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FULL TRANSCRIPT (with timecode)

00:01:50:14 - 00:02:18:28

Okay. Good morning, everybody. It's 10:04 and time to reconvene. Issue specific hearing for in relation to the application by Mallard Solar Farm Limited for an order granting development consent for the proposed pass. Mallard Pass Solar farm. Uh, apologies for the short delay in starting this morning whilst the microphones were sorted out, but they seem to be all working now. Has the recording started?

00:02:22:03 - 00:02:23:00

And the live stream.

00:02:25:24 - 00:03:06:23

Good. Thank you. And as I said, this is a continuation of issue specific hearing for which started yesterday. Yesterday, we dealt with matters relating to the scope of the proposed development and water and flood risk. And we are now up to archaeology as this is continuation of that hearing. I don't propose to go through my usual opening remarks again, which I think most of you have heard already several times. But I would point out for anybody here who wasn't in the room yesterday, the fire escapes one on my left through that door and then straight out into the courtyard area and another one back through the main doors and then turn right following the signs down the corridor.

00:03:06:25 - 00:03:29:09

And the assembly point is outside also the signposts to the toilets as well, out through back through the main doors. Is there anybody I've got a list of all the people who said they wanted to speak yesterday. Is there anybody here today in person who wishes to speak, who hasn't already said that they wish to speak?

00:03:37:26 - 00:03:39:04

For Mal Price Action Group.

00:03:43:06 - 00:04:27:00

Sorry. Good morning, everybody. Thank you very much indeed. Dr. James Williams, speaking on behalf of Mallard Pass Action Group. I'm speaking in a personal capacity, but that's based upon 32 years of professional experience working in statutory conservation bodies at a national and international level, including experience on monitoring and protected sites, development and publication of biodiversity indicators, and working at the science policy interface, providing advice to governments on and for countries and on a range of multilateral environmental agreements, including Ramsar Convention on Wetlands, Convention on Biological Diversity Convention, International Trade in Endangered Species Convention on Migratory Species and the Convention on European Wildlife.

00:04:27:04 - 00:04:32:03

I won't bother to go through my full CV, but I'm speaking as a as a biodiversity expert.

00:04:32:19 - 00:04:35:26

And I see you want to talk an item nine, which is biodiversity and ecology.

00:04:36:02 - 00:04:43:05

That's the main item. But I may come in on other items where they relate because there's cross-references between things. Thank you very much.

00:04:43:07 - 00:04:48:15

Okay. Thank you, Dr. Williams. Anybody else who hasn't said they wanted to speak? Who wants to speak in the room?

00:04:51:00 - 00:04:58:08

Good morning, sir. Charlie Tinkler, landscape architect, speaking on behalf of the Mallard Pass Action Group.

00:04:58:28 - 00:05:15:24

Good morning, Miss Tinkler. Miss Tinkler Tinkler. Okay. Thank you. Anybody else in the room? I see a hand up at the back? Yes, in the. In the middle? Yes. Just wait for the microphone to come out and then introduce yourself, please.

00:05:17:19 - 00:05:41:06

Holding Krumping Local resident interested in the biodiversity effect on this development has recently written, illustrated and published a book, the Nature Journal called Lincolnshire Lockdown, which I have studied. The area of the River Glen and the area that Malpass is now dealing with. Thank you.

00:05:42:20 - 00:05:44:06

Okay. Thank you.

00:05:45:24 - 00:05:49:28

And again, how would you like to be addressed at the hearing?

00:05:51:21 - 00:05:53:04

Mrs. Crumpling. Ms.. Crumpling Ms..

00:05:54:00 - 00:05:55:13

Okay. Thank you.

00:06:02:01 - 00:06:13:20

Okay. Nobody else in the room and online. There's a hand. It's a mystery hand because there's no initials next to it. So whoever it is with a hand up online. Would you like to introduce yourself, please?

00:06:15:26 - 00:06:29:06

And I think it's myself. Thank you, sir. It's Richard Clarke, Leicestershire County Council Archaeology, speaking on behalf of the historic environment in respect of Rutland County Council's interest and engagement.

00:06:31:18 - 00:06:33:04

Okay. Thank you, Mr. Clark.

00:06:34:28 - 00:06:38:02

And there's another further hand, I think, online.

00:06:38:22 - 00:06:51:02

Yeah, that's me. It's Miss Beth Fox. Um, and I'm with Lincolnshire Wildlife Trust, speaking on behalf of the Trust when we get to 0.9 Biodiversity. Thank you.

00:06:51:04 - 00:06:53:12  
That's Lincolnshire Wildlife.

00:06:56:03 - 00:06:58:10  
Trust. Yeah. Okay.

00:07:01:03 - 00:07:03:00  
Okay. Thank you.

00:07:06:15 - 00:07:25:22  
I think that's everybody on line. Good. Okay. I will think. Move on to archaeology. Are there any housekeeping matters that anybody wants to raise before we move on to the agenda, Mr. Fox? And that do you want me to introduce our

00:07:27:08 - 00:08:03:24  
as we come to the agenda topics. Yes. When we just and we've got one more thing to say and then we'll go into archaeology. I'll just get clear who's speaking. And on that particular item, as said yesterday, people who weren't here yesterday at the main aim of this hearing is for the examining authority to ask questions of the parties based upon the evidence that is before us. So far, we don't really want to hear what we don't want to hear representations that have already been made, a repeat of things in writing unless we've got particular questions of clarification over them.

00:08:03:26 - 00:08:39:28  
So it is important that we go through our questions because our questions are based on the matters that we wish to ask the parties questions about. And just because we're not raising an issue doesn't mean to say we don't consider it to be important or relevant to the examination. It's just that we don't have any particular questions on it as well because we understand the positions of all the parties. So this is not like an open floor hearing where we want general remarks from parties. It's in relation to the specific questions that we have got and if anybody has anything else they want to raise, which isn't in the agenda on these topics, then they should do so in writing at deadline seven.

00:08:40:16 - 00:09:11:18  
And the other point is that we're getting quite close to the end of the examination now. We've had lots of hearings, lots of opportunities for written representations. ET cetera. So it's very helpful to all parties and to us that there were no last minute submissions of evidence unless we particularly ask for it, because obviously been lots of opportunities for those to be already provided. So just in terms of the efficiency of the hearing, if on the whole we can be allowed to get through our questions and if you have matters relating to those, then we will give you the opportunity to talk about those.

00:09:11:20 - 00:09:31:05  
But it is important that we answer. We ask all our questions. Okay, if we can move on to archaeology and. So just so I know who's speaking on this particular item. Uh, obviously we've got from the applicant Mr. Fox like to introduce. And.

00:09:34:04 - 00:09:35:18  
Mr. Fox, the applicant.

00:09:37:06 - 00:10:01:05  
So Vince Masons, the legal advisors to the applicant. My left is Gareth Phillips, partner at Mason's. To his left. Peter Duncan, lead director at LDA Design. And to her left, Bob Sutton, director at Cotswold Archaeology, who is our heritage specialist. And I'll stop there when we get to the next item I'll introduce. Yes, that's.

00:10:01:07 - 00:10:18:17

Fine. It was just really for Mr. Sutton to be introduced to everybody. Okay. Thank you. And. Obviously, we have as part of this discussion and archaeology and Miss Tinkler from Lincolnshire County Council and.

00:10:22:13 - 00:10:35:12

We have Mr. Clark from. We're representing from Leicestershire Leicestershire County Council, but representing Rutland County Council. As I understand it. Mr. Clarke, are you.

00:10:37:00 - 00:10:50:15

You could just put your you're just in terms of your position, you work for Leicestershire County Council, but you act on behalf of Rutland County Council. Is that because of the agreement that Rutland County Council has in place with Leicestershire County Council?

00:10:50:25 - 00:10:54:13

That's correct. Thank you, sir. Okay.

00:10:55:16 - 00:10:56:04

Thank you.

00:10:58:03 - 00:11:03:26

And is there anybody else who particularly wants to take part in the discussion on archaeology?

00:11:07:21 - 00:11:10:26

Okay. Okay. Right.

00:11:15:21 - 00:11:16:13

Mr. Willis.

00:11:20:01 - 00:11:22:21

Good morning. Thank you, sir. Yeah, sorry. Just to clarify, um.

00:11:22:29 - 00:11:40:24

Mark Willis, Lincoln County Council. I'll be also wanting to speak on archaeology, but we also have just to clarify, Matt Adams is the County Council archaeological advisor who was on the call today who may want to also support in any comments or questions you raise?

00:11:41:29 - 00:11:50:27

Yes, and I think I mentioned this earlier, but meant actually you've got this, Alan, have you as well with you for Lincolnshire? No.

00:11:50:29 - 00:11:55:13

So, Mr. Adams, in lieu of today.

00:11:55:15 - 00:11:56:00

Okay.

00:12:03:18 - 00:12:07:03

Okay. Thank you for clarifying that. Okay.

00:12:11:10 - 00:12:42:08

Okay. So at Deadline five, I think it was the applicant submitted to the examination, its outline written scheme of investigation. And we've obviously read the representations, contents of statements of common ground in relation to archaeology. And obviously we had quite a full discussion on this at issue specific hearing and to think it was and also with several written questions. Is there any brief, Mr.

00:12:42:10 - 00:12:53:00

Fox, is there any brief update you want to provide on any further discussions or any further agreement or anything between the parties? Or are we it as it stands in the last statement of common ground?

00:12:53:09 - 00:12:57:05

And that's the way as it was in the last statement of common ground.

00:12:58:10 - 00:13:06:00

Okay. And just briefly. Is that the great position? Two of Lincolnshire County Council and Rutland County Council.

00:13:08:13 - 00:13:12:00

Mark Wallace Lynch Accounts Counsel Yes, that's same, sir.

00:13:14:06 - 00:13:14:21

Okay.

00:13:20:23 - 00:13:36:09

And what I was going to do next is probably for you, Mr. Sutton, is, if you don't mind me, go straight to Mr. Fox is just to give a very brief outline of the content of the outline written scheme of investigation.

00:13:38:13 - 00:13:50:27

But is a brief summary as you. You can, if that's okay. Yeah, I've got several questions to ask on it. Of course, no doubt the parties might have points to raise as well. So just a very brief overview of that. Okay. Yeah.

00:13:50:29 - 00:13:59:29

So the document at its heart sets out the proposed future further works in relation to archaeological investigations.

00:14:01:27 - 00:14:06:20

It sets out a suite of different options.

00:14:08:08 - 00:14:27:17

It identifies the plans for further archaeological trial. Trenching. To support the detailed design process and targeting that archaeological trial, trenching in those areas where the adverse impacts on below ground remains are most likely.

00:14:29:15 - 00:15:05:17

It also sets out a suite of further options to protect and mitigate any archaeological impacts prior to construction. No suite of options include through the detailed design process itself, creating areas where solar development or other development is excluded. The possibility, the outlined possibility of using ballast shoes with concrete shoes to prevent disturbance of buried archaeological remains and the opportunity for small scale archaeological excavations in advance of construction to mitigate the potential impacts.

00:15:06:00 - 00:15:49:18

And that suite of options are a standard response to further investigate and mitigate the potential impacts on below ground remains. The document includes the the detailed way in which that would be undertaken. So, for instance, it includes the methodological approach to the trial trenching, which would mirror that which has been undertaken already, but also includes a little bit of an outline framework of the activities that would take place for an archaeological excavation. It's a it's a standard. Um, document in the sense that its content and presentation style mirrors other outlined eyes that have been paid for solucoes, but also broadly matches with the kind of written scheme of investigation that you prepare for any development.

00:15:50:04 - 00:15:55:10

And I've authored hundreds, I'll have to be honest, you have over thousands of documents similar to this one before.

00:15:58:01 - 00:15:58:16

Okay.

00:16:00:04 - 00:16:36:13

Thank you for that, for that introduction. And just for clarification for everybody, in terms of on the agenda, there are two items. One is questions relating to the archaeological applicants, archaeological evaluation. The second is concerning mitigation. But I'm going to take them both together in case anybody is wondering, because various strands will come up during the discussions in relation to both will take and be together and. In terms of trial trenching. We have before us a draft without prejudice, wording and the draft develop consent order.

00:16:37:00 - 00:16:42:14

Should the Secretary of State decide that further trial trenching is required?

00:16:44:10 - 00:17:12:12

And I think that's outside of the outlined scheme investigation, which of course, as you've said, includes provision for. Further trial. Trenching in specific areas of the site is understand. You just outline what is the difference? To be absolutely clear, what is the difference between those two scenarios? The first one where there's a without prejudice drafting for the requirement and the and the second one where the outline written scheme of investigation includes the potential for further trial trenching beyond what's been done already.

00:17:12:28 - 00:17:57:14

And so if I can just answer first and then let certainly come in. The difference there is, as you would have seen from the council's responses at deadline five and six is that there's still a fundamental disagreement from their position in terms of the amount of trenching that's been done to even inform what this outline line looks like. As you rightly said, the outline talks about trenching happening in specific places and often said, but as they said, they don't even agree with the starting point of where we are and therefore that without prejudice requirement allows for that kind of first stage of if more trenching is even more trial trenching is needed to set the context for this outline.

00:17:58:19 - 00:18:22:16

So that's I mean, obviously our position is that we have done sufficient trenching. This outline is appropriate in the context of that. Um, but that's absolutely that's the point of disagreement. And as we said at the last hearing, that's why we propose that without prejudice requirement on the basis of the Secretary State. So that's appropriate to do. And then he can obviously we would not want it to be imposed.

00:18:24:03 - 00:18:29:05

Okay. Thank you. And don't know if you wanted to say anything further to that. But before you do, Mister Sutton.

00:18:30:22 - 00:18:45:16

Just sort of talk through how in terms of the outline of the scheme investigation, a bit more detail about in terms of the proposals for trial trenching, how that how that would be actually be determined through the outline of the scheme of investigation.

00:18:46:00 - 00:18:47:02

Through the outline.

00:18:47:10 - 00:18:47:25

Yes.

00:18:47:27 - 00:19:26:02

Yes. So, so how that would be used as a as a mechanism and a tool for that for that work. So through the detailed design process as areas for specific impacts become better understood. One would then draft a detailed, specific written scheme of investigation for further archaeological trajectory. It may well be that that's undertaken in a single phase. So in other words, that written scheme investigation will set out proposed trial trenching in multiple locations around the order limits.

00:19:26:25 - 00:19:50:25

It may well be that that is taken forward in a couple of different stages. There might be development on the the compound design. So for instance, you'll be going out and taking some trial trenching at that specific location early in the process so we can use it to inform design. And the outline scheme investigation refers to those as site specific written schemes. Investigation.

00:19:51:24 - 00:19:52:11

Okay.

00:19:57:29 - 00:20:15:28

And can just at this point ask the two representatives of the county councils. Start with Lincolnshire County Council, whether it's agrees that the areas where trial trenching has already taken place are those where there is the greatest archaeological. Risk.

00:20:17:15 - 00:20:18:02

And.

00:20:20:16 - 00:20:26:24

Just other than a general concern about what might be in the rows of the site. Are there any other areas that.

00:20:29:18 - 00:20:39:19

You've got particular concerns that that are at a particular risk. Or is it more of a generalized concern for the rest of the site? Can start with Mr. Adams for Lincolnshire County Council.

00:20:42:05 - 00:21:13:01

Good morning, sir. Thank you. For Lancashire County Council. The issue is that although the geophysics and the trenching that's been undertaken so far has identified areas of concern that there are likely to be other areas that were not identified in the disc based assessments and the geophysics that haven't been trenched in the blank areas. In our experience, there will be other archaeology there. Um, that so far the process that the applicant has followed hasn't identified.

00:21:13:03 - 00:21:21:24

So really all the areas that haven't been trenched. There is a risk that there could be archaeology there that could be impacted by the development.

00:21:22:22 - 00:21:33:17

Okay. And I think we had quite a bit of discussion on that at the previous hearing. And do you agree that the areas where trial trenching has already taken place, so those where on the information known at the moment there is the greatest archaeological risk.

00:21:34:15 - 00:21:46:23

From the information that is known at the moment? Yes. Those areas that have been identified through trial trenching are the highest areas, but there is still a very much an unknown across the site as well.

00:21:47:00 - 00:21:55:18

Yes, And I understand that that second point. And is that the same position for Mr. Clarke on behalf of Rutland?

00:21:59:00 - 00:22:34:06

So it's Richard Clarke, Leicestershire County Council. Um, yes, to a large extent. Although I would emphasise the particular value of the West Glen Valley as it runs through its corridor, so south and west of Dean. There has been archaeological investigation, particularly targeting an area of Roman and multi period activity in that zone. But there are areas such as the site compound that's proposed which hasn't been adequately evaluated yet, south west of excuse me, south east, south east of US and Dean itself.

00:22:34:28 - 00:23:09:18

So I would particularly pick out that valley. I'd also pick up the fact that the just picking up what my colleague in Lincolnshire has pointed out. Um, Mr. Adams, the, the geophysical survey is only as good as the technique that it supports, as it were, the information it derives and it picks up large areas of magnetic disturbance through which archaeological remains would not be readily detectable. And the evaluation is, in our opinion, inadequate across much of the application area.

00:23:09:29 - 00:23:38:03

So the points that Mark has made and that Jan made previously in this and previous representations when we absolutely concur with, but I would particularly pick up the the corridor of the the valley itself as one of the major areas where intensive archaeological investigation at an adequate level are necessary to fully understand the archaeological potentials of the site and the impact of the development.

00:23:39:23 - 00:23:43:16

And is that known on is that based upon known information at the moment?

00:23:44:02 - 00:24:18:20

To a large extent, yes. But it's also, um, it is information that consistently comes to light, as it were. As new information becomes available. I pick up particularly how crop mark data flags up the presence, the extent particularly of the um funerary landscape along the that's an early bronze Age funerary landscape along the West Kanye West, Glen Valley, south east and to the north of Essendon. The the area obviously the south east of Essendon is particularly relevant in this context because that's where the major core impact the development is.

00:24:21:12 - 00:24:22:29

Okay. Thank you. And Mr..

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

I say, Mr. Mr. Fox, if you want to say something first and then do so. Slightly in relation to that think Lancashire County councillor made the point in writing that as a minimum trenching should take place in those areas where the outline states that there are archaeological features where these have not been previously trenched. What's your view on that point that was made at deadline six or deadline five, I can't remember. But anyway, it's one of the two. Um, that as a minimum, trenching should take place in those areas where the outline written scheme states that there are the features where these have not been previously trenched.

00:25:00:20 - 00:25:06:23

Is it is it your expectation that those will be picked up in the through the outline scheme of written investigation?

00:25:07:06 - 00:25:38:05

Absolutely, sir. Is the simple straight answer to that point. Um, but that is caveated with my earlier submission, which is obviously referenced in all of our written submissions to and in the WSI, that those would be targeted in those areas where the greatest impacts from development will take place. So that's not to target while widespread archaeological trial trenching in the solar powered areas and that's specifically identified as that and that's at its heart is the difference of opinion.

00:25:38:07 - 00:25:49:18

So think you recognised. So we we the at the moment does not propose archaeological trial trenching in those areas where it's purely solar arrays.

00:25:49:20 - 00:26:01:04

So just to be clear on this, it's not proposed for the outline written scheme investigation that trial trenching would take place on further trial would take place on areas where the arrays are proposed.

00:26:01:06 - 00:26:08:07

If it's solely arrays, if there's other infrastructure that's to go nearby, that's where we'll be targeting the trial trenching. Yes.

00:26:08:19 - 00:26:12:03

That other infrastructure being hard standing inverters.

00:26:12:12 - 00:26:13:04

Absolutely, sir.

00:26:13:06 - 00:26:20:04

Absolutely. Okay. And in in relation to that, for the existing trial trenching, that's been done.

00:26:21:21 - 00:26:27:06

Did that cover any of the areas where the solar PV arrays are? Proposed?

00:26:27:08 - 00:27:05:14

Absolutely did. So it did. Yes. The the the phase of 200 plus trial trenches was being used to verify and test the quality of the geophysics results. We were trying to better understand what some of the anomalies that would have been identified in the geophysics were geological or archaeological and interest. And that gave us a we sometimes call it like a deposit model or a landscape model. Help us understand and translate the rest of the anomalies that the geophysics had picked up across the site. So yes, we had used trial trenching across the solar areas to to give a robust discussion on what had been picked up in the geophysics.

00:27:05:24 - 00:27:07:24

And is there any contradiction in terms of.

00:27:09:17 - 00:27:33:29

There has been trial trenching already done for areas where it's just solar PVS. Have proposed, albeit with the other infrastructure. There has been trial trenching that has already taken place. But now you're saying no further trial. Trenching is required in those areas where PVS are proposed. So the outline. What's the because it sounds like the just sound. There was a contradiction, which could you explain that to?

00:27:34:04 - 00:28:04:22

Of course. So in the first instance, the purpose of the archaeological trial, trenching is obviously to understand the extent and significance of potential buried archaeological remains on the site. And what we also do is we allow it to verify or qualify the results. The iterative stage of assessment has gone before it, so the trial trenching helps us interpret and understand the nature of the geophysical anomalies and also some of the crop marks that have been alluded to already and referenced in the disc based assessment.

00:28:04:24 - 00:28:39:23

So that's what the trial trenching was done in that instance for. So it was to inform our understanding and interpretation of what went before and then of course allow us to understand what impacts might come from development. So we were specifically using trowel trenching throughout the development area, whether that be solar areas. We weren't sorry for the avoidance of doubt. We weren't targeting trial trenching outside the solar areas which were going to be set aside for for non development purposes. So we did retain it within the infrastructure boundaries and the solar PV areas.

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So don't believe that there's a contradiction in the proposed methodology, but it's an iterative programme. So we use that 200 plus trenches to get a really good understanding of what's coming up in the geophysics and some of our intelligence from the disc based sources. And then we use that to design the next stage. I'll give you an example if it's okay. So just to elaborate the point a little further is that if the trial trenching had revealed lots of types of archaeology that hadn't been picked up in the geophysics. Or

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actually not just in extent, because obviously some of our trial was on the edges and boundaries of some of the areas which had been picked up in geophysics and some of the blank areas, but also the type of archaeology that we'd been interpreting from the anomalies. If if the trial tension had revealed something different, something more extent wider in extent. I would be proposing something very different in the outline. We could be proposing further trial trenching in some of those areas within the solar area because we could be fearing risk of the solar PV, damaging very specific types of archaeology, which you might remember I've alluded to in one of my answers before, certain types of archaeology, which you wouldn't want to put the solar arrays through.

00:29:57:05 - 00:30:10:08

And in terms of the response just now from Mr. Clarke about the West Glen corridor and think the substation site for the substation substation was located, what is the intention for those those areas?

00:30:10:10 - 00:30:16:20

So that's picked up specifically for further archaeological evaluation, fire trial, trenching.

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And that was outlined?

00:30:19:19 - 00:30:20:17

Absolutely, sir. Yeah.

00:30:22:14 - 00:30:32:04

So just Holtzman and think we just need to be slightly careful with the language. The outline makes the commitment that it would be the sites of site specific.

00:30:32:21 - 00:30:42:17

Yeah, I've sort of got some questions on that to come. So was I was. Yeah, I was going to ask a question around that, but I've got some questions to come on some of that, some of that detail. Yeah.

00:30:46:09 - 00:31:00:23

In fact. I don't move on to that now. It's probably a good point to do that. Now I've just got a few questions on the on the outline written scheme of investigation itself, which I'll just do these straight to. Mr.. Mr.. Sutton Yeah.

00:31:02:24 - 00:31:06:08

So this is the outline versus schema investigation.

00:31:07:23 - 00:31:14:12

And how will the specific written schemes of investigation. That's what that what they're being called.

00:31:14:14 - 00:31:15:04

Think that's a yes.

00:31:15:06 - 00:31:18:08

That's right. How would they be considered an approved?

00:31:20:14 - 00:31:35:07

At the moment and I'll make reference because I have the document open in front of me. And is it 3.5 where we introduce the point around the trial direction and we make reference to them being prepared for submission and approval to the relevant local planning authorities?

00:31:36:27 - 00:31:39:27

Right. And what is the. Mr. Fox actually, what

00:31:41:27 - 00:31:51:24

sort of the nub of the question is that. Understand that obviously those need to be approved by the relevant local authority in consultation with etcetera, etcetera.

00:31:54:23 - 00:32:08:20

Isn't it just easier for the requirement just to pick that up? That. Detailed or site specific written schemes investigation have to be submitted and approved by the to be generally in accordance with the Whereas. The requirement just says think in the

00:32:10:23 - 00:32:17:03

the development has to be carried out with the outline written scheme investigation which is a bit different to the management plans and the way that that's all approach it.

00:32:17:06 - 00:32:55:25

So to the requirement that the requirement requires us to carry out the authorised development in accordance with the outline. WSI The outline WSI sets out the process by which site specific to are then developed, but that's not the only reference to to that because there's that specific size, there's the that's the trenching, but you've also got the archaeological evaluations to be carried out and think the point I would make here is because you've flexibility in terms of which are brought forward when

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and which locations, it doesn't make sense to fit it in the face of the DCO. And what I would say is, by way of comparison, the A3 A3 Stonehenge scheme, which has more complicated archaeology than you could ever imagine, their requirement is exactly the same, which is it must be carried out in accordance with the archaeological mitigation strategy, and that within that there is the relevant, um, very similar wording around site specific size and all the other processes that need to be carried out. So. It's what the reason that we've done this is that for archaeological purposes, the only thing you need to look at is this one document rather than having to read and the site and the outline, all you need to do is look at this and both the applicant and the then clear about what needs to be done.

00:33:45:12 - 00:33:56:13

Okay. So different to the discussions yesterday on water and drainage where there was at least three different documents that have to be. Yeah, exactly. Which I want to raise on Thursday for the hearing.

00:33:58:03 - 00:34:22:18

And then what is the approval process then for these? Because obviously the has an approval process for the requirements that's quite detailed. And the further discussion on that, I'm sure on Thursday. To which how is the approval process court for the site specific EIS has that procedure in captured? Don't think as much of that in the outline itself or not. Not not to my sufficient detail.

00:34:28:09 - 00:34:30:26

And the principle is that.

00:34:32:24 - 00:34:44:16

It would be the central 16 process. We can take away whether that is entirely clear, because actually that will come from the drafting of the itself rather than the site specific schedule 16.

00:34:44:18 - 00:34:45:03

That's the.

00:34:45:05 - 00:34:45:29

DCO. Yeah.

00:34:46:14 - 00:34:51:00

That requirement consideration. Yeah. Okay.

00:34:51:26 - 00:34:55:15

So what we'll take away in action just to make sure that's absolutely clear. But that's, that's certainly.

00:34:55:25 - 00:35:04:23

How we think about that and we'll come back to that on tomorrow when we do the draft. DCO possibly because it's almost linked to the draft draft SEO. Okay. And.

00:35:08:04 - 00:35:09:14

Going back to the.

00:35:14:20 - 00:35:16:21

Decided I.

00:35:22:14 - 00:35:24:00

Paragraph 3.7.

00:35:27:04 - 00:35:37:09

Signs that the relevant RPAs will not be able to refuse approval of a site specific to Sis on the basis that they consider that there are insufficient number of trial trenches proposed.

00:35:39:26 - 00:36:11:02

Given that trial, tension seems to be quite an important issue that we're talking about. Why have the local authorities not going to have the ability to refuse approval for the number of trial trenches? Don't know if that means that they can consider the area of trial trenches. I suspect this goes back to the disagreement that you're having with the councils on on the trial, on the principle of the trial numbers. Can you clarify? Well, they just seem a bit it just seems as though if trial trenching is obviously potentially quite, quite important for archaeology

00:36:12:17 - 00:36:23:26

as appropriate, then the councils get these and can't refuse them. That sounds quite unusual to me and I'm not quite sure how that how that works in practice in terms of protecting the archaeological asset.

00:36:26:23 - 00:36:43:00

About the applicant. So that came from the point of. If we didn't have that, then we would essentially potentially be in a position where we are now, where we're still debating the level of size we and it's based on the position that we think that we've done what is sufficient.

00:36:44:02 - 00:36:58:14

But for them not to be able to refuse it. That means that the issue of the trial trenching almost becomes I don't know where it will go. I don't know how the secretary of state could be satisfied that archaeological trenching is is done to appropriately preserve any potential

00:37:00:14 - 00:37:01:02

assets.

00:37:02:23 - 00:37:37:11

Could come back on that one. On behalf of the applicant, the final sentence of 3.2 of the outline for good just agreed to that one. So it says therefore no further trial. Trenching is proposed in those areas where construction activities are limited to piled foundations or shallow cable trenches. We've spoke about that already. If we have the confidence that that sentence allows the strategy to be focused around those key points to which the outline is structured, then that paragraph might be superfluous.

00:37:37:13 - 00:37:39:28

So do you mean.

00:37:40:00 - 00:38:10:18

Don't know if it needs more discussion between you and the relevant county councils? But think at the moment to me it appears as though paragraph 3.7 causes a little bit of concern, to be honest from our point of view in terms of how this will work. And unlike it's not like with draft requirements where the secretary state has the ability to alter things or do the drafting and obviously we can recommend that as well with this. It's it's in there's no you can't I don't know if there's actually a method to actually how the secretary of state would change these the probably Mr. Fox might have an idea on that don't I don't know.

00:38:10:20 - 00:38:17:20

But it just seems to me that is an issue. So I can just flag that up as a as a as an issue from our point of view.

00:38:18:25 - 00:38:39:04

Yes. Mean we'll take that away. But just as I'm trying to say, the point is that we've considered that our trenching approach is appropriate. We've had that discussion there is that without prejudice requirement. Um, and so if they wanted to impose that, then he could. But we will definitely take that paragraph, right? We've heard, we've heard what you've said, sir.

00:38:39:25 - 00:38:40:26

Okay. Um.

00:39:01:07 - 00:39:19:08

I'll just go. Mr. Willis, your hands up. We're just going to go through this little section of questions, and then I'll come back to you, if that's okay. Mr.. Are there any areas where preservation in situ is already a preferred option or is that not is that not known at the moment? Paragraph 3.13 talks about

00:39:21:04 - 00:39:34:04

to avoid harm to heritage certificates, to alternative design solutions that are available to be deployed in those areas of known or discovered buried archaeological remains. One preservation situ or two archaeological excavation in advance of during construction.

00:39:36:18 - 00:40:11:24

Thank you, sir. Yeah. The paragraph 311 identifies five specific locations that were identified during the assessment process, including results from the archaeological trial trenching, where more dense archaeological remains have been discovered. And. Without prejudice to the detailed design process. I can answer the question. Simply say there aren't any specific areas where preservation in situ needs to be sacrosanct and frozen within the design.

00:40:11:26 - 00:40:28:22

At the moment, because of the opportunity to work through the possibility for a small scale archaeological excavation, for instance, and the public benefits that can be relieved through community engagement on that. So would like to be left as an option for mitigation.

00:40:28:27 - 00:40:32:20

Just the 3.11 bullet point areas, those are the those are the ones that are.

00:40:33:01 - 00:40:39:05

There, the key ones there. There are a few other smaller locations which we worked through in the site specific process.

00:40:40:28 - 00:40:42:28

Okay. And.

00:40:46:12 - 00:40:58:05

One probably relatively small point more out of my interest on for 15 treasure findings will be reported to the coroner within 14 days. Is it the coroner that deals with treasure?

00:41:00:09 - 00:41:03:08

Almost expected that to be with human to human remains. But, uh.

00:41:04:29 - 00:41:06:26

Yeah, that's correct. Yeah.

00:41:07:11 - 00:41:11:18

It doesn't have to be due for done for human remains according to the it doesn't it.

00:41:13:06 - 00:41:20:08

It depends on the the really long answer to that question, sir. I'm only slightly qualified to answer.

00:41:20:22 - 00:41:30:21

It was more sort of the Treasurer just thought it was perhaps meant to be in the paragraph underneath on human remains. So the coroner's involved there rather than treasure. But that's. No, no, it's every day.

00:41:30:26 - 00:41:40:06

It is. It is treasure. And it depends on the nature of the human remains and the confidence of the archaeologists involved in the discovery about whether it needs to be reported to the coroner or not.

00:41:40:08 - 00:41:48:10

Okay. Well, by all means, elaborate on that. That deadline seven, but don't need to go into detail on that at this point. Um.

00:41:54:12 - 00:42:21:08

Okay. And in terms of part four, the trial trenching methodology. And Part five, the archaeological excavation general methodology, has that been agreed with the being the councils in. But you're are you aware that that's been agreed as yet? Don't know quite where we are in terms of this document and that's been I'm sure the county councils will let well let me know. But our discussions taking place about the detail of this document is this is quite a new document for everybody, I presume.

00:42:22:12 - 00:42:33:07

Um, so in regards to the methodological approach for the trial trenching, that mirrors very closely the WSI, which has been submitted to Rutland and Lincs. So,

00:42:36:18 - 00:42:46:24

but in answer to your question, we haven't received specific comments from either Leicestershire on behalf of Rutland or Lincs Council on the detail referred to in those sections.

00:42:49:17 - 00:42:57:11

Okay. Is the liaison ongoing with that? We're to encourage liaison. Yes. Always on these documents.

00:42:57:20 - 00:43:09:10

Yes, sir. So we we sent it out before we submitted it. And we've had some comments, but not specifically on that on that comment point.

00:43:11:01 - 00:43:12:25

Okay. Uh.

00:43:13:03 - 00:43:19:00

So just before the comment. Sorry, I should say think, think can say now that we will remove that paragraph 3.7.

00:43:19:07 - 00:43:22:04

Right. Okay. Yeah. 3.7.

00:43:26:09 - 00:43:31:09

Okay. Thanks for that clarification, Mr. Willis. Your hand was up. It's gone down. Do you want to.

00:43:34:09 - 00:44:07:21

Yeah. Thank you, sir. Mike Wallace, Lincoln County Counsel. I think given the nature of some of the questions you've asked, you've probably picked up on most of the concerns that I was going to raise with regard to the outline as it is. Um, but if it's helpful, I'd just like to make, if I can, a couple of points on that. Um, I guess our position is with regard to the outline is that we're not agreeable in its total as it stands. Think um, obviously the suggestion in the conversation is that there was an opportunity through site specific size for further trenching to be agreed.

00:44:08:08 - 00:44:38:21

Um, I guess as a comfort that there would be some further evaluation as, as we've touched on, um, the problem we see with that is in particular it's predicated on the, the wording on the 3.2 that makes it clear that trenching wouldn't be carried out in areas where they consider that, um, piling would take place, principally solar panels. So again, not labouring the point, but we've got a concern there that that does exclude large areas of the site.

00:44:38:24 - 00:45:02:04

Um, so therefore it's clear that whilst site specific may be a mechanism by which we can agree a further valuation that would actually not include panel areas. Um, you've already picked up on the point about 3.7. A concern there that that also if even if trenching was to be proposed, there's no mechanism for the authority to resist or that's.

00:45:02:18 - 00:45:05:11

That's been confirmed by Mr. Fox. That's that will go.

00:45:05:13 - 00:45:14:02

So and then think the only other point was and again we will welcome to see the wording on that but the question I had raised is about the approval mechanism for those

00:45:15:25 - 00:45:28:07

uses at a site specific level, given that they sit outside of DCO requirement. So again, think you're very much picked upon on those points already. So they were the things I just wanted to really reiterate. Thank you. Okay.

00:45:29:00 - 00:45:47:05

Thank you. And again, as I said to Mr. Sutter and Mr. Fox, if you can liaise with the applicant about the detail of the see if there's any other points that need to be picked up and clarified, then that's obviously helpful. You don't need to wait for an examination question from us or anything. We would expect that almost as a given between the parties and.

00:45:49:29 - 00:45:51:07

Okay. Um.

00:45:54:18 - 00:46:25:10

So if I can just just say on that last point about the discharge process, I think just to potentially short circuit the discussion today and tomorrow, the point is we will as an action amend schedule 16 to make it clear that it applies to, um. A documents required to be produced by the management plans are secured because this isn't just the only example of that, because some of the other documents require other plans to be produced. So and we will look at schedule 16 and make that change.

00:46:26:28 - 00:46:33:14

Okay. That'll be a deadline. Seven. Yep. I don't know if there's actually a expected deadline. Seven, but it might be something which.

00:46:33:16 - 00:46:35:26

I think we will definitely will be given. We have a hearing.

00:46:36:15 - 00:46:37:21

Okay. Um.

00:46:50:09 - 00:46:53:19

And Mr. Willis if you're still there on.

00:46:57:11 - 00:46:58:20

In terms of the actual.

00:47:00:06 - 00:47:01:12

Wording of.

00:47:04:03 - 00:47:08:02

This will say that I see. Mr.. But it is probably a question for Mr. Willis at this point if.

00:47:10:03 - 00:47:12:03

In terms of the drafting of.

00:47:14:05 - 00:47:32:27

Both the alternative without prejudice drafting. That was provided by the applicant. Should the secretary decide that? Decide that further trial trenching is required outside of the. Much of what document that was in, but it's in a slightly sort of unusual place. It's in a not unusual place.

00:47:33:03 - 00:47:44:25

But of the applicant. It was in our summary of case for two. And they did make a response to deadline five.

00:47:46:03 - 00:48:06:05

If there's any comments on that and the actual wording of the actual development versions of requirement six going around. If you can just sort of think about that as an issue for tomorrow and we'll pick it up. We'll pick it up at the hearing. It's probably the wording of those. That's probably more of a matter than a matter for today. But if that can just be considered for tomorrow.

00:48:07:01 - 00:48:48:21

So just just on that. So in our think it's another deadline, six submissions. We did respond to the comments on that on deadline five. Um, from the RPAs. Um, just want to set our stall out straight away, which is that we don't propose to make any further changes to either the requirement or the without prejudice. One because, because mentally the comments on the without prejudice requirement saying that they want the RPAs to improve prove that first step of the the amount of the amount of essentially preliminary charge rendering that informs the outline and we're not ever going to agree that because that's the whole point of the without prejudice requirement.

00:48:49:02 - 00:48:56:09

Okay. Well, a little part of what's proposed, any further alternative drafting on that and obviously we it's for us in the state. Absolutely. Yeah.

00:48:57:01 - 00:48:57:16

Okay.

00:48:57:27 - 00:49:18:20

Thank you. Sorry, Can I just just to clarify, Mike Wallace, links to County Council. Just to clarify on that point, because as you say, was equally made a position clear on that. But for the purposes of um, the alternative wording can just be clarifying. Mr. Fox please, that we are talking about that that's embedded within your Deadline six response and has been reference to the pipeline archaeological mitigation framework.

00:49:19:23 - 00:49:37:01

And so, yes. So if I can answer this right, have the applicant say yes. Deadline five The authorities responded to our mentioned earlier, the summary with that requirement. And in our deadline six meters, we responded to those suggestions. Okay.

00:49:37:18 - 00:49:38:07

Thank you.

00:49:38:25 - 00:49:48:00

And sorry, maybe remembering that it's not six and it be our deadline five Responses to the comments, which is one which was in a specific document.

00:49:52:01 - 00:49:58:13

Okay. Mr. Clark, did you? You have your hand? It's been for a while. Sorry. Did you wear.

00:50:00:25 - 00:50:01:15

Want to add.

00:50:02:17 - 00:50:45:20

Something, only that well, in the first place would underline that we take the same position as outlined by my colleague from Lincolnshire in respect specifically concerns over the areas of piling and the response to piling. We don't agree that the, um, that it would be appropriate to consider the piling itself as a satisfactory method to mitigate the impact of the the development. We don't know what the in principle impact of the the piling might be upon presently unknown archaeological resources across swathes of the the development, the development area.

00:50:46:01 - 00:51:30:29

Um, so I would certainly underline that we are relieved to hear that 3.7 is being withdrawn. That would certainly be a fundamental concern from our perspective. It is essential that there is a critical advocate for the historic environment in the context of um, achieving an adequate mitigation strategy as far as the site is concerned. And then just going back one step further. Could I reiterate the fact that we have an in-principle concern that the quality and clarity of archaeological understanding that we have as far as the site is concerned is is inadequate as far as this site and the impact of development is has a bearing upon the archaeological resource.

00:51:31:05 - 00:52:01:26

We neither know where the archaeological resource lies, nor do we understand the impact of the development. And consequently, I think the outline mitigation strategy as presently sorry outline written scheme for mitigation. I forget the exact title I've stuck in my head. Um, is is premature in, in pulling forward. It's putting forward its recommendations and similarly and particularly pick out the inadequacy of the five areas that have been identified.

00:52:01:28 - 00:52:32:29

They aren't sufficiently defined. Um, there are particular references to trenches that don't include the full extent of the archaeological remains indicated by the geophysical survey, let alone the the results of that trenching. So I would certainly say that there is it's inadequate on every point. Frankly, from my perspective, however, I think that an active and productive dialogue between ourselves and the the applicant has ways of arriving at an adequate solution.

00:52:33:01 - 00:52:45:02

But the in-principle starting point is flawed by an inadequate evaluation of the site to date, specifically in respect to the trial trenching and its response to the geophysical survey.

00:52:46:20 - 00:52:57:26

Okay. Thank you. And what ways would the last thing you said about the dialogue might don't. It's a paraphrase what you said. What would you do in that regard?

00:52:57:28 - 00:53:30:24

Excuse me. Yes, sorry. So Richard Clark, Leicestershire County Council. Um, it is about establishing extent, locating, fully clarifying the the significance of those remains that are present either indicated by the geophysical survey or may as yet yet to be identified within the context of the the archaeological resource. It's not always geophysical surveys is not in any way a definitive understanding of the archaeological resources I think has already been discussed. So I don't want to reiterate what sorry you've already been told.

00:53:31:06 - 00:53:54:14

It is essential that trial trenching and geophysical survey are used to understand the resource without a combination of those two techniques and the information that provides, you will not have a sufficiently substantial understanding of the archaeological implications of the development. And therefore you cannot with any degree of certainty, establish an adequate mitigation strategy.

00:53:57:08 - 00:54:10:08

Okay. Thank you. And just. Clarification, are your concerns, including concerns on the areas where the PV arrays are proposed? Yes. Okay. And in terms of.

00:54:12:03 - 00:54:29:14

The draft at NPF 310 101 talks about that. Actually, solar PV developments may have a positive effect. For example, archaeological assets may be protected by a solar farm as the site is removed from regular plowing and shoes or low level piling is stipulated.

00:54:31:08 - 00:54:58:05

In that context where the this is a draft policy, but we've talked about the weights be given to the draft policy, I think very early on in this nation. And where that says that development can actually have a positive effect and it gives those reasons about because of the removal from regular plowing and the use of shoes or low level piling is stipulated. What would be your sort of comment in response to that for this particular application? Is that not relevant for this application? And if not, why is that not relevant?

00:54:59:06 - 00:55:43:14

At Richard Clarke, Leicestershire County Council. Um, it is a moot point. It's a point of certainly discussion. I think it isn't the clear statement that is made in that particular context there. It depends very much upon an understanding of the resource. So consequently, if you're dealing with field system of Roman data or medieval open field systems or something similar, something extensive and relatively robust in its character, then the impacts of a solar scheme are modest, relatively speaking, but we are dealing with significant archaeology and archaeology that is critical in its point significance.

00:55:43:16 - 00:56:17:28

So would particularly pick out funerary landscapes. I would pick out landscapes of industry and settlements and so forth, particular areas of importance, the that there isn't I don't think there is a definitive statement that you could come up with and say that a solar farm is a um, an adequate or a mitigating measure or a better scenario than maintaining agriculture over a particular regime, especially in the context of low intensity in terms of physical impact agriculture.

00:56:18:00 - 00:56:50:29

So the reduced ploughing and so forth. You can look at the way that historic England deals with the erosion to schedule monument sites, their cosmic survey um, cultivation of on schedule monuments in forget the exact acronym of what it means, but essentially they recognise a need to really evaluate properly the the significance of a site in order to establish whether or not there are erosive effects or not, whether the archaeology is likely to be affected by by agriculture.

00:56:51:01 - 00:57:25:12

This scheme will result in having thousands of point impacts within the solar area coupled with trial trench sorry, service trenches and other infrastructure within the areas that will lacerate and puncture the archaeological resource without clarity, without understanding the nature of the resource it's impacting upon. So I don't accept that this stage it is possible to say with confidence that this represents an adequate or a better scenario than maintaining agriculture over these landscape.

00:57:25:14 - 00:57:28:28

You have to understand the resource in order to make that judgment. Okay.

00:57:29:21 - 00:57:31:29

Okay. Now, thank you. That's that's that's helpful.

00:57:33:16 - 00:57:38:03

Mr. Sutton. Do you want to respond to that? Um.

00:57:38:15 - 00:58:11:20

Yeah. My understanding from Mr. Clark's position, whether it was that he doesn't agree with the policy, I believe the policy sound that you made reference to 101 in N3 and the advantages that come from that. Um, and Mr. Clark also made reference to a paucity of evidence in this case, specifically in this case at several locations of known archaeological remains identified from the geophysical survey we undertook Trial Trenching, which revealed recent evidence of plough scarring and damage to the archaeological material.

00:58:13:29 - 00:58:45:03

Um. Plowing at the moment is causing degradation to the buried archaeological remains at several of the known sites. At this location. I can say in the general sense that I agree with the policy and believe that this is a type of development that can preserve buried archaeological remains in situ. And in the specific case at this site, this will ameliorate, retard and prevent further damage to buried archaeological remains.

00:58:46:06 - 00:58:53:06

So in that sense, I stand by the quality of that drafting of that policy remark.

00:58:54:29 - 00:58:56:16

Okay. Thank you. And.

00:58:58:10 - 00:59:00:27

Although the question for Mr. Sutton on.

00:59:02:29 - 00:59:07:04

In a response from Lincolnshire County Council. And they.

00:59:08:20 - 00:59:19:18

The issue of archaeological strip mapping record in all areas, in all areas not previously evaluated has been raised. And.

00:59:24:19 - 00:59:28:27

Why do you think. My understanding is that your position is that that's not necessary.

00:59:30:12 - 00:59:32:01

I might be wrong. Is that your position?

00:59:32:05 - 00:59:33:29

No, absolutely. So that is correct.

00:59:34:01 - 00:59:36:04

You just explained why why that's the case.

00:59:36:06 - 00:59:46:06

So that would be equivalent to total open area archaeological excavation of the entire development area? That would be.

00:59:48:05 - 00:59:57:14

Hundreds of hectares of stripping of the topsoil. That would be hundreds of millions of pounds worth of work.

01:00:00:06 - 01:00:17:14

With no direct evidence for the possibility that that would reveal. Archaeological remains worthy of excavation. That's a wholly unsustainable project and one I've never heard of being implemented before. Okay. Sorry.

01:00:17:25 - 01:00:38:26

Question for Mr. Adams. Mr. Adams, are you there? Thank you. It's Lancashire County Council that raised. Yes. Raised this. What's your justification behind that? And also, what's your response about is this effectively. This is a mistake in his view. It's not proportionate for the society. That's all reasonable. What's your response to that?

01:00:38:28 - 01:00:55:23

So the response to that is that that that is the only way of ensuring that the archaeological resource is protected in the absence of having evaluated the site properly. And my colleague for Lester has very comprehensively

01:00:57:17 - 01:01:15:16

today explained why the evaluation trenching is so important. But in the absence of that, the only way that we could see to protect the archaeological resource, not knowing where it is because evaluation hasn't happened, that would be the only way to ensure that the archaeological remains, the archaeological remains, are protected.

01:01:18:05 - 01:01:23:12

It comes down to it comes down to the absence of of evidence presented by the applicant.

01:01:24:23 - 01:02:10:12

Thank you. Just one final question. Funeral before. Let Mr. Sutton come back with any final comments on this in terms of trial trenching for. Development sites. Are you aware of many development sites? Where. There hasn't been trial trenching. So he's trial trenching. Something that's absolute. Don't go back in through all the evidence that we've already considered. But is it something which is always required on sites where there might be archaeological potential even for smaller, smaller sites? In many ways, the size of the site might, you might argue doesn't really come into it because it's but are there any other sites where there's no trial trenching or only limited trial trenching? Just using other evaluations?

01:02:10:28 - 01:02:45:10

No. Where where there is archaeological potential. We have always undertaken a suite of techniques, but archaeological trial trenching is the one that that absolutely confirms or, you know, absolutely confirms whether there is archaeological remains present that need mitigation work. And without using evaluation, trial trenching evaluation. We don't know the specifics of of significance, depth, you know, and and the techniques that will be required for mitigation.

01:02:45:12 - 01:02:46:20

It's absolutely essential.

01:02:52:10 - 01:03:11:08

Okay. Thank you. I've asked all I think all the questions that I want to ask don't want to say go back over the arguments. We've already gone back on because we've got quite a lot of evidence on those and obviously matters that we need to consider in our in our recommendation. But Mr. Suttner, has anything final you want to say? It's just been said or. Hi. Gareth Phillips, the applicant.

01:03:11:10 - 01:03:11:25

Yeah. I think.

01:03:11:27 - 01:03:15:13

I'd just like to wrap up on this point because from getting.

01:03:15:15 - 01:03:16:08

Into the detail.

01:03:16:10 - 01:03:31:13

Quite a lot and I think it's useful to, to to sort of summarize from a layperson's perspective why the position is being taken. Because what we're hearing is, is the local authorities joining together and expressing concern over this. So the question might.

01:03:31:15 - 01:03:32:10

Reasonably be asked.

01:03:32:12 - 01:03:33:02

Well, why?

01:03:33:05 - 01:03:34:00

Why is the developer.

01:03:34:02 - 01:03:48:06

Digging its heels in over this? Why not just roll over, accept what's been proposed and put it into into into the into the iron, into the into the assessment that being carried out. The reason for this, and.

01:03:48:08 - 01:03:49:02

It's similar across.

01:03:49:04 - 01:03:53:28

Some other projects is that there is a huge, huge cost to doing the trial.

01:03:54:00 - 01:03:54:20

Trenching.

01:03:54:22 - 01:03:58:16

Now one might say, well, heritage is important and we.

01:03:58:18 - 01:04:01:12

Have to look at this, but inherently.

01:04:01:14 - 01:04:06:09

In whatever percentage of the site is agreed, it's a low one.

01:04:06:17 - 01:04:07:11

So it isn't.

01:04:07:13 - 01:04:10:11

Like this is the difference between, say, 80%.

01:04:10:13 - 01:04:10:29

Of the site.

01:04:11:01 - 01:04:12:15

And 100% of the site.

01:04:12:17 - 01:04:13:06

There is always.

01:04:13:08 - 01:04:15:11

Going to be a risk that some.

01:04:15:13 - 01:04:16:06

Heritage has been.

01:04:16:08 - 01:04:19:10

Missed. So we don't achieve a no risk.

01:04:19:12 - 01:04:20:05

Scenario.

01:04:20:07 - 01:04:23:22

Through this. It's it's all about trying to get a good measure of.

01:04:23:24 - 01:04:24:09

What's on the.

01:04:24:11 - 01:04:30:27

Site. If we say take a position and it's unhelpful that there's insufficient.

01:04:30:29 - 01:04:33:28

National guidance on this point. But if we take the position that for.

01:04:34:00 - 01:04:35:11

A solar park that.

01:04:35:13 - 01:04:39:13

Doesn't have a great deal of ground penetration in a significant way.

01:04:39:22 - 01:04:41:10

Should be required to.

01:04:41:12 - 01:04:42:10

Do significant.

01:04:42:12 - 01:04:43:25

Trenching at the outset.

01:04:44:10 - 01:04:45:07

This amounts to.

01:04:45:09 - 01:04:51:19

Millions of pounds and that millions of pounds directly affects each of us as a consumer.

01:04:51:21 - 01:04:55:24

Of electricity. So the policy the policy is.

01:04:55:26 - 01:05:03:14

About reducing the cost of energy. That's that's government policy, right? Particularly post Ukraine invasion and everything that's gone on there.

01:05:03:28 - 01:05:04:27

And the policy is.

01:05:04:29 - 01:05:45:00

Expressly about being taking a proportionate approach here. So that's what we're trying to balance. So it's not a stubborn position of the applicant. It's about trying to find a proportionate approach that we feel respects that the sensitive receptor in this case heritage, but also reflects the cost of the project going forward and what that means to the taxpayer and what that means to us as consumers. The other point I'd like to say is that Mr. Sutton is a very credible expert. He has been doing this for years. Cotswold Archaeology have been appointed by many developers, many local authorities, many, many protectors of particular heritage assets.

01:05:45:02 - 01:06:17:28

And he has successfully agreed both uses and assessment methodology across the entire country. Right. Yet here on this project in Lincolnshire, we're hearing comments along the lines that it's wholly inadequate and doesn't do the job. So so what has happened? Is Mr. Sutton forgotten all of his expertise that the rest of the country seems to accept and and done a done a wholly inadequate or is there something else here? But I would suggest on his part, he is a very credible expert.

01:06:18:00 - 01:06:51:03

He has put a lot of thought into this. And he has put forward something that he thinks reflects the proportionality plus protecting the risk. And essentially, it may well be that this is a point that the secretary of state needs to take a view on having regard to three that you pointed to, which will be designated and having regard to, you know, how that says one should one should respect the heritage assets in play? I think it's unlikely that there will be agreement between the parties on this.

01:06:51:05 - 01:07:23:27

It's likely to be something that you, sir, will need to make a recommendation on. And ultimately, it's likely to be something the secretary of state takes a view on. But fundamentally. In the event that all of this is problematic. That's the purpose of our without prejudice requirement. If if the if you sir, when we're making a recommendation or if the secretary of state, when determining this, finds that there's a problem here and wants to put more protection in place, that's what the requirements for. So this isn't a case that last chance saloon.

01:07:23:29 - 01:07:28:17

There is another opportunity here to to meet the concerns that are being raised.

01:07:30:09 - 01:07:31:11

Thank you very much. Okay.

01:07:31:22 - 01:07:41:16

Thank you. And thank you for everyone's submissions on that topic today. Is that. Sorry, there's a hand up Mr. Always did you have something you wanted to.

01:07:49:23 - 01:08:28:18

Mr. Tony Albers What Action Farm sorry, Malabar Action Group which had the farm but haven't. I mean, Mr. Phillips has introduced an entirely different subject here. He's introduced one of reality and he's also trying to persuade us that if the cost increases by doing this particular work, we are all going to suffer within our and because of our electricity tax. And staying on that point of commerciality, it might well be, of course, that the developer has to reduce the amount of profit that they're making on it.

01:08:28:22 - 01:08:32:28

And so therefore perhaps that should be put into the mix as well.

01:08:33:20 - 01:08:44:16

Okay. Thank you. I understand. Um, any final comment? Okay. Okay. Thank you, everybody. It's ten past.

01:08:50:12 - 01:09:05:06

If we have a 15 minute break now for morning coffee. Slightly less, I'm afraid, actually. So we'll come back at 1125. So we're now adjourn for a morning break. Thank you.