response, or you can either respond in writing at deadline three follow up in writing, or indeed you can take it away and provide some more information tomorrow. That's fine as well. And just to remind you, you don't need to repeat a length something you've already submitted in writing, but if you wish to refer to it, it's helpful to give me the examination library reference. And also for the benefit parties who are here today or watching the live stream.

00:13:45:03 - 00:13:51:05

You might not be familiar with the documents to just avoid using acronyms. Abbreviations.

00:13:53:24 - 00:14:19:12

So the main documents you need to have to hand today are obviously the draft development and order. That's version four rep 2008. And it's accompanied by version four of the explanatory memorandum, which is Rep 2010. And for the environmental matters, it's just to have the relevant environmental statement, chapters, plans and associated documents to hand.

00:14:21:26 - 00:14:37:23

And this is a public examination. So if anyone's present, either in person or online, that that wishes to speak and hasn't said so, it doesn't preclude you from making a representation during the hearing.

00:14:40:24 - 00:15:01:06

So it will be a structured discussion. It will be led by myself, and it's based on the agenda that's already been published and that is unchanged. The purpose is to enable you to answer any questions I may have, to ensure have all the information I need to make my recommendation to the Secretary of State for Energy Security and Net zero.

00:15:02:27 - 00:15:11:13

So before I move on to item three, are there any questions relating to the purpose of the hearing? What's going to happen today?

00:15:13:13 - 00:15:13:28

No.

00:15:16:17 - 00:15:40:08

Okay, so turning to item three. It's the applicant's update on the most recent version of the draft development consent order received at deadline two. So if you provide a summary of of of those changes and the engagement that's been made with, with relevant parties.

00:15:42:07 - 00:15:42:22

Okay.

00:15:43:25 - 00:15:44:29

Josh Taylor for the applicant.

00:15:47:00 - 00:16:18:24

Thank you. And I'll take the summary of engagement first and think you summarized it well under item two and that we've had. We obviously had the health discussions during issue specific hearing one, and then we've had helpful follow up discussions with the councils on the Echo and held a meeting with them following that line one. And then off the back of that, we've produced a document called The Applicant's Response to the Rpas comments on the DCO, which document rep to zero 12.

00:16:18:29 - 00:16:45:16

And essentially, what we tried to do there is to take the council's comments and where we can we've responded and where we've been able to make changes to the we've explained that where we don't consider it is proportionate or reasonable to them. We have explained the reasoning for not being able to make changes within that document. So so that's kind of been the bulk of the engagement. And that's then reflected in the latest draft of the DCO.

00:16:47:03 - 00:16:53:25

And otherwise. The further engagement has been with the likes of statutory undertakers on the protective provisions which will come on to.

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In respect of a summary of the amendments. As you recognise, there has been quite a few changes, so I'll try and summarize these, but I think just to kind of categorize the changes, it's probably worth grouping them into three groups really. The first is changes arising from feedback and discussion issues. Specific hearing one. The second kind of group is probably changes resulting from stakeholders, primarily the councils and statutory undertakers. And the third area is general tidy up or points of consistency, including with an eye on the other emerging solar echoes.

00:17:37:06 - 00:18:18:23

In terms of the drafting I'll go through in summary, but. Feel free to kind of. Ask for more detail as and when required. So. The schedule of changes which we submitted as you recognize, which is set to zero 13, listed out in detail, but just taking them in to an article two. The definitions have been updated, most notably the definition of authorized development definition. Maintain county authority and relevant planning authority, as well as to insert new definitions for the new control plans or the new outline plans, which link to the new requirements in schedule two.

00:18:20:11 - 00:18:56:18

The next most noteworthy changes are to the part three streets articles. So essentially these changes are off the back of discussions on how the councils have been having with Pass. And then we've had helpful discussions off the back of that as well. And essentially, in view of that, we've been able to frontload a bit more of the detail into the and into the corresponding schedule. So schedule five and seven to outline some of the works in more detail at this stage, rather than leave some of that for kind of secondary consents post consent.

00:18:57:06 - 00:19:40:22

So as a result of that, we've been able to split article nine into permanent works and temporary works. And that's the bulk of the changed there, as well as to link to requirement six, which I'll come on to. Article ten is then reflecting the change from article nine. And that it's, it's, it's recognising that there's, there might be permanent alteration. And where there is, there must be a maintenance period of 12 months for that. Article 11 has then been updated following feedback from ITU specific hearing one to provide a notice prior to temporarily stopping up the public right away, and article 12 has been updated in a similar manner to article nine.

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Again following those comments from the councils and to link to requirements six.

00:19:49:00 - 00:20:17:13

Then jumping ahead to schedule one, which is the works. We have included a essentially a new definition and a new work number. So work number nine, C is now a standalone work package for the community Orchard. Now that was previously provided for in work number nine a. But there's merit in splitting this out because it now links to a new requirement in schedule two. And again that's that's following discussions from Ncdcc.

00:20:20:03 - 00:20:52:06

In relation to schedule two. As you will see, there's quite a few changes here. And I'll note we've probably come on to some of these in the next agenda item. Um, just to summarize, the bulk of the changes here are to introduce the new control plans that I've referred to. So there's a new requirement 19 for the operational environmental Management plan. There's then a soil management plan a standalone one and requirement requirement 20, as well as the community orchard requirement requirement 21.

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The other changes are tweaks to to discharging bodies again following conversations with the councils, as well as updates to some of the control plans referred to.

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Uh, schedule five is then I've touched on earlier and that's that's reflecting the fact we've been able to frontload some more of this thought and splitting out the works into a permanent and temporary schedule for for the alterations to the streets. And likewise with schedule seven, the similar approach has been taken there. Schedule 13 is then the next substantive changes, which is the protective

provisions. And essentially this is just to reflect the agreed form protected provisions that are now in place with Anglian Water, the Environment Agency sluice, as well as to remove cadent gas, who no longer have an interest in the order limits.

00:21:48:01 - 00:22:08:00

And then finally schedule 14, which is the discharge of requirement. Schedule has been updated to well updated off the back of discussions with the is really to propose a middle ground in terms of timeframes for discharge, as well as to insert provisions for fees to be covered.

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So that concludes my summary and hopefully that's helpful.

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Yeah. Thank you. I'll, I'll have some questions on some of those elements as, as we move through.

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I'm.

00:22:27:16 - 00:22:39:11

I've seen the the councils have seen the latest version and the response to comments in the document. 2012 so.

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Well, we'll move on to the annex of the requirements, which

00:22:47:07 - 00:23:01:29

have the most interest to to the relevant planning authorities. And there'll be an opportunity to go over some of some of the other articles towards the end of the agenda. But are there any general comments you wish to raise now?

00:23:10:22 - 00:23:16:26

Lincolnshire County Council. No, we've got some very specific comments to make later on in the agenda, but thank you for the opportunity.

00:23:17:16 - 00:23:18:13

Okay. Thank you.

00:23:19:10 - 00:23:20:07

Same session. Braswell.

00:23:20:16 - 00:23:21:06

Thank you.

00:23:28:17 - 00:23:34:15

Okay, I'll move on to agenda item four, which is requirements. Schedule two.

00:23:43:05 - 00:23:45:17

So firstly,

00:23:47:06 - 00:24:17:00

and this was something that arose from a specific hearing, one which is appendix one. Set out in appendix one of the applicant's response to the planning authorities comments 2012. That sets out the

discharging bodies for each of the requirements and who it should be in consultation with, etcetera. And can I just ask, is that fully agreed by the relevant planning authorities now?

00:24:20:00 - 00:24:21:29

Stephanie Holt, Lincolnshire County Council yet.

00:24:24:01 - 00:24:26:03

Somerset Norfolk District Council. Yes.

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That's nice and easy answer.

00:24:50:11 - 00:24:51:08

Okay.

00:24:52:28 - 00:25:05:18

So. There's just a few of the requirements. Had some questions on. I'm kind one. I'll just get it open on my laptop first.

00:25:29:11 - 00:25:36:02

So we've got yeah, we've got that additional definition in there. Of solar park site.

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I'm meaning Lambda Grange. It's extra.

00:25:43:01 - 00:25:45:03

So as far as I'm aware.

00:25:47:08 - 00:25:53:05

Reference to the solar park site. As it's defined, there only appears once

00:25:54:21 - 00:26:07:22

in requirement 19 two. Which relates to the operational Environmental Management plan. It's drafting matter really. But if it's only if it only appears once, does it need to be in the definition?

00:26:13:18 - 00:26:32:11

Idea for the applicant. Yeah, it's a fair point, I think. We can give it consideration. It's probably more concise to have it that way rather than within the requirements. But I'll take your point. We can see if there's a way to streamline it a bit more. So no issue with that.

00:26:39:16 - 00:26:41:20

And requirement three. Phasing.

00:26:48:23 - 00:27:22:05

So in the applicant's response to the relevant planning authorities comments on the DCO, the applicant says they don't consider it appropriate for the relevant planning authority to approve phasing. And instead, they've inserted that phasing should be in line with the assumptions in the US. And there's also there's been an extra added for the need for a phasing plan, which was something that was requested.

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So. So in this case, some of the relevant planning authorities comments have been carried forward. Do you have any comments to make on that?

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Chairman, North Kesteven District Council. Yes, ma'am. Think our previous comments still stand, i.e. our position is that the phasing details and plans should still be approved.

00:27:47:10 - 00:28:00:06

Albeit we do recognise and accept that there can be some degree of flexibility in relation to exactly what is being proposed and the implementation of particular phases. But we still consider there should be some sort of approval mechanism in this requirement.

00:28:08:05 - 00:28:11:18

And the other elements of that requirement. Are you happy with.

00:28:12:12 - 00:28:18:04

North District Council? Yes, we're happy with the other elements. Well, it's solely that point that stands.

00:28:21:00 - 00:28:23:24

Can I ask the applicant for their comments on that place?

00:28:26:03 - 00:29:10:13

Retailer for the applicant. Yes. Thank you ma'am. I don't think our position has changed. As we outlined in rep to zero 12, which is the response to the council's comments in that we have provided further drafting here to hopefully provide a bit more certainty as to what will be put forward at requirement three, including that timetable for the construction phase, as well as the plan, and a statement that the scheme is in line with the assumptions. And I think our position stands that ultimately it's down to contractor availability and our procurement strategy as to why we need control over how that phasing might look, which is why we don't propose there to be an approval mechanism.

00:29:10:27 - 00:29:48:21

I appreciate those precedents both ways. There's precedent for this approach in the Norfolk Vanguard and Norfolk Borris offshore wind farm schemes, and I know there will be precedent other way. But think just on that. Um, you know we've got a well contained site here located together which kind of naturally doesn't flow as well to phasing where other solar schemes might be spread out, which more naturally phase that way. So I suppose what that means is there's less thought at this stage, being able to be given to how the site is phased, which is why I suppose we need more flexibility and detail reserved for that.

00:29:59:15 - 00:30:00:20

Okay. Thank you.

00:30:03:28 - 00:30:08:15

To the relevant planning authorities. Have any further comments on that? Before I move on.

00:30:15:02 - 00:30:21:00

Graduate student district council. Don't think so at this time, ma'am. Maybe if we have any further comments, we can do so in writing.

00:30:22:04 - 00:30:23:02

Okay. Thank you.

00:30:31:25 - 00:30:33:13

High requirement eight.

00:30:36:01 - 00:30:38:08

Landscape ecological management plan.

00:30:47:09 - 00:30:52:03

So that's been amended at that point to.

00:30:59:00 - 00:31:10:12

So the main the main change here relates to a minimum. Biodiversity net gain of 60% now instead of 10%.

00:31:11:28 - 00:31:42:19

Um, no. That was raised as your specific hearing. One, that the requirement wasn't specific enough. Um, not in planting either. And and also about the biodiversity net gain being insufficient given the high level. This biodiversity net gain represents a significant benefit of the scheme. Um, we'll go on to the that in environmental matters tomorrow. Um.

00:31:44:17 - 00:31:54:24

But could could the app can just explain where the 60% has come from and they their changes to that requirement place.

00:31:57:27 - 00:32:29:26

Josh Taylor for the applicant. Yes. I might have to defer some of this to tomorrow when our ecologist is here. But just in terms of. Where it comes from. Think it. Our position is that it strikes a good and in the right balance between adding further planning weight, as well as giving flexibility to how the final scheme might look. So obviously we can calculate a predicted based on an indicative layout at this stage, but that is obviously subject to final design.

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We wouldn't want to kind of constrain ourselves by having a kind of too optimistic figure here that we then couldn't deliver. And then you've got an almost an implementable DCO, and you're constrained and having to then

00:32:47:06 - 00:33:04:05

seek a variation on that stage. So I think in summary, that's that's where 60% comes from. And that we consider it, it strikes the right balance is significantly more than the 10%. And we can go into the detail of how the metrics being rerun, if that's okay, at tomorrow's agenda.

00:33:05:24 - 00:33:08:24

Sorry. Would you like me to go through the other changes to the requirement?

00:33:08:27 - 00:33:38:21

Yeah. Also see that the reference to biodiversity metric four has been added in there. I just wanted to check on that because as we know, the legislation for intercepts is not yet drafted and whether there might be some sort of different metric that comes out in the future for forensics, or whether 4.0 will change at any point. You just want your views on that, really.

00:33:40:15 - 00:34:10:26

Gesture tailored for the applicant. We have had the same thought process. I think our position is that because, as you recognize, this statutory or mandatory process for is not expected until 2025. Think we consider that there's some discretion and flexibility as to how we secure the metric at this stage? In

our view, securing the exact biodiversity metric for provides more clarity and certainty because it's based on the model that we've run.

00:34:11:15 - 00:34:41:23

Whereas if that was a kind of live, a live metric that we then had to comply with potentially in two years time. Again, we've got that issue of we have to deliver 60% of whatever that live metric says, and that might be calculated differently. So think in summary. Yes. It's because there's no mandatory set biodiversity net gain mechanism. Now we consider it's sufficient to secure the exact metric biodiversity metric for in the drafting of the.

00:34:46:15 - 00:34:49:27

Are there any other day that refer to it? You know of?

00:34:51:24 - 00:35:11:21

Josh Taylor for the applicant. I will have to check and come back to you. My colleagues might be aware of some that they they've been working on. I know that long field I think refer to a previous version, but there's hazard element of flexibility in there. But we can check that and come back in writing if that's okay.

00:35:28:12 - 00:35:31:18

Yeah. So the relevant planning authorities have any comments on that?

00:35:33:21 - 00:35:45:28

I'm Stephanie Hollinger, county counsel. Thank you ma'am. Obviously, we can't seek to push the applicant to agree a particular percentage. What it means is that that

00:35:47:13 - 00:36:20:21

that is the figure that goes into the planning balance, essentially, ma'am, that you are being told that the figures in the application documents of 102% habitat units and 230 hedgerow units, may, in the words of Mr. Taylor, leads to an overly optimistic undeliverable DCO. So those obviously can't be relied upon sensibly in a planning balance to justify the grant of the application, and instead, the figures need to be those that are secured with a commensurate reduction in the benefits package.

00:36:26:26 - 00:36:30:27

Okay. Yeah. Thank you. Anything further on that?

00:36:35:18 - 00:36:45:29

Commercial District Council. Yes. On the two points raised by the applicant, the first dealing with the metric. Position aligns with that of Lancashire County Council.

00:36:47:17 - 00:37:12:21

In short, obviously outlined length. Indicate that there's a greater than 60% increase. If that's the case, our simple question is why can't it be higher than 60% in the relevant requirement? We understand the degree of flexibility required, but equally we also take the position that that is the relevant figure that is going to be put in the planning balance.

00:37:15:15 - 00:37:49:11

And secondly, we understand the point about metric for. And perhaps I agree with the potential issue of if the metric is changed, the outcome in percentage might change, and that might cause difficulties with then discharging this requirement. Equally, then think long field does refer to that metric being superseded by another metric. I think it's probably one thing to take away and just to consider, and we'll perhaps deal with that in writing in due course, once that's been considered in more detail.

00:37:51:08 - 00:37:59:11

Yeah. Okay. If. Yeah. If all parties could come back with any further thoughts on that in writing at deadline three, that would be appreciated.

00:38:12:00 - 00:38:12:19

Okay.

00:38:16:27 - 00:38:21:24

Requirement 17, which is the permissive path.

00:38:34:09 - 00:38:45:04

Just wanted the applicant to clarify why it now says prior to implementation rather than prior. So. Construction.

00:38:47:11 - 00:39:16:17

For the details of the permissive, permissive path to be agreed by the county authority by Lincolnshire. And I couldn't find any supporting information on that and just my thoughts. It won't be too late by then for for Lincolnshire to agree to any routine specification of that path and see why it's been changed to prior to implementation.

00:39:19:27 - 00:39:51:06

First Taylor for the applicant. Yes. So apologies that the intention is not to change the trigger here. The intention is that because following this further discussions, the path isn't being constructed as such. Because the intention is that it's a it's a grassed path. So i.e. it's, you know, it's more likely to be fenced off. So this is trying to make clear that we're not, you know, bringing in a load of aggregate to construct a path. But I take your point on the trigger. We're not intending to change the trigger.

00:39:51:08 - 00:40:05:11

It's meant to be kind of prior to putting down or putting in place the path. So to the extent that's not clear, we can look at that, but it's simply to try and make clear that we're not constructing a path as such.

00:40:09:17 - 00:40:14:27

Yeah, it's the way I read it. So I think it maybe just needs a bit of redrafting.

00:40:16:11 - 00:40:17:29

Get. Understood. Take that away. Thank you.

00:40:18:10 - 00:40:24:03

Relevant planning authorities in Lincolnshire. Do you have any comments on the wording of requirement 17?

00:40:28:27 - 00:40:39:18

Stephanie Hall, Lincolnshire County Council. Mum. Thank you. We'll take this away, if we may. Um. We think. So we need to think about it. Thank you.

00:40:40:24 - 00:40:43:28

Yeah. That's fine. Come back on that deadline. Three.

00:40:56:03 - 00:41:00:02

20. Further comments on requirements 17. No.

00:41:02:00 - 00:41:04:19

And Requirement 18. Decommissioning.

00:41:09:20 - 00:41:13:23

So the applicant just explained the changes to that one place.

00:41:16:18 - 00:41:45:12

Job title for the applicant. Yes. So following issue specific hearing one, we had a bit of discussion on this. Um, and essentially what we're doing here is we are we've changed the requirement to state that there must be prior to 12 months before we intend to decommission the project. We will then notify the councils of of that intended date. So that's a kind of new element. And then that starts the clock. So within 12 months of that we have to submit our decommissioning plan.

00:41:47:10 - 00:42:22:03

There was a bit of nervousness during conversations that, you know, we don't want to try and time the cancel out and leave it too late because we've obviously got the long stop period that we have to start decommissioning within 40 years. So as a result of that, if we're in that final year of the project, we've essentially agreed to submit that plan no later than six months prior to that 40 year long period, just to ensure there is sufficient time. And, you know, we're confident that that there is, because this links to the schedule of the date of discharge at schedule 14, which gives the currently an eight week time frame for discharge.

00:42:22:05 - 00:42:43:13

So there's there's more than enough in our view time for that. So that's the main change on the kind of triggers in paragraph one and two. We then made changes to paragraph three to essentially say that work number nine, which is the new community orchard that doesn't need to be decommissioned at the end of the lifetime of the project.

00:42:45:04 - 00:42:45:24

And.

00:42:47:12 - 00:43:09:13

And then we've made clarity amendments to paragraph three as well, to say that the the 40 year period starts from the date of the final notice of final commencement of the date of final commencement. And that was the intention. And that's what's been assessed in the. Yes, but we're just. Provided a clarity update and think that's in line with what Mallard part then as well.

00:43:17:28 - 00:43:25:24

Okay to the relevant planning authorities. How many comments on climate 18 decommissioning?

00:43:27:03 - 00:44:18:06

Stephanie Hall, Lincolnshire County Council. Yes, ma'am. Have one drafting point, I think think it's supposed to be a drafting point. Um, is the operation of paragraphs one and two? It's possible to foresee a situation in which safe. For example, the applicant wanted to decommission at year 30. The operation of one and two would could operate in a way to give the planning authority no notice whatsoever, because part one says no later than 12 months prior to the rather ethereal date of intending to decommission something, then we have to get a notification, but then the operator is allowed in part two, a full 12 months to to submit the need to submit the the plan for approval.

00:44:18:08 - 00:44:49:10

So it's possible that if the intention is to give us at least six months notice with this decommissioning plan to consider the plan before the decommissioning commences, then that doesn't work or potentially doesn't work. It's reliant on some goodwill to do that. I assume the intention is to create a period of time for the planning authority to consider how the decommissioning might work.

00:44:49:12 - 00:45:21:14

It's possible to foresee a situation in which these provisions don't create that outcome. The only way you get a certain buffer through the operation of parts one and two is if you are hard up against the 40 year period, and then part two requires sort of the no later than six months prior to the 40 year period in paragraph three. So that's the only way you get this sort of certain six month buffer. If decommissioning was taking place at any other point in the 40 year time frame, my reading of parts one and two is it doesn't.

00:45:21:16 - 00:45:54:29

Actually, it's possible that you wouldn't actually get any notice. And the the other point we have on on decommissioning and requirements 18 is we raised a point in earlier correspondence, and it's picked up in the applicant's rep to one two. And that's there is a potential situation in which the project ceases exporting energy to the grid for ever happens.

00:45:55:04 - 00:46:23:29

And we, you know, for some unforeseen circumstances, something happens and export is stopped. It is common, particularly in schemes, for there to be a condition or requirement in this instance, to deal with that provision and require the operator to submit a scheme or submit some notification to the planning authority about what it intends to do with the project that essentially isn't working.

00:46:26:07 - 00:46:57:22

So in that instance, if any or all of the panels stopped exporting electricity to the grid. The local residents will be left with all of the harm on going in terms of the landscape, but none of the benefits, because there wouldn't be any export. So essentially, if you recommend the approval of the order, it would be on the basis that the the benefits of generating outweighed that harm. If the if the generation isn't actually happening, then then that's not justified in the project should essentially be required to be removed.

00:46:57:24 - 00:47:12:05

So if any of the panels break, they should be replaced. If if the project fails more broadly, it should be taken down or replaced or essentially at that point the the operator should be required to tell the planning authority what it proposes to do.

00:47:17:21 - 00:47:26:23

And so think, mom, that's something that wasn't picked up in the drafting amendments made at deadline too. But we'd like we'd still like to see it.

00:47:32:12 - 00:47:36:06

Okay. I'm the applicant to respond on that place.

00:47:37:29 - 00:47:44:18

Josh Taylor for the applicant. Yes. So taking the first point on how paragraph one and two work together.

00:47:47:05 - 00:48:18:00

That is correct in that that's how it is structured, in that the no later than six month period is prior to the end of the 40 year period. And that was as explained in relation to concerns that you're kind of coming up against the long stop, 40 year period. Clearly, if you're decommissioning for whatever reason at year 30, then there's no real time frame there other than what's linked to the schedule of discharge of requirements. So, so clearly the applicant couldn't start decommissioning until that plan was discharged.

00:48:18:02 - 00:48:51:23

Otherwise they're in breach of this requirement. So the control at paragraph five says no decommissioning works must be carried out essentially until that that plan is approved. So. Of our position would be that there doesn't need to be a kind of six month minimum long stop or time period in the event we were submitting that plan earlier, because ultimately, once we submit it, the clock starts running for the procedure for discharge at schedule 14. And then at that stage we then hopefully have an approved plan and then we can start decommissioning.

00:48:52:02 - 00:49:28:16

So I think our submission is that that works as intended and is sufficient and proportionate. In relation to the the second point on on kind of the commissioning, if you've got a non generating project it will be think we all need to pick this up off line in the council because think my understanding of what they're requesting now is slightly different to what I understood it before. If they're asking for kind of details in an explanation as to what I suppose is going wrong, if it's not generating, then that I think that's fine and we can probably look at something like that.

00:49:29:09 - 00:49:59:21

My understanding of the position put forward before was that they would want to see a decommissioning scheme in the event that, for whatever reason, the scheme had to stop generating for a period. And that's something we can't can't agree to, we can't agree to essentially decommission early in the event that that the scheme is, is not generating. And I think we explained this in our two zero 12 response to essentially outline a few points in that it might be due to outages with the National Grid picket fence substation.

00:50:00:04 - 00:50:38:08

Um, there could be delays in being able to supply parts to, to, to essentially remedy any fault. Um, and ultimately there's controls already provided for in the DCO and it's a criminal offence to breach a DCO. And so, you know, I would submit it's not it would be new and novel to have to decommission a DCO something of this size and scale with this amount of investment early as a result of, of non generational fault. And I would also submit that I think you would struggle to try and finance or refinance a project with that sort of I suppose, hook in there.

00:50:38:10 - 00:50:57:27

So it might well be something we pick up offline, because to the extent that it's a scheme to explain what's going on in the event we're not generating, then think we can agree to that to the extent it's something more concrete and requiring us to decommission? I don't think we can agree to that, but hopefully that helps for now and pick up offline.

00:50:59:29 - 00:51:11:11

Yeah, it was just just some further discussion between the parties and to come back with an explanation from both sides at deadline three.

00:51:29:29 - 00:51:35:16

Okay and other requirements. So we've got the new requirements.

00:51:38:19 - 00:51:42:24

And maintain operational environmental management plan.

00:51:43:24 - 00:51:44:10

Sorry, mom.

00:51:44:23 - 00:51:45:14

Oh, yes. Go ahead.

00:51:48:00 - 00:51:52:14

Counsel, if I might just add to the comments made in relation to requirement 18.

00:51:52:16 - 00:51:53:01

Yeah, sure.

00:51:53:03 - 00:51:53:27

Go ahead. I'm grateful.

00:51:55:13 - 00:52:27:25

In short, our position is exactly aligned with the county's position in this matter. I think what Mr. Taylor for the applicant just said was that they would be opposed to a mechanism which required decommissioning in certain instances if there was cessation of energy generation. Our position is that there does need to be a mechanism. It might be that that mechanism is what needs to be discussed. But then there does need to be a mechanism which requires decommissioning if there is no generation of energy.

00:52:27:27 - 00:52:31:06

For the reasons that I learned from this, all gave.

00:52:34:24 - 00:53:00:08

And quite, quite simply put, if the reason that it's not generating energy is one of the reasons given in the applicants response, for instance, issues with the substation, then that might be something that needs to be incorporated into the mechanism and can be considered by the relevant authorities at that stage in deciding whether or not decommissioning needs to be triggered or not pending, and what the specific reasons for that cessation are.

00:53:02:29 - 00:53:28:08

So in other words, a mechanism can be agreed which takes into account what the reasons for specific cessation are when it might continue. Will restart generating energy. But if there is going to be permanent cessation or the reasons given aren't sufficient, then there needs to be a mechanism which requires decommissioning because otherwise the Dis benefits or impacts of the scheme do still remain without any benefits.

00:53:31:24 - 00:53:43:02

Okay, so you're saying that within the requirement there should be some sort of list of. Eventualities that this may happen? Or is that.

00:53:44:07 - 00:54:24:02

Perhaps not a list? I don't know whether that needs to include in one of the outlined plans instead, or whether the requirement can indicate that if there is cessation of energy being generated, that triggers some sort of notification, which is then in the relevant authorities determination. And for them to consider reasons for cessation, especially if in this instance, it's related to something which is not in the control of the applicant, that can obviously be considered and assessed, but if it is within the control of the applicant or there is going to be permanent cessation, then that really ought to trigger some sort of decommissioning requirement.

00:54:27:03 - 00:54:28:26

Okay. Yeah, yeah. Understood.

00:54:33:01 - 00:54:41:25

Yeah. Say, if all the parties could come back on that in writing at deadline three and perhaps discuss it in the meantime as well.

00:54:52:11 - 00:54:56:09

Okay, so anything further on? I'm an 18 if I move on.

00:54:58:24 - 00:55:02:10

No, ma'am. We'll respond in writing as you've just said. Thank you. Okay.

00:55:05:16 - 00:55:11:23

So number 19, the new requirement for an operational environmental management plan.

00:55:16:01 - 00:55:29:02

And this relates to a new document which submitted deadline to 2075 and refers to to management of sheep grazing.

00:55:31:06 - 00:56:01:25

Um. Just want the applicant to explain the background to the addition. Of this new requirement and they presume that it's come from. The relevant authorities comments about how do you secure this alternative agricultural use on the site and throughout the life of the solar farm? Explain, please.

00:56:04:04 - 00:56:40:09

Josh Taylor for the applicant. Yes. This was first raised at issue specific hearing, one where the counsel suggested an operational environmental management plan would be helpful. Now, we previously had the I suppose the operational measure is embedded within each of the respective documents. So the lamp, the outline camp and various other documents. So essentially what we've done for clarity and to align with what the other emerging draft are doing, is to pull that into one outline control plan and then link it to the requirement here so that everything is kind of dealt with for operation together.

00:56:40:15 - 00:57:15:10

So that's the principle of why the requirement is there. And then the second element on grazing is yes, to give comfort that sheep grazing is secured and will be secured throughout the lifetime of the project. And that's what paragraph two says, because it essentially says the final plan submitted must include details of how sheep grazing will be managed and maintained throughout the operation of the project. And just to mention on that, that's the kind of second limb, the first limb of how sheep grazing is proposed is covered in the in the limb under requirement eight at the minute.

00:57:16:02 - 00:57:30:24

And that outlines clearly how the applicant proposes to graze the site. And then this is just kind of almost echoing that, that it has to continue throughout the operation of the site. So hopefully that explains the principle of 19.

00:57:37:06 - 00:57:38:18

And the.

00:57:41:02 - 00:57:46:00

So its response to the relevant planning authority. Comments.

00:57:48:14 - 00:57:58:12

But 2012, paragraph 31 states that annual maintenance is not to be submitted, which is something that they'd asked for because you just explain that.

00:58:02:08 - 00:58:04:29

Josh Taylor for the applicant. Excuse me.

00:58:10:23 - 00:58:45:28

Oh, geez. Yes. So. I think my understanding and don't want to speak for the council. What they were asking for is a schedule of maintenance to be submitted yearly to outline and predict the maintenance activities happening in the year ahead. Now, our submission was that that is, I suppose, a difficult thing to produce and to fix into a requirement. I think by the very nature of how the works and how article five works, and now the definition of maintain as we changed, it states that.

00:58:47:13 - 00:59:24:04

The maintenance activities must not give rise to any materially new or materially different impacts. So to some extent it's superfluous to have a schedule of maintenance because you can't go above what's been assessed and outlined in the US. So to some extent, the maintenance activities are what they are and think it would be difficult for and potentially owners for a contractor or an undertaker to have to predict that year on year for the 40 year lifetime. And to add to that, it wouldn't be able to, for these reasons, include unplanned maintenance or emergency works.

00:59:24:06 - 00:59:55:09

So think we would query the helpfulness or the purpose of providing such a schedule of maintenance. And ultimately, if it had to be approved, i.e. if it was linked to the requirement and we were waiting for approval before being able to do maintenance, then that could arguably lead to greater issues, greater damage, and ultimately it's counterproductive. So think for all of those reasons, we we query the purpose of of needing to have a schedule of maintenance. And we haven't included it.

00:59:55:14 - 01:00:05:05

And think for all of those reasons, we would argue it wouldn't meet the test a requirement at this stage in terms of being precise. Enforceable and reasonable.

01:00:09:13 - 01:00:16:15

Okay. Thank you. Could I ask the relevant planning authorities to to comment on that that particular.

01:00:18:15 - 01:00:29:07

The strand, the annual maintenance. But first of all, whether you're happy with the climate 19 as it's worded and also the maintenance issue.

01:00:30:24 - 01:01:10:28

Danny Hall, Lincolnshire County Council. Yes. Think we're happy with what's there? It's what isn't there. And as you raised with the applicant in terms of the schedule of maintenance, perhaps could just respond to Mr. Taylor's reasons why they didn't consider that to meet the relevant tests. And we do. And we don't see this as being overly onerous in terms of causing delays to necessary maintenance. At the moment, ma'am, you'll be aware that there is a ten week turnaround and a deemed discharge for approvals and under requirements, so we don't foresee that causing any delays.

01:01:11:07 - 01:01:44:09

And secondly, we don't have in mind, you know, the need to tell us every time somebody's going out to clean a panel or cut some grass. It is more to capture any event for large scale replacements of panels and things like that. In terms of the scale of potential effects and out. What Mr. Taylor said about, well, there's a cap essentially on what we can do because there's a requirement not to exceed the parameters of the. Yes, that's right, obviously, insofar as it goes.

01:01:44:11 - 01:02:17:03

But there obviously are a range of effects capable of having genuine effects, but fall short of significant environmental effects that would be captured by that cap. And it's obviously not in keeping with how the treats really. Anything just to say, well, if you're as long as you do what's in the yes, you can do anything else that you like. That's not how it operates. And so there are things that we consider there to be a benefit in the planning authority having oversight of.

01:02:17:12 - 01:02:53:29

And and we don't think there's a particularly onerous requirement just to enable the planning authority to identify if there are any such impacts and have a conversation, a sensible conversation about mitigation or how that might be managed to minimise effect, particularly traffic associated with the replacement of panels, abnormal loads, etcetera, that that are not necessarily objectionable in principle. They can be fine if managed and it just provides a mechanism. So for these conversations to happen with the Highway Authority, for example, I'm gonna leave it there and hand over to North Kesteven.

01:02:55:26 - 01:03:07:03

Commissioner and district council. Yes. In addition to those points, all concern is primarily about subsection two, which deals with.

01:03:09:01 - 01:03:43:22

Sheep grazing. Now, our concern to, to summarize is that we recognize that requirement 19 specifies there needs to be details about how those sheep are going to be grazed, manage, maintain, etcetera. And our concern, however, is one of substance, which is that what this actually secures at present is not really anything, because the outline doesn't actually give us any idea of numbers. So no qualitative and quantitative assessment of the number of sheep, how often they're going to be grazing, where they're going to be grazing, etcetera.

01:03:43:24 - 01:03:47:04

So as it stands, because there's no substantial

01:03:49:02 - 01:04:01:04

security of any aspect of sheep grazing, requirement 19 doesn't do very much because it doesn't secure any sort of. An obligation in respect of that.

01:04:12:13 - 01:04:18:07

So yeah. So the second part of requirement 19.

01:04:20:20 - 01:04:30:23

Simply states details of how sheep grazing will be managed and maintained. So it's sort of like, what is the sheep grazing? What's the extent of it? Yes.

01:04:30:25 - 01:04:32:02

And the problem is that that.

01:04:32:04 - 01:04:33:14

Need to be shown anywhere.

01:04:33:16 - 01:04:56:27

Indeed, if that's going to be given weight and sheep grazing as part of the agricultural use of the land and all mitigation is going to be given weight, then the number of sheep, how often they're going to be grazed, etcetera, all needs to be secured one way or another. At the moment, our position is that it isn't actually secured, and requirement 19 doesn't secure something which is not already secured in the outline plan.

01:04:59:24 - 01:05:00:09

I think.

01:05:02:01 - 01:05:04:08

Most the applicants respond on that place.

01:05:05:29 - 01:05:38:10

Or Taylor for the applicant. If I could just take to point first just on the the maintenance point, it's something we're definitely happy to discuss offline just on on the large scale maintenance point. I know this schedule of maintenance came up on some other schemes, notably mallard paths, who have a 60 year lifetime. So arguably large scale replacement and whole scale replacement is probably more appropriate and applicable for those schemes with a longer duration because we have a 40 year scheme.

01:05:38:12 - 01:06:13:08

So it's not envisaged that there really would be large scale replacement. So hopefully that provides a bit of comfort at. As to that wholesale change point. But yes, we can think the most flexible way of doing this is to look at what's going into the outline control plan around kind of a scheduled maintenance point, rather than fixing it on the face of the, which I think is our primary concern. So we can have that discussion just on the sheep grazing point. Um, my colleagues will think deal with this in more detail later, part two.

01:06:13:10 - 01:06:45:24

But I just need to be clear at this stage that grazing is secured and it is baked into the control plans. Think we're probably looking at the wrong requirement in that requirement eight, which is the auto secure grazing. And it's baked in throughout the lamp. I'm just going to refer to a few paragraphs just as an example. So at paragraph 1.9 of the Olympic refers to the land manager liaising with the tenant sheep farmer to ensure the sheep farming practices are carried out.

01:06:47:10 - 01:07:18:09

A paragraph two. Tenet then talks about the species rich seed mix, which is suitable for long term sheep grazing. And then table one of that document outlines the discussions we've had to date with the shepherd. Most notably, row, the row of the 14th of July confirms that the shepherd agrees and can comply with the guidance issued by the NFU around stocking densities so that that is going to the heart of of stocking densities, and that actually the shepherd agrees that it's, it's workable with, with the stocking densities.

01:07:18:11 - 01:07:45:11

And then paragraph 5.4.4 talks about rotation of the flocks around the site. So think to be absolutely clear it's our position. Grazing is secured. There can't be any doubt that it is secured. It's secured in the limp. And then it's echoed again in requirement 19. So if you like it's a double mechanism. Requirement 19 is saying we then have to outline how that will continue for the operation of of the scheme. So.

01:07:47:23 - 01:07:52:02

I just wanted to make that point before my colleagues talk about it in more detail later.

01:07:55:00 - 01:08:02:15

Yeah. Okay. Is there anything else from you guys? We'll discuss this again later.

01:08:02:19 - 01:08:37:22

Guess that North District Council. Yes, ma'am. I think it's probably a topic to discuss later. We understand from the 11th that there are discussions ongoing, but opposition is still. It hasn't yet been secured. We understand that there is attempts to secure it, but there aren't any details in the length, nor any of the other outline plans which actually secure through a legally binding contract. Any sort of numbers or or timelines in relation to how often on how many sheep are going to be grazed.

01:08:38:09 - 01:08:53:03

So in that sense, requirement 19 doesn't add very much because if it is secured in the then it will be caught within requirement 19 anyway. If it's not secured in the requirement 19 doesn't add anything.

01:09:00:21 - 01:09:01:12

Thank you.

01:09:07:10 - 01:09:10:09

Just moved on to the other new requirements.

01:09:12:18 - 01:09:19:02

Climate 20 Soil Management Plan is now a stand alone document.

01:09:20:27 - 01:09:26:19

And standalone requirement was previously annexed to the to to the camp.

01:09:32:06 - 01:09:44:22

So. In respect of this has has the wording of the outline soil management plan changed at all or is it just the way it's. Presented in the DCI.

01:09:48:14 - 01:09:53:26

Job title of the applicant. No, it hasn't changed. We've essentially pulled it out into a standalone plan.

01:10:08:04 - 01:10:12:16

So the relevant planning authorities have any comments to make on. Requirement 20.

01:10:15:22 - 01:10:16:07

Okay.

01:10:18:03 - 01:10:19:02

21.

01:10:20:17 - 01:10:22:00

Community orchard.

01:10:23:20 - 01:10:32:21

And so this is now a new subset work number nine labeled as work number nine C. I'm.

01:10:35:18 - 01:10:41:16

That requires a number of details to be agreed by Norfolk State District Council.

01:10:47:28 - 01:10:50:04

Not trigger for its provision.

01:10:55:25 - 01:11:03:02

Are the relevant planning authorities had a look at this requirement. Are you happy with it? Is there anything needs adding?

01:11:13:22 - 01:11:16:09

Somerset District Council. Yes, we're happy with it, mom.

01:11:29:12 - 01:11:45:02

That's all the questions I had on requirements. Are there any other requirements that we've not been through that the relevant planning authorities would like to raise any comments on before we move on to protective provisions? Not a chance.

01:11:49:07 - 01:11:49:29

And thank you more.

01:11:51:07 - 01:11:52:07

Okay. Thank you.

01:11:56:02 - 01:12:02:12

Okay. Agenda item five. Tight schedule 13 protective provisions.

01:12:29:23 - 01:12:50:27

So as far as I'm aware, parts one and two are unchanged. Top three. Anglian water. Assume this reflects. And in Walter's comments and in the final statement of Common Ground. So no further changes are expected. Is that correct?

01:12:52:11 - 01:12:57:10

Yes, that's correct ma'am. Part three includes the agreed form. Protective provisions for Anglian Water.

01:13:09:19 - 01:13:14:09

It's part four. National gas transmission.

01:13:16:19 - 01:13:17:09

Um.

01:13:21:28 - 01:13:33:15

All I've got is their answer to my written question. 1.2 is that the protective provisions are agreed, but they're finalising the commercial agreement. I'm.

01:13:35:06 - 01:13:38:27

So can we assume that the protective provisions are not going to change?

01:13:40:15 - 01:13:51:27

Josh Taylor. Yes, that's correct. These are the agreed form protective provisions that went in at the previous version, which is why it doesn't look like it's been updated. Yes, that's our understanding. Shouldn't shouldn't change.

01:14:09:24 - 01:14:12:10

And part five Environment Agency.

01:14:16:13 - 01:14:31:26

So they're written rap received at that line two indicates that the protective provisions are agreed. Are they agreed? As in. The deadline to version or further changes expected.

01:14:33:29 - 01:14:52:14

Josh Taylor for the applicant. Yes, it's a bit chicken and egg and they they are agreed the deadline to version is agreed, but we kind of agreed them before and had kind of agreed form with them. And then they've gone in at deadline too. So we don't expect them to change the ones in at part five. Are they agreed for months?

01:15:08:04 - 01:15:12:17

Part six National Grid electricity transmission and.

01:15:14:03 - 01:15:19:00

Same response as for National Gas. Is that again? Is that great?

01:15:20:20 - 01:15:28:16

Draft out of the applicant? Yes. Correct. They are the agreed form protective provisions and we're just finalizing side agreements. Okay.

01:15:37:28 - 01:15:40:06

Part seven drainage authorities.

01:15:43:14 - 01:15:49:23

Again there. The agreed form. Protective provisions. The benefit of the IDB and drainage authorities.

01:15:51:06 - 01:15:56:12

This is the IDB, the only drainage authority that applies to.

01:15:58:25 - 01:16:10:03

Josh Taylor for the applicant. Yeah. Yes. Correct. That's my understanding. These do apply more generally, but for this particular site it's the it's the who's the relevant drainage authority.

01:16:19:02 - 01:16:20:26

And that slow side eBay

01:16:22:11 - 01:16:27:01

on teams. Can you verify that they're happy with that solution?

01:16:27:03 - 01:16:32:07

Right. It's under Scott blacklist. Yes. The protective divisions were not expected to make any changes.

01:16:32:23 - 01:16:34:07

Okay. Thank you very much.

01:16:44:16 - 01:16:45:29

I'm part eight.

01:16:48:02 - 01:16:49:20

Railway network. Rail.

01:16:52:06 - 01:16:52:26

I'm.

01:16:56:10 - 01:17:27:03

So there was an answer to the first round questions 1.6 and there's written rep received at deadline to rep 2095 and 106 states that their protective provisions are largely agreed, and this was discussed this morning as well. So for for one element of that, um, and that they hope to agree it is. Is there anything else on Network Rail.

01:17:29:15 - 01:17:49:18

Josh Taylor for the applicant. No. Nothing further madam, since, um, while further to the update this morning from my colleague and as you just outlined there agreed say for that one point on the compulsory acquisition. But we're hopeful that can be agreed and wrapped up as part of the commercial agreement before the end of examination.

01:18:04:02 - 01:18:05:08

Okay. Thank you.

01:18:10:06 - 01:18:19:07

And also this morning we discussed. National Grid Viking link. Triton. All.

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

Rebecca Fenn.

01:18:25:03 - 01:18:46:15

So I don't have any further questions on those at the moment and that they they may well be covered by, um, the first part one. Um. So I think you explain that the only thing I had to ask was that the relevant rep comes from Schroders green card.

01:18:48:21 - 01:18:51:29

And they just clarify they make a windfarm.

01:18:52:28 - 01:19:10:05

Just for the applicant. Correct? Yes. I understand that's the kind of asset management name but more locally known as Fen Wind Farm. But we will clarify think who the the protective provisions need to be in the name of. But yes it's my understanding that one of the same.

01:19:16:21 - 01:19:33:13

Yes. I don't think it's said in in the response for wind farm. Actually, I assumed it was the one next door to the substation, but you don't know. So that just needs to be clarified because they're not mentioned anywhere in the book of reference. Yeah.

01:19:48:24 - 01:19:57:23

Is there anyone else present today that wishes to make any comments on agenda item five on protective provisions?

01:19:59:19 - 01:20:30:22

Stephanie Hall, Lincolnshire County Council, just to to wave a flag, really, that we've begun discussions with the applicant about a potential additional protective provision for the fire authority and it will replicate, we hope, one that's been agreed as part of the gate. Burton DCO essentially, for what it sounds like, say the fire authority can come and inspect and kind of on an annual basis that their fees will be paid for doing so and to ensure fire safety.

01:20:31:05 - 01:20:37:08

I see nods to on the other side of the room. So it was just ma'am, to put that on your radar, but it's something we'll be progressing offline.

01:20:39:07 - 01:20:41:11

Yeah, yeah, I wasn't aware of that one. No.

01:20:43:17 - 01:20:44:12

Neither was my mom.

01:20:49:15 - 01:20:54:03

Yeah, it was just an update on that at the next deadline. That'll be good. Thank you.

01:20:55:04 - 01:21:07:10

Yeah. Josh Taylor for the applicant. Yeah. Of course. Um, yeah, I was aware I've let my colleague know, so my fault, but yeah. No, we're not opposed the principle of it. I think we just need to work through the detail of.

01:21:07:24 - 01:21:12:09

Does that something that's been done for the other solar parks? Lincolnshire, I think.

01:21:13:03 - 01:21:18:18

Yes. Ones that have battery storage on site. Yes. Yeah. It's bad. It's about the battery. Okay.

01:21:28:27 - 01:21:29:12

Okay.

01:21:38:15 - 01:21:48:29

Moving on to agenda item six. Just wrap up anything else in the DCO board. He answered a couple of more questions.

01:22:01:22 - 01:22:19:19

Yeah. Schedule five, where it's been split into two parts one and two permanent temporary alterations. And then the key and the colors have changed on the streets. And access plan back 2006.

01:22:22:18 - 01:22:34:10

So can you just explain? Mm. Share. Share a screen, if possible. Just what the. In purple and hatching and everything means.

01:22:40:05 - 01:22:41:06

First the applicant.

01:22:41:23 - 01:23:02:07

We will try and pull up a plan, and I'll try and talk it through. Yeah. Two 0:06 a.m. conscious to the extent we can't in detail am conscious. Agenda item eight tomorrow think is potentially on traffic and transport when our transport expert will be available to the extent we need. If you rather.

01:23:02:09 - 01:23:09:04

Do it tomorrow. Yeah that's fine. It was while I was looking at the DCO as cross-referencing to this and.

01:23:11:00 - 01:23:12:01

If you rather do it tomorrow.

01:23:12:03 - 01:23:18:14

Think that might be? Think that would benefit if that's okay. Mean can explain the drafting changes which. Might have already touched on earlier.

01:23:18:16 - 01:23:22:05

But to explain the drafting changes for now. Yeah.

01:23:23:08 - 01:23:59:18

So I think, as I touched on earlier, schedule five links with article nine, which is the power to change the layout of the street. Now, we had conversations with the councils on this to essentially try and frontload some of the mechanisms for how we would deal with that. Um, as a result, we have. But our transport team has been able to give further thought to. And the principles of the access and where we're taking access. It's envisaged that there will also be changes to the layout of the street, primarily a kind of vegetation clearance or visibility splays.

01:23:59:20 - 01:24:21:07

But, you know, so, so really schedule five and schedule seven linked together because where you're taking access, you're likely to need to do works to the street there. So that means that the streets and access plan has changed. Um, yes. And we can see on the screen. But it might be helpful if our expert talks through that agenda item eight tomorrow. The extent our questions on that.

01:24:21:09 - 01:24:22:09

Yeah that's fine.

01:24:23:28 - 01:24:46:17

So I think primarily that's what. Article nine and schedule five are doing. They're splitting out into permanent alterations and temporary alterations. And then in terms of the mechanism for sign off, the intention is that that will flow through requirement six which is the detailed design. Which kind of reflects the changes to requirement six,

01:24:48:05 - 01:24:51:20

which essentially links with article nine as well. Yeah.

01:25:00:23 - 01:25:05:10

Yeah, well, yeah, we'll talk about that tomorrow when the highways people are here. That's fine.

01:25:14:17 - 01:25:23:04

Um. Article 36 and schedule ten JUStrillionEAD removal.

01:25:36:21 - 01:25:53:22

So just wanted to check whether the relevant planning authorities. Are happy with that now with the listed works at schedule ten. Um, one of them is in both council areas.

01:25:58:14 - 01:26:03:16

I don't think any amendments were made to that, but just wanted to check if you were happy with that.

01:26:04:20 - 01:26:13:20

Stephanie Hall, Lincolnshire County Council I don't think we've got anything to add. So yes, you can assume happiness unless we say otherwise. Yeah.

01:26:20:10 - 01:26:20:25

Yep.

01:26:20:27 - 01:26:23:01

North Norfolk District Council. The same for us.

01:26:26:29 - 01:26:27:24

And Boston.

01:26:29:02 - 01:26:32:07

Have you marveled at Boston Borough Council yet? Happy?

01:26:35:25 - 01:26:39:27

Okay. And article 37.

01:26:42:20 - 01:26:43:09

Then.

01:26:44:26 - 01:26:52:24

Again, just to confirm there are no typos. It's just in the event that one's designated in the future. Is that right?

01:26:58:12 - 01:27:04:27

Josh Taylor for the applicant. Yes, that is correct. But we will double check and confirm that in writing.

01:27:24:21 - 01:27:25:20

Okay.

01:27:32:28 - 01:28:04:10

Article 42. It's schedule 14 procedure for discharge of requirements. So this is one for the relevant planning authorities. And there's been a number of amendments made. Um, both in terms of wording that business day has changed to working day. Public holiday has been added and there's the timescales for the decisions on the requirements consultation.

01:28:06:17 - 01:28:25:03

Thing. Discharge, fate. And then. A new section five has been added regarding phase. So I just wanted the the council's views on those and whether you intend to respond to them in writing.

01:28:28:13 - 01:28:37:04

Associate, North Devon District Council. Yes. If start with the relevant determination period, we.

01:28:38:20 - 01:28:46:08

Understand that the determination period has been amended from 6 to 8 weeks as a middle ground. We do still remain.

01:28:47:24 - 01:29:17:01

At ten weeks. Nothing has changed in terms of the reasons as to why we seek ten weeks, and we are seeking ten weeks on the basis that there is no deemed discharge. So as it stands, the eight weeks we've been discharge is not in line with what we're seeking for the reasons we previously already gave. And we are seeking ten weeks in relation to discharge of all of the requirements. And that's in line with other duties.

01:29:19:01 - 01:29:37:28

But at the minimum, for most it is ten weeks. And also it reflects the determination period needed for some of the requirements, which are incredibly detailed requirements. For instance, the requirement six, which deals with detailed design. And so anything less than that we say would not be achievable.

01:29:41:14 - 01:30:00:20

And in respect of further information, time frames and consultation. Again, we appreciate that there has been a change in the number of working days allotted to seek further information. However, again, that is still below what we originally sought and we do remain at this stage, as are initial time frames.

01:30:05:11 - 01:30:10:10

And may just pass over at this stage to Mr. Felton, who just deal with the fees provision.

01:30:12:25 - 01:30:44:27

Thank you, ma'am. Nick Feltham, North Kesteven District Council. Yes, obviously we have the additional provision in relation to, um, to payment of a fee. The applicant's previous position was that they would look at introducing such a provision alongside a planning performance agreement. Obviously that has to run in parallel. And the concern that we have in sort of reading five is that the intention is effectively to pay the equivalent of what is a conditional discharge fee under the town and country planning process that has very recently been increased.

01:30:44:29 - 01:30:45:14

And.

01:30:47:18 - 01:31:18:24

But our concern is very much that that will significantly undervalue the time and the expenses that will need to be borne by various elements of the Council to address these applications. So we do not agree with that fee schedule being applied. And. We are aware that alternative schedules have been referred to other solar schemes in Lincolnshire. We had agreed a what would have been a higher rate with the applicant, albeit informally, and before the schedule was rewritten.

01:31:18:26 - 01:31:33:16

So think. Suffice to say that North Kesteven District Council's position is that applying a conditional discharge town and country planning equivalent is not something that we accept at this point in time, and we would actually look to negotiate for an increase.

01:31:39:01 - 01:31:44:21

Okay. Thank you. Is that the stance taken by all the relevant planning authorities?

01:31:48:15 - 01:31:51:23

Yes, emphatically it is. We support that wholeheartedly.

01:31:52:08 - 01:31:54:11

And in terms of the time periods as well.

01:31:54:13 - 01:31:57:28

Yes, ten weeks is what we would be seeking as well. We consider that to be reasonable.

01:31:58:18 - 01:31:59:12

And Boston.

01:32:00:11 - 01:32:06:18

Yes, ma'am. Abby Marwood for Boston Borough Council, we'd be in agreement with that as well. Both the timescales and the fees.

01:32:07:06 - 01:32:09:01

Timescales and fees. Okay.

01:32:10:03 - 01:32:40:14

Sorry, ma'am, if I could just make another point. Nick Feltham, North Kesteven District Council, five two. B is drafted such that the the fee is returned within eight weeks of the local authority's failure to determine an application. Again, that's that that refund clause think is worth saying as a point of principle. We would resist that. I mean, obviously the eight weeks doesn't align with what what Mr. Shaikh has just pointed out in terms of being aligned with that discharge period.

01:32:40:16 - 01:32:56:24

But. As far as I'm aware, there's no equivalency in conditional discharge refund fees in the town and country planning process, as would be introduced by two B in this case. So we do not agree with that provision of refunding the fee at eight weeks.

01:33:04:17 - 01:33:08:06

Okay. Thank you. Can I have the applicant's response to that place?

01:33:12:28 - 01:33:46:05

Josh Taylor for the applicant. You're taking the first point on the time period for discharge. We note the points in the consensus from the councils on the request for ten weeks. We will obviously have to take that offline and consider, I think, to the extent we can almost do a bit of a horse trade and agree that the to the extent we could get to ten weeks and the points on deem discharge were essentially accepted or dropped in response to us being able to agree ten weeks and think we can get comfortable with that.

01:33:47:18 - 01:34:18:26

But for all the reasons outlined previously at issue specific hearing one and in our written response, we as the applicant would require that that certainty of a dean discharge. So yes, it's something we can give consideration to and pick up with the council's offline on the 8 to 10 weeks point. On the fees under paragraph five. Again, we take the point. You know there just to mention long field. There is precedent for this in the long field.

01:34:20:05 - 01:34:50:13

And think the emerging gate burden also have this wording or although I recognise that might well be changing as well. So. That's our starting position. But, you know, we hear what the councils are saying and we will give it a thought. I suppose our concern as well would be that if there was a in place, we wouldn't want to duplicate any costs. Uh, within this schedule as well as within the PPR. So we might just need to discuss how that would work in practice as well.

01:34:50:15 - 01:34:57:28

So in short, I think we'll take both of those points away on timeframes and on fees to hopefully discuss with the council's offline.

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

Okay. Thank you.

01:35:33:03 - 01:36:05:05

Okay. Just mopping things up. Can. Articles 32 and 45. This is a question specifically for the Boston. Um. So there's no mention of it anywhere in the in your responses, whether you're happy with the wording of articles 32 and 45 and the exclusion. Of work number six B and six C.

01:36:06:25 - 01:36:25:10

From requirements 16 and 18, which is the National Grid works, and requirement 16 is the supply chain Employment and skills and 18 is decommissioning. Whether you're happy with those works being excluded.

01:36:27:20 - 01:36:28:05

Let's climb.

01:36:30:19 - 01:36:37:21

Thank you. Mom. I've been part of Boston Borough Council, and it might be something that we can come back to you in writing on. That's okay.

01:36:39:29 - 01:36:56:04

That's okay. Yeah. So? So people just confirm whether you're happy with the wording of articles 32 and 45 and the exclusion of work number six B and six C from clients 16 and 18.

01:36:59:11 - 01:37:02:03

So it's just to check those. Really? Thank you.

01:37:05:21 - 01:37:16:15

So does anyone present have any other outstanding concerns relating to any other articles or schedules of the DCO? Before we move on.

01:37:19:14 - 01:37:19:29

Yep.

01:37:21:21 - 01:37:22:20

Okay.

01:37:24:16 - 01:37:38:01

The gist of the update on the statements of common ground, which are relevant. To the draft consent order. And then. Then we'll have a break before we go on to environmental matters. Thank you.

01:37:40:01 - 01:37:45:27

Laura writes on behalf of the applicant and the statement on the grounds are progressing as.

01:37:47:18 - 01:38:20:22

Of it in the Statement of Commonality at Deadline two. In short, the statement of the council is progressing with the amendments we're seeing from the development consent order and the outline plans. There's some matters that we're may not likely to reach agreement on. So best, most versatile land, which we'll touch on shortly. This afternoon, Black Sluice will be agreed once the commercial side agreement is finalised. The land agreement is with the Environment Agency solicitors at the moment and once that's agreed, then the statement of common ground can be agreed with them.

01:38:21:03 - 01:38:51:16

National grid gas and National Grid electricity transmission can be finalised once the commercial side agreements are agreed. National Grid Viking Link requires a protective vision to be agreed, and this is slightly further from agreement than the previous National Grid's entities. Natural England Statement of Common Ground is under discussion, and we're expecting to have further discussions with them in

relation to the Outline Soil Management Plan. Submitted deadline two and the progression of the strict licence contract, Network Rail remains under discussion.

01:38:52:02 - 01:39:00:19

Capable of resolution. If we can reach the commercial agreement and try to nil again, can be concluded once the legal agreements are agreed.

01:39:07:00 - 01:39:08:00

Okay. Thank you.

01:39:16:19 - 01:39:26:23

Right. So. We'll take a break. It's 340. Nearly. Um.

01:39:30:00 - 01:39:33:10

Just thinking ahead. So we'll have roughly an hour.

01:39:35:05 - 01:39:56:01

After that. So when we only get through agenda item eight, or if we cover nine as well. Not not sure yet. We'll see how it goes. But yeah, we'll move on to agenda item eight if we 15 minutes enough. So if we meet at five to 5 to 4. Okay. These hearing is now adjourned.