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FULL TRANSCRIPT (with timecode)

00:00:05:13 - 00:00:16:24

Okay. Good morning, everybody. It's time for the hearing to. Begin. Can everybody hear me clearly? Microphone's working. Okay. Think this morning can.

00:00:18:10 - 00:00:23:19

They also confirmed that the live streaming and recording of the event has been commenced. Please.

00:00:27:09 - 00:01:02:14

The K. Thank you. Welcome all to this issue. Specific hearing five on environmental matters and the draft development consent order. And this is part of our examination of the application by Mallard Farm Limited for an order granting development consent for the proposed Mallard Solar farm. My name is David Cliff and I've been appointed by the Secretary of State and the lead member of the panel to examine this application. And I'm also joined by my colleague on my right, who's a fellow member of the panel, Mark James.

00:01:07:24 - 00:01:27:07

As usual, we've got Johansson with us today and Ben Chan from the Planning Inspectorate case team. As usual, all phones and devices to silent, please. Uh, I think everybody here has been here on previous days or one of the previous days. But if not, uh, the toilets are out through the back door. Back

00:01:28:24 - 00:01:43:01

the front door, if you like. Following the signs. Fire escapes are to my left hand side through that door or alternatively again through the door. And then go over to your right hand side following the the signs and the assembly points in the

00:01:45:02 - 00:01:49:27

dotted area to the right. There are no planned tests as far as am aware.

00:01:51:12 - 00:02:25:06

Okay. Generally, we'll follow the agenda published on the relevant part of the National Structure website last Tuesday. This can be displayed on the screen, please. Part one of this hearing was intended to cover any environmental matters that we weren't able to cover yesterday and on Tuesday in issue specific four, we just about got through those with the exception of the possibility of a submission by Mr. Croft that I'll come on to in a in a in a in a few in a few moments.

00:02:25:08 - 00:02:55:20

So primarily today we'll be looking at the draft consent order. And there's also an item, I think it's item ten on the proposed community liaison. Group. And as usual, this hearing's been held in a hybrid way. So some people are in the room and other people are on line. And we'll make sure that whoever you decide to attend today will be giving you a fair opportunity to participate. Recording of the hearing will be on the National Planning website as soon as possible after the hearing is finished.

00:02:55:22 - 00:03:03:04

And as usual, please speak clearly into your microphone stating your name and who you're representing each time you speak.

00:03:05:00 - 00:03:12:24

Once again, a link to the planning Inspectorate. Privacy Notice was provided in the notification for this hearing. We assume that everybody here today has.

00:03:14:12 - 00:03:17:26

Read and familiarize themselves with this document.

00:03:23:07 - 00:04:00:24

Okay. In terms of the purpose of this hearing, this is, as I say, it's primarily primarily going to be on the draft development consent order. We had an earlier hearing in July 13th, July, I think, on the development consent order. And we've asked two rounds of questions, including matters relating to the draft DCO as well. So the hearing today will cover those matters where we still have questions or where there still appears to be disagreement between parties. And I think I've noted most of the areas where there's disagreement, but as we go through the development consent order, the articles, requirements, etcetera, then yeah.

00:04:01:07 - 00:04:43:20

And let me know if you have a point, which I've not covered or not not raised. As I said, for the first development consent order hearing, it's important for the examining variety because we are under a duty to provide the Secretary of State with the best drafted, developed consent order that we can, even if we end up recommending that the Secretary of State should not make the draft of the consent order. This is because we do not decide these applications. We make recommendations to the Secretary of State, who is then responsible for making the decision. So even if our recommendation report to the Secretary of State were to recommend the consent order should not be granted, we must still append a draft development consent order, ensuring that the Secretary of State can decide to make the order if she or he wishes and link to that.

00:04:43:22 - 00:05:05:04

This hearing has been held on a without prejudice basis. So even if your position is that the department consent should not be granted and you're still encouraged to make representations at this hearing on the drafting of the DCO without conceding your wider position that the draft of a consent order should not be made. So I hope that's clear for everybody.

00:05:09:03 - 00:05:13:26

And most also want to do on the agenda today on.

00:05:16:03 - 00:05:18:22

On item. And.

00:05:25:27 - 00:05:38:09

1813 is next steps, including the remaining examination timetable. And one of the first things I want to do today is that we are considering. Some.

00:05:39:25 - 00:06:12:23

Alterations, if you like, to the running of the examination timetable. And what I've proposed to do is outline our thinking on that. Literally is the first item on the agenda today after we do the introductions to let you all know what our thinking is. And at the end of the hearing, we'll go back to it and then you can let us know what your thinking is on our thinking. So don't want any comments necessarily this morning on that. But when we get obviously considerate during the day and we can come back to that to listen to your comments on that.

00:06:12:25 - 00:06:31:24

So we'll be introducing that in a short while once we've got through the introductions, etcetera. Okay. As usual, for the introductions, please. I'll start with the applicant. And if everyone can introduce themselves stating the name and who they represent for the other parties to and.

00:06:33:14 - 00:06:43:04

And if you're not representing an organization, please confirm your name. And summarizing your interest in the application and confirming the agenda item upon you wish to speak.

00:06:44:21 - 00:07:10:24

Okay, Mr. Fox, Firstly, for the applicants, please accept Matt Fox for senior Associate at Pinsent Masons Legal Advisors. To the applicant for my left, Mr. Gareth Phillips, partner at Vincent Masons. It will predominantly just be, I suppose today we've got Mr. Crute on screen still with in the script submissions today. Otherwise it will just be the two of us.

00:07:13:12 - 00:07:15:21

Okay. Thank you.

00:07:18:09 - 00:07:22:25

And for the local authorities, first of all.

00:07:24:26 - 00:07:51:24

Going down my list. Mr. Johnson For Rutland County Council. Yes. Yes, sir. Justin Johnson, Rutland County Council and online I have Julie Smith and colleague from lead Local Flood Authority and Highways team. Thank you. Okay. Thank you. And we have Mr. Jordan from South Kesteven and District Council.

00:07:53:12 - 00:07:55:24

Is it just yourself who will be speaking today?

00:07:57:12 - 00:08:02:10

Good morning. Yes, it's Phil Jordan's savings accounts and it's just me here today.

00:08:02:23 - 00:08:12:02

Okay. Thank you. And online, I think we have Mr. Willis online with us. Yes, I think he is Mr. Willis.

00:08:14:07 - 00:08:31:00

Okay. Good morning, sir. Mark Wallace, Lincolnshire County Council. Principally myself speaking today, but I do have online Andrew Fletcher, who's the county's Public Rights of Way and Access Manager. So maybe commenting on Article 12, Article 12 a bit later on.

00:08:32:18 - 00:08:33:28

Okay. Thank you.

00:08:40:19 - 00:08:41:26

Okay. And

00:08:43:23 - 00:08:44:17

this is Holloway.

00:08:46:08 - 00:08:47:18

Family Protection group.

00:08:48:08 - 00:08:58:03

Good morning, Mrs. Holloway, for Mallard Action Group. On my left, I have Mr. Tony Alvis, and on my right, Mrs. Helen Woolley. Thank you.

00:08:58:09 - 00:08:59:10

Okay. Thank you.

00:09:02:19 - 00:09:09:28

Okay. Any representatives, representatives of parish councils who wish to speak today? First of all, in the room.

00:09:11:19 - 00:09:15:26

Mr. Barfield. Just like the morning Trevor there through this entire parish council.

00:09:21:24 - 00:09:30:00

Okay. Any other parts? Council representatives in the room? Any parish council representatives online? Oh, sorry.

00:09:31:03 - 00:09:40:28

Um, am also, I'm here as a landowner, but I'm also, um, chairman of Stamford Town Council and member of the planning committee there.

00:09:41:12 - 00:09:47:25

Stamford Town Council and. And your name is Andrew Croft. Oh, you're Mr. Croft.

00:09:49:02 - 00:09:52:20

Wearing a few hats? And my son is online.

00:09:53:04 - 00:09:54:06

Right. Thank you.

00:09:59:15 - 00:10:01:19

Is your son intending to speak as well?

00:10:02:21 - 00:10:03:24

I don't think so.

00:10:03:28 - 00:10:04:13

Okay.

00:10:05:01 - 00:10:05:18

Thank you.

00:10:14:19 - 00:10:18:09

Okay. Representatives of parish councils online who wish to speak today.

00:10:18:26 - 00:10:31:06

Yes, sir. Alice Alastair Ryder from Great Casterton Parish Council. I'm hoping to speak at some point relating to construction traffic management plans.

00:10:32:09 - 00:10:35:08

Okay. Just repeat your surname again, please. I didn't quite catch it.

00:10:35:12 - 00:10:39:04

It's Ryder. Ryder. Alastair Ryder.

00:10:40:24 - 00:10:45:16

Okay? Yes. Thank you, Mr. Ryder. And from great Casterton Parish Council.

00:10:48:05 - 00:10:48:20

Correct.

00:10:52:08 - 00:10:53:14

Okay. Thank you.

00:10:57:05 - 00:11:01:13

And is there anybody else in the room who wishes to speak today?

00:11:03:06 - 00:11:05:15

Or anybody else online who wishes to speak.

00:11:08:24 - 00:11:14:28

Okay. Again, it's usually if anybody sort of changes their mind or decides they want to speak, just let me know.

00:11:16:15 - 00:11:19:22

Okay, That is the introductions.

00:11:27:07 - 00:11:58:26

The timetable matters. We'll have a mid-morning break at about 11:30 and we'll have lunch at approximately 1:00. I'm not sure how long the actual discussions will go on for. We may be going on till lunchtime as well. We'll see how we are probably will be, but we'll see where we are. But anyway, lunch at 1:00 as required. Okay. Anybody got any questions about process or about the agenda?

00:12:03:09 - 00:12:03:24

Good.

00:12:05:04 - 00:12:08:25

So, first of all, on the agenda.

00:12:11:18 - 00:12:24:24

I will just go through our thinking in terms of the remainder of the examination. Timetable. And the examination is scheduled to finish on.

00:12:26:13 - 00:12:32:05

The Tuesday the sixth. Sorry. Thursday, the 16th of November.

00:12:36:09 - 00:12:42:24

Obviously, we've got the hearings. This week on in the current timetable.

00:12:45:23 - 00:12:46:18

On the

00:12:50:00 - 00:13:24:04

Friday the 6th of October. Which is next Friday. And the current table, the timetable there is the report on the implications for European sites at the issue by the examining authority of that. And it is still our intention for that to be issued on Friday. It's also on the current timetable. There's an item on the issue by the of examining a proposed schedule of changes to the draft development consent order if required and what we are thinking.

00:13:26:19 - 00:14:03:07

Is that it appears to be a little bit early for that because obviously we've got discussions today. And I think, Mr. Fox, you mentioned there might be a revised draft of the developed consent order coming along at deadline seven, and it's probably not really that helpful for us to issue our proposed schedule of changes to the draft of the consent order next Friday before we get the next copy of it. And we get obviously the summary of the hearings today and obviously the discussions today, it doesn't seem to work that well in retrospect.

00:14:03:09 - 00:14:04:02

So.

00:14:05:24 - 00:14:31:00

That has sort of driven. Potential for some of the changes to the remaining weeks of the timetable. And we also discussed very briefly yesterday, or maybe it was here on Tuesday, I think it was on Tuesday, the possibility for an opportunity for parties if they wish to provide a summary position at the end of the examination of. Their position on all the.

00:14:34:06 - 00:14:39:23

Relevant matters as they see fit. In addition to the statements of common ground

00:14:41:21 - 00:14:50:19

that so that you expressed an interest in that on on Tuesday, I think that can be a beneficial document. I know that parties are.

00:14:52:10 - 00:15:13:05

Interested parties. It's another piece of work. So it is an optional thing, but I want to try and incorporate that in as well to what I'm going to just go through. So this is our thinking and this is what I would ask for comments on later on. So. Next. The release will be issued on Friday, the 6th of October.

00:15:14:27 - 00:15:20:28

As existing and deadlines. Seven. Which is the.

00:15:24:00 - 00:15:42:00

To post hearing submissions, progression versions of statements of common ground. Comments that any submission received at deadline six think that can. We think that can stay as Tuesday, the 10th of October. I think it's important that that stays on that day. But then we propose.

00:15:43:19 - 00:15:58:06

That's we issue on the. Got over the 17th or 18th October. Currently the. Examining Authority's proposed schedule of changes to the draft development consent order.

00:15:59:06 - 00:15:59:24

Or.

00:16:00:23 - 00:16:24:19

A question about to follow or our commentary on the draft development consent order. I know some examinations recently have done the commentary rather than the draft schedule of changes, and so it would be our proposal for that to be on the. Tuesday, 17 Wednesday, 18th of October. Couple questions about that. I'll come back to that.

00:16:26:06 - 00:16:54:19

And then for a new deadline. Eight which was previously the Tuesday, the 24th of October. But put that back to the 31st of October. Which would allow for comments on the scheduled changes or commentary on the draft consent order. Comments on any additional information. Submissions received by Deadline seven and any further information requested by the examining authority.

00:16:56:16 - 00:17:06:27

I think that would give two weeks or thereabouts for that from the. Scheduled commentary on the DCO. And then deadline nine.

00:17:13:03 - 00:17:15:06

On Friday, the 10th of October.

00:17:16:29 - 00:17:41:12

To to effectively do what Deadline eight was originally going to do in the 24th of October, i.e. the final versions of the statements of Common Ground, book of reference, etcetera, etcetera. All those points that were that are currently on deadline eight to the 24th of October would go back to. Friday, the 10th of November.

00:17:46:19 - 00:17:47:28

And then finally.

00:17:50:14 - 00:17:52:26

A deadline. Ten.

00:17:54:15 - 00:17:59:13

On effectively the what would be the last day of examination. For.

00:18:02:04 - 00:18:04:21

Any further information requested by the examining request.

00:18:13:19 - 00:18:14:04

They

00:18:17:13 - 00:18:17:29

something.

00:18:26:27 - 00:18:32:19

But they're not. Speak. Okay. That's better. Okay. Don't know what that was, but anyway, it was quite haunting.

00:18:34:17 - 00:18:46:18

And within that as well, I just mentioned the opportunity for a. Summary of positions, final positions of of case or closing submissions, if you like.

00:18:51:01 - 00:18:56:21

It could be that those are provided at deadline nine on Friday, the 10th of November.

00:18:58:13 - 00:19:02:03

And all those to be submitted for that deadline. But obviously, if.

00:19:04:15 - 00:19:10:21

Applicants had any final comments on anything that would be an opportunity for that to be made on the Thursday the 16th of November.

00:19:17:24 - 00:19:23:18

So that's our thinking for the remaining weeks of the examination timetable. Uh.

00:19:25:23 - 00:19:33:21

As I say, I intend to return to that later on. Are there any instant, instant, quick fire comments? Mr. Fox, you've got your microphone on. So you

00:19:35:09 - 00:20:00:16

think generally we'd be happy with all that. But actually it was just going to make a suggested addition, actually, which was a wonder if. And making life more difficult for ourselves, actually. But in between you releasing your schedule of changes on the 17th, 18th, um, on the 24th, that only we respond to that. So that, that then gives interested parties a week to see how we've responded.

00:20:02:13 - 00:20:03:20

So that would mean.

00:20:05:07 - 00:20:10:24

27.5. Yeah. Okay. So deadline seven B or.

00:20:12:22 - 00:20:17:08

That would be on the a week after you've issued your. Yeah.

00:20:19:21 - 00:20:23:15

You're not thinking was originally going to give you a week. That sort of thought. Two weeks.

00:20:26:28 - 00:20:58:22

Capital Management. I think the point being is if that is the only submission we need to make them 24th and that is achievable definitely within a week. Okay. Yes. Yeah. Okay. That's I yeah, understand that. Yeah. So that would be the 24 a week after we, we put choose the other Wednesday and just need to clarify that sales internally. Okay. That would allow for any comments to be made. Yes. And then that would probably sort of dovetail quite well with the with the final deadline, which would be the whole final documents of all the various things.

00:20:58:24 - 00:21:04:23

So, okay, we'll give that consideration. Mrs. Holloway.

00:21:05:02 - 00:21:13:03

Mrs. Holloway, from my action group, just for clarification. So what would that leave for the deadline of the 31st? What would that equate to?

00:21:13:13 - 00:21:16:08

So on the 31st, I suppose, would be.

00:21:17:22 - 00:21:19:27

Comments on.

00:21:21:16 - 00:21:23:12

Particularly comments on the.

00:21:25:00 - 00:21:50:16

On any comments already made on the draft development consent schedule of the changes to the draft DCO. So you would say sorry about that. So if we responded on the 24th, you would then be able to see what the examining authority have proposed and what we've said in response and then to give your views on on both. On 31st, I suppose then would be time for any final changes to be made before the final DCO and then no is issued by the applicant.

00:21:51:21 - 00:21:56:12

So it's just in respect to changes for that 31st. Nothing else.

00:21:57:13 - 00:22:30:09

The only other thing would be any of the further comments in any of the additional submissions received by that deadline, just in case there are and any also any further information requested by the examining authority. The other thing to add in here is that it may well be, and it's quite usual in most examinations for the examining authority to issue a rule 17 request on asking for further information on any particular elements that we really need further information on. And that would need to be factored in to all those deadlines as well.

00:22:30:13 - 00:23:03:22

What we tend to do is, to be honest, is put in most of the deadlines, has any further information requested by the examining authorities. It just means that that can be in. Don't know. It may well be. I wouldn't be surprised if we do a rule 17 request at some point because it doesn't normally happen. It's an opportunity for us to ask any final really relevant questions that we want or get bits of information. So it is quite useful. Sometimes there's two late ones mean some examinations. You get one the day before closing with a deadline for the final day. I don't propose. Hopefully we're going to be in that territory here, but it has happened.

00:23:03:24 - 00:23:20:29

But no, we're not. That certainly is not my intention. My intention was to give give sufficient time in any any team responses or requests that we make as applicants. But I think just to expand on that. Mr. Holloway, that's a kind of specific response so that you that.

00:23:21:12 - 00:23:44:12

That would say what deadline would be. The only point I would make is on the not always just the on that 31st of October, as well as responding to how we have responded to the authorities suggested changes, Obviously we would have all submitted things at there 97 on the 10th of October. So if you had any comments on those, then you you would want to do that on the 31st as well.

00:23:46:04 - 00:23:47:06

As we've been doing the rest of.

00:23:52:15 - 00:23:57:02

Okay. The only other question I've got is.

00:23:59:09 - 00:24:35:23

The option for. It's obviously our decision to do what we feel is most appropriate, but the option for the examining authority to do would suggest changes to the development consent order or, as some examinations seem to be doing at the moment, the examining Authority's commentary on the draft

development consent order. There might not be much difference between the two depending what's in the commentary. I suspect. Mr. Fox any from the applicant's point of view, any what's don't know if you had experience of the commentary against the schedule in the applicant's point of view, what is most helpful.

00:24:36:14 - 00:25:05:15

About the applicant think think we prefer at the table form. Where whichever article or requirement you have a comment on to set out your suggestion of how you think that might want to change rather than a kind of bubble. Comments on the show itself. Just because the template is very temperamental, one think is actually easier to respond directly because then we can just do another column to say this is how we respond.

00:25:06:16 - 00:25:38:00

Yeah. Think in whichever form we do it, it would be in a a table. It's whether or not it's the old fashioned sort of schedule of changes is literally the sort of the this article. Shall we recommend it. Because this article uh. I'm not actually sure why it sort of changed, I suspect because there are some examinations where not possible or too early to make a final call on things. Possibly. Don't know. Don't know. So sometimes it might be almost like a hybrid where there are some suggested changes and there are other things where there's more of a sort of a commentary without a final suggested change.

00:25:39:19 - 00:25:49:25

So I think in that sense we don't really mind. I think whatever wherever you think we're at on this exam, it could be a combination. It's in a table. Yeah. Um.

00:25:50:08 - 00:26:22:03

Okay. Okay, That's helpful. Thank you. I will return to this at the end of the examination end, then at the end of the hearing, uh, so you've had a chance to think about it. I know that we've just launched that upon everybody, but as you have a few hours to think about that, if anybody's got any further comments. And then what we propose to do is that we will make the procedural decision on any changes required to the timetable next Friday. So that will be on the same day that we issued the.

00:26:31:06 - 00:26:31:25

Okay.

00:26:37:20 - 00:26:39:20

So moving back to the agenda.

00:26:41:10 - 00:27:16:12

Part one was consideration of many environmental matters on the agenda for the specific four, which have not been completed at that hearing. And we got through everything other than Mr. Croft. We did talk about one of the items was the effect on living conditions of residential properties, including North Lodge farm bungalow. I think Mrs. Holloway thought you might have been here to speak yesterday, but you weren't. So obviously giving the opportunity to make your representation as you wish on that this morning.

00:27:16:14 - 00:27:19:00

And then obviously we might have questions in the applicant. Yeah, I.

00:27:19:02 - 00:27:22:03

Apologize for the mix up with the calendar yesterday. That's fine.

00:27:28:01 - 00:27:31:24

Okay. Was it your intention to make a a submission? Did you want to sort of.

00:27:33:19 - 00:28:04:26

Can talk if you wish. Yeah. Um, the main. The main. You know, you've seen my submissions, but, um. All the mitigating evidence that you give for, you know, offsetting, um, you know, views and traffic and noise and everything. If you take them all together, they're more important than taking them individually. Um, individually. Okay. They look as though you're covering everything, but, um, we were here at our house.

00:28:05:04 - 00:28:36:14

Been there 24 years. When they built the substation, which is less than half a mile up the road. Same postcode as my house. Um, we had upheaval for a whole year that year because they were getting mixed up, which they were meant to be building the substation and they kept dropping things off at my garden. Um, um, 20 1314 was not a very good experience for us. The Uffington Lane is not suitable for heavy vehicles.

00:28:36:24 - 00:28:47:15

Certainly two faced each other coming in opposite directions. The only way around it is to churn up the grass verges, which they were for the whole year. Um.

00:28:49:08 - 00:29:04:25

We're worried about, you know, the substations. We don't know enough about living near them. And if there's a planned second one, how this will affect us healthwise, mentally, physically and.

00:29:08:05 - 00:29:17:06

We moved to that location for the sheer fact that it was a farming community and not an industrial site.

00:29:21:21 - 00:29:41:11

Carry on. But I think you understand where we're coming from. We are right on the line and we're going to be in a state of disruption at the moment when the state we don't know. We can't sell. We can't stay. We can Well, we can stay. We will stay. But there's nothing else we can do. We have no options.

00:29:41:17 - 00:30:04:14

Okay. Obviously, we saw your property when we did the site inspection several weeks ago. You mentioned the works that took place to the existing substation. And. You mentioned the deliveries and the like to your to your house. What was that? Was that the main issue in relation to that to the works that took place? Was that the main issue that affected you in terms of the.

00:30:04:22 - 00:30:13:16

No, it was the it was the traffic on the lane mean that on the odd occasion that a arrived on the lawn, we just told them it was the wrong delivery place.

00:30:15:03 - 00:30:20:19

Okay. I don't know what controls are in place on. That's particular.

00:30:22:13 - 00:30:32:02

Planning application and. In terms of the effects from the existing substation. Can you actually hear the existing substation now? Is that audible at your house?

00:30:33:19 - 00:30:34:04

No.

00:30:35:13 - 00:30:46:23

Not really. I mean, there's hardly you wouldn't notice they're now really mean from where we live. But it was a construction that was the main problem for 18 months or so. Yeah.

00:30:47:04 - 00:30:47:24

Okay. Yeah.

00:30:52:18 - 00:31:09:02

But in terms of at the site, obviously we sort of notice that sort of the vegetation, etcetera around your house of trees and sort of noting that was in when that was July. Anyway, it was in summer when trees were leaf etcetera. But in terms of visual effects, do you, do you, do you feel that the actual screening is sufficient to

00:31:11:10 - 00:31:14:19

visually, if you like, safeguard your amenities?

00:31:14:24 - 00:31:30:29

Well, I mean, the screening will be, you know, will take years to to evolve and to to grow and to cover. And we'll obviously in the wintertime when the trees are bare, we will see a lot more.

00:31:34:11 - 00:31:36:16

You know, the screening is not going to be instantaneous, is it?

00:31:40:05 - 00:31:43:02

Will the existing screening have any benefits?

00:31:44:06 - 00:31:44:21

Um.

00:31:46:18 - 00:31:50:08

Possibly. But we don't know.

00:31:56:26 - 00:32:02:04

Okay. Thank you. These are matters that we have to weigh up. Mr. Fox, do you want to respond to anything.

00:32:03:24 - 00:32:39:14

Just in relation to, um, Uffington Lane? Um, you know, we were definitely aware of concerns that there would be there. And in discussion with the highway authority, we in a number of measures within our including introducing temporary passing places um, minor works at the junction of Uffington Lane and A6 one, two, one and also essentially active management to ensure that they are held. So there isn't, um. Well, the the amount of kind of two way passing of HGVs is is limited.

00:32:43:03 - 00:32:43:21

And that's all in the.

00:32:49:02 - 00:32:59:09

I thank you, Mr. Fox. And thank you, Mr. Croft. Unless you've got anything else you want to. You want to say, obviously it's something that we need to sort of take into account as part of our examination and recommendation.

00:32:59:29 - 00:33:09:11

In summary, the main the main thing is, you know, we're going to be living there during it, during the whole of it. And that's the effect on us is unknown. Yeah.

00:33:10:05 - 00:33:41:27

Okay. And as always, if there's any particular things, I mean, obviously always urge people to read the mitigation management plans that have been put forward by the applicant. We are getting towards the end of the examination as we touched upon before, and if there's anything in any of those that you feel could be enhanced in terms of your living conditions, then the applicant is, you know, has. Yeah, I'm sure would listen to that. Uh, that the, the least of anything further is possible. But that's be really for you to look at in terms of you feel anything is, is appropriate in that respect.

00:33:42:14 - 00:33:42:29

Yeah.

00:33:47:09 - 00:33:49:00

Okay. Thank you, Mr. Croft.

00:33:53:15 - 00:34:07:09

The only other matter I wanted to mention in terms of environmental matters was at deadline six. Think it was rep 6004AI think.

00:34:09:21 - 00:34:12:20

The applicant submitted an updated list of.

00:34:15:28 - 00:34:33:15

Projects or proposals that potentially could affect the cumulative effects. And think obviously we're not discuss those in detail. I propose we need to discuss that in detail. But just to make sure that parties are aware of that updated list and.

00:34:36:02 - 00:34:48:12

If you wish to provide comments on that and any implications, then please do so by deadline. Seven which is what was outlined in that particular submission. Mr. Fox, want to say anything further on that?

00:34:48:28 - 00:35:22:10

I think the point I would emphasize is that think and they're aware of this, but it's just the comments in particular from the RPAs. We want to make sure we've got the definitive list everybody is happy with because do acknowledge that the list mainly just identifies them. It doesn't do the next step of the problem statement, but that's partly because we wanted to make sure we had the the the list. So if we can get final comments on that at 1097, we can then update the table properly for the final deadline.

00:35:22:12 - 00:35:22:27

Okay.

00:35:24:02 - 00:35:24:17

Yeah.

00:35:28:16 - 00:35:29:27

Mr. Johnson. Mr. Jordan.

00:35:32:08 - 00:35:32:27

Happy with that.

00:35:34:03 - 00:35:49:21

Phil Jordan, South Staffordshire Council. Yeah, we're aware there's been a bit of backwards and forwards on the made comments at various points on the list, so but we'll make sure we give the final comments with that line seven on that updated list. Okay.

00:35:50:09 - 00:36:07:10

Thank you. So. Justin Johnson, Rutland County Council. Yes. Happy with that approach. Okay. And similarly, see Mr. Willis online as well as has heard that. So yeah, if you could do the same. Mr. Willis from the County Council Lincolnshire County Council's perspective.

00:36:08:29 - 00:36:09:16

Okay.

00:36:13:24 - 00:36:17:20

Okay. That's all that we have on part one.

00:36:19:18 - 00:36:30:12

So we can move on to part two, which is the. And obviously the main part of today's proceedings. Further consideration of the draft development consent order.

00:36:36:14 - 00:37:15:00

And what I propose to do as set out in the agenda, give the opportunity for the applicant to do a brief summary of recent revisions to the draft consent order, because I think it's best that we just go through and then we can talk about the actual revisions that have been made somehow for you to keep that there. A short summary, Mr. Fox. And then also, if you could add on to that, just a summary on engagement with the relevant parties, local authorities. ET cetera. On matters relating to the draft of the consent order, Again, without getting into any any detail and then we'll start going through the articles.

00:37:17:03 - 00:37:51:08

Thank you, Mr. Kent. So think generally the changes were made to reflect the discussions, both at the last hearings and to reflect on responses to the second written questions. Um, so, um, uh, well, I'll try and summarise them, but essentially in Article two, we've tweaked the definitions of maintain and added definitions, um, for things like the Outline Britain scheme of investigation, um, the highways and articles.

00:37:51:10 - 00:38:30:12

So nine, ten, 1113 in associated schedules. We've made tweaks in response to the questions and um, to reflect the ongoing discussions with the Highways Authority about the fact that we will be looking to do a separate side agreement. Um, we don't want that to be cut across by these articles. Um, Article 12, which is the claimed public right of way article amended following your comments on the agenda. So went to well on that. Um, and then the, the schedules have been updated and I think I'll just emphasize the point about, um, sorry about the requirements.

00:38:30:23 - 00:38:39:25

Um, the importance of reading those alongside the changes to the management plans. But think we'll discuss that today. Um.

00:38:42:08 - 00:39:07:12

And changes some other minor changes to other schedules in response to questions in terms of changing district area and tightening up some of the language about the restrictive covenants and

update to Schedule 16 in relation to fees. Sharing information with Consultee bodies are supposed to be approving bodies and time limits

00:39:09:09 - 00:39:10:13
and think I'll stop there.

00:39:14:12 - 00:39:43:17
And in terms of changes, in terms of the engagement that has been ongoing, both in terms of the public submissions, examination and discussions and reflecting the statement of common ground. I believe I would imagine that the the haven't yet had a chance to consider whether writing an Article 12 changes. But my understanding with the requirements is now that we've added as consultees

00:39:45:06 - 00:40:21:09
and we've made the change, although it's comments on the wording. Um, the main two things that remain in dispute are probably requirement ten um, relation to Heritage for the reasons we discussed yesterday and the time limits in schedule 16. Um, and just suppose to set us all out right from the start on that we don't propose to make any more changes. And in terms of time limits. 16. Um, I'm conscious you as examining authority main changes suggest you think things should change, but we will still say we don't propose to make any changes.

00:40:21:11 - 00:40:32:13
I think we are happy that that the Secretary of State is not concerned about drafting because it will literally just be changing the numbers. So just want to say that now. Um, I'm not.

00:40:36:14 - 00:41:09:28
And. Yes, sorry. And the last point to make is I touched on the highways drafting and the, um, you've seen from examination submissions that we've agreed that we will do a side agreement. And on that relating to highways matters akin to a section 2.78, but not quite A278 because we're under a not the Highways Act. Um, we will be getting a draft of that to the US by the beginning of next week. There's been a slight delay on that which we acknowledge, but we will get it out.

00:41:10:04 - 00:41:34:27
It's up to them. But it's been based on the form of two 7/8 the authorities actually use. So it's not a we're not starting from scratch. We're seeking to take what they normally do and just adapt it to work for a regime so hopeful that that won't take too long to resolve. But we appreciate that the RPAs will still have concerns until that's sorted.

00:41:37:18 - 00:41:43:08
Okay. Thank you. And one general point before we move on to the articles. Obviously, there's several other,

00:41:44:26 - 00:42:15:15
uh, drafted on consent orders going through examination for, say, several, but there's how many are there currently going for examination apart from this one, two and one stall. Is that right. Yeah but, but my wider point is that. Obviously there's things evolving in the draft on consent orders and obviously a few of these are in Lincolnshire if they can be. Consistency where it can be provided, and that is quite helpful in terms of.

00:42:15:22 - 00:42:29:17
Good practice. Obviously every scheme is different, so one wouldn't expect all the draft orders to be the same at all. But if there's any sort of a good practice, I'm sure that's something which at the very least the Secretary of State might appreciate.

00:42:30:00 - 00:42:30:15

So

00:42:32:11 - 00:42:49:22

happily, since Masons are acting for all but one of those schemes. So you can rest assured that internally we are talking with each other to make sure that we're taking consistent approaches. Um, I don't, can't think of anything where we are being inconsistent with the other authorities.

00:42:51:09 - 00:43:05:03

Okay. If there is anything which is not raised or raised by me or the parties where we think you should have noted, then yeah, please let us know, all of us incorporate that that into the draft.

00:43:06:05 - 00:43:06:23

Okay.

00:43:07:00 - 00:43:07:15

Uh.

00:43:09:06 - 00:43:11:15

So we'll move on to the.

00:43:18:05 - 00:43:20:09

Listen, sir, anyone got any comments on the actual

00:43:22:07 - 00:43:31:11

contents, etcetera. We'll move on to the articles. And inevitably

00:43:32:26 - 00:43:53:26

the definition of maintain. Is our. First port of call for the articles. And Mr. Fox, can you just introduce the changes that have been made? To that and give a bit of background to the definition of or the interpretation of of maintain under Article two is that.

00:43:54:06 - 00:43:58:22

Mr. Fox and path Applicant. So as we've discussed hearings and questions um

00:44:00:14 - 00:44:17:23

at I think it was deadline for sort to make it clear that we can can't reconstruct to replace a whole of work one specifically the area and there was therefore a change need to be made earlier in the definition um to be clear on

00:44:19:10 - 00:44:59:09

the terms of what maintain means apply to the whole of the authorized development. When we're talking about what we can't do in relation to replacing the whole of something that applies to work. One And we've also added in the wording about not only materially new, materially different effects as identified environmental statement, because the ask for that that was standing that that same control is in Article five. Um do note on that that at that time six made a submission as to is it clear whether the that wording which for the purposes of the letter today will refer to was the Newt wording because that's a good.

00:44:59:11 - 00:45:31:13

Akerman Um, whether that is applying to the whole of that definition or just to the point about removing or replacing the whole work, number one, just to reassure that it applies to the whole of that definition and look at whether that can needs to be amended at all to make that clearer. But would say

that that um, wording as we have it is, is similar to the President's. Um, but just want to acknowledge that we noted that from that point six missions and, and we'll look at that but I don't think we need to change it.

00:45:34:12 - 00:45:34:28

Okay.

00:45:37:00 - 00:45:41:27

Just relations to that. Mrs. Holloway, on. Your deadline. Sixth submission.

00:45:44:16 - 00:45:48:05

Is there anything further you wanted to clarify or say on that?

00:45:49:27 - 00:45:51:13

But not at this point. Thank you.

00:45:52:08 - 00:46:00:02

Okay. And Mr. Fox, could you just describe how. The change is made to.

00:46:01:06 - 00:46:01:23

And.

00:46:03:29 - 00:46:09:01

The operational Environmental management plan and its paragraph 2.22. Is it for that?

00:46:09:20 - 00:46:10:05

Yes, sir.

00:46:11:12 - 00:46:32:01

Relates to the issue of maintenance and some of the questions that we've asked at and questions to and matters that have been raised by the local authorities and others as well. And also the relevance of. Section 5.17 of the chapter of the which I think you refer to as as well, which is the updated project description.

00:46:34:06 - 00:46:42:06

Yes. That say that section of the yes is where we set out the basis of of

00:46:43:29 - 00:47:17:15

how the is considered maintenance. And it refers essentially to ad hoc replacement of equipment. And so within the context of that definition, which is one of the controls, we can't do anything. And that would be different from from that. The wording that we've put into the poem is to try, as explained yesterday, to put on a level of quantification to help and consideration of that.

00:47:18:00 - 00:47:23:29

But what we've said in the past is that when we produce our kind of

00:47:25:15 - 00:47:49:09

maintenance schedule for the year ahead, which now requires us to do, we've got to explain what those activities will be and show how essentially they will not give rise to any materially new and materially different effects, because that's what the control is in definition. And so as part of doing that, we've got to provide environmental and traffic information to show it and.

00:47:51:00 - 00:47:55:12

In so doing, confirming that we don't go beyond those five movements.

00:47:58:27 - 00:48:03:13

So the wording is, is essentially the practical management of that definition.

00:48:05:18 - 00:48:06:17

And it's the check.

00:48:10:14 - 00:48:11:15

Okay. And.

00:48:13:17 - 00:48:14:21

In terms of the.

00:48:19:25 - 00:48:54:16

The term. To the extent that such works do not give rise to any materially new or materially different environmental effects than those identified in the environmental statement. Just to be absolutely sure. Just to clarify from my point of view, is that because think the operational effects in terms of transport effects were scoped out of the environmental statement. Because of the minor nature. Very generally so. So those those are not so those were scoped out. So in a way, no effects were reported because it was deemed there would be no effects.

00:48:55:05 - 00:49:08:08

So where in terms of this. The environmental effects etcetera phrase which effects actually is it that would be compared? Would it be would it be a case of saying, well, there were no effects because it was scoped out?

00:49:09:06 - 00:49:09:21

Yeah.

00:49:09:29 - 00:49:43:21

Or is that what all is? One thing I've been scratching my head about a little bit. Is it a case that actually. What would be looked at would be. The effects that were identified in the environmental statement for the construction phase. There. Is there any possibility that actually it might be argued at the time that. The effects will be no worse than those effects at construction rather than operation. Because think there's one answer when it is, but one answer somewhere.

00:49:43:24 - 00:49:59:14

It does relate back to the It'll be no worse than the construction effects. I'm a little bit confused between if it's just the operation effects, then that's very to me that feels quite straightforward because there's controls, practical controls in place. But if it's the construction effects and obviously that's a different a different being.

00:49:59:16 - 00:50:35:20

Yes, sir. So so the answer to that is that is not supposed to be the construction phase. It's supposed to be the operational phase. And the you're right that essentially nearly every topic think it may be a topic. Um, we assess it essentially no effects because the traffic movements are so low in the maintenance activities and so low that there would be none. So that's why we've gone to that five figure for traffic, for example, because you don't you need to assess anything if you're below that number. I think in answer to your question and to make sure that everybody is clear, um, we can look at that definition to make and Article five.

00:50:36:06 - 00:51:12:20

Um. To add words to the effect of don't quote me, because we'll have to think about it, but for the operational phase or something along those lines, just to make sure that everybody's clear. But that is why in the OMP we specifically have cross reference to that section of the Is. Um, but um, we can look at that wording in the definition and in the web to make that even clearer. Just so everyone is clear, including us, but also the Is and everybody else. That question that's being asked when reduced our schedules is not is this worse in the construction phase? Because that's not what we're saying.

00:51:14:01 - 00:51:32:17

25, 30, whatever, years now down the line. This won't be considered by, you know, it might be, but probably not by people necessarily in this room and just feel that's an area where a potential ambiguity but if that can be addressed, I think that could be. Yes. Could be helpful. Uh.

00:51:34:06 - 00:51:35:19

Mrs. Holloway. Yeah.

00:51:35:21 - 00:52:11:25

Mrs. Holloway, from our past action group. Apologies. It's just sort of trying to understand exactly what's being said. So, um, could the applicant clarify if you're saying that there's no other parameters that are being considered other than the parameter that you've put in for traffic in consideration of anything that would fall under maintenance? And in effect, you've written that out because it's you've deemed it's unlikely that you would exceed the parameter you set for the traffic movements. But I'm trying to understand if there's any other materially new or significant areas that would be considered.

00:52:13:12 - 00:52:27:16

Archaeology, potentially, although there might be disagreement on that. But in terms of representations that have been made, essentially and also obviously there was the climate change discussion we have the other day. And in that regard, where.

00:52:29:27 - 00:52:34:14

You might have examples of other effects. So understand the point is in that respect. Mr. Fox.

00:52:37:27 - 00:52:41:04

Is that you just want to quote from the. Yes.

00:52:43:21 - 00:52:59:23

So section 517 and won't read out the whole thing is essentially sets the framework for the operational phase and maintenance activities and essentially why the as I said before, essentially none of the.

00:53:02:01 - 00:53:36:00

Those activities have been assessed for any topic because, as we say, routine servicing, maintenance and replacement of ad hoc materials and the relevant measures in the the would apply. So the reason we put the traffic control on is just because that's the most obvious thing that people are worried about, but conscious that all the other facts that have just been raised there. But essentially because the yes is not assumed any effects arising from those disciplines.

00:53:37:16 - 00:53:40:06

In providing the maintenance schedule to show that we.

00:53:41:22 - 00:53:42:07

Uh.

00:53:44:06 - 00:54:16:14

And not producing materially worse effects in the environmental statement. We'd have to show that it was essentially the same thing again. So we put that traffic control because we wanted to put some level of quantification to it because in terms of what ad hoc means, but because Section 5.17 in says what it says, if you read the other topic chapters, they don't go into detail about assessing the impacts of maintenance activities because essentially it's scoped out, i.e. there is no like different effects to be materially worse means if we create any, that's materially worse.

00:54:18:23 - 00:54:37:03

And it would be presumably helpful that. Any changes that you do make, make, make in this respect in terms of the draft to make it clear that it is. There's no opportunity to return back to the constriction effects for whatever topic it is during the ad hoc maintenance.

00:54:37:05 - 00:54:37:20

Yes.

00:54:39:06 - 00:54:39:24

And.

00:54:44:23 - 00:54:58:09

Okay, look, any of the local authorities got any comments? Because. No, you've made submissions at. The deadline five. Deadline six on or deadline five on the article any. Yeah. Yeah. So Rutland.

00:54:58:19 - 00:54:59:04

County.

00:54:59:06 - 00:54:59:21

Council Justin.

00:54:59:23 - 00:55:00:08

Johnson.

00:55:00:13 - 00:55:01:01

Um.

00:55:01:15 - 00:55:33:27

Think the submissions that you're talking about and really welcome the five day limit on HGVs think that is a helpful point. Um I think the concern that we've got as an authority is that this the, there's no approval of the authority. It is just and the maintenance schedule is submitted to us for information purposes. And if we have any concerns, the applicant viewpoint is that we should wait until there's an opportunity for us to take enforcement action against that.

00:55:33:29 - 00:56:17:20

If we were in disagreement for some reason. Whereas the council's point is that if we're notified about something and we have the opportunity to approve it, given that this is given in. 12 months in advance, there would be no delay to the applicant. Hopefully we could agree it, but if not, there would still be the opportunity for the applicant to appeal the Council's refusal of the maintenance schedule. I can't see why we would do that. But if something did crop up. There would be an opportunity for us to to refuse it and the appellant appeal it rather than get to the confront the confrontational stage of enforcement action, which we can only take enforcement action once an activity has begun.

00:56:20:21 - 00:56:22:24

And Mr. Fox respond to that.

00:56:23:05 - 00:56:53:27

Mr. Fox. So first of all, just to make sure we're characterizing correctly, the schedule will be producing is not 12 months in advance before we do the activities. It's just this is what we're going to do for the next 12 months and maintenance for what we're going to be doing. The vast majority of the lifetime of the scheme is not going to be all of these things. And I don't see why in terms of replacing things, it's just going to be over the next year, you know, we'll trim some hedges or help them grow and so on.

00:56:54:05 - 00:57:17:10

Think it's I think we think that that is a kind of a control that's not necessary if you consider that most cars just have an untrammelled maintenance power and enforcement is the route that any local authority has. And. I would say don't think at this stage this is another agree to disagree. Yes. Situation here.

00:57:17:24 - 00:57:27:06

I understand the point that just for routine day to day maintenance, that having a schedule for that which needs to be approved would be probably disproportionate.

00:57:29:17 - 00:57:35:27

There's your concern. I'm presuming that comes down to the panel replacement issue more than anything else, does it? Is that the correct.

00:57:36:02 - 00:57:36:17

Yes.

00:57:41:06 - 00:58:15:17

What would happen in practice then? What would happen in practice? If you've got the maintenance schedule and it said that we're going to replace X number of panels and this doesn't because if it did, if it did result in a material change, then you need a new you just put a new submission in anyway, wouldn't you? The applicant would have to put the undertake. We'd have to put a new submission at that stage and decides that it does go beyond the the relevant thresholds. But if you disagree, your concern is that if it disagreed, if you disagreed with that, I presume what would actually happen in practice? Well, I think so.

00:58:15:19 - 00:58:33:02

Justin Johnson for Rutland County Council. My concern is that if if we disagreed at the moment, we we would be told about it. But we couldn't do anything about it until they started doing doing the work on site. And that would be the opportunity that the council could then take any action.

00:58:34:29 - 00:58:43:23

I mean, it could be an area where. If there's any suggested drafting you want to put before us, we can consider that to this. Don't know what quite what

00:58:46:00 - 00:59:02:11

I've heard Ms.. Fox's position for the applicant, but if there's any particular drafting that would get would, in your view, resolve this without sort of you know, I'm conscious of the fact that I can see why the applicant wouldn't want every bit of maintenance work having to be approved by the local authority.

00:59:02:15 - 00:59:25:09

And don't think we're local authority want to approve everything either. So think, think it's just um, it's our concern is that we're looking at what could happen in a worst case scenario. We hope that none of

these things are ever necessary. But if they are, you know, we want to make sure that from a council's point of view, we're being proactive rather than reactive.

00:59:26:07 - 00:59:46:01

And in some respects to there is the point, presumably, that nobody wants a solar farm with panels that aren't actually producing electricity because they're all broken and can't be changed. So there's not I don't think I don't not sure anyone's saying that that's not a bad thing for panels to be replaced because. There's obviously sort of benefits of that as well, which need to be factored in. But certainly.

00:59:46:17 - 01:00:04:28

Sorry, just to say think if that is the position, then think we can give a little on this. Think what we want to be clear on is that all that they would be agreeing is that our conclusion that it's Newt is correct?

01:00:07:14 - 01:00:15:00

I.e. that what we're presenting to them is to say if we're going to replace an equipment, we don't need them to be approving,

01:00:16:16 - 01:00:31:19

you know, what equipment we're using or how replacing it. We just it's for them to confirm that they're happy that it is not materially new or materially different. If we can limit it to that and specifically for those activities and that's agreed, then we will put some wording the to that effect.

01:00:32:06 - 01:00:38:17

With a conversation of offline or out of hearing to sort of say if you can get agreement on on that. And obviously.

01:00:40:03 - 01:01:05:21

Essentially the actual group might want to be part of that too, without creating too much of a burden of of work. But to get there is an agreed form of wording, then obviously that's obviously helpful to us. But but if not, if there is disagreement and parties can put forward alternative drafting, but it doesn't sound as though it's it's unresolvable from what I've heard. I'll come back to you for a second because Mr. Willie's hand, I think, was up first online, but will come to you, Mr. Ellis.

01:01:08:22 - 01:01:53:24

Yeah. Thank you, sir. Mark Wallace, Lancashire County Council. Just to say guess from Elk's point of view. Um, happy with the maintain, happy with the additional limitation, if you like, within the OMP. Um, I very much welcome what Mr. Fox has just said. Um, I think that's helpful. And I think it's exactly that point. It's just to agree that we agree that it's not given rise to environmental effects. So happy to have a conversation about that. I guess the only question I had, and this probably extends to a number of our issues and I think it was referenced yesterday, is the mechanism by which that approval will take place because it's embedded within a sub agreement, if you like, within the.

01:01:54:02 - 01:02:17:02

So I wasn't sure about what procedure that would follow. And I think Mr. Fox alluded to the fact the go away and look at that. But I think that applies to a number of management plans where there's sub agreement, um, is to be made in terms of scheme. So just wanted to clarify how we, well we're getting, we can probably have a conversation about that, but it's just clarifying how that approval process or signing off would take place.

01:02:20:06 - 01:02:34:07

So just to confirm. Yes, I think that's what I was trying to say yesterday, that it was raised in reference to Ice, but it is a wider issue. Um, and I think it will just be a fairly simple amend to schedule 16. Um.

01:02:36:01 - 01:02:48:27

Paragraph two and possibly the definitions to just make clear that that process is applying also to the documents that outline documents they need to be produced later on.

01:02:50:20 - 01:03:00:28

Okay. Sorry, if I may. Mark, we're listening to Cancer Council. So effectively we're saying those sub agreements would follow in line with the schedule 16 process in effect. Yes. Okay. Thank you.

01:03:01:15 - 01:03:20:02

Think if there are any sort of smaller queries about that than by all means, you know, have a little offline meeting about that to try and get those matters resolved rather than turning into a potential drafting session. But yeah, it sounds like progress might be able to be made that's positive in that regard. Mr. Always.

01:03:21:05 - 01:03:23:12

Tony, over the past action group.

01:03:24:13 - 01:03:25:12

I'm probably being.

01:03:25:14 - 01:03:28:12

Very dense here and please tell me.

01:03:28:22 - 01:03:30:00

If I am, but.

01:03:31:03 - 01:03:34:14

No questions. A dense question, believe me. Okay.

01:03:34:16 - 01:03:37:12

Well, on that basis, I'll continue and.

01:03:38:28 - 01:03:40:09

I'm confused.

01:03:42:20 - 01:03:44:06

Mr. Fox has said.

01:03:44:09 - 01:03:45:27

That there is going to be no.

01:03:45:29 - 01:03:47:23

Wholesale replacement.

01:03:48:12 - 01:03:55:24

Of panels. Okay, well, we could debate what wholesale is, but let's just stand here for a moment.

01:03:57:24 - 01:04:00:26

This project is going to last for 16 years.

01:04:03:00 - 01:04:13:21

Now. The panels will not last for 60 years. So how are the panels going to be replaced if they're not replaced?

01:04:15:05 - 01:04:16:29

That's really all at once.

01:04:17:18 - 01:04:49:06

I mean, if you read the Canadian seller website and you read their quality part of their website. They're very proud of the fact that and perhaps rightly so, but their panels are of high quality, that they are subject to rigorous examination before they leave, and they will last for 25 to 30 years. Now, can't understand why, therefore.

01:04:50:17 - 01:05:39:10

We have a applicant or those working on behalf of the applicant A claiming that there's no there's going to be no wholesale replacement of the panels and all we're going to do is maintain them. Now, furthermore, can I just say that, um, the Gate Burton Environmental Statement, Chapter six Climate Change, Paragraph 6.4.29, of which I think Pinsent Masons will be very familiar with states operational maintenance, operational maintenance from the replacement of components during the design lifetime of the scheme are based on replacement rates for similar schemes and are based on the design life of the components.

01:05:40:05 - 01:06:00:21

It is assumed that all of the PV panels will require replacement once during the scheme's design life. With as a 10% requiring replacement to cover equipment failures at constant rates throughout the 60 year life. Now.

01:06:02:06 - 01:06:05:15

You know, I'm I'm struggling.

01:06:05:27 - 01:06:08:15

Not entirely understand your point and your point. I think it does.

01:06:08:21 - 01:06:21:24

And we're talking about how many lorries are going to go up and down the road when I don't understand. And this is me being sick. I don't I don't understand how anyone can logically say.

01:06:22:19 - 01:06:23:15

Now, I understand your point.

01:06:23:22 - 01:06:26:01

They're not going to be totally replaced.

01:06:26:10 - 01:06:33:24

It doesn't seem to be advantageous to have a project for 60 years in the last 20 years. It's not producing very efficient energy. That's probably not in anybody's interest.

01:06:34:10 - 01:07:05:03

So think think. The confusion here is that that definition and again, we can take away to look at this. It's meant to be saying we won't remove, reconstruct or replace the whole of work, number one, all at once because the the definition is referring to an activity in time. So if an activity what that is saying is we can't go seeking to use our power to maintain, you can't replace it all at once is one activity. So if that's not clear from the definition, then we'll look to do that.

01:07:05:07 - 01:07:27:07

Think I've made the point yesterday when most of us think said the same quote that we and we've acknowledged in our response to the second round questions that this allows us to replace, we put the controls in to ensure that it can't happen all at once, and they will happen over time. And that we will manage that accordingly, as said yesterday.

01:07:27:13 - 01:07:41:07

So is your concern, Mr. Obvious in this that probably the obvious question that then there was almost will be a sort of. Drip feed, if you can use that word of of replacement panels over a number of over a number of weeks, months potentially.

01:07:41:12 - 01:07:48:03

My my my concern is that. Forgive me. I can't. I don't understand. Um.

01:07:48:15 - 01:07:49:11

What?

01:07:49:20 - 01:08:26:10

Um. I don't understand the logic behind it, because clearly, if you've got the first of panels, no one's going to replace them until, let's say, 20, 25 years. Mean, surely this drip feed that Mr. Fox refers to is not going to start on day one or year ten or other than, of course, for faulty panels damage and and what I would call maintenance. Surely this drip feed is not going to start until, I don't know, let's say, for example, 25, 30 years.

01:08:26:21 - 01:08:57:20

And given that they're all installed at the same time, given they're all presumably Canadian solar, given that they're produced for the high quality levels, etcetera, etcetera, etcetera, presumably they are all going not to fail, but decrease in their effectiveness around about the same time. Now, you know, give or take four years perhaps, but around about the same time now there are 530,000 of these panels.

01:08:58:06 - 01:09:35:22

And so therefore it's inconceivable to me that there won't be large blocks requiring. And then looking at it from an engineering point of view, and I'd be interested to to hear the engineers that the applicant has. Looking at it from an engineering point of view, if you have a set of panels that are getting towards the end of their their life and you want to replace one of them, you would place all of them in the knowledge that in just a couple of years and then in a year you're going to put all new ones in anyway.

01:09:35:24 - 01:09:44:12

Okay. Can you understand your, your point? Is it and I know Mrs. Smith, I think wants to speak as well and will let Mr. Smith in in a moment.

01:09:54:12 - 01:10:04:18

Is it the intention in the context of 60 years that in year by year 60 or just before it's decommissioned in the year 59, whatever, that.

01:10:05:25 - 01:10:06:10

It will be.

01:10:06:22 - 01:10:23:06

It will be the second set of panels that will be. Replaced. There will be two cycles of panels because there's an obvious mean. What's being said? It does appear that 60 years will allow two cycles of panels, putting it bluntly, doesn't it? From what all the evidence as.

01:10:23:21 - 01:10:25:18

The basis of current technology? Yes.

01:10:27:05 - 01:10:30:12

But think this is what I was trying to say yesterday, is that.

01:10:32:14 - 01:11:01:15

Without the 60 year time limit. We obviously and the discussions we had at last hearings, we also could have done that. What we now having is to control to it and appreciate I do appreciate what Mr. Roberts is saying, but all was, as I tried to say yesterday, is these are the controls that are put in place to ensure that there is not an effect. And I appreciate that means there's a drip feed. But by having this wording about that, that ensures there can't be any effects that arise from that.

01:11:01:22 - 01:11:11:09

Is that what the actual undertaker at the time would want them to do them? Because if somebody was going to replace 50% of the panels and presumably they want to do them quickly as possible, bring them all in and do them because that's the most efficient.

01:11:11:12 - 01:11:13:18

If they wanted to do that, then you'd have to amend the DCA.

01:11:13:20 - 01:11:23:05

So that's going to be my next question. Is that the answer that actually if this scenario does come up, then there needs to be an application to amend, which is is essential, is a.

01:11:23:07 - 01:11:24:24

Potential, and that would have to be.

01:11:24:26 - 01:11:27:26

As a planning commission, there can be applications to amend. ET cetera.

01:11:27:28 - 01:11:29:09

Yeah. Yeah.

01:11:29:28 - 01:11:33:20

Basically, Mrs. Smith, if she's got a point. Is your point related to this, Mrs. Smith?

01:11:35:12 - 01:11:43:19

If it is, then can you. You make it. If not, I'll bring you in just when this discussion has closed on this particular issue because it is something that needs clarifying.

01:11:44:13 - 01:12:19:05

Thank you, sir. Julie Smith, Rutland County Council Highways. Yeah. I was just going to make the point that in terms of it's quite obvious there's going to be a wholesale replacement during the time of this, which is a point I'd raised previously in that it could essentially create the same level of traffic as the, you know, as the construction and possibly more if hauliers were different, those bringing in the units and those taking away the units.

01:12:19:07 - 01:13:11:04

Um, but I was pleased to see the the limit of five daily HGVs. Um, but as everybody else has and Mr. Orvis has explained, obviously that will be a drip feed. So in terms of traffic, if it was limited to five daily HGVs a day plus there would obviously be LG TVs, etcetera as well. As long as that didn't go over 32 way trips at any junction, then in terms of highways, we wouldn't be concerned, but we would also just an additional point, um, the passing bays etcetera that are being put in and all the offsite highway improvements would need to be permanent rather than temporary to save them having to be redone in, say, 20, 30 years time.

01:13:11:09 - 01:13:14:00

Um, if that makes sense. Thank you.

01:13:16:02 - 01:13:19:07

I'll let Mr. Fox come back to that. Mr. Roberts Just before you did, Mr. Fox.

01:13:20:00 - 01:13:29:26

I'm sorry, Tony. Over past Action Group. Again, if I may ask for some guidance on this. I'm I think what's being said is that.

01:13:31:23 - 01:13:39:22

The fact that they will drip feed replacement in and it's not going to be a wholesale replacement.

01:13:41:07 - 01:13:46:12

Is going to be controlled by the DCO. Is that correct or not?

01:13:46:25 - 01:13:47:27

And the together?

01:13:48:05 - 01:13:48:20

Yeah.

01:13:49:15 - 01:14:04:17

How can a DCO control something that's not in the first place? Control before. I mean, what I'm saying is that you can put that in the DCO, but in the certain knowledge that it's not going to happen.

01:14:05:23 - 01:14:06:10

I mean.

01:14:06:29 - 01:14:37:02

It's not easy. I mean, I find it slightly surreal that we're talking about something which is not going to last for 60 years. And everybody knows that and everybody think accepts that if they don't. And I'll try to. But I'm afraid again. Now, how can something in the DCO say, Well, we're going to drip feed it in and we're going to do this, and it's all covered by the DCO. When? It's plainly nonsense.

01:14:37:24 - 01:14:43:09

Now, you know, I admit I have no knowledge of CEOs. I'm not a lawyer. I'm not a.

01:14:43:11 - 01:14:49:09

Planner. Come back to what you. What you said. I understand. I understand your point. And it needs clarification.

01:14:51:03 - 01:15:21:17

From half of the applicants. Just going back to Mr. Smith first, and I think we'd need to discuss that off line, because I don't understand why the limit of five two day limits means we need to be putting

junction improvements and passing places back in when those were put in on the basis of our total traffic flows over the whole of the construction phase. And with these controls in place, that simply cannot happen. But appreciate that. I think that we can do that. Outside examination, perhaps. Sorry. Outside the hearing.

01:15:22:03 - 01:15:52:07

Um, and then coming back to Mr. Mr. Officer's point, I think the, the um, point here is either the activities with those controls in place are acceptable or they're not. It's not whether we're going to do it or not. That's not the question. All powers are permissive. We can get it easier. I mean, I'm just being devil's advocate and not build the scheme at all. If your test is, are we going to do it or not? That is not a planning test.

01:15:53:10 - 01:16:04:15

I think there is a little bit of confusion about if it is going to be operated for 60 years, what will actually happen and why these controls being put in, which might actually prevent almost seem to almost prevent that operation for 60 years

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

or make it more difficult to achieve at an efficient level? Is that why six years in this context? I think that's a reasonable question.

01:16:14:12 - 01:16:50:21

Well, I think we said that yesterday. 60 years means that we this project continues to deliver renewable energy for as long as possible given our climate emergency. As Mr. Gillet said, yes on Tuesday, think net zero question Is that even going to be reached by 2050? And even is that's not a we've reached at here. We can all get back to what we were doing. It's a continuous thing that's needed. Um, and thirdly, keep coming back to this with the controls in place, there's no planning reason why that benefit can't continue to continue to be achieved.

01:16:53:22 - 01:16:54:08

Okay.

01:16:54:10 - 01:17:16:03

I think we're just about getting to as far as we can with this conversation, subject to what changes you're going to make for deadline seven. Obviously, we've got to go away and consider these matters and the secretary state's got to go away and consider these matters based on all the evidence before us. Make if there's any sort of new particularly final things on this and then think we'll probably have a break before we move on.

01:17:17:02 - 01:17:49:22

To our past action group. Um, Mr. Fox has said it's important to go 60 years because we can continue. Etcetera, etcetera, etcetera. Well, clearly, you know, unless the panels are replaced, you can't continue. And so on and so on and so on. So may be not familiar. And indeed I'm not with what is and what does not constitute planning regulations. And if it's in the it's okay and all of this sort of thing. I am just speaking from what I think know.

01:17:49:25 - 01:17:50:10

Your.

01:17:51:02 - 01:17:53:24

Point you and it's not the planning issue.

01:17:53:26 - 01:17:55:16

It's we understand.

01:17:55:21 - 01:17:56:15

Common sense.

01:17:56:18 - 01:17:57:09

Understand and.

01:17:57:11 - 01:18:13:24

Furthermore can just also say that again, if I may just repeat very quickly, but. Which is being represented by the same firm, says something quite different. And in my view is that these more logical think it.

01:18:13:26 - 01:18:19:13

Is reasonable to have an explanation as to why Great Britain is is different either now or

01:18:21:14 - 01:18:25:19

Gareth said It's the applicant. Yes, I'm advising on Gate Burton There isn't actually a difference.

01:18:25:21 - 01:18:59:13

It's it's the way that it's been set out. It's slightly different, the language used by different, different teams. But I can assure you that they're all approaching these topics exactly the same way. That's my role in all of these projects, is to ensure some consistency across them in terms of how they've been assessed and so that, you know, one isn't presenting one thing rather than the other. And we're trying to remove confusion rather than add to it. But they are approaching it the same way. There may be some slight nuances where they are relying on their own supply chain.

01:18:59:15 - 01:19:32:09

So for example, Canadian solar can produce their own panels. They've used those to date on other projects. And so we take for this project, we're taking information from there, but it doesn't necessarily follow that the low carbon team that are producing Burton would use that same supply chain. There are other suppliers of panels. Similarly, if you go to Ireland, Green Power who promoting the and West Burton schemes, they may use a different supplier as well. We can only work on the information that's made available from the suppliers at this point in time.

01:19:32:11 - 01:20:12:04

And it's the same if it were offshore wind. You go to Siemens or Vestas for the turbine supplies and you say, right, what are you working on now? And then you can also get some sort of R&D information from as to where they see it going in the future. So when we do our assessments, it's based on the known now. Yeah. Plus what information is there is the future, which is why if you've got information now that's saying the panel might be 25 to 30 years, the reason why we believe it can go on is because we've got some insight as to how we see R&D improving the technology over time and to allow the project to take advantage of that flexibility is that.

01:20:12:06 - 01:20:20:02

With the panels that we've put in, the first panels that would be put in, or is that technology point about potential improvements in the second? It would it would.

01:20:20:04 - 01:20:24:02

Be the it would be the project as it's built at the start, right?

01:20:26:02 - 01:20:40:13

And this just by the question, why 60 years? Why 60 years is in given the fact that the current expectation is 25, 30 years for panel life and. Technology will increase so quickly that all of a sudden you're going to have a sort of 50 year panel. But yeah.

01:20:40:17 - 01:21:17:20

It's I mean, you could you could go back and say, Cleve Hill, when we were doing Cleve Hill back in 2015, working towards the submission of that application, at that time, planning permissions were only being granted for about 20 to 25 years. Yeah. So when Cleve Hill was coming forward, the information that was available then was that the, you know, the panels would actually last for for 40 years, which that project doesn't actually have a limit on it. But there is a sense check point about 35, 40 years into the project where, you know, if certain things have come about from the Environment Agency, it might be decommissioned or not.

01:21:17:22 - 01:21:29:09

But the point is you can take a point in time and look at where R&D is expected to get to and how the panels are going to going to evolve. But it is it is a bit of professional judgment.

01:21:29:11 - 01:21:43:08

And is it actually the case that in actual fact. Applicants or developers for solar farms now don't actually know what they're going to be doing in 30 or 40 years time. So actually, is it an unknown for the applicant as much as for anybody else in terms of what might have been? It is.

01:21:43:23 - 01:22:07:17

It is it is that because you're relying on supply chain to tell you, you know, where they expect development to go? And so what we're doing in these in these consents is building in the flexibility so that we can take advantage of the technology as it comes on stream. But within the parameters in the yes, they're assessed to make sure that, you know, worst case scenarios are captured and mitigation is in place. You know, should it be required.

01:22:07:19 - 01:22:23:21

From a commercial point of view, applicants go into these schemes thinking it is going to be one set of panels with literally ad hoc replacement where ones get damaged or break, as we discussed yesterday. Mr. Gillet Yes. Rather than going in there thinking we're going to have a second set of panels, but at some point over over one year or whatever it might be, Yeah.

01:22:24:08 - 01:22:30:13

So you procure the whole project and there will be ad hoc replacements as failures happen and so on.

01:22:31:27 - 01:22:35:26

Okay. Thank you. That's helpful. Okay. Can I just come into final comments on.

01:22:35:28 - 01:22:36:19

This, please?

01:22:36:21 - 01:22:45:16

Thank you. If there's any further things you want to sort of elaborate on beyond this, then obviously do so at deadline seven. But it's probably I will at this point at time to move on. But so can I just.

01:22:45:22 - 01:22:48:17

Comment on on what I feel? It's an important.

01:22:48:19 - 01:22:49:04

Point.

01:22:49:25 - 01:23:25:03

And that is we're saying about technological advances. And Mr. Phillips has made the point that since Cleve Hill, what, 14, 15 years ago, was expected to have a life of what, don't know, 20 years or something and it's now 25, 30. I mean, understand all of that. But this particular development, it's going to start in 2026. We're in 2023. Um, I don't think anyone in oh, I would doubt whether anyone.

01:23:26:04 - 01:23:39:22

Could point towards anything that any manufacturer is doing at the moment. It says within two years, three years, the panels are going to increase in efficiency. I'm sure that any.

01:23:39:24 - 01:23:46:14

Evidence can be provided on where we are with technological advancements in panels can be provided. Yeah, I think there's.

01:23:46:16 - 01:24:08:20

Enough of that. Yeah. Okay. But yes, I mean, it's a lack of familiarisation with the industry this August, you know, and that's not condescension. It's just true when you live in the industry, whether it's offshore wind or so, you would be amazed at how quickly the technologies technology is improving. So but that's you know, that's that's the same for any industry based on technology.

01:24:09:18 - 01:24:11:08

Okay. Mrs. Holloway.

01:24:12:01 - 01:24:51:08

Mrs. Holloway from Price Action Group, think just the one very key point I wanted to make is what the applicant is trying to do is demonstrate that there are no operational effects coming out of this maintain activity. So the message to the secretary of state is there are no operational effects during that period of 60 years. And think what we would like on the radar is that actually there could be quite considerable operational effects as a result of the maintenance stroke replacement of these panels and think that is the issue, that it's not lost within the overall planning balance that impact.

01:24:51:21 - 01:24:54:02

Okay. I understand, Mrs. Davis.

01:24:56:29 - 01:25:25:03

My concern is that I've just had a mixed message. I've been told now that the applicant has to move forward with this with the knowledge that they know now. But they've just told me that there's so many unknowns that they're hoping. That something better will come along. And I find that absolutely frightening.

01:25:26:13 - 01:25:30:26

Okay. Thank you. And the final word just before we have to take two quick points.

01:25:30:28 - 01:26:05:00

First of all, just in answer to Mrs. Holloway, there can't be because it's in the DCA. They cannot be new material, the new environmental effects, because that is what the controls are in place. There simply can't be. And secondly, just answer that last point is that obviously there are controls in place, not just in the definition maintained, but also detailed design, etcetera. Point six to ensure that this doesn't happen. I'm sure we'll come back to it later in the agenda, sir. But think. I keep asking the question why 60 years would flip that on its head.

01:26:05:02 - 01:26:13:08

So why not 60 years given the benefits? What are the what are the planning reasons, given the controls that are in place? Why needs to be less than that?

01:26:14:03 - 01:26:49:09

Okay. Thank you. Understand, it was very quickly. Mr. Croft actually can actually say, I think the good Mr. Fox, the last challenge, I think if any further comments, I think we do need to move on in terms of time. Can you provide them a deadline? Seven. Because we got to the point now where I think we've heard what we sort of need to heard is if that's okay. I think otherwise we're going to probably not get into all the items that we need to get on to later today. So if you can provide comments on what's being said, because I understand why there's concern about this. It's why we've been asking lots of questions on it as well, because I think there has been some uncertainty from our perspective and that's why we're asking questions.

01:26:49:11 - 01:27:24:07

So I understand everyone's concern is that a certain change is going to be made at deadline seven, as Mr. Fox outlined. And if people can comment on that, then obviously we have to then go away and take those things into account in our recommendations. So without wanting to sort of cut down the discussion, I think that's best if we leave it at that for the time being. Thank you. Can we have a break now? That item went on for a while, but it's probably the that probably to be expected. Think so? I don't think we're really running behind time because we've got the whole rest of the day to consider the other matters.

01:27:24:09 - 01:27:30:27

So if we can have a break now and return at. 1145. Please.