

# AUDIO\_GATEBURTON\_ISH1\_SESSION1\_05 0723

00:05

Good morning ladies and gentleman 10 o'clock. Time for me to start this issue specific hearing. Before you go any further, can I just confirm that everybody in the room can hear me? Thank you very much. And I also confirm with the case team that the livestream and recording of this event has begun. Thank you like to welcome everybody here to this issue specific hearing one on the draft development consent order in relation to the application made by the get Burton energy Park limited for an order to grant development consent for the good Burton energy Park project. My name is Kenneth stone. I've been appointed by the Secretary of State as the single examining inspector to examine this application. You will also hear me too, you will also hear me referred to as the examining inspector or examining authority sorry, my role is to examine the application and to report to the Secretary of State for energy security and net zero with a recommendation as to whether or not the development consent orders should be made. Application six consent to construct operate, maintain and Decommission ground mounted solar photovoltaic panel arrays and onsite battery storage and associated infrastructure. Your suited associated infrastructure includes, but not limited to the access provision and an underground 400 kilovolt electrical connection of approximately 7.5 kilometers to the Kaatham National Grid substation. Planning Inspectorate case manager for this application. Sure you've met or spoken to her on a number of occasions is Mrs. Hanlon. She's not with us today, but she's on the virtual room and dealing with that. Today. The case team is covered by a Mr. Stevens who's the case manager, and by a splinter BARROWMAN who is our case, officer, please don't hesitate to talk to any member of that case team should you need any help during today's event? some housekeeping matters again. If you've got any mobile phones, please could you turn them to silent. Thank you very much. Terms of toilets and other facilities. Yeah, it in the corridor and the reception area up to the left towards the exit towards the left's. In terms of fire alarms, again, not expecting any fire alarms or any tests or anything of that. If there is an alarm, there's an exit here to the left, or again, just past the tea station on the right and descend the stairs. And the assembly point is round at the front of the building.

03:15

I'll just do with a couple of preliminary matters. And again, for those who attended yesterday's meeting, this might be a bit repetitive. It's a separate meeting and there are others who are attending today. So I do need to go through these. Today's hearing is being undertaken in a hybrid way, meaning that some participants are present with us at the hearing venue and some are joining us virtually using Microsoft Teams. I will make sure that however you have decided to attend today, you will be given a fair opportunity to participate. If you are participating virtually and you wish to speak at any point in the proceedings, please use the raise hand function and I will invite you to speak at an appropriate time. Alternatively, please turn on your camera so that I can see that you wish to speak. The hearing is being both live streamed and recorded. And the recording will be available on the gait Burton energy Park page of the national infrastructure website shortly after this hearing. For the benefit of the recording. Please can use present ensure that you speak clearly into your microphone and state your name and

who you are representing each time that you speak. For those people observing or participating remotely, in order to minimize background noise, can you please make sure that you stay muted unless you're speaking? I linked to the planning inspector its privacy notice was provided in the notification for this hearing. And I assume that everybody here today has familiarized themselves with this document, which establishes how the personal data One of our customers is handled in accordance with the principles set out in data protection laws. Please speak to the case team. If you have any questions about this. As I said yesterday, it's very unlikely I will ask you to put any sensitive personal information into the public domain. And I will encourage you not to do that. However, if you feel that it is necessary to refer to information that you would otherwise wish to be kept private and confidential, it should be in a written form, which can then be redacted before being published. Can please talk to the case team about the best way to do this? If you do feel that there is something that you wish to tell me where you live, for instance, but because that's relevant to what you wish to say, then just please give a general location don't give a specific address.

06:03

Examination of this morning, this application commenced yesterday, I held an open floor hearing yesterday afternoon, in which we heard from a number of interested parties. The recordings of those events and actions arising will be shortly published on the planning Inspectorate at Burton energy web site. This meeting will follow the agenda that was published on the website, examination Library Reference ev 003. And it would be helpful if you had a copy of that in front of you, I think those hard copies arrived available. Can we just get a copy of that displayed on the screen. If we have a copy though?

07:04

If we just start with the first couple of items on the agenda, then we can scroll through it as necessary. Thank you very much. Backup a bit to Agenda Item one yet, as we work our way through and then we can have that terms of the substantive matters the agenda is in two main parts to deal with the scope of the proposed development, the datum for T hair, and then the provisions of the draft development consent order at item five with come on to those later. The agenda is for guidance only. And I may add other considerations or issues as we progress. I will conclude the hearing as soon as all relevant contributions have been made, and all questions asked and responded to. But if the discussions can't be concluded, then it may be necessary for me to prioritize matters and defer other matters to written questions. Likewise, if you cannot answer the questions being asked or require time to get the information requested, then can you please indicate that you need to respond in writing.

08:21

Depending on how the agenda goes, I plan to break for lunch around one o'clock. And as proceedings proceed, we may we'll have a short mid morning break for a comfort break as well. When we do take breaks, those of you who are participating virtually, we need to ensure your cameras and microphones are turned off during the breaks.

08:52

I'm now going to ask those of you who are participating in today's meeting to introduce yourself. Could you introduce yourself stating your name who you represent, and let me know on which agenda item or

items you wish to speak. If you're not representing an organization, please confirm your name. Summarize your interest in the application and confirm the agenda item upon you wish to speak. I will start with the applicant and their advisors could hear from whoever will be leading the submissions today. And then any other participant who will make regular contributions.

09:31

Thanks so good morning. My name is Amy Sterling. I'm a Senior Associate Solicitor at Pinsent Masons who are legal advisors to Cape Breton energy Park limited, who's the applicant for this DCU application? I do anticipate it would only be myself speaking today. So I won't introduce any of the colleagues with me if they do need to speak they can introduce themselves at the appropriate time.

09:52

Okay, thank you very much.

09:58

And I then move on to organizations are the participants who have actually expressed a wish to speak previously and Can I also ask you to introduce yourself and tell us which agenda items you wish to speak on? Let's start with the local authorities. To start with, I think Lincolnshire county council we've got there.

10:20

Good morning, sir. I'm Stephanie Hall ha Double L. Council instructed on behalf of Lincolnshire county council. I'm joined To my immediate right by Mr. McBride, who is the head of planning for the county council. So in terms of the agenda items we wish to speak on obviously, they're the first three introductory items, but you can assume that we'd like to pitch it on the remainder military.

10:52

And then turn to West Lindsey.

10:55

Morning, sir. My name is Samuel Shaikh, I've counsel and instructed by and represent West Lindsey District Council. To my immediate right is Mr. Cox. And he's a development management team management who may be who I may bring in into calls. And to his right is Mr. Blake, associate director of Atkins, who also may make some contribution indeed, or ask them to introduce themselves properly in due course if needs be.

11:22

Okay, I will come to virtual people, but I'm worried that there's a couple of participants from West Lindsey, who are joining us virtually do you want to introduce those people as well as in we're talking to us and organization?

11:39

Yes, there's also on behalf of West Lindsey District Council, sir. There's also Finn Hebert from Atkins, and also Laura Martin from Atkins. We will again if we require them to contribute we will introduce them as and when required.

11:54

Okay, thank you very much.

12:04

Okay, I'm just sure if in terms of the room then thanks. 7000 acres.

12:13

Good morning, Sir Mark Brier for seven out of 1000 acres. My colleagues may wish to speak and they will in traduce themselves at that point we wish mainly to speak on agenda item four but may wish to raise issues on the other points as well.

12:31

Thank you very much

12:43

anybody else in the room who would wish to speak now thank you in that case, can I turn to those who are virtually with us and ask those to introduce themselves? I believe we've got somebody from the Environment Agency

13:11

everyone into I'm Carrie manga Planning Specialist at the Environment Agency. I don't have any any particular matters to raise but I'm here if you've got any questions for us.

13:22

Thank you very much

13:33

I believe also we've got some representatives from parish councils Yes, parish council. You with us virtually?

13:48

Sir, I am I'm David Belton, current chair of nice parish council. Obviously, like most people were very interested in agenda four. But we will obviously want to pick up on other bits of the agenda as we go through the meeting. Thank you very much.

14:06

Okay, thank you. If at an appropriate stage if there's anything you wish to contribute then do raise your hand and I shall call you at an appropriate time

14:20

Thank you. Thank you

14:27

terms of the virtual room is there anybody out there who would wish to speak

14:36

I'm seeing no hands are seeing no confirmation Shall I shall move on.

14:56

had previously had requests to speak or potential from Mr. Clegg and from Mr. Johnson, can I just confirm that neither of those are either on a virtual call or in the room? Okay, thank you very much. Okay, moving along and to all of our participants today for the purposes of the recording, it will be enormously beneficial to us. If you each time that you speak throughout the hearing, you state your name, and the organization or party you are representing. Before I move on, I will just mention that all of the host local authorities were invited to attend today's hearing. As I mentioned earlier, the event is being live streamed and recorded and will be available to view on the good Burton energy Park page of the national infrastructure website. And you're watching on Livestream, or at a later date has the opportunity to make any comments about the matters covered today in writing for deadline one, which is Tuesday, the 10th. of July.

16:17

I also anticipate spending time on the draft development consent order in one or more future issue specific hearings. And the council's statutory parties and other interested parties will of course be invited to participate in those events. Just go back to the agenda agenda item to the purpose of the issue specific hearing. I'll just briefly explained the purpose of this issue specific hearing this morning. Draft about and consent orders an important document it's a draft piece of legislation, which is the secretary of state decides to grant development content forms the legal basis for the delivery of the proposed development. It sets and secures the standards to which the development must be constructed and secures the environmental performance of the development. This hearing is being held on without prejudice basis. So in essence, even if your position is that development, consent should not be granted. And therefore that the Secretary of State should not make the development consent order. You can make representations in this hearing on the drafting of the development consent order without conceding your wider position that the draft developing consent order should not be made. It's important for the examining authority, because I'm under a duty to provide the Secretary of State with the best drafted development consent order that I can even if I ended up recommending that the Secretary of State should not make the development consent order. This is because I do not decide these applications. I make recommendations to the secretary of state and they make the decision. So even if my report to the secretary of state were to recommend it, the development consent should not be granted. I must also attend a draft development consent order, ensuring that the Secretary of State can decide to make the order if they so wish. I'm holding this hearing early in the examination in order to front load any consideration of the issues and to assist me in deciding what further issues specific hearings may need to be held later in the timetable. This hearing will not examine the detailed content of provisions relating to to compulsory acquisition of land or rights or temporary possession of land examination timetable proposes separate compulsory acquisition hearings on this these topics and they

may be returned in a subsequent D COA sh F it is necessary. Does anybody have any questions at this point in time on what the purpose is?

19:04

Getting any hand? Take anything in the room. Okay. So if I move on, first of all, general a general introduction as a general introduction to our discussion today, I thought it would be helpful if the applicant could briefly set out an overview of the draft development consent order as submitted, highlighting some of the key powers sought in the articles and sheduled of the order and explaining their intent and purpose and rationale. I would expect this to be done at a reasonably high level as the document has been available to the parties and I would expect most parties to have read that document. So if I can turn to the applicant, I wouldn't expect it to be more than sort of 10 or 15 minutes out most.

19:52

Thanks. Amy Sterling on behalf of the applicant is as you hopefully introduced earlier this draft DCO seeks to perish construct, operate, maintain and decommission the scheme, which includes a solar and energy storage park site which in effect is solar PV panels plus an on site substation. And battery energy storage station also says consent to construct or create maintain and decommissioning of grid connection corridor and connection works into the cost of National Grid substation. The scheme is the authorized development which was described in schedule one of the draft DCO, which describes the scheme were split out in various WorkPackages one of the draft DCO which is submitted as the preliminary sections, if and when the draft DCO is made. The data then making the order and when it comes into force will be specified here. And it also includes the interpretation section, which includes relevant definitions of terms used throughout the draft order to assist the reader in understanding their scope and intent. Prior to the JAF DCO includes principle powers, I won't go through every article in such detail. However, I think it's important to note the provisions of Article Three, which is affected the article which grants development consent for the scheme, Article Three states that subject to the provisions of the altar and the requirements, development consent is granted for the authorized development. The important to note then that the development confirm which is granted is only granted subject to provisions, which are also contained in the DCO. And to the requirements which we'll come on to later. Consent is sought and granted will be for the authorized development which is defined with reference to sheduled one and the WorkPackages set out there. Article Three you also provides it to them consent is granted for the authorized development, those must be carried out with within the order limit. The order limits are defined with reference to the wax plans. So it's clear within the redline boundary within wax in what works must be constructed. And finally, Article Three also confirms that each numbered work would must be situated within the corresponding numbered work area on the wax plans. So for example, wax number one is a solar PV panels. Essentially the DCO will only grant consent to provide as to say to construct the solar PV panels and what number one within the area of work number one shown on the works plans. So that provides the appropriate controls and specificity for the powers which have been sought and granted them as revisions are therefore also contained in Article four which deals with operation and Article Five which deals with maintenance. Moving on them part three deals with streets and provides various powers to carry out street works at ultra low streets etc, etc, which are required to or required to construct and operate the scheme. Part four containing supplemental peros cognizant of the role of the development consent orders as a one stop shop as it

were to incorporate various other concerns which may be required such as contended discharge water. Part five deals with powers of acquisition which I thought would be maybe subject to different healing and has not been considered in detail today. But in effect and part five, the rates which are being sought in terms of compulsory acquisition of land can suppose the acquisition of rights and land and perils of temporary possession and use of land. Part Six then goes on to contain various miscellaneous and general provisions, the majority of which are intended to give effect to their schedules, which are included to DCO. These include provisions such as allowing the transparent benefit of the audit in accordance with the model provisions and precedent date provisions around hedgerows and entries, which I suspect we may come on to in more detail later. Provision given effect the certification of plans and document shedule provisions related to the Dean Murray license again, I suspect we'll come to that in a bit more detail later. And then also in relation to chromates, which also notes another agenda item which I suspect we may touch on later as well. Thereafter, there are 16 shadows to the DCO which I won't go through and much detail at all. As I've already mentioned shedule one sets out the works packages which for which development consent is sought. shedule. Two specifies the requirements subject to which department consent is sought. So, development can only be carried out as authorized by the order subject to those requirements. And then I think there are various charges relating to streetworks and compulsory acquisition, which are fairly standard. I think I've probably not sheduled nine which includes a deemed median license and the terms of which have been invited to the MMO and again I will speak to that in more detail later. That relates to the works which are required in relation to the river Trent which is tied So, in the area of the cable crossing and therefore subject to the provisions of the marine and coastal access act, schedule 13 specifies the documents and plans which must be certified and which will be certified by the Secretary of State if the order is made, and subject to which development consent will be granted. Jeju 14 provides for arbitration provisions shedule 15 includes protective provisions, which operate to provide protections to different Undertaker's and third party interests, again, subject to which development consent is granted, and then choose your 16 provides a procedure for the discharge of of requirements in accordance with some recent precedent. I don't propose to go into any of the articles and schedules and more detail now but can obviously respond to any other specific questions.

25:51

Thank you very much. It's just a quick run through just a bit of an introduction. So if we can move on to start with the substantive issues, to agenda item for start with that scope of the proposed development. I want to take the opportunity to consider and review matters for this the scope of the proposed development, the context of what is actually secured in the DCO. And whether there are matters that aren't presently secured, which should be or if they are not matters, that the applicant wishes to secure or control what the rationale behind that position is. I've identified for me an overarching matters that I wanted to focus on today, namely, generating capacity of the proposed development, understanding whether parts of the development are rightly considered to be associated development, understanding the position in relation to the operational lifetime of the proposed development. And finally, and linked to that latter point, issues around decommissioning and on whether it was appropriately or sufficiently controlled. I will say each of these in turn, in the order set out in the agenda, agenda sets out some general matters on which I would like to hear from the applicant, which I shall introduce with some initial questions once the applicant has responded to those. I shall see if I have any follow up questions, or any clarification that I need. And I will then open the discussion up to other participants and provide an

opportunity for them to make contributions. I will request those contributions at the appropriate time seeking those from the room first, and then going to those who are attending virtually. I hope that's clear as to how we're proceeding this morning. So moving Firstly, to generating capacity. I would preface this by saying that I don't intend to have a detailed discussion around the amount of energy generated in terms of hourly, daily and yearly rates, or whether figures are AC or DC or on the efficiency of panels, as it was a more properly matters for the examination and the merits of the case. And they will be the subject of written questions in my first set of questions. And they may be the subject of further issues specific hearings. For today's purposes, I want to focus on what is captured or secured in the draft development consent order and whether it would be appropriate to include a generating capacity in the terms of the proposed development and what that might be sort of total generating capacity. There's nothing in the DCO which sort of provides for a cap or a an upper limit or a limit on the generating capacity. Can you just explain why data is

28:57

me standing on behalf of the applicant? Yes, sir. You're correct description of work number one, which is the nationally significant infrastructure project a the solar PV panels, and associated infrastructure refers to gross electrical output capacity of over 50 megawatts, which is the threshold for the scheme to be classified as an N zip, and be included within the Planning Act to those in the process. There is no capacity cap on generation. And there's no upper limit specified in the DC or indeed and the environmental assessment which supports that it considers that imposing an upper limit is not desirable or necessary. The DCO includes reference to the parameters of the scheme and secures those parameters is those parameters such as the height and location of infrastructure, which are relevant to the environmental impacts of this scheme, and it is those which are more appropriately secured within a development consent or if those parameters are appropriate. So to twitch and our submission they are, there's no reason to limit the electrical output capacity of the development. And indeed to do so, would not be in accordance with national policy to facilitate efficient and maximum generation of renewable resources. So by not including a capacity cap at this stage is intended that the applicant could, if possible, and seek to rely on technical logical improvements and innovation that may occur after the DC was granted provided those on within the parameters which are secured within a DCO which may allow them to make an even greater provision of renewable energy to the grid and further, the UK government and its ambitions for net zero. I think it's important to note at this stage that that the approach that has been taken is supported and national policy and specifically draft national policy statement, em three, I would refer the the examiner authority and those listening to paragraph three point 10.47 of draft MPs end, which states that installed export capacity should not be seen as an appropriate tool to constrain the impacts of a solar farm. Applicants should use other measurements, such as panel size, total area and percentage of ground cover to set the maximum extent of development when determining the planning impacts of an application. And it is this approach which the applicant has taken to the Cape Breton DCEU application. I think it's also important to note that the approach the applicant is taking and not including a maximum generation gap, as well precedented and most if not all, recent NRG DCLs, but specifically the recent solar DCRs, including Nick leaf, householder parkour to 2020, the little crossover park or the 2022 and most recently, the long field solar farm or the 2023.

32:26



may seem a fairly simple question, but just for the purpose of answering it, you did preface your your comment by saying that there is a 50 megawatt requirement for this to be a a national infrastructure project. Can you just confirm how that lower limit will be achieved?

32:48

Yes, no problem. The anticipated generating capacity of this scheme is approximately 500 megawatts. So 10 times the minimum threshold and the sheer volume of infrastructure that has been included and ensures that that 50 megawatt threshold is exceeded. Thank you.

33:18

Thank you, that was quite helpful. I'll just ask each part of this question whether anybody else wishes to come in and comment on any of those comments? So if I can just firstly go around the room, Lincolnshire, do you have any comments?

33:33

Definitely holding it to county council now. So we agree. On Thank you.

33:40

Thanks so much. Appreciate wetlands additional controls. Similarly, we

33:42

agree. Okay, thank you very much. And in terms of 7000 acres, do

33:47

you apply for 7000 acres, I would like to raise some points on that. En three actually describes a large solar farm as being circa 250 acres. And this of course, is much larger. There are examples where elements of an incipient have been constrained such as Little Crow which is a solar and sit next to Scunthorpe still works that is the the best for that has been constrained in worksop order to a also when we talk about various elements of the scheme such as the battery storage, it's important to pin that down at this stage because it has impacts on safety.

34:41

I think we will move on to the battery storage in some other parts of the agenda. I'll stop focusing my comment on generating capacity and I think I'm going to sort of in fact the very next item is the battery battery energy storage.

34:58

Thank you sir. I'll stop at that. You're

34:59

going to specifically deal with that, then if we can hold that until that I was just wondering if you had any issues around the generating capacity that was

35:07

being suggested only the point in en three that a large solar farm quoted there is much smaller than this scheme.

35:20

Thank you very much

35:27

does anybody in the virtual room have anything that they would wish to comment on generating capacity at this point?

35:38

Don't see any hands up? So in that case, the Applicant like a right of reply to that

35:45

me selling on behalf of Africa and no, nothing further tat.

35:51

Okay, thank you very much. So if we can move on to 4.2 in my agenda, which is the part of the associated development as part of the scheme and this is the battery energy storage system, as well, that we're we're dealing with here. So specifically, here, I'm interested to understand why the battery energy storage system is considered to be necessary associated development, and whether given its proposed grid balancing purposes, that might actually be seen to be incidental to the energy generated by the energy generating station. So it's it's trying to disentangle loads and whether or not the separate issues getting these matters are the subject of more detailed questions in my first set of written questions. And the issue has been raised in a number of representations. I don't want to focus too much on the detail of the operational aspects of the BSS. But I need to understand its general function and purpose to conclude whether it is indeed associated development. And so with that in mind, and can you just outline what the storage capacity of the BSS is over what time duration that is? What's being built into the system and can you signpost with that sort of level of detail is in the application.

37:27

me studying on behalf of the applicant, yes, battery energy storage has been included within entertain envelope for the scheme. The for similar reasons as the maximum generating capacity and maximum capacity of the battery energy storage has not been fixed in the DC or in the application documents. However, I would direct the inspectors intention attention to appendix two A of the environmental statement which is examination library reference a pp 113, which provides a description of the base and the substation and confirms that the parameters for which consent have been sought are broadly equivalent to a 500 megawatt hour battery energy storage system, which is probably equivalent to a 500 megawatt solar PV panel parameters which have also been included. The purpose of the battery energy storage system is twofold. The first instance it will provide storage facility for the solar panels themselves. So at times of high output from the solar PV panels, but low demand from the grid, the battery will be able to store the electricity, and then supply that to the grid when demand levels rise. And in addition, the battery will be able to import electricity from the grid at times when the grid capacity is high, but demand is low. So for example, overnight, everyone's sleeping, there is little demand for the

electricity, which is on the grid, but it might be a very windy evening or day and there might be excess electricity capacity on the grid, which needs to be stored. So the battery could provide that job function, the battery will utilize the same grid connection and be co located with a solar PV panels and therefore supports the operation of the solar PV panels, but also providing peat balancing services to the grid. i The time for which electricity will be stored within the battery isn't specified within the application. I wouldn't be able to answer that question at this time. If that's going to be subject to a written question, and perhaps we can take that away or follow up on our written submissions of hearings.

39:43

Yeah, thank you very much. I think that is a matter that we will delve into in the written questions and in further matters. So I think it is something that you should provide some information on. I just wanted to delve a little bit on that point into the The Grid balancing aspect and associate development has to support a the proposed development proposed development is the generating station. So to what extent is the importation of electricity from the grid necessary for the generating station

40:24

in Easterling on behalf of that, again, I think this short answers to the question is it's not necessary. But with respect, I'm not sure the associated development or guidance or legislation requires it to be necessary, I think it is sufficient to be sufficiently associated and meet to meet the different tests, which are then the associated development guidance. Ultimately, it will be for the Secretary of State, of course, to decide on a case by case basis, whether the development should be treated as associated development. I think for now, we'd say there's a direct relationship between the associated development and the principal development for the reasons we've discussed, and that the bear supports the operation of the solar farm, as previously discussed, it's not an aim in itself, and it is indeed subordinate. It provides a secondary function. And it's not solely included as an additional source of revenue. So I'm confident that we meet the tests required, but associated development and the Planning Act and the guidance. If I may, I'll just also take this opportunity to point the inspector and those in the room to again, storage being supported by national policy, and specifically in the context of being associated development for asset projects by paragraphs, beginning with three point 3.25 of draft MPs em one way in which the UK government recognizes that storage has a key role to play in achieving net zero and providing flexibility and the energy system so that high volumes of low carbon para heat and transport can be integrated. Specifically, paragraph three point two seven of draft MPs en one recognizes that storage can provide various services locally and at the national level. And that includes maximizing the usable output from the solar farm and reducing the total amount of capacity needed on the system, but also providing a range of balancing services to the grid, the grid, and it is that function which the input capacity of the bears seeks to provide.

42:42

Okay, thank you very much, sir. I hope comments, can if I can just go around the room and find out if anybody else here has anything that they would add to that discussion or comment on what they've heard.

42:54

So Stephanie Hall, Lincolnshire county council, no, thank you. So we agree that her best is well capable of being associated development.

43:01

Yeah. Okay.

43:04

Let me check with Lindsay District Council. Somebody, no comments. Thank you.

43:10

Okay, Mark, our pride from someone's out of 1000 acres. Yes, of course, then we do have to have some comments. First of all, on the point of em three at no point is in en three is best actually mentioned. So, I'd just like to raise that point. Now, there may be a case for a small best to store the power on site. But of course, if you look at the the generating capacity of these schemes, it is typically about a bounty level now percent of the rated power. So, these, so the best should be based on that, to have such a large best as shown in the scheme this massive volume, the primary aim of such a huge best must be to trade power with the grid. So called called Grid balancing. Now, if we look at when the scheme can actually generate power, it cannot generate power at night. So, that is 50% of the day, the best will be the sole source of income for the site, it does not generate much power on cloudy days on a winter days. So for another large part of the year, the best would be the primary source of income. So, it seems as if the best will be the major source of income for most of the year and then will be used to cross subsidize the rest of the scheme. Now, if such a large bet is actually required, there is no technical The reason why it needs to be co located with solar panels, it could be at the Brownfield grid site at Cottam. And we know that that site is up for sale there is land there that can be used. Final point is, we do need to identify and limit the size of the best on safety grounds. Because in the event then to the thermal runaway, you need an extremely large volume of water to cool the site. If we look at the case of the thermal runaway in Liverpool, it took something like like 56 hours to cool the site and millions of litres. So there needs to be some form of storage on site.

45:50

So it's not just Yes, soapy at that point, because you're straying into more the merits of the case in terms of why the best is necessarily rather than the development consent order about the restriction and the nature of the bear. So if you could just curtail those comments a little bit and put those in your written reps and things of that nature. But

46:12

yes, sir, but my main point is, we do need to curtail the size of it, because I, because we do believe that the primary aim of such a large best is to trade power. Okay, thank you.

46:39

I'll ask you to come back. And on that in a moment, if I can just find out if there's anybody else in the room, or anybody else, virtually before I ask the applicant to respond to something

46:57

I've got David Belton, as

47:02

you guys know, nice parish council. I'm very pleased that two words have just been used in discussion. One is national, and the other one is income. And that's pretty much all it's about. If the government was doing it was interested income, some of us might stand down. But in fact, it's just about income. Thank you very much, sir.

47:31

Thank you very much.

47:37

Okay, if I turn to the applicant for some comments, could I just ask you to make sure that you're speaking into your microphone a little bit better, there is a hearing loop. And I think we're having a little bit of difficulties making sure that somebody is hearing things properly. So can I just ask that you speak into your microphone a little bit?

48:02

Thank you very much. Thank you. And in the context of the comments that have just been made about 7000 acres, and some of the comments that you made previously about the potential for technological increases for the generating capacity being increased. If you could also make some comments about how that would affect the best and whether or not that would then need to increase its storage capacity to reflect that and whether or not that was captured in the DCO and how that would be addressed in the DCO.

48:42

Me standing on behalf of the applicant and yes, absolutely. So I think the only comment I would make in response to those made by others today is that the primary function of the bears is historic solar energy from the solar VP PV panels and that is why it is required to be co located the Applicant was and offered an import and export connection from national grid, which is not the same as all other solar panels. However, it is important to be able to make use of that where we can and therefore it allows that importation function to take place at the base and therefore allows the scheme to provide further important and necessary functions to the grid. Ultimately, grid stability is something which has to be secured by National Grid and which is in everyone's interest to ensure that the lights stay on as it were. In relation to your question, sir, about how the parameters and the increased potentiality of generation capacity due to technological advancements would affect the bears. I would say that the same principles apply. The capacity of the bears as I mentioned, isn't sought to be kept and the DCO whoever the parameters are and those are those which have been assessed. If this if it technical, logical advancements were stopped that this will be up back PV panels holidays and could generate more electricity, then there would need to have been technological advancements in best technology to allow that capacity to be stored. If that technological advancements in the best capacity hadn't taken place, ultimately, the energy just wouldn't be stored, it wouldn't be possible to store it. So there may be technical, logical advancements in terms of the PV panels becoming more efficient, etc. However, that technology was meant to flow through the supply chain is aware and other aspects of solar technology

to allow the base to also operate to store that additional capacity, because as they're being currently designed, don't play proportionate.

50:41

You will be aware that little crow, the Secretary of State sought to impose a an upper limit on the best that was provided there. So there is the potential that the Secretary of State may wish the recommendation to address an issue of an upper limit on the base. I've heard what you said about the upper limit of the generating capacity and why that's there. And your comment No, but how would you suggest that I would address that matter to the Secretary of State where he has previously sought to introduce it and felt it was a reasonable approach.

51:23

Me setting on behalf of the applicant? Yes, I would submit it the letter court decision is perhaps an outlier. And I would do it the inspector to the decision taken by the Secretary of State and the current Secretary of State last week, and the longfield solar farm water 2023, where the Secretary of State did not include generating capacity cap, or indeed a cap on the capacity of the battery energy storage system. And that is the approach that we would wish to see taken in relation to this scheme. I can't speak for the reasons for the little coastal decision, because I am not actually aware that there were detailed reasons given for why that capacity cap was so that way that cap on the base was provided, other than the applicants document simply referred to a capsule it was somewhat sort of flowed through the application and then decision. Yeah,

52:19

thank you very much. I noticed that 7000 acres given an indication that they would wish to make a further statement.

52:28

Thank you, sir. Mark Kerr prior on behalf of of 7000 acres, now, the applicant has a duty to reduce or to minimize the impact. Therefore, we believe that advances in technology should be used to reduce the impact not increase the capacity. So that should result in lower solar panels and a smaller base, not increased output. Thank you.

53:14

Thank you for that comment. Do you wish to respond?

53:19

Me selling on behalf of Africa and so thank you, I think the only comment I would make is that the applicant has necessarily had to base its application and the design parameters on the basis of current technology and current supply chain. But of course, there is the possibility that that develops between the dcl being granted and this scheme being constructed. Ultimately, so long as the parameters which are secured to DCO are found to be acceptable, then increased renewable energy output would be of benefit to us all I would submit Thank you

53:59

Okay, thank you very much.

54:09

Okay, I can then move on to 4.3 Phillips to the operational lifetime of the proposed development.

54:26

In the environmental statement, a number of supporting documents that have been support provided make reference to a 60 year operational life after which the proposed development may be decommissioned. Many of his assessments of effects and impact are related to that timescale. And again, this is subject of further written questions on specific matters. So today I'm just going to focus on whether it would be appropriate or necessary to include a mechanism in the DCO to see Cure a lifetime for the proposed development and how that could be achieved. And whether such as a mechanism and why such a mechanism has not actually been specifically included within the DCO at this point. So, can you explain why you haven't included an article for a time limited consent, or only alternative is a requirement within the requirements for specifically identifying a decommissioning date and how that process has evolved? I go on to talk about decommissioning and minute anyway. So, if we just sort of leave the decommissioning side of it, but it's more of a time limited element and 60 years. Why you've chosen the 60 years, as opposed to most schemes that I think I've we've seen as sort of a 40 year process thereabouts. And obviously technology's moving forward, etc. But what why is there not a time limit? Or some and did

56:15

Amy's telling on behalf of the applicant? Yes, you're correct, there is no maximum time limit specified. On the end the DCO is our submission that adding such a requirement to the DCO would be unnecessary. At the assumed operational lifetime of 60 years in the environmental assessment is based on likely worst case scenario, based on the parameters which are secured and the DCO. Ultimately, the operational lifetime the scheme will come to an end. However, again, to allow the Applicant take advantage of any technological advancements, which allow the PV panels to operate beyond the anticipated 60 years, which has been assessed in the ies there's no strict requirements in the face of the DCO. Because it would allow the accident to continue to support the National Credit circumstances prevailed at that time, in relation to the confidence that the exam with Virginia's can have that this scheme will indeed come to an end, I think it should be noted that the definition of maintain, which is included within the within Article Two of the draft DCO is relatively narrow, and it doesn't allow for wholesale replacement of the scheme. So there will be a natural design and to the scheme, specifically the definition of maintain state that they that they hadn't cannot remove, reconstruct or replace the whole of the scheme. And that's considered that provide sufficient protection to ensure that the operation will not continue in perpetuity.

57:50

Yeah, I think I've got a question on the definition of minty and which I think I'll leave to later. But there is an issue around minty in there. And in terms of your environmental statement as well, there is an indication of the replacement of the PV panels at a specified date in terms of your carbon assessment. So there is a swap out or a replacement of the panels at a particular point in time anyway. So how that

fits with that, what you're talking about men tea, and in terms of that is something that I want to come on to, but we'll leave that for a little bit.

58:35

Nurses. Thanks. So I think the only thing that I would also point to is the requirement there tene of sheduled, two of the draft DCO security and operation environmental management plan. And that will be in place for the duration of the scheme to ensure that the environmental effect and the operation of the scheme were appropriately controlled throughout its lifetime, however long that may be.

58:59

Think I've got a question about the environmental management plan, which is for the time period of the 60 years as well. So what happens if it was on pasture? 60 years? But that's another question, which I've got as well. So we'll come back to that. Right. Thank you very much. That's the operational lifetime if I can just sort of pick up anybody else has any other issues?

59:20

As I say, it's definitely hold Lincolnshire county council and say, Nope, no additional issue. But we we part ways with the applicant on this, we think that if things are assessed as temporary in the yesterday ought to be that ought to be reflected in the drafting of the DCO. And how you achieve that can be left to written submissions in terms of we can propose a mechanism but so yes, we think that ought to be reflected in a requirement. So

59:45

when you're saying that you think that you think that there should be a lifetime

59:50

Yes, exactly that so yeah. So that there, whether you achieve that by a time limit, an express time limit on the grantor planning permission in the positive part of the DCO or wage and or you achieve that by way of a an amendment to the decommissioning requirement to require decommissioning within 60 years of first export, for example, it can be left to later I'm not Not, not sure we're going to die in a ditch on this particular type of mechanism. But in terms of the principle, we think, yes, there ought to be something in the draft ACL on that point.

1:00:20

Thank you very much. And can I just ask you to allude a little bit on why you think that's important so that people have some understanding, I recognize that you may well want to put that into written submissions. And that detail may come out at a later date. But can you just sort of give us some of your headlines?

1:00:37

Say, Yes, well, that is the that's the application, the application is for a 60 year time period. Whilst I understand the point made by the applicant, that there is a natural lifespan to these things, and that the maintenance power doesn't allow a wholesale replacement. That's not to say that the natural lifespan is



60 years, it may well be 100 years, we don't know. We just don't know if the application is for a 60 year project. And the yes is based on that, which it is then that needs to be secured.

1:01:11

Thank you very much.

1:01:20

First Lindy

1:01:21

Shungite, West Lindsey District Council. Thanks so exactly the same point. So that could on our behalf, in short, because the ES is predicated on temporal limit of 60 years that should be reflected in the DCO. And anything beyond that is not within the scope of the IES

1:01:42

the mechanism in which I've been referring to the longfield TCL. So those are some specific part of the requirement the decommissioning requirement, which said no later than 40 years in that instance. Yeah, we suggest that might be suitable, but we can deal with ambition representations.

1:02:00

Thank you very much.

1:02:17

Senators Dears,

1:02:19

thanks, sir. Mark Kerr prior for 7000 acres, en three clearly describes these schemes as being for temporary use and 60 years in our view extends well beyond that. If we look at the precedence of schemes such as offshore wind farms, they are normally consent centered on the basis of the life of the wind turbines, we believe they should should be consented on the basis of the life of the PV panels, not for a fixed term, and certainly not for 60 years, which is not the temporary use in our view.

1:03:06

Thank you very much. I think that's everybody in the room in terms of the virtual room. Is there anybody there who would wish to contribute to this part of the conversation? Mr. Belton Nia, thank

1:03:24

you very much. David Belton knows parish council. This seems to be a reflection of a short term fix, which started in 1963 when we had a cold snap, and then to political advisor, Cliff Mitchell more described it as a chance for the people who've been caught with their pants down to pull their socks up. And hence we got all the power stations. If a billion Indians as a democratic state if they decide they want to live the life that we live, to give our families what we're trying to do is basically diddly squat. Many thanks, sir.

1:04:11

Thank you very much. I don't think there's anything that I wanted to add to that, but as the applicant could anything in terms of a right of reply,

1:04:25

me standing on behalf of the applicant and yeah, so we've heard this admissions made and we are aware of the recent longfield decision and requirements referred to will consider the matter further after the hearing and respond in our written submissions. The only thing that I would flag just just to be clear, with the comments made by Mr. Pryor 7000 acres. I would note that offshore wind farm D CEOs are not regularly if at all time limited. So I want there to be any confusion on that point. Thanks.

1:05:08

Okay, thank you very much associated to that. Thank you for your time, we'll run to the end of this. And then we'll take a short break as a comfort break. And before we go into eight and five, but just to conclude this part of the agenda, let's get to that. So on decommissioning just had a discussion around lifetime that maybe there's an overlap here. And we don't really need to get into this too far around the lifetime of the proposed development. Related to that, that is the decommissioning requirement. 19 provides for a decommissioning plan. Article Two definition includes a definition of the date of commissioning. But they don't provide any debts as such. Neither of those elements, given the lack of certainty that that creates, how does that enable you to conclude that indeed, you have assessed the worst case scenario in all cases? And is that consistent with the Rochdale envelope approach? Or does the fact that it is somewhat open ended? undermined that approach

1:06:33

me Sterling on behalf of the applicant. The mission is that the lack of specificity of a 60 year time limit is in accordance with the principles of Rochdale envelope which require an assessment of a reasonable worst case scenario, based on a series of assumptions. Given the flexibility required for the nature of these schemes, and the anticipated operational lifetime of them. We do consider that decommissioning is sufficiently secured by requirement 19 of sheduled, two of the draft DCO, which requires the undertaker to submit a decommissioning environmental management plan within 12 months of its proposed decommissioning date. And that decommission Environmental Management Plan must be in accordance with the outline which has already been provided with the application. And which will be a certified document for the purposes of the DCO. The approval of that plan would be by the relevant local authority. And I think at this point, it would be worth noting that a breach of a requirement of a DCO is a criminal offense pursuant to section one section one of the Planning Act. Therefore, if the applicant were to decommission without preparing that plan, submitting it and having it approved, then they will be committing a criminal offence. And that is sufficient protection against them failing to, to comply with the requirements.

1:07:56

But in the context of the requirement of crime, it doesn't require you to start decommissioning. So that plan is only comes into effect upon you making a decision or the applicant or the operator making a decision that they will be commissioned. So in that regard, it's there wouldn't be a breach if there was no decommissioning

1:08:18

any study on behalf of the applicant and yes, that's correct. Yeah.

1:08:24

Bringing other parties in a moment. In that regard, you say it's down to the applicant to make that decision at the appropriate point in time. Some of the representations have commented on what would happen if the company, the operator went into liquidation. And whether or not there would be an appropriate mechanism or sufficient financial security to ensure that appropriate decommissioning took place. I just wanted to understand what the applicant perspective is on the capturing of a bond or other financial security, to secure decommissioning.

1:09:13

In his standing on behalf of the applicant, my submission to that would be a bit that isn't a new issue. It's not something that is not relevant to other schemes. I'm not aware of any other energy scheme that required a bond and other financial arrangements to be in place for decommissioning. There's no reason to believe that their skin or indeed the applicant is any different. We've demonstrated through the funding statement, which is application sorry, which is examination reference EPP two to one, that the applicant is properly funded and has sufficient funds in place to deliver this scheme. And therefore the we feel that requirement 18 is fine as is necessary to secure the decommissioning of the scheme in light of that, and it's actually in accordance with the provisions and or I think are I didn't want to commit that. Most, if not all, other energy dcl was to date.

1:10:07

Thank you very much for your comments. Okay, I do see Mr. Belton has his hands up, but I will come to him after I've gone round the people in the room. So again, can I go to Lincolnshire County Council?

1:10:21

Thank you first, definitely all Lincolnshire county council. Yes, in relation to the first clause of 4.4, about whether requirement 19 is sufficient to address any potential impact. So we've, there are a number of detailed drafting points that we think we can probably best phrase in written reps. Yeah, but just in terms of the headlines for now. We think this should broadly mirror what the applicant is required to do at construction phase because they are essentially equal and opposite activities. So in that regard, there's a little bit of tidying up to do. For example, the applicant is required to submit a construction management, search and travel management plan at construction stage that and that requirement doesn't deal with decommissioning. So that either needs to be amended or there needs to be the addition of reference to a travel plan in requirement 19 ditto waste management plan that is picked up in relation to construction, but not operation or decommission, they will come back to operation under a different heading. But essentially, waste management is something that should be considered threw out. We obviously have particular encouragement for for recycling. So we'd like to see that. But that's a matter of detail. So in relation to this, we've covered off the point about decommissioning within a timescale. So that applies here, too. In relation to your third point about what happens if there's a kind of failure during the operational phase, and things don't quite go to plan to two points we'd make in relation to that. The first is that it's certainly common in TCPA solar schemes, and I don't see why that

shouldn't apply to larger scale projects, to have a an obligate to have a requirements slash condition that says, Well, if anything, if any part of the apparatus cease ceases to export to the grid for a particular period of time, usually 12 months, then a strategy for its replacement, or decommissioning essentially should be submitted to the relevant authority, and then implemented in accordance with to stop the risk of broken panels sitting in a field, causing landscape visual harm, but not achieving any benefits. I would appreciate having acted for developers that that's not not a situation that developer wants Oh, either. But it safeguards the kind of what if it all goes pear shaped point. And in that same vein, so we support the the statement at the last point in your 4.4, about the need for a bond, that is something that our members picked up on? It is something that we consider would be appropriate, probably not in the DCO, probably in the 106. can leave mechanism for another day. But in terms of the principle, yes, 60 years is a very long time. And with all the best intentions of the world, in the world, things can go wrong. And that secures the the the harm that would be caused or mitigate the harm that would be caused by again, that scenario of the applicant, something goes wrong, or they sell the site which they'd be entitled to do. Something goes wrong for the person who inherited inherits it, and to stop in a panel sitting in the field causing planning harm, but not any commensurate benefit. So I think those are the principled points. We've got some little drafting points, for example, that regulate and requirement 19 refers to within 12 months, that's a much longer time period. And for other DCA OHS, I think three years the the time period and the longfield DCA. So we'd like to see if there's a justification for a full full scale increase on that we want to see why. And so the drafting of 19 one, although, apart from the number of months picked, in terms of the principle does replicate other solar DTOs. Our view is really the drafting is very imprecise. So although it is a precedent, it's not necessarily a good one. That within X number of months of the date that the undertaker decides to dot.is horribly imprecise and doesn't allow for anybody external to know when that decision is made. They're not a public authority not required to record that decision anywhere. So we can pick that up in written reps with that there must be a better way of Having that even if there's a notification requirement at that stage would would fix that. So there's something external to a private body to let other people know when that clock starts ticking. Otherwise, who is to say when the 12 or three months starts to run? As I think that's, that's all. Thank you very much.

1:15:21

Thank you very much. Let's Lindsey,

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shake Westland to District Council. So we largely agree with the points that were made by the lone friend. viewpoints of drafting, which I think we can probably more appropriately deal with,

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through written record specific drafting issues, I think,

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yes. And the headline point is in relation really to the date and the tempo or limit on on decommissioning being 60 years. Otherwise, I think we can deal with anything else from written.

1:15:53

Thank you very much.

1:16:08

But in terms of Do you

1:16:10

think so? Mark 7008 acres, we generally agree with the points made by Lincolnshire county council. In our view, the draft DCO, as it stands, is basically a blank check for the applicant. So there needs to be some clearly defined way where it's identified when operations stop, and the D commissioning should start. Also, we fully support the need for a bond. Especially if a DCO is granted for 60 years, the scheme could be sold on several times. We're currently seeing issues with Thames Water. So I think a bond would certainly help and give us a warm feeling that if the soul solid farm fell into disuse, it would be dealt with in an appropriate way.

1:17:17

Thank you. I noticed Mr. delans. Hand has gone down to I'm assuming that was a legacy hand from previously. Is there anybody else in the virtual room who would like to make any comments on this issue? decommissioning? Not seeing anything. So I shall move on. And just any final comments from the applicant?

1:17:43

Any standing on behalf of Applicant yeah, there's quite a few points to cover there. So I want to own now, I would just make a couple of observations. The first is that the secure document and requirement 19 is the decommissioning Environmental Management Plan which must be in accordance with the framework decommissioning Environmental Management Plan, which is submitted into examination and there's examination reference EPP dash 226 section 2.6 of that framework plan makes provision for traffic management at the point of decommissioning and various other provisions, for example, recency controls, noise, control of light, etc, is our submission. Therefore, the environmental controls around decommissioning are all contained within that document. But of course, we welcome any suggestions or observations as to perhaps any additions to that document that we may be able to accommodate, which I think is probably more appropriate than amending the drafting, but we'll discuss with links Council and others as necessary after this hearing. I think one other thing I'd like to note is that the difference between planning conditions and DCO requirements, a planet breach of a planning condition is not a criminal offense, then comes to an unfortunate procedure, which may ultimately lead to criminal offence, however, breach of a DCO requirements as a criminal offense. And I think that's an important distinction to make. That's why the examining authority and other interested parties should be able to take comfort that the applicant couldn't just abandon scheme and walk away. It would be committing a criminal offense immediately if it did so. The only other than just on the on the drafting is requirement 91 does indeed refer to within 12 months of the date, the undertaker to phase two decommissioning, that being a trigger for this admission of the detailed and environmental management plan, which are referred to unless I'm mistaken, which is perfectly possible, possible that 12 months is actually more beneficial to the local authorities than three months because it requires the environmental management plan to be submitted a much longer period than before the undertaker decides to decommission. Essentially it says a year before it decides to decommission. It has to provide

the detailed plan on how it's going to do so. The long field decision says only three months before the phase to decommission, I had to submit that plan. But again, that's a point of detailed drafting we can discuss after the hearings and hopefully resolve for the next deadline. Failing, we, for the reasons that we disagree, there's no need for a bond and it's not unprecedented, but we'll take it away and consider it for either the relevant parties. Nothing further to add

1:20:26

Thank you very much

1:20:32

nutcase that takes me to the end of agenda item for Genda. Item five is the draft vote and consent order and as I just alluded to, I think we shall take a short comfort break we say 15 minutes. So if we say return at 25 to hearing is adjourned and we shall return at 25 to thank you very much