

Heckington Fen_21 NOV_ISH3_PT2

Created on: 2023-11-21 17:26:27

Project Length: 01:18:14

File Name: Heckington Fen_21 NOV_ISH3_PT2

File Length: 01:18:14

FULL TRANSCRIPT (with timecode)

00:00:04:24 - 00:00:10:00

I welcome back. The Time Is Now 355. The hearing is now resumed.

00:00:11:23 - 00:00:22:20

We now on agenda item eight. So when we're in the environmental matters part of a hearing now which starts with land and soils.

00:00:25:03 - 00:01:00:17

So firstly, I'd like the applicant just to provide a summary of their response to the relevant planning authorities and their concerns that they've set out in their local impact reports and regarding use of best and most versatile agricultural land. Including cumulative effects. And then I'll ask a couple of questions of the relevant planning authorities. First. Does the applicant want to introduce any other parties to the discussion? Thank you madam.

00:01:00:24 - 00:01:02:21

Neil Bromwich for the for the applicant.

00:01:04:27 - 00:01:38:03

Thank you. I will have some assistance on this matter. From from two people. To my left is is Tony Kernan, who is an agricultural expert. He will be giving some, some, some input. And Isabel Holland, further down to my left from Pegasus Group, who has undertaken the environmental assessment work, and I will call on them to to add to some of the points that I'm going to make.

00:01:38:05 - 00:01:43:04

But if I if I may, and when we're ready, I'll start with our response.

00:01:44:20 - 00:01:46:23

Yeah. That's fine. Go ahead. Thank you.

00:01:48:11 - 00:02:33:28

Okay. Thank you very much. Um, so just to give some outline in context to the applicant's position and response to the council's lawyers on this, on the matter of soils, the Council contend that the temporary loss of best and most versatile land is significant, and the applicant has not justified the use of the best and most versatile land. But the applicant notes that there is no prohibition in policy on the use of land, there is no loss of soil resource, and its substantial justification has been given to for the use of best and most versatile land within the application.

00:02:35:00 - 00:02:41:13

The applicants consider the concerns stated primarily by North Kesteven District Council and Lincolnshire County Council in their eyes.

00:02:41:25 - 00:02:45:00

Sorry, could you move a bit closer to your microphones?

00:02:45:22 - 00:03:14:15

Sorry. Sorry. Did that last one didn't. Um. Uh, let me start that that again. The applicants consider that the concerns stated primarily by North Kesteven District Council and Lincolnshire County Council in our. And also in their responses to the question. And further, it wraps eight of them on two. No points are being made by Boston Borough Council in relation to land and soils, and in

00:03:16:14 - 00:03:28:13

North Kesteven and Lincolnshire County Council in their responses. Agree. Agree that the cable, the cable route will be restored and the BMV land value will be restored following construction.

00:03:30:07 - 00:04:04:04

There are no best and most fertile land effective events. Substation the grid route and the grid connection. Therefore, do not raise any concerns in relation to land and soils and the applicant is concentrated. The response with regard to the impacts arising from the solar Park only. Many of the points raised by the County Council and the county Council. Many of the points made by the by Lincolnshire are similar to North Stevens as North.

00:04:04:06 - 00:04:17:00

The statement of the relevant local planning authority for the purpose of the application of concentrating on our response to their representations, but noting that Lincolnshire County Council have submitted a further written rep.

00:04:19:02 - 00:04:51:12

North Kesteven note their support for the principle of the development, but highlighted that there are tensions and conflicts between the need to meet the climate emergency and reach net zero, and the relevant national and local planning policies. They highlight the impact on best and most fertile land as one of their concerns. The applicant notes that the use of the poorer quality land grades three being below for large scale solar farms in a rural location, are generally supported by policy. Neither council taking any issue with the use of the poorer quality land.

00:04:51:27 - 00:05:03:11

These areas, together with the suitability of the grid connection and the cable route from the predominant part of the land, used and used to to deliver the development.

00:05:07:14 - 00:05:44:17

Applicant considers that in justifying the use of best and most versatile and significant way, it should be given to the site selection, including that the solar park consists of a well contained site and the single land ownership where the landowner is willing to diversify its holdings into the renewable into renewable energy generation. Solar Park has accepted grid connection with National Grid for the supply of 400MW of renewable generation, and the site has very minimal opposition, some of which relates to the use of best and most versatile land, and that without the best and most versatile issue, the site is generally and contentious.

00:05:46:12 - 00:06:26:19

So turning to North Kesteven submissions. In its written Rap It, North Kesteven raised a number of issues relating to best and most versatile, summarised as follows and we cover this in our response. The applicant should justify why other non best, most versatile and cannot be used, and that the applicant does not prove the need to develop the best and most versatile land, and the applicant has not minimise the impact through appropriate design solutions that certain fields could be removed from the project, which are primarily BMV best, most versatile land.

00:06:26:28 - 00:06:59:18

The constraints on existing farming use, argue to justify the use of best and most versatile land, have not been supported by evidence that the proposal to continue agricultural use of grazing has not been developed. That the use of best and most versatile land amounts to a significant impact in its own right. Additionally, the cumulative impacts of the scheme are a significant impact and that the 40 year temporary period for development is not temporary, as the revised Ndpb contains a policy supporting repowering.

00:06:59:20 - 00:07:02:20

So those are the issues that North Kesteven have raised in there.

00:07:04:08 - 00:07:39:09

And so we're going to deal I'm going to just deal with those. And my colleagues are going to also deal with these points. The applicant considers that the primary policy considerations are those in the adopted and draft energy National Policy statements, and one and N three, and these policies should be given significant weight. There is an important, relevant policy consideration. We should be given some weight. The local planning policies are important, and relevant consideration should be given minimal weight in the context that they've been adopted taking into account.

00:07:40:26 - 00:08:02:19

Town and country planning schemes, which are generally smaller schemes, and smaller schemes may find avoiding best, most versatile and less complex than a nationally significant infrastructure project. Therefore, these policies should be treated within that context. The council appeared to put great weight on the Local Plan policies, and the applicant disagrees with that approach.

00:08:04:17 - 00:08:36:27

Council raised the 2015 written ministerial statement and the need to provide compelling justification for the use of versatile land. They note that this policy was agreed as extant in the Lovington Appeal. The applicant notes that in other appeal cases, the 2015 statement is being given little weight and considered against more recent government support for renewable energy development. In the Energy White Paper, the British Energy Security Strategy, the draft NPS, the and Powering Up Britain.

00:08:38:16 - 00:08:57:24

The applicant also notes that a London decision provided by North Kesteven in its response is subject to statutory challenge. Judicial review on the ground of compelling evidence test was misapplied by the Inspector, considers that the appeal decision should be given no weight in this matter.

00:09:01:07 - 00:09:36:03

Turning back to National Policy statement, the applicant notes that the policies relevant to this matter prohibit the use of land draft. Um, sorry. The applicant knows none of the policies relevant in this matter prohibit the use of best and most versatile land. Paragraph three 10.5 of draft three. Um, that is the starting point for considering the use of best and most versatile land. The applicant notes that LLC's written, rapid deadline to suggest that the starting position should be one of refusal.

00:09:36:11 - 00:10:03:16

That's not the correct policy position, and as such, the applicant suggested their representative representation is considered in that context. The urgent need for renewable energy generation gives rise to the presumption in favour of granting consent for NZ proposals. Draft in 33. 10.8 recognizes the scale of development will have impacts, particularly in site, if sited in rural areas.

00:10:05:02 - 00:10:30:19

It's supportive of solar that is co-located, for example, with storage to maximize the efficiency of land use. That's precisely what this proposal includes. The applicant considers that the use of best and

most versatile land within the site maximizes the use of the land, as it delivers the full 400 megawatt capacity to meet the grid connection agreed to make efficient use of the land.

00:10:33:00 - 00:11:02:08

In accordance with paragraph three 1014 draft in three. Poorer quality land has been preferred as justified by the removal of grade one and grade two land, as acknowledged by North Kesteven District Council in its rap. This is minimized the area of best and most versatile land being used through its iterative design. Only areas are of mixed quality land and form part of a contingent farming block have been retained within the scheme.

00:11:05:02 - 00:11:13:00

Further justification for retaining this land in the solar park include that the land parcels are more prone to flooding and wetness than the land removed, while

00:11:14:20 - 00:11:49:03

the land is used for growing cereals, should that be suitable and profitable for more economic crops such as potatoes or beans, the land would be used for these crops. But it's not, and in practical terms it's not suitable for these uses. Therefore, there is no loss of such high value food crops as was the case in the Lovington decision highlighted. The applicant therefore considers the economic impact of a move from from cereals to renewable generation, and grazing is not significant, a factor that you should consider as important.

00:11:49:16 - 00:12:03:12

Paragraph three 10.6 of the M3. In accordance with paragraph three 1015 of draft in three states that the use of best and most versatile is not prohibited. The applicant considers the impacts have been

00:12:04:27 - 00:12:05:14

considered.

00:12:07:05 - 00:12:20:27

And include the significant contribution of biodiversity net gain. The continued agricultural use which the applicant has developed and will be secured through a commercial agreement. And as we heard earlier, the the requirements.

00:12:23:24 - 00:12:54:05

The temporary use of the land contention that the boat repowering therefore should be used as permanent, as permanent must be given no weight. The state can only consider the application before and government policy, and the need for renewable generation for solar in 40 years may be entirely different from today. I'm the loss of feed wheat grown on the land when compared with the yield on poorer quality land, will have a negligible effect on food security within the UK.

00:12:55:08 - 00:13:03:10

A small area circa three hectares as the most versatile land is being used for access and substation battery storage and will be restored.

00:13:05:14 - 00:13:20:01

There will be negligible permanent loss. The overall protection of soil as a resource to be used for. There is an overall protection of the soil as a resource to be used in food production, and Natural England have no objection to the use to the point.

00:13:22:07 - 00:13:45:26

So, turning briefly to national planning policy, the applicant sees no tension of conflict between the desire in national planning policy, which contains a presumption in favour of sustainable development

and the need to protect soils with national planning policies. The NPF does not require active use of land. It is concerned with the protection of soil as a resource.

00:13:48:21 - 00:14:06:26

Planning policy guidance. Paragraph two highlights the importance of soils not just for growing crops, but also as a store for carbon and water, and as reservoir for biodiversity and a buffer against pollution. These are all aspects of the soil as a resource which is being maintained at Accrington Fen.

00:14:09:12 - 00:14:35:23

Just briefly returning to the 2015 written ministerial statement. The applicant does not disagree that the use of best and most versatile land for solar development needs to be justified. The applicant disagrees that the test is one of compelling evidence. The applicant considers that the statement is superseded in policy terms and given little weight. Much greater weight must be afforded to the National Policy Statements and the NPF.

00:14:38:07 - 00:15:17:26

These latter documents have been produced in the context of consideration by government to it, and then amendment to prohibit the use of solar development. Madam, you might be aware of the government chewing and fro on this point where there was a suggestion that the should be changed to bar the use of land for the use of best and most versatile land for solar development, and the government have sought not to make such changes in the most recent revisions to the in September 2023, and in the government's response to the consultations published in March 2023, the government states.

00:15:18:09 - 00:15:48:21

Given the range of factors that need to be considered in selecting viable sites for solar generation, including vicinity of grid and topography, and the limited availability availability of suitable brownfield land at scale needed for projects. We expect that some projects, all part of projects, may need to deploy on higher grade agricultural land, and that's the government's response in March 2023. The applicant considers the Minister of ministerial statement should be afforded very little weight.

00:15:48:23 - 00:16:03:19

However, it is noted that it does not preclude the use of best and most versatile land. The applicant considers that its justification for use of best and most versatile land is sufficient evidence to justify the use of higher quality land. Therefore.

00:16:05:17 - 00:16:10:27

To justify the use in drafting the. Justification needed in the drafting and for is fully met.

00:16:12:12 - 00:16:42:19

Turning briefly to the local plan policies of which the Council make a huge amount of give a huge amount of importance to its previously noted the applicant. Applicant considers that national policy has primacy in what is an important and relevant policy. However, the Local Plan policies are relevant and the applicant notes they do not prohibit the use of best and most versatile land. The applicant considers that there is very little, if any, conflict or tension between national policy and local policy.

00:16:42:21 - 00:17:16:03

But if the Secretary of State consider that there was a tension, national policy should prevail. North. Even the golden thread of Central Lincolnshire Local Plan is addressing the challenge of climate change and contributing to the transition to a low carbon society. Policies. S14 is known as being part of this process. Policy 14 provides a presumption in favour of development of ground based solar development, on the proviso for proposals best of most versatile land policy 67 is met.

00:17:18:15 - 00:17:38:27

Policy 6767. Apologies refers to loss of best, most versatile land, and the applicant notes that there is. There is no loss of the opportunities for food production and the continuance of agriculture economy, and they are preserved, which is which is the key heading of the policy 67.

00:17:41:10 - 00:18:03:08

So policy seeks to protect best and most versatile land in is supportive of development. Call it also supportive development causing loss to best most versatile land providing certain criteria met and those criteria then just run through them that the need for the development has clearly been

00:18:04:24 - 00:18:38:22

published, and that there is insufficient low grade land to meet the need. The Council assert that the application is not established, a need to use the best and most fertile land. However, this isn't an appropriate policy test. The policy does not refer to the need for the best and most versatile land. It is seeking the overall need for the development as established. This overall need arises from a wider urgent requirement for renewable generation, as highlighted in the applicant's submission and acknowledged in the principle support of the proposal accepted by the Council.

00:18:40:03 - 00:19:25:26

The benefits. The second point of policy the benefits and sustainability considerations outweigh the need to protect the land, taking into account the economic and other benefits of the best and most versatile land, and the significant. And in response to that, the significant benefits of the scheme have been set out by the applicant in the submission and in previous submissions, benefits are considered to heavily outweigh the effect of the proposal on best and most versatile land, in particular taking into account the very limited degree of disturbance of development resource. The third point in policy 67 that the impacts have been minimised through design solutions and as highlighted, the design has been amended to significantly reduce the extent of best and most versatile land affected by the solar panels.

00:19:26:04 - 00:20:02:21

And finally, policy 67, it says. Where feasible, once development ceases, the land is restored for former use. And we've confirmed the applicant has confirmed that in the requirements that the land will be restored to its former agricultural condition, with possibly the exception of a very small portion of the site, which relates mainly to access, which undoubtedly may, may, may improve the utility for farming in the future. And Adam, apologies for the length of that, but this is a really important issue and we wanted to get across our our view of the policy balance.

00:20:03:01 - 00:20:33:02

But in addition to that, I would quite like Isabel Hollands. Firstly, just to explain to you the the issue around the assessment of significance, because think there is a bit of a disagreement on that point and once once Isabel has explained Mr.. Mr. chairman to to respond as well on some of the more technical points. So if you bear with us, perhaps I could ask Ms.

00:20:33:16 - 00:20:34:02

Holland to.

00:20:35:28 - 00:20:36:13

Quite a.

00:20:36:15 - 00:21:12:10

Bit. Isabel Hollins here from Pegasus Planning. I have been the coordinator of the defense. I'm just running through the methodology that's been used. So the EIA for soils utilizes the thresholds outlined within a guide, which is called a New Perspective on Land and Soils in Environmental Impact

Assessment. And that was published in February 22nd. The use of this guide and the thresholds for significance are outlined in paragraph 16.3 .22 of the chapter, which has got a reference of rep to zero 29.

00:21:13:06 - 00:21:44:04

Table two and table three within the guide outlined the sensitivity and the magnitude of impact on the soil resource and of soil function. Table two defines the grade one to grade three land to have a very high to high sensitivity due to its biomass function. This same guide in table three states that the loss needs to be permanent, irreversible to one or more soil functions or soil volumes, including permanent ceiling on land quality or land quality.

00:21:44:06 - 00:22:14:12

Downgrading. As the proposed development is not a permanent development. The soil disturbance is being managed through the soil management plans at construction and decommissioning phases. It will not have a permanent impact on the soils of the site. This guide, the IMA guide then goes on on the significant scale that if land has been permanently sealed, the levels are use of land or downgrading on more than 20 hectares would be a major adverse magnitude of impact.

00:22:14:28 - 00:22:45:00

Losses of 5 to 20 hectares to be a moderate adverse magnitude and finally losses of less than five hectares to be a slight adverse magnitude. The Heikkinen Energy Park is 524 hectares, of which 257 is best and most versatile. Solar farm development varies greatly from a development such as a new residential development in Soma, as in so much of the development as not permanently close to the land.

00:22:45:07 - 00:23:03:07

Instead, the majority of the solar farm leaves the soil undisturbed and offers the opportunity to allow ongoing agricultural to take place in tandem with renewable energy development. Such process is encouraged in the draft three paragraph three point 10.2 of the.

00:23:05:01 - 00:23:40:06

Three states that government is supportive of solar that is co-located with other functions, for example agriculture, onshore wind generation, or storage to maximize the efficiency of use. Land use. The proposed design at Eckington Fen, which has been assessed in the EIA, is in line with this national policy of co-location as renewable energy generation will occur within the ongoing agricultural activities. The design of Eckington Fens site has evolved in the pre-application stage through consultation with the local authorities and consideration of the National Planning Policy design evolution process.

00:23:40:08 - 00:24:12:02

Reduce the order limits to remove land to the south of the park that was grade one and grade two, which had been included to offer further gain. The design has also been located the on site substation and the energy storage within an area of poor grade land, as no ongoing agriculture can take place on the answer on the on site substation or within the energy storage area. The generation of renewable electricity and storage of electricity are key requirements to the decarbonisation and achieving net zero by 2050.

00:24:12:04 - 00:24:44:26

The spirit based generation assist with achieving the security of supply. The remaining area of the development is solar panels, access tracks and other ancillary equipment. Communicative design. It would result in approximately three hectares of best and most versatile land, being temporarily sealed for the lifetime of the development. We consider that this is an acceptable loss, but for a robust assessment. The EIA has also considered the significance of the impact of this loss of approximately three hectares.

00:24:45:17 - 00:25:23:13

And if the. Consider this temporary loss to be a loss as defined under the EMA guide. Under the EMA guide, a loss of three hectares falls into the category slight adverse effects and is therefore not significant. This is concluded within the soil. Chapter reference rep two zero 29. Um, then going on, as Neil has highlighted, there's no national planning policies that set a threshold for acceptable levels of best and most versatile land for development. The only policy that uses an area of land as a marker for considering a significant effect is the Local Plan policy, that of 67.

00:25:23:26 - 00:26:03:03

Although not expressly stated in any of the submissions from the Rpas to date, we believe they're using this policy as justification for their stance on the loss of best and most versatile. Such statements should be considered with appropriate weight for local planning. Policy should be given against national planning policy when considering a national infrastructure scheme. If it is the case that the Rpas are using the Local Plan 67, then consideration needs to be given to the actual drafting of this policy, and this policy states where proposals are for sites of one hectare or larger, which would result in the loss of best and most versatile agricultural land and agricultural land.

00:26:03:05 - 00:26:34:17

Classification report should be submitted. Setting out the justification for such a loss and how criteria B has been met. Criteria B of this policy is the benefits and sustainability considerations outweigh the need to protect land when taking into account economic and other benefits of the best and most versatile agricultural land. In response to part A of policy 67, the applicant disagrees with the council's position that there will be a permanent loss, and I've already explained why.

00:26:34:19 - 00:27:15:14

Using a guide, they'll only be a temporary loss in response to part B, the proposals offer the following beneficial gains, which are deemed significant in terms and can be seen through the various assessments within the environmental statement, and these gains are firstly, additional tree and hedgerow planting within the energy park site, a gain of approximately 60%. The creation of a new four kilometre permissive path connecting to the footpath 51, an increase of employment in the 30 month construction period of 436 full time employees and a further 580 temporary indirect jobs within the local community.

00:27:16:21 - 00:27:48:26

The expectation that there will be a further 6.5 full time jobs for the operational life of the site and the. And which then will be supported by a further nine within the wider community, and the current jobs on site will not be lost as the work is needed on other parts of the farming operation, but decommissioning there is expected to be a further employment opportunities of 218 full time jobs and a further 290 temporary indirect jobs. There will be between 28 and 74% of the local accommodation.

00:27:48:28 - 00:28:22:22

Bed space would be required for non-local employees during the construction. Increased contributions to the economic output of the community through direct and indirect jobs. Ongoing agricultural activity on the land as it's not being lost if the operational life, but there is a shift from arable to pastoral in line with draft M3's wish to co-locate in agriculture and increased payment of business rates to the local economy of 1.3 million each year, which will be 28.8 million over the 40 year lifespan when it's run at a discounted rate.

00:28:23:21 - 00:29:02:15

Decrease, excuse me, a decrease in GHG emissions into the atmosphere over the life cycle of the development in the region of A11 million 370 tonnes of CO2. This figure accounts for the CO2 that is saved from the release of not using fossil fuels, and a generation of renewable electricity and storage of electricity are key requirements for the decarbonization and achieving net zero by 2050. To date,

the County Council has not concisely stated their position if these benefits outweigh the temporary loss of the three hectares of best and most versatile agricultural land.

00:29:03:06 - 00:29:36:07

Within the assessment is also made a cumulative impact of the ongoing schemes and town and country planning assessments within Lincolnshire. The cumulative report was updated and submitted at deadline two and that can be found as rep two zero 50. The report considered 18 sites, including the proposed development of the ease of hacking Fen is included. There are 15 other solar sites and two CIP schemes and two other schemes. Those other schemes are Boston Alternative Energy and the Lincolnshire Reservoir.

00:29:36:16 - 00:30:15:16

These two non solar schemes require the use of 998.8 hectares of best and most versatile land within Lincolnshire. The use of the 26.8 hectares of best and most versatile for the Boston Alternative Energy Scheme has already been approved by the Secretary of State in July 2023. The 14 cumulative solar sites, excluding hacking confirm, currently have 3931 head as the best and most versatile in Lincolnshire within their current application areas, and this is higher than the 303,697 hectares presented within the interrelationship report as.

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

The further town and country planning applications have been added, with that

00:30:20:07 - 00:30:54:09

being considered within the cumulative assessment, and they were excluded in the interrelationship report. Just to be clear that this figure is not a figure to be considered for the cumulative loss of a soil resource. Of the 3931 hectares of best and most versatile land, 3370 is still within the pre-planning stage of development, and so there is very little limited information on the proposals and the detailed soil survey work has not been completed. This preliminary stage of these developments should be considered as a limitation of the data available within the assessment.

00:30:56:00 - 00:31:32:00

The cumulative assessment has used the same guide to determine the thresholds of significance. It is also applied a 1% ten. Pretty lot of best and most versatile land, where there was no information available in the documents of the possible design of the site and therefore the possible loss the offer some context of this 1%. Eckington Fen is a temporary loss of 0.6% over the whole of the energy park. As part of the applicant's preparation for the this issue specific hearing, the best and most versatile cumulative figures have been revisited as they underpin a number of points the applicant envisages they will need to make.

00:31:32:02 - 00:32:02:19

This exercise has revealed that the lower end of best and most versatile could be affected than had been stated in the submitted documents. The revision for this is that the area of best and most versatile land in Nottinghamshire were included within the best and most versatile cumulative total. When the technical note and the loss from Gate Burton was under calculated, the technical note stated that 90 hectares of best and most versatile land would be lost, either permanently or temporarily, if the cumulative site was built.

00:32:02:27 - 00:32:40:29

This 90 hectare excludes the possible best and most versatile land from Lincolnshire Reservoir in error. This 90 hectare figure includes the 1602 hectares of best and most versatile land across Lincolnshire and Nottinghamshire for the one Earth solar, rather than the 279 hectares which is within Lincolnshire. It also understates the loss of best and most versatile for Gate Burton, which we had applied the 1% loss at 0.7 hectares rather than the two hectare loss from their project, documentation has stated.

00:32:41:08 - 00:33:14:19

Finally, it did not include the cumulative loss of three hectares in the proposed development of Eckington Fen when the best and most versatile loss is for one Earth, solar and gate burden are corrected and the three hectares of temporary loss in the proposed development is added. The total temporary loss of best and most versatile from cumulative development reduces to 80.7 hectares. This is a reduction of 9.3 hectares. The cumulative loss figure includes the 26.8 hectares of permanent loss from the Boston Alternative Energy Scheme, which was granted planning consent.

00:33:15:23 - 00:33:50:28

The Cubans have lost the best and most versatile due to solar farms, including that from Eckington. Fen within Lincolnshire is calculated at 53.9 hectares. This loss represents the list of cumulative solar farm sites which are within the cumulative technical note. Applying the same principles as outlined within the guide in table three. States that the loss needs to be permanent and irreversible to one or more soil functions or soil volumes. As cumulative solar farm developments are not permanent developments, they will not have a permanent impact upon the soils of the site.

00:33:51:03 - 00:34:23:28

For the seven solar farm sites that are in pre-planning, no detail has currently been submitted. Indicate that they will submit, that they will submit and so are management plans. So to mitigate the possible impact of the temporary development for the purpose of the, it has been assumed that this will occur. The seven pre-planning solar sites account for 41 hectares of the cumulative temporary loss for robust assessment. The EIA has considered the significance of the impact of this temporary loss of the 53.9 hectares and cumulative development.

00:34:24:00 - 00:35:03:06

Again, this has been undertaken in order for robustness of the considers the temporary loss to be a loss as defined under the guide. Under the EMA guide, a loss of 53.9 hectares falls into the category of major to moderate adverse effect, but further classification on the significance of the cumulative effect would require detailed soil survey work from the seven pre-planning solar farms, which is not yet available. Following the EMA guidance, the mix of grade one, two and three A is vital in determining the final level of significance, as the guide places a different weighting on the different soil types.

00:35:05:01 - 00:35:43:18

The cumulative assessment then takes a headline figure of 53.9 hectares and considers it against the total area of best and most versatile land within Lincolnshire, across Lincolnshire. There is estimated to be 402,900 hectares of best and most versatile land. Temporary loss of 53.9 hectares of best and most land is equivalent to 0.01% of best and most versatile land within Lincolnshire. When this possible loss is placed into the context of the best and most versatile resource within the county, the cumulative loss becomes insignificant in terms.

00:35:44:04 - 00:35:44:21

Thank you.

00:35:49:03 - 00:35:49:29

Okay. Thank you.

00:35:50:25 - 00:35:57:11

Thank you madam. And may I ask Mr. Kiernan to to add that to. I'm sorry.

00:35:57:18 - 00:35:58:08

Just before we.

00:35:58:13 - 00:36:33:26

Move on to a third topic, so it's Stephanie Hall, Lincolnshire County Council, and we've had a huge amount of new, detailed and very fast paced information on on two of the three topics the applicant wishes to, subtopics the applicant wishes to address under the heading of BMV. We can't possibly respond to this, and it does appear that the two witnesses so far have spoken from prepared notes that could be submitted, which would allow us time to review the matter more appropriate pace, and might just suggest that we short circuit that.

00:36:33:28 - 00:36:45:17

If Mr. Kiernan has a similarly pre-prepared note that that could be submitted, and that's a better use potentially of time, because we're just not going to be able to respond in substance to any of what's been said today so far.

00:36:46:25 - 00:36:58:04

Yeah. Understood. The yeah, I would expect to receive copies of these at deadline three anyway and will give the relevant planning authorities until the deadline after that.

00:36:58:12 - 00:36:59:06

I'm very grateful.

00:36:59:08 - 00:36:59:23

Thanks.

00:37:00:19 - 00:37:03:06

So you won't be hearing substantive submissions.

00:37:04:28 - 00:37:06:08

Substantively respond.

00:37:06:10 - 00:37:08:09

Now? No. I'm grateful. Thank you.

00:37:08:27 - 00:37:10:19

Thank you. Go ahead.

00:37:11:28 - 00:37:52:24

Mr.. Doesn't have a brief, prepared statement. Mr. Gannon is here today. I think it would benefit the hearing if you agree for Mr. Gannon to make this make his statement, I do as I said, I do apologise for the length of the of my statement, but I would stress that it doesn't contain anything new. It contains all of the information which has been submitted by the applicant. It is a collation of our points in response to LCS, and we have responded with the information which the applicant has set out in its application, in both the planning and the statement and the environmental statement.

00:37:53:03 - 00:38:18:24

So I appreciate it is long. It is worthy. It's important to get our point of view across today, because that is the purpose of today's oral hearing for you to understand the. Position of our case. It will be submitted in writing and the local authorities are will be able to respond. But do think it's important that Mr. Ken responds as well and completes our case if that's acceptable to you.

00:38:19:20 - 00:38:21:23

Yeah. How long is it likely to take? You know.

00:38:21:28 - 00:38:24:28

We we can probably be as brief as we can, but.

00:38:27:13 - 00:38:31:28

To no more than ten minutes, but I'll try and keep it short and I'll keep figures out of it, madam.

00:38:32:15 - 00:39:09:08

That's fine. And so I'm gonna follow up in writing anyway. Um, just summarize as much as you can. Um, because I do, I do have some questions for the relevant planning authorities. Nothing too much detail, just on what's been submitted already and which I'd like to get through today. Um, but. Yeah. Here. What are you saying? The. Because this is the last set of hearings for this project, and everything else will be in writing and wish to be able to supply a full written response in time.

00:39:09:10 - 00:39:33:18

And there is opportunities for several more. We're only voting just past deadlines here. We've got not three deadlines, so there is opportunity to do that. Um, so the applicant, just to present their case verbally on what seems to be the main issues in this case, it's fine. And just try and keep it as concise as you can. Thank you.

00:39:34:10 - 00:40:11:10

Thank you madam. Tony Kernan for the applicant. I was I was the principal author of the agricultural chapter. And Mr. Bromwich just talked about policy. And then just talked about the and how we've determined it. Obviously, the council's conclusions are that there's a significant impact at county and district level, which is quite different to the conclusion that we came to in the US. So what I'm trying to look at here is why they're saying. That what factors they've included in that assessment and most importantly, why we considered that wrong.

00:40:14:10 - 00:41:01:27

So setting that there is a significant impact at district and county level. I'm just trying to look at what the significance is that they've assessed it on. Well, it isn't based on the guide just talked you through the guide, which is very clear that in terms of biomass and that it's talking about the permanent, irreversible loss. So and it's got those different criteria that are set out within the. So. The council's conclusion that there's a significant loss is not based on that. It isn't based on the national policy statements, particularly the draft three that requires that the Secretary of State considers the economic and other benefits of BMV, but it doesn't set criteria for significance, and it doesn't set thresholds.

00:41:05:06 - 00:41:31:20

Attend then to the now. The does of itself set the idea of significant because it has a footnote 58, which talks about where significant development of agricultural land is deemed to be necessary. Poorer quality land should be preferred. That is the footnote to paragraph 175, which is the plan making policy. So the council's significant impact hasn't come from there.

00:41:34:18 - 00:42:06:06

I also don't consider this microphone. Okay, perfect. Also don't consider it's come from the Central Lincolnshire Local Plan policy either, because that starts, as Ms.. Holden said, with saying that proposals should protect best and most versatile land so as to protect opportunities for food production and the continuance of the economy. So that's again not talking about land use, that's talking about protecting the resource.

00:42:09:08 - 00:42:39:15

Nor can the conclusion come from the from whether there's a significant impact because of loss of the resource, because it was just been highlighted. We're talking about in terms of the tracks and the the small substations, about a hectare of grades one and two and 1.8 hectares of subgrade, three a so that's

that's clearly not the concern. So the concern that's been raised and. I think purely is based on whether there's a change in the intensity of use of the agricultural activities that are taking place.

00:42:39:28 - 00:43:10:28

And think that's that's taken from the landscape appendix, which does talk about land, remove from arable farming for 40 years to at best lower intensity grass based system. So. Having identified that, what I think is the impact that the council are using to decide its district and county and county level. I just want to look at the policy behind that and the practical effects and the basis of those concerns.

00:43:11:03 - 00:43:47:00

So in terms of policy, policy is about protecting the resource. It's about protecting the opportunities it says in in 67. The agricultural land classification system is about the potential. So when you grade land grades one, two, three, etc., it's not about the current use, and it's very clear that the current intensity or the current type of use doesn't affect the land grade. It is the resource. There is no policy or initiative to actively require land to be farmed, and there is no food production policy that governments got.

00:43:48:00 - 00:44:37:09

So it isn't a policy basis. In terms of practice. So the practical implications and the particularly have said that they recognised that the difference between subgrade three A and three B is quite small. So there isn't recognised a big difference in terms of production. And. Sorry, there is a figure coming up here. But in the madam in 16, 657, we we made an attempt at identifying the difference between BMV and non BMV production, and that was taking a fairly crude assessment of high and average production from one of the budgeting books and applying that to 1.4 tons per hectare.

00:44:38:06 - 00:45:03:16

What you'll find if you work through that part of the chapter, is that. The land. If it's producing that extra would be about 360 tons over the site. So it's not a big figure. And that's basically saying if you accept that solar panels are going to go onto agricultural land and you didn't use this, you selected poorer quality land elsewhere. The implications.

00:45:05:04 - 00:45:36:06

For the scale of development would be about 360 tons, and that needs to be seen in context. In 2022, the UK produced 15.5 million tonnes of wheat out of a 24 million tonnes cereal production, so that 360 is quite small. Lincolnshire has set out in the yes and produced about 1.5 million tonnes. Even if you took all of the site, so the full site, that's the most fertile and none and took all of the production from that have set out in the.

00:45:36:08 - 00:46:03:24

Yes, that's only about 4500 tonnes. So in a national and county perspective, that's not significant. But that would be, I submit, the wrong approach to take because there's no limitations on using subgrade three b. So there's nothing to say that you should be assessing the actual reduction. We should be looking at the incremental reduction. Should you move the panels onto three b elsewhere. So.

00:46:05:06 - 00:46:05:23

Having.

00:46:06:25 - 00:46:39:20

Looked at those impacts and think it's important to just set it all in context as set out in the Defra in their press release and 6th December last year. So that's S16 para 6.64. And where it's referenced, they made clear that they don't see this food crisis. And we know in terms of practice that non-food uses are actively encouraged. Sorry. Do a couple of figures. But I just totted up the other day the Countryside Stewardship scheme.

00:46:40:15 - 00:47:10:17

As of 1st of April last year, just on the. Tears that relate to arable land going into grassland field margins. ET cetera. They were funding 161,000 hectares the 1st of April last year. Government in August produced a biomass strategy, which is seeking to get more biomass for biofuels, bioenergy from agricultural land. And they noted that their 121,000 hectares in biomass.

00:47:10:19 - 00:47:18:08

That's important because that's a very recent initiative from government that's not about food production. It's about other uses of land.

00:47:20:16 - 00:47:36:00

So. Pulling that together. Don't think we can measure how they determine significance because it hasn't come from any documents. It certainly hasn't come from the approach we've taken within the US. And and it doesn't seem to be based on any policies.

00:47:38:03 - 00:48:03:05

We do have to also. Balance that with the benefits, many of which was talked about. There's also the improvements to the soils, which are set out in the. Yes. And because the particularly because the local plan and because the talk about the economic and other benefits that there isn't likely to be a reduction in labor because the grazing etcetera will require labor. So.

00:48:05:04 - 00:48:41:12

Having identified what seems to be the basis for the district council and the county council's concern of district or county level harm. It isn't based on the NPS in the National Policy Statement, and. That does require that the use of BMV be justified, including the economic effects, but it certainly doesn't prohibit it. And the policy and the practice seems to be all about protection of the resource rather than the actual use that we're talking about at the time.

00:48:42:10 - 00:49:07:01

The resource will be protected, because there's general agreement that the insertion of panels and the removal of panels doesn't cause any downgrading or ceiling. So I don't think from from that analysis, there's any way to conclude that the councils are right to say that it's county or district significance. Certainly not in terms certainly not in policy terms. And I would say certainly not in practical terms.

00:49:18:23 - 00:49:25:12

Thank you. Thank you, madam. That Mr. Kennan summed up nicely. So don't need to add anything. Okay.

00:49:25:14 - 00:49:26:13

Thank you very much.

00:49:27:22 - 00:49:30:04

So for the.

00:49:30:06 - 00:49:34:19

Councils yet, you'll see that's a lot to take in. And.

00:49:35:28 - 00:49:36:28

And then there.

00:49:37:00 - 00:50:01:12

Was a lot of documents submitted at deadline to as well, including the amendments to chapter 16. The as I'm. Don't expect a response from you today. Um, just I do just have a couple of questions. But firstly, is there anything you want to raise in terms of what's been said initially?

00:50:02:20 - 00:50:03:20

Thank you, ma'am, if I may. Nick

00:50:05:09 - 00:50:08:09

from assistant development manager at North Kesteven District Council. Um.

00:50:09:12 - 00:50:10:05

I'm afraid.

00:50:10:07 - 00:50:20:18

I think the interpretation of the weight of the Central Lincolnshire Local Plan is wrong. The applicant's starting point seems to be that because of the scale of the project.

00:50:22:14 - 00:50:52:16

That it is more difficult, I suppose, for scale schemes to avoid because of the fact that they've got large grid connections and that they're more limited in terms of how of how they operate. So the applicant's point appears to be that it's easier to accommodate a town and country planning sized solar farm by avoiding BMV land. But but unfortunately, there's there's absolutely nothing in the wording of the statements.

00:50:53:06 - 00:50:59:17

Which provides any sort of differentiation between how you apply the tests of avoidance at either the.

00:51:01:03 - 00:51:32:21

Policy stage or the local level. And. The policy is consistent, it is entirely consistent. Central and local plan policy is entirely consistent with the and with the statement, which is about preferring lower quality land and avoiding and. I think just to pick up on a couple of points about, I think the applicant suggested that poor quality land had been preferred by removing land at pre-amp stage in grades one and two.

00:51:33:00 - 00:52:06:16

Um, and of course that that is the case to a degree. The council has accepted that there has been some movement by removing from the order limits areas of one and two. The applicant didn't mention they just mentioned 1 or 2, the inference being that they've preferred three A as a poorer quality. But of course three A is still a BMV land designation. The council's point that we make in our written representation is that there remain opportunities, in our view, to have gone further.

00:52:06:27 - 00:52:41:01

There are groupings of fields shown in the applicant's field plan, which were also illustrated on revision, which which was the indicative plan submitted at deadline, to which suggested that other parts of the land could have been removed to sort of rebalance those BMV proportions and think I'd also make the point as a general comment, that we think the applicants approach to how they assess temporary versus permanence we don't agree with.

00:52:41:03 - 00:53:14:06

We think there's a disproportionately high reliance on the permanent ceiling as a result of certain works. And I think a suggestion that you could almost supply the tests because everything else is reversible and temporary, and it's only for a 40 year period. The Collington appeal, paragraph 48,

which we introduced with our written representation, accepting that this is this is in challenge at present. The inspector there agreed that it would constitute generational change.

00:53:14:22 - 00:53:54:14

Um, and as we've said in our written representation, there are provisions in the for repowering the expectation, I think, is that repowering is looked upon favourably in terms of renewable energy schemes. There is a presumption that that happens. I think from from our perspective, that cast doubt, we feel on how much can be relied upon in terms of a permanent over ceiling versus the loss of opportunity at very nearly 50%, BMV at 250 plus hectares over a generational 40 year period of time for operation of the site.

00:53:54:17 - 00:54:24:21

And just to pick up the final point, think in terms of significance and how that has been addressed. Um, it's it's paragraph 11 .8.3, which is the preface to policy 67, in the Central Lincolnshire Local Plan. Um, which states that proposals for development on unallocated sites which would individually or cumulatively result in a significant loss bracket one hectare or more of best and most versatile agricultural land. Excetera.

00:54:24:23 - 00:54:58:21

We'll need to demonstrate. So there is a there is a hook in 11 .8.3 of the of the text to 67. Which might answer the question about how the Local Plan considers significant loss to be interpreted in terms of that that size and scale, and think the 175 um and 1.4, the importance of the places is on the value of land as a resource, and it refers to economic and or the benefits of that land.

00:54:59:26 - 00:55:39:04

As a as a starting point and as a resource and think the applicants point about there's no food production policy, there's no food crisis. Um, well, if that were the case, then the 2023 iteration of the might have been expected to have removed the protection given to to BMV land if it was no longer considered to be an important starting point of policy. So I don't think the council quite accepts that position. And we do have some significant concerns about the mitigation in terms of grazing, which which my colleague has picked up on earlier and we're happy to expand upon.

00:55:39:06 - 00:55:46:03

And so the reliance upon significance having been addressed and the presumption in favor.

00:55:47:20 - 00:56:05:25

Attaching significant weight is also in large part predicated on whether the impact is mitigated by design by another solution, and Stevens position is that that that particular element as well has not yet been satisfied. Thank you.

00:56:07:24 - 00:56:09:15

North Steve district council.

00:56:09:22 - 00:56:10:07

Go ahead.

00:56:11:05 - 00:56:58:05

Thank you. Ma'am. I might just start with saying that Mr. Franklin, whose agricultural consultant has noted the points that have been made in detail, will obviously need some time now to consider them in detail and respond in due course. So rather than inviting him to make general point at this stage, I'll suggest that he responds to your questions in due course and then picks up any more detail points in written submissions. And just one point in response to the grazing mitigation, I probably ought to raise this in slightly more detail. At this stage. It is already something that we've addressed this

morning, and the outlined length at paragraph 4.6, which was referred to by the applicant this morning, does set out that grazing is being explored as part of this project.

00:56:58:07 - 00:57:27:06

And table one sets out the discussions that have taken place. The relevant dates. The most recent of which indicate that there have been discussions about sheep farming, preferred grass mixes, etcetera. We still ought to label labour the point that we understand discussions are ongoing, but the applicant places a significant amount of weight on a mitigation measure which has not been secured.

00:57:29:04 - 00:57:34:22

There is no legally binding obligation or contract that has been agreed with the sheep farmer.

00:57:36:29 - 00:57:48:25

As part of that agreement, we would expect to see some details about the number and density of sheep and the amount of time that they would be grazing the land for each year.

00:57:50:10 - 00:57:55:27

It would need to last for the duration of this project, i.e. 40 years.

00:57:59:25 - 00:58:04:07

And it would need to be secured either through the outline length or

00:58:05:25 - 00:58:23:04

alternatively through a requirement. And the requirement that's set out currently is requirement 19. And if it was going to be secured through requirement instead of the outline, then the requirement would need to set minimum numbers so that accordingly, in due course you could attach weight to the minimum.

00:58:25:20 - 00:58:54:19

It is secured. And that does comprise part of that mitigation. But as it stands, we ought to put the point quite strongly that we understand mitigation is something that's relied upon by the applicant and is given significant weight, but it is not secured. And so we are struggling with how we address that mitigation. And at present, our submission is that no weight can be given to any mitigation in the change of agricultural use of the land.

00:59:08:00 - 00:59:10:29

Okay. Thank you. Is there any other comments?

00:59:14:15 - 00:59:17:23

And I think we've made our position clear that we'll respond in writing.

00:59:18:14 - 00:59:19:16

Okay. Thank you.

00:59:26:16 - 00:59:47:10

Yeah. One of my questions was just about that. Requirement requirement 19. And that whether you had anything further to add, which you've just which you've just said and I presume recommend coming back in writing on that for what was said earlier as well. Um.

00:59:56:20 - 01:00:14:24

Yeah. Just had a question about something that was raised in, I think it was in one of the local impact reports that there's concerns raised that the area is not known for sheep farming. Um, and whether that's a barrier to its future use.

01:00:16:27 - 01:00:19:07

And I'm going to pass on at this stage to Mr. Franklin.

01:00:24:20 - 01:00:25:19

Sam Franklin from.

01:00:25:21 - 01:00:27:27

Landscape, representing North Kesteven.

01:00:27:29 - 01:00:59:03

District Council. Yeah, this part of Lincolnshire, it's fairly intensively arable, farmed. Most of the fields on this farm have no fencing and gates. They have no available water. Um, and so that infrastructure has got to be provided as part of the scheme for grazing. But what what the issue is with sheep farming, um, it's several fold.

01:00:59:05 - 01:01:48:00

The first is that there aren't very many sheep farmers locally, so trying to find somebody with the scale of sheep operation is quite important. And this is why we've made representations under requirement 19, because at the moment we we haven't got any information on that from the applicant. Um, the second is there sort of practical issues that make grazing underneath a solar farm less attractive to someone with a roving flock of sheep? The difficulty of trying to round up and handle sheep when you can't see them very easily under the panels, and also the practicalities of trying to retrieve sick or injured animals if they are sort of partially hidden on the site.

01:01:48:04 - 01:02:01:20

Whereas in an open field, that's obviously much easier for a shepherd when they're doing their headcounts round ups for feed and so on. Um, recognise that it's not impossible, but the fact that the applicant has.

01:02:03:18 - 01:02:10:22

Forward assembled is indicative of the struggle to find someone, particularly for a site of this scale.

01:02:12:21 - 01:02:13:08

Thank you.

01:02:53:20 - 01:03:08:05

Now, I think most of my other questions already been answered. There was thing about the appeal decision. Lillington. Obviously, I'm aware that that's been challenged and we'll we'll see what comes of that. Um.

01:03:11:17 - 01:03:24:23

Yeah. And just for link and share your written representation. Rep two 104. And this was mentioned by the applicant as well. And that.

01:03:27:08 - 01:03:43:09

The final paragraph. Given the strategic importance of the county as a food producer for the nation, any development on land should start from a position of refusal, with the emphasis for the applicants to prove otherwise, and just wondered where that had come from.

01:03:48:12 - 01:04:31:28

Well think. Sorry. Stephanie Hall, Lancashire County Council think it's probably an indication of the strength of feeling, rather than precise repetition of wording in policy, and will respond to the points

made by those sitting opposite me in terms of the proper interpretation and application of all of the policies local, national and draft and think probably that's the point to pick that up, if we may think strictly right, that there is no with the implication in that question that that doesn't derive from policy wording, but that it's probably an outworking of the fact that we don't think there is compelling evidence, as required by the 2015 written ministerial statement.

01:04:32:13 - 01:04:42:24

And but it's probably more helpful if I can suggest we respond to the policy points put by the applicant in writing and wrap that up if we can.

01:04:44:00 - 01:04:46:00

Yeah, that's fine, thank you.

01:05:10:01 - 01:05:12:12

In terms of cumulative assessment.

01:05:15:17 - 01:05:38:28

I just wanted to check. With the relevant planning authorities that you've. You've seen the the the additional document rep 2050 and just whether they fully covers now the additional projects, particularly in respect of land use matters.

01:05:48:01 - 01:05:50:12

As far as I know, there's no other projects to add.

01:05:51:09 - 01:05:59:07

So definitely think if you guys think. That was our view as well. We just tried to confirm, but I think that was our view as well that we think that's a comprehensive list now.

01:05:59:09 - 01:05:59:24

Yeah.

01:06:03:04 - 01:06:07:08

Nick Feltham for North Haven. Yes, we agree that list is comprehensive.

01:06:20:03 - 01:06:20:18

Okay.

01:06:21:09 - 01:06:37:26

And. Boston Council. I'm sorry. You said earlier, but in your local impact report, there's no mention of land use issues and best and most versatile land area. Have you got any comments to make from what you've heard?

01:06:38:21 - 01:06:39:06

Thank you.

01:06:39:12 - 01:07:01:19

Abby Marwood for Boston Borough Council, and I think from our perspective, the mainland uses the cable route and therefore it's a temporary impact. Um, the being returned, um, back to its full use after the cable route is put through. So, um, no comments from us on that respect. Thank you. Hey. Thank you.

01:07:13:14 - 01:07:17:06

Okay, that's all the questions I have to say. Applicant wants to add anything else.

01:07:18:15 - 01:07:46:19

Thank you madam, just very briefly, um, just just to kind of interesting to point out that you might have noticed the sheep grazing adjacent on land adjacent to the solar park yesterday when we did the essay and just to add to the point, made about very little weight being applied and not providing a grazier the applicant has done that is made it clear that there's ongoing discussions. And this is

01:07:48:12 - 01:08:19:17

an application which is before you to consider whether consent should be granted. Clearly, we will not have a contract in place with a grazier until consent has been granted. Should it be granted, because at the moment there is no need for a year. Hence why in the. We have set out the discussions which are ongoing with a grazier. So we have selected what the applicant has selected and found a grazier, and there is evidence of sheep farming in the vicinity.

01:08:20:02 - 01:08:37:09

So we so see no reason why that can't be delivered. And we disagree wholeheartedly. That little weight should be given. In fact, this is a very important part of our application as is secured under the articles and we've described and we've set out which articles secure that. And and we are confident

01:08:39:04 - 01:08:52:00

secured. And it may be helpful to clarify that in our, in our submission, perhaps a deadline through or deadline for just just to add some explanation to give you some confidence that that will get delivered.

01:08:55:22 - 01:08:56:21

And that would be helpful.

01:08:56:23 - 01:08:57:08

Thank you.

01:08:57:26 - 01:08:58:12

Thank you.

01:09:05:24 - 01:09:09:17

Is there anything else from relevant planning authorities.

01:09:11:00 - 01:09:49:25

And district council? Yes, ma'am. Just through you. It would be very helpful if the applicant were to set out in any further written submissions whether or not they're going to provide, for instance, minimum requirements, because we understand that discussions are ongoing and we understand that there may not be an intention to enter into a legal legal agreement before consent is granted. But equally, we're currently completely in the dark about exactly what sheep grazing would look like if consent was granted. And that's our concern, is that we don't know exactly how many sheep are going to be on the site and therefore actually to what extent that mitigation will occur.

01:09:49:27 - 01:09:58:15

That's exactly what we're seeking. And if the applicant has that information, then then we'd ask for you. That's provided. So we can take a view on how much weight that should be given.

01:10:00:28 - 01:10:09:22

Yeah. You've just set a deadline. If you provide additional information that will give some sort of comfort.

01:10:11:09 - 01:10:23:14

Could I possibly suggest we consider where the deadline for. But defer to my colleague just in terms of deadline three, very soon we'll be able to get that information.

01:10:32:09 - 01:10:35:08

Until we will get a draft ready for deadline three.

01:10:36:16 - 01:10:47:19

Yeah, I'm just looking at the dates after that because it's quite a big gap because of Christmas. After that deadline for and giving the council the chance to respond to that. Running out of time.

01:10:48:20 - 01:10:49:16

Maybe we'll do that.

01:10:49:18 - 01:10:50:25

Thank you. Draft deadline.

01:10:56:04 - 01:10:57:07

Okay.

01:10:59:22 - 01:11:01:19

So anything else before I move on?

01:11:05:09 - 01:11:21:03

No. We will do landscape tomorrow and residential. There's not not a huge amount to go through on that. Um, yeah. We've got the time available within the agenda to cover landscape tomorrow.

01:11:22:27 - 01:11:38:06

And are there any other matters in relation to what we've heard today in relation to the draft order and land use issues that anyone wants to raise, either in the room or online before I go to a close?

01:11:53:06 - 01:12:16:29

Remember District Council. Mark, there are a couple of more detail points in relation to the draft. We might just make those. In written form. Unless there are aspects that you particularly like to hear now in relation to apprenticeship, apprenticeships and training provided as part of. I think there's a.

01:12:19:05 - 01:12:19:22

The skills and.

01:12:20:00 - 01:12:20:23

Yeah, the skills.

01:12:20:25 - 01:12:21:10

Plan.

01:12:21:22 - 01:12:29:23

And, and just how that's going to be secured and to what extent there's going to be either funding or some sort of security around apprenticeships.

01:12:30:01 - 01:12:34:04

And that's okay. You can I'll pass that now. That's fine.

01:12:36:15 - 01:13:16:16

Thank you, ma'am. Nick Feltham, North Kesteven District Council and yes, what I think one of the discussions that we've had with the applicant and think we raise it in the response to our first questions is in relation to the to the draft, dealing with employment skills. And think one of the questions that you asked was whether or not the authorities would be able to liaise with schools and colleges regarding, um, skills and sort of training opportunity, I suppose, as distinct from how the applicant might market construction opportunity for the construction and possibly the operation of the development.

01:13:16:18 - 01:13:46:20

So I think really it's just a sort of highlight that. If there is to be a commitment to furthering a skills apprenticeships study type offer. If that was the intention. If that is the intention. How that would operate. If that has a financial element to it, then whether we would expect a section 106 agreement or some other clause within within the draft to see how there is, how that financial commitment, if that is what is being offered.

01:13:47:24 - 01:14:18:12

Is actually secured and there is obviously no draft section 106 before us at present. So I think it's really just just to sort of pose that question, because certainly from the district council's perspective, we read that requirement is almost operating in two parts. I think from your first question, you'd probably prompted that is it read in two parts. There is a training educational commitment as well as a construction employment based element to it. So it's really about the need to continue that dialogue.

01:14:22:00 - 01:14:27:09

That was the applicant. Let's come back on that or. Anything to say initially.

01:14:29:11 - 01:15:04:04

Josh Taylor for the applicant. Yes. I think we will consider and discuss offline and come back in detail. But just as a preliminary point in terms of whether a 106 is needed or not, I think our position is that if anything is secured through a requirement, it's adequately secured. It's secured in a which is a statutory instrument. A breach of a is a criminal offence. So, you know, that is the mechanism of why we need the requirements. I suppose just going back to the basics of what is section 106 does it.

01:15:05:08 - 01:15:35:02

Secure mitigation to make development acceptable in planning terms, which is exactly what the requirements are trying to do, as well as the outline control plan. So I think our starting position is that everything that is to be secured, aside from community benefit, which we need to kind of disentangle from this process because it's not a material consideration. So I'm not referring to anything like that, but I think anything in the outline supply chain plan

01:15:36:19 - 01:15:54:19

could go into that plan. Any further detail could go into that plan rather than the 106. So think it would be good to discuss offline as to what exactly the councils foresee might require a 106 here. So that's just some preliminary thoughts, but think it's worth us picking up the conversation.

01:15:56:19 - 01:16:03:26

Somerset North Devon District Council. If I might just add some clarification to that, it's it's purely at this stage of request is to

01:16:05:12 - 01:16:29:22

application around whether there is an intention to provide things like apprenticeships and, if so, whether there is any funding that's necessary, the mechanism by which that is provided, whether it's through the outline plan or whether it's through a section one six separately. At this stage, we're not

suggesting that one or the other should be used. We're just seeking clarification as to whether there's an intention and how that will be secured. We're quite happy to discuss that with the applicant.

01:16:29:24 - 01:16:47:24

Yeah, I think if that's something to discuss between yourselves and if you can have a response to that at deadline three, at least in the direction that it's heading. That will be good. Thank you. Was there anything else on the DCO?

01:16:49:13 - 01:16:49:28

Thank you.

01:16:50:18 - 01:17:21:19

Okay, well, I'll move to a close. There are several actions from this one, so I won't go through them all, but they will be published within the next few days. Um, of what needs doing and when. But I'm sure you've made your own notes as well. So thank you all for contributing. And today and the digital recording will be made available as soon as possible, will return here at 10 a.m.

01:17:21:21 - 01:17:50:08

tomorrow for issues specific hearing for where we'll we'll continue the environmental matters hearing. We will start on the matters. And further environmental matters to be discussed will include heritage assets, biodiversity, ecology and the natural environment, water from flood risk and the HRA, and also mopping up of any other environmental matters.

01:17:52:06 - 01:18:06:09

So. The time is now. 5:13, and this third issue specific hearing for Hankinson Fen Solar Park is now closed. Thank you.