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Preliminary Meeting 1

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FULL TRANSCRIPT (with timecode)

00:00:04:29 - 00:00:24:21

So. Good morning, everyone. Time is 10:00, and this preliminary meeting for the West Burton Solar project is now open. Thank you all for joining us today. Could a member of the case team please confirm that can be clearly heard and that the live streaming and recording of the hearing have started?

00:00:28:06 - 00:00:35:24

Thank you. And can I just confirm that everybody here can hear me clearly? Thank you.

00:00:37:21 - 00:01:08:29

Please keep microphones muted until we invite you to speak to avoid disrupting the meeting. This applies to people joining via teams and to the microphones in this room. So to introduce myself, my name is Dr. Andrea McGeehan. I am the lead member of the panel of examining specters appointed by the Secretary of State to examine the application made by the West Burton Solar Project Limited for an order granting development consent for the West Burton Solar project. I'm a chartered town planner and planning inspector.

00:01:09:20 - 00:01:13:11

I'm going to ask the other panel member to introduce themselves.

00:01:15:03 - 00:01:23:24

Thank you. Good morning. My name is Jonathan Medlin and am the other member of the panel. I'm also a chartered town planner and planning inspector.

00:01:25:12 - 00:02:00:18

Thank you. So both Mr. Medlin and I are employed by the Planning Inspectorate. As the examining authority, we will hold the examination into this application, and we will then write a report to the Secretary of State for Energy Security and Net-zero with our recommendation on whether or not consent should be given. So we have a case team working alongside us throughout this process and they are managed by Louise Haraway, though we have Simon Redwood and Jake Stevens here with us today and they are both at the back of the room or sorry, Simon sat at the back of the room we've taken by the door.

00:02:00:28 - 00:02:31:25

So just to run through some housekeeping matters before we start, can everyone please make sure that they have all devices and phones set to silent? If you aren't using them to join, join us. Virtually that is for those here in the room. Toilets are on the right hand side and we aren't planning any fire tests today. And so in the event of an alarm sounding, please exit the car park and should also say that it is very warm today. So please feel free to take off jackets etcetera.

00:02:31:27 - 00:02:34:29

And please keep hydrated. There's plenty of water in the room.

00:02:37:23 - 00:03:09:13

Okay. So the meeting today is a blended event, which means that some of you are attending in this room in person, and others are taking part by Microsoft teams. A couple of things to note for those joining via Microsoft teams, the chat function on teams will not be enabled or in use, so please don't try and use that for making comments or asking questions and will only use the raise hand function and in teams at specific points in the agenda when we invite general comments.

00:03:10:06 - 00:03:19:28

And we will also be we also give people on teams who haven't got that raise function raise hand function feature an opportunity to speak at the appropriate time.

00:03:22:01 - 00:03:55:12

If you are watching via the live stream, please be aware that it will be stopped during any adjournment to the meeting, so you'll need to refresh your browser to to to view the restarted meeting. Um, a recording of today's meeting will be made available on the West Burton Solar section of the National Infrastructure Planning website as soon as practicable after the meeting has finished. With this in mind, please please speak clearly into the microphone whenever you speak, stating your name and who you are representing.

00:03:55:14 - 00:04:17:08

And you should do that each time you speak as say, for the for the purposes of the recording, these recordings will form a public record and can contain personal information to which the general data protection regulations apply. The planning Inspectorate's practice is to retain and publish recordings for a period of five years from the Secretary to State's decision on the development consent order.

00:04:18:27 - 00:04:53:07

If you participate in today's preliminary meeting, it's important to understand that you will be recorded and that you therefore give consent to the retention and publication of the digital recording. We will only ever ask for information to be placed on the public record that is important and relevant to the decision. It will only be in the rarest of circumstances that we might ask you to provide personal information of the type that most of us would prefer to keep at private or confidential. So please try your best not to reveal anything that you would wish to be kept private or that is confidential.

00:04:54:22 - 00:05:05:08

A link to the Planning Inspectorate's Privacy Policy was provided in our Rule six letter. But please speak to the case team if you have any questions or concerns about this.

00:05:08:16 - 00:05:21:18

As we run through proceedings today, you'll find it useful to have a copy of our Rule six letter or the 10th of August and the agenda that was published on the 31st of August To hand relevant parts of those will be displayed during this meeting.

00:05:26:19 - 00:06:10:27

The purpose of this preliminary meeting is to consider procedural matters only. This relates to the way in which the application is to be examined and also the timetable for the examination. Therefore, our focus is on the on this examination process. And the meeting isn't an opportunity to to give us your views on what you consider to be good or bad about the application. This will come after the examination has started and once the examination has started, there will be several opportunities over the course of the six month period for you to give us your views on on the merits or otherwise of the application, either in writing through written submissions or at at hearings.

00:06:12:08 - 00:06:47:29

So I'm not going to move on to ask other person or the other parties in the room to introduce themselves. When I do so, please remember to unmute your unmute your microphone when you speak and if you're joining via Microsoft teams, please switch a camera on if you're if you're comfortable in doing so and then switch both your microphone and camera off. And before we move on to the next speaker, we've also got a we are sorry, we have got a roving microphone in the room. So that's available for others who aren't at the table, who wish to speak and don't have a static microphone in front of them.

00:06:49:04 - 00:06:59:09

As I've said before, and I'll say again, it's important that you do make all of your points via microphone so that so that they are recorded and for the formal record.

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

So when I ask you to introduce yourselves, please, could you say say your name, who you represent, and approximately how many people you are you are representing? There's no need to introduce all members of teams at this stage. They can be introduced as and when as we go through. If you're not representing an organization, please confirm your name, summarize your interest in the application, and I'd also give us an indication of how you wish to be addressed, whether it's Mr. or Mrs.. Ms.. Whatever. So can I start with the applicants and their advisors, please?

00:07:37:27 - 00:07:58:12

Good morning. And my name is Claire Broderick. I'm a legal director at Pinsent Masons LLP Solicitors for the Applicant West Burton Solar Project Limited Am joined by various members of the applicants team, but they will introduce themselves if they are required to speak at today's preliminary meeting and can be referred to as Ms. Broderick.

00:07:58:14 - 00:07:59:19

Ms.. Thank you.

00:08:06:22 - 00:08:17:06

Are just moving on now to the organizations and individuals who've given notice of their intention to speak, starting with the local authorities and firstly and Lincolnshire County Council.

00:08:19:03 - 00:08:38:05

Good morning. My name is Neil McBride. I'm head of planning at Lancashire County Council. I'm joined by three colleagues this morning who probably aren't going to speak, so won't introduce them. If they do need to speak, then obviously they can introduce themselves and I'm happy to be referred to as Mr. McBride.

00:08:38:08 - 00:08:38:26

Thank you.

00:08:41:04 - 00:08:51:08

And next on my list Nutting Nottinghamshire County Council. How I think is attending virtually. There we are. Good morning. Hi. Good morning.

00:08:51:10 - 00:09:00:25

Everybody. My name is Nina Wilson. I'm the principal planning officer at Nottinghamshire County Council. And I can be fair to is Nina. That's fine. Thank you.

00:09:01:14 - 00:09:04:03

We have to keep things quite formal, so. Okay.

00:09:04:23 - 00:09:06:05

Mrs. Wilson's fine.

00:09:06:07 - 00:09:07:13

Wilson. Thank you.

00:09:07:20 - 00:09:08:26

Yep. Thanks.

00:09:10:09 - 00:09:10:27

Thank you.

00:09:17:16 - 00:09:20:18

And West Lindsey District Council.

00:09:21:15 - 00:09:22:09

It's. Good morning, madam.

00:09:22:12 - 00:09:22:29

Good morning.

00:09:23:01 - 00:09:33:10

My name is Sharm el-Sheikh. I'm of council. I'm instructed and act on behalf of West Lindsey District Council. Last those around me to introduce themselves in due course if needs be. And I'm happy to be referred to as Mister Sheikh.

00:09:33:12 - 00:09:34:10

Thank you, Mr. Sheikh.

00:09:39:17 - 00:09:42:18

Authorities, all statutory parties wishing to speak.

00:09:49:11 - 00:09:53:16

Sorry my age is just gone to sleep, which isn't helpful.

00:10:01:27 - 00:10:04:10

Okay, there we go again.

00:10:07:15 - 00:10:13:14

So we also have a number of interested parties. I'm requesting to speak. I'm gonna start with 7000 acres.

00:10:15:15 - 00:10:40:28

Thank you, madam. My name is Liz Garbutt. I'm representing 7000 acres today. And on my left is Mr. Jerry Parga, who may wish to speak at some point, but obviously he introduced himself at that time, and we represent approximately a thousand members who are registered with us in the region. And I'd like to be known as Ms.. Gabbard. Thank you.

00:10:43:09 - 00:10:43:25

Thank you, Scott.

00:10:50:04 - 00:10:53:08

Do we have a representative of Billingham Parish meeting here today?

00:10:58:18 - 00:11:05:01

No, thank you. Patricia Mitchell. Especially Patricia Mitchell here today.

00:11:09:12 - 00:11:14:27

No, thank you. And then next, have Carol Gilbert. Are you here? Good morning.

00:11:16:14 - 00:11:25:01

Good morning. My name is Carol Gilbert. Represent Stoughton by Stow Parish Council. And you can call me Mrs. Gilbert. Mrs. Gilbert.

00:11:25:03 - 00:11:26:01

Thank you very much.

00:11:34:15 - 00:11:38:18

Are there any of the parties in the room and present you wish to speak this morning?

00:11:40:15 - 00:11:41:11

Yes. Sorry.

00:11:43:20 - 00:11:51:00

Good morning. I'm Simon Skelton, a resident. Um. You can call me Mr. Skelton. Thank you.

00:11:51:03 - 00:11:56:08

All right. Thank you very much, Mr. Skelton. Any other parties present who wish to speak this morning.

00:12:04:03 - 00:12:36:20

So. So those are the introductions for now. If anyone decides that they wish to speak during the course of the morning's proceedings, for example, to to make comments on any of the representations representations made by other parties, you may wish to do. So you may sorry, You may do so. Please let us know by raising your hand physically or virtually, if and if you're attending by teams. So thank

you all for attending today. We have structured the meeting today so that you'll have an opportunity to raise anything relevant at the appropriate time.

00:12:36:22 - 00:13:04:29

Each time you speak, please and give your name and organization so that this is picked up for the formal record. We will be covering the points on the updated agenda that was published on the 31st of August. And we'll also be referring to the annexes to our Rule six letter of the 10th of August. Could we please share a copy of the the agenda on the screen now?

00:13:09:09 - 00:13:45:19

Thank you very much. So we are just. Just about to complete agenda item one. Just one final point to raise under this item. Subject to progress, we intend to take short comfort breaks at around 90 minutes at intervals of around 90 minutes or so. We're obviously very aware that it's a it's a warm day and it may be appropriate to break more frequently that. But we'll see. We'll see how things see things, how things go. But we'll plan on the basis of 90 minutes. Are there any questions or points to raise about the arrangements for this this meeting stage?

00:13:48:09 - 00:13:50:20

Okay. Thank you. That concludes agenda item one.

00:13:52:05 - 00:14:03:18

So moving on to agenda item two, which refers to the examination process with specific reference to the interrelationship of the West Burton Solar project with other projects.

00:14:06:16 - 00:14:38:27

We have received more than 60 submissions at procedural deadline a of the examination with a number of those commenting on the relationship of this examination with other solar projects. We're going to address some of the specific points made now. In doing so, we're aware that that there will be an overlap with other agenda items dealing with the examination process and and the timetable. But we'll be seeking to manage the meeting by addressing the specific points made under each and will, if necessary, ask speakers to move on.

00:14:38:29 - 00:14:59:07

If it seems that we're covering points that have already been addressed. So we'll start by making some opening remarks about the handling of these projects and the consideration of cumulative cumulative impacts and also the pressures and resource implications for parties seeking to participate in these examinations.

00:15:01:12 - 00:15:44:29

So firstly, looking at points raised about the coordination of these projects, we are aware of the geographic proximity of a number of solar projects in Lincolnshire, particularly West Burton Gate, Burton and and cotton projects. However, they have been submitted as separate proposals and as such separate examining authorities have been appointed to each. So therefore, under the requirements of the Planning Act 2008, each examining authority is independent of each other in terms of the running of events and in terms of the gathering and testing of the evidence necessary to reach informed and lawful recommendations to the Secretary of State.

00:15:48:28 - 00:16:02:27

It follows that the examining authorities will need to remain separate and impartial from each other, interrogating each application. So we've set out some information relating to this point in our Rule six letter at Annex C.

00:16:06:03 - 00:16:41:12

Turning to the concerns expressed about the need to consider the cumulative impacts of a number of solar projects coming forward at the same time and the potential for such cumulative and in combination impacts between this and the other projects is an important topic for the examination. Just my way of context. The Planning Act 2008 and the infrastructure planning environment Environmental Impact Assessment regulations of 2017 require the submission of cumulative impacts assessments from applicants in respect of nationally significant infrastructure project applications.

00:16:42:20 - 00:16:45:27

More specifically, national policy and.

00:16:47:23 - 00:17:05:17

And one sorry national policy statement. The N one sets out that the information should be provided on how the effects of the proposal would combine and interact with the effects of other developments, including projects for which consent has been sought for granted as well as those in existence.

00:17:07:18 - 00:17:39:03

These provisions go on to state that the Secretary of State should consider how the accumulation of and interrelationships between effects might affect the environment, economy or community as a whole, even though they may be acceptable when considered on an individual basis with mitigation measures in place. So that's the context that we're working with in in this case, we've identified the importance of cumulative, cumulative considerations in our initial assessment of principal issues, which is set out in our Rule six letter at XD.

00:17:40:03 - 00:18:19:26

This means that we will be live to the consideration of these issues during the examination and we'll invite parties to submit their views on cumulative effects. We've also asked the applicant applicants to give consideration to these matters, particularly through the preparation of a report on the interrelationship with other national infrastructure projects. The expected contents of this document is set out at annex of our all six letter. In summary, this will require that the applicant sets out how they've sought to coordinate with other projects, the approach to cumulative impact assessment and also the approach to consideration of mitigation measures.

00:18:21:02 - 00:18:25:13

We've also set out that this needs to be kept up to date throughout our examination.

00:18:27:26 - 00:18:47:00

This should be a useful document for interested parties in terms of understanding the potential interrelationships with these projects and the information relied on to consider cumulative impacts. We're also considering the possibility of holding a hearing, looking specifically a cumulative impacts towards the end of the examination.

00:18:51:08 - 00:19:27:26

Turning to the pressures on parties, to the examination of the close relationship between these projects, we're very much aware of the issues and concerns raised about the number of significant solar projects in examination and being discussed at the present time. We're particularly aware of the

fact that this preliminary meeting is taking place during the same week as the preliminary meeting for the cotton solar project and that their draft timetables run to similar timescales. We have reviewed the timetables for Cottam and Gate Burton seeking to address the potential clashes.

00:19:28:03 - 00:20:04:00

We've also sought to minimise the number of deadlines within the examination. More specifically, Deadline one in the draft timetable is set seven weeks into the examination, which is relatively late. We've also tried to ensure that there are reasonable gaps between competing deadlines. We will look at this again before issuing a final timetable, noting that once the examination starts, we are under a legal obligation to complete it within six months. If we decide to change our examination timetable later, we will consider the potential for clashes with other projects.

00:20:07:01 - 00:20:16:19

We do recognize that parties to the examination may face resource challenges in responding to the deadlines for this and other examinations.

00:20:18:16 - 00:20:35:10

A point to note is that given the similar nature and location of these schemes, it may be possible for interested parties to consider producing a generic representation as the basis for submission to a number of projects. Obviously highlighting any any case specific points within those.

00:20:38:11 - 00:20:58:01

More generally, we would ask a bit and where there are particular time table pressures and points where there are going to be particular difficulties and submitting documentation and please let us know in advance so that the possibility of any time extensions can be fully considered.

00:21:00:07 - 00:21:10:27

So I'm now going to invite parties around the room to comment on the matters that I've just been talking about. And just reminder, when I ask you to speak, please unmute your microphone

00:21:12:26 - 00:21:52:07

under each point. And when invite parties to speak, I'm just going to summarize the points that have been made in a procedural sorry, procedural deadline, a representation before asking for for comment. So we have had a submission from Lincolnshire County Council making comments on the consideration of cumulative impacts, specifically requesting that the examining authority considers holding an issue specific hearing involving the two other projects at Cottam and Burton, and the suggestion being that this would hear evidence relating to the cumulative impacts resulting from the three applications, particularly in respect of landscape and construction traffic.

00:21:52:25 - 00:22:11:12

So just as a sort of preliminary response, I've set out the approach to the consideration of cumulative impacts bearing in mind that the formal elements of these examinations are required to proceed separately. And Mr. McBride can ask if there's anything further you'd wish to comment on at this stage, please.

00:22:12:22 - 00:22:41:22

AQ Brightlingsea County Council. Yeah, I'd like to, to make some, some more comments just to sort of in support of those written submissions that we've already made. So I think it's important to recognize the role of the host authority, which is set out in Pin's guidance and presentations as a community champion to present the wishes of the local communities throughout the process.

00:22:43:11 - 00:22:58:03

With this in mind, the County Council remains concerned that local communities wishing to participate in this examination and other examinations should be able to do so in an effective and a simple way as possible.

00:23:00:08 - 00:23:34:02

She was represented by councillors who have considered or had presentations on a number of these solar projects at planning committees over the last 12 months or so. And it's been very much a concern of the counselors that at the examination stage there is a mechanism that enables the curative impacts from these projects in a small and such a small geographical area to be looked at in a holistic way.

00:23:36:25 - 00:23:48:03

Also, this view is being clearly set out by many members of the community in their relevant representation responses not only to this examination, but together to in this area.

00:23:50:09 - 00:24:25:04

This rise is particularly in relation to the assessment of cumulative impacts. The council is hosting authority for a number of existing and forthcoming and six scale solar projects and is concerned to ensure that as a matter of substance, cumulative impacts are considered holistically and in detail. So therefore request that the examining authority give consideration to a mechanism which will enable this to encourage public participation and these community cumulative impacts to be considered.

00:24:26:18 - 00:25:05:11

Also, the Council is concerned to ensure that residents and communities do not suffer consultation fatigue and or assume incorrectly their representations made to one Examining authority in relation to cumulative impacts will automatically be taken into account by other examining authorities. One practical solution would be to hold a linked session with other examinations. The suggestion was put. This suggestion was put to the Cotton Examiners Authority on Tuesday and the Council is grateful that this possibility is going to be considered.

00:25:05:15 - 00:25:32:06

But the suggestion from the Cotton Examination Authority was that it would be only in relation to this examination and Cotton Council would respectfully request that to be effective if such a joint session it takes place, that gate and examination should also be included. Otherwise, the benefits or the use of that session would be diminished.

00:25:34:05 - 00:25:35:01

To achieve this.

00:25:35:03 - 00:25:52:20

Such a joint session would need to take place in December before the gate Burton examination closes. Such as joint session would give councillors and local communities a lot of comfort that enables cumulative impacts to be considered, together with all the developers in the room at one time.

00:25:56:02 - 00:26:26:02

Thank you, Mr. McBride. And you've raised a number of important points there, which I think I've explained where we are live to in considering I think it's considering the draft table that's been put together and and and considering how elements of the examination need to need to work together to

ensure that we are very alive to cumulative considerations. And on the specific points about the suggested linked session.

00:26:26:09 - 00:27:02:03

Um, I've already made the point that the examinations are separate and need to proceed separately. I've made reference to the fact that we are considering a specific hearing session on cumulative impacts at this point in time. Um, I can't comment on the timing of that. Um, and that's something we all need to take away and consider, but we're certainly alive to the concerns that have been expressed and ah, we'll do our utmost to make sure that we can accommodate them to the degree possible within the confines of this examination.

00:27:03:08 - 00:27:04:01

Thank you.

00:27:05:17 - 00:27:06:13

All right.

00:27:09:07 - 00:27:12:21

So moving on to West Lindsey District Council.

00:27:14:07 - 00:27:46:06

So again, the council makes a number of comments about the close relationship of this timetable with those of the timetables of Great Britain and Cottam solar projects and the resulting tensions and pressures on individuals and organisations in responding. So again, I've made points about how we've sought to address the concerns that have been expressed to us and sought to minimise the number of clashes. We'll also be looking more specifically at timetabling, obviously under item four. Is there anything further you wish to add at this stage?

00:27:47:02 - 00:28:05:10

Somerset West Lindsey District Council. No, thank you, madam. Just to repeat the points that been made by Mr. Brier so far in relation to cumulative impact and the assessment cumulatively of the various projects that are in close proximity. I'll save points and representations on the draft examination timetable for item four. Thank you.

00:28:12:22 - 00:28:51:19

Okay. Thank you. So moving on to the submission from 7000 acres. And so again, just just summarizing what what you've set out in your procedural deadline submission. So reference is made to the characteristics of the region's population, including high proportions of elderly and low income households, together with a dispersed population, meaning that they'll be suggesting there'll be low levels of engagement in the examination. Specifically, there'll be a disadvantage for residents and communities sharing information and understanding the collective impacts of the the four nationally significant infrastructure projects that you refer to.

00:28:53:20 - 00:29:05:23

Um, kind of suggestion that interested parties may become confused about which scheme they're referring to at times noting their similar names and again suggesting this would be a barrier for interested parties in responding to the examination.

00:29:07:13 - 00:29:38:25

Um, so, so again, in terms of a response, I've referred to the fact that we have acknowledged the concentration of these solar projects locally. We're under an obligation to work within the restrictions and restrictions imposed by the 2008 Act. And I've also thought about how sort of the fact that we've tried to manage these timetables to reduce the impacts on interested parties. And obviously this is something we'll come back to when we look at agenda item for specifically the timetable.

00:29:38:27 - 00:29:44:07

Is there anything further you wish to add or comment on at this stage? But.

00:29:45:12 - 00:30:21:12

The. Thank you, Madam. Liz Garbutt. 7000 acres. Um, thank you. We do appreciate your, um, sort of accommodating people, um, as much as possible. Um, because obviously this is exceptionally difficult for residents in the area. They have no specialism in this. They always have their own working lives. Um, find it difficult to attend. Um, so any sort of leeway you can provide that would be much appreciated. Think there was a shock when we had the hearing for the primary meeting for West Burton straight after Cottam.

00:30:21:17 - 00:31:00:13

Um, so that was our sort of initial reaction, if you like, to, to, to that in response to procedural. But in terms of just adding something extra, um, we note that obviously you, you've mentioned obviously the cumulative effect under the projects in the area in the West Lindsey district, um, which are, which will have the compound the effect. But we also note within Lincolnshire, as Mr. McBride alluded to, there's other solar assets. Um, for instance, Beacon, Fen, Springwell, Solar, Foss Green and Temple Oaks and various stages within the examination or pre examination.

00:31:00:18 - 00:31:26:08

And therefore we feel that for all the effects of all the schemes, the cumulative effect to be considered of all the schemes in Lincolnshire which they sort of conjoin together potentially. Um, this list should be extended to include those other four projects we believe if possible. To. So it mounts to 1010 in the in Lincolnshire apparently of any solar projects believe.

00:31:33:19 - 00:31:52:02

Thank you. I've made a note of that, and that's certainly something that we can we can we can look at and and take forward. And presumably this is something that the applicant is lied to in looking at cumulative concerns. So I think you'd you'd wish to comment on in terms of that sort of consideration across Lincolnshire. Mr. Broderick.

00:31:52:26 - 00:32:25:02

Clare. Project for the applicant? Yes. As you mentioned earlier, the intention is for the interrelationship report to be very much a live document that will be updated throughout the examination process and will take into account the various stages in the consenting process that that projects are at. So obviously when we when the application was submitted and there was very little information in the public domain about the additional projects that had been have just been mentioned.

00:32:25:04 - 00:33:01:02

However, since the application was submitted, there is now a scoping opinion in place for Beacon Fen Springwell and for screen for example. And so we are reviewing the information that's now in the public domain to see whether any additional information or assessment is required as part of the cumulative impacts assessment that we've carried out. So yes, we are very much keeping an eye on

that. And also, um. Uh, making sure that we are up to date with any changes that are being made in relation to the other applications that are currently in examination at the moment.

00:33:01:04 - 00:33:51:17

So it's very much intended to be alive and up to date document. I would just mention in relation to the point Mr. McBride made earlier about a linked cumulative hearing, what was being suggested was the possibility of holding, recognising that the separation of the two examinations was the possibility of holding a morning session for the cotton project on cumulative effects, for example, and then an afternoon session for the West Burton examination on cumulative effects so that you had that separation between the two examinations, but that participating people only needed to prepare for and attend on one day rather than there being, you know, a significant gap between making the points that they wanted to make.

00:33:51:19 - 00:34:08:20

So that was the suggestion that was being considered on Tuesday by the exam authority at sort of separate, Yes. Hearings, but on the same day to try and ease the resource pressures on everyone participating. Thank you.

00:34:08:22 - 00:34:10:08

Thank you. I understand. Thank you for that.

00:34:13:28 - 00:34:22:04

Okay. Any further comments on on this agenda item before we move on? Yes. Sorry.

00:34:22:13 - 00:34:30:20

Mrs. Gilbert. Yes. Carol Gilbert Stoughton by State Parish Council. And I believe you have received the email. Sorry. Yes.

00:34:30:22 - 00:34:32:29

Should? Yes, sorry. I should have noticed that. Thank you.

00:34:33:07 - 00:35:02:19

I'd just like to concur with West Lindsey and Lancashire County Council and 7000 acres for all their comments and consultation. Fatigue is going to be a severe issue for individual rep. Individuals in the local area. We are in an in a unique situation with having the number of projects.

00:35:04:20 - 00:35:27:28

Thrust upon us with no real consideration of the impact to to the councils and to the individuals that will be impacted ultimately. And confusion is going to be an issue. Um, and I'm grateful that you are taking these particular problems on board.

00:35:28:05 - 00:35:29:01

Okay. Thank you.

00:35:32:19 - 00:35:54:17

So we are all very much alive to these these concerns and recognize the demands on local people. And we we are we are actively looking at the timetable and how we can best, best manage other things moving forward. So thank you. So any any other. Any further comments on this agenda item before we move on to look more specifically at the elements of the examination?

00:35:56:11 - 00:35:58:24

Anything to add? Okay.

00:35:59:02 - 00:36:00:02

Okay. Thank you.

00:36:01:27 - 00:36:09:12

So agenda item three refers to the specifically the examination process for this project.

00:36:11:14 - 00:36:47:10

So some of you may be familiar with the procedures set out in the Planning Act 2008. For those of you who aren't, I'm going to outline some of the essential features. Further details are set out at Annex B or six letter. So the purpose of the examination is to enable us to make a recommendation to the Secretary of State on whether this project should receive consent in the form of a developed consent order. The Planning Act 2008 has brought in a distinct regime for the consideration of nationally significant infrastructure projects.

00:36:47:12 - 00:37:16:11

So the examination is not public inquiry, nor is it a planning appeal. The key points to note are that firstly, it's an inquisitorial process in which we as the examining authority, take the lead in establishing what's important and relevant to the decision that the Secretary of State needs to take. We will therefore be looking for the evidence of what is important and relevant and testing the evidence put forward to see how robust it is in the context of the relevant matters.

00:37:18:01 - 00:37:49:11

A second important thing to note is that it's primarily a written process. The examination process is primarily through written submissions, and so whilst there is provision for holding certain types of hearing, the central part of the examination is the written process which is used to gather the information to allow us to examine the application. So we will only hold oral hearings on an issue if we think it will assist with the examination.

00:37:50:25 - 00:38:04:08

The Planning Act 2008 sets out a statutory timetable for the examination and for the determination of the application. This includes the six months in which the examination must be completed.

00:38:06:15 - 00:38:49:21

Then a further three months in which we must complete our report with findings, conclusions and recommendations to the Secretary State and then a further three months for the Secretary State to reach a final decision on the application. The decision is therefore scheduled to be published within 12 months of the start of the examination. I want to move on to my to start looking at the different types of documents and elements of the examination. So I'm going to run through key points being local impact reports, statements of common ground, written representations, the examining authorities, written questions, hearings and site inspections.

00:38:50:29 - 00:39:27:12

I'm going to take each each of those points into and after I've briefly described their nature, I'm going to ask for parties around the table who've made comments and to to hear those comments followed by any of the comments that people in the room want to make or obviously indeed on teams. Any other comments that are relevant at that time? So dealing firstly with local impact reports and this

this document is a report written by a local authority giving details of the likely impact of the proposed development on any part of the local authority's area.

00:39:28:13 - 00:39:36:04

It's an important examination document to which the Secretary of State must have regard in reaching a decision.

00:39:38:02 - 00:40:04:19

The Planning Inspectorate's guidance is for local authorities to start preparing their local impact report as soon as the application is accepted for examination. And in this case, the application was accepted for examination on the 18th of April this year. Our draft timetable requests that the local impact reports from local authorities be submitted at deadline one.

00:40:07:15 - 00:40:50:07

So in terms of the submissions that have been made on local impact reports, Lincolnshire County Council have commented on the timing of the submission of Local Impact report, referring to the fact that there's currently an expectation that the Council also produce local impact reports for Cottam and Harrington Fen Projects in October. And there's a suggestion that the requirement for local impact report to be pushed back to deadline two. That's at the end of November. Now realise that there's an overlap between considering local impact report here and as part of the timetable but wanted to deal with it here, noting that local impact reports are a very important part of the examination.

00:40:51:00 - 00:41:20:01

As I've said, they are key documents to which the Secretary State must have regard. So in terms of our role as the examining authority to delay the receipt of these documents means that we'll have less time to consider and address the matters raised during the examination. So, so really, we need to understand and fully consider the reasons for any suggested delay. So so turning firstly to Mr. McBride's and.

00:41:23:01 - 00:41:42:15

Just just just in terms of the nature of these documents, presumably the the content and the format of these documents will be similar for each examination. And I'm therefore wondering why they can't be produced to the sort of staggered timetable that's that's been suggested. So I'd like to hear from you on that, please.

00:41:44:13 - 00:42:04:15

Beginning with Brightlingsea County Council. Um. Think. Suppose I'll probably say this a number of times, but obviously the council has a relatively small team and we have suddenly, obviously within the last 12 months or so, been faced with pretty much

00:42:06:07 - 00:42:45:15

a huge number of projects that are are insects. And, you know, there was perhaps an expectation as to how the applications which were accepted for examination would sort of proceed. So obviously, um, cotton was submitted first and then Burton and then West Burton. Um, and think what's, um, what's also important to, to, to, to note is that there's other projects in other parts of the county.

00:42:45:17 - 00:43:16:09

So fen the examination for that will start in September. Malpas started in May. Um, so we've got, um, you know, a significant number of these projects that are ongoing at the time. And clearly we did programme as to when we thought we would be able to take the local impact reports to the planning

committee because that's our delegation or our that's the governance that the Council has in place for the local impact report.

00:43:16:11 - 00:43:58:10

And the Council's written representations have to be confirmed by the by the Planning Committee. So with that in mind, we've worked out when we were expecting um, different examinations to start and I think we were taken back quite significantly in terms of when we found we were notified that West Burton would be starting this week and we only received that notification in August, the middle of August, um, which, which given that the sort of, the pattern that the others had taken where, um, we were sort of, they were coming in almost the order that they were, they were submitted.

00:43:58:12 - 00:44:28:19

So um, obviously Mallard Pass and then um, Gate Burton Obviously there's some issues with cotton which meant that that was slightly delayed. But then we received the notification for Heckingbottom, which would be we receive that notification towards the end of July that, that um, examination would start in middle of September. So I think we'd sort of got it in our minds that West Burton would then, um, follow Eckington probably in October.

00:44:28:21 - 00:45:03:10

So it did come as a, as a surprise that we were notified that the examination for West Burton is starting this week. We've already programmed for our planning committee at the start of October to take local impact reports to Cottam and Heikkinen. So those two were already programmed and to suddenly find that now to meet the deadline that set out to hear that we will also also need to bring the West Burton Local Impact report to that committee. I think that obviously has resource implications for us in terms of offices, in terms of producing that.

00:45:03:12 - 00:45:46:11

But I think also we want to make sure that the councillors give each of these the sort of the due consideration. And if we bombard them with three local impact reports in one committee, I suspect that that would be they wouldn't be the same amount of attention and consideration if they were sort of ideally taken one at a time. Think we could, we can cope with two but think to take free would be just um, sort of, I think unfair to expect councillors to sort of digest that level of information on three really large schemes all at one committee.

00:45:46:13 - 00:46:19:08

So and that's really where we're coming from. I will note that that Mallard pass precedent, that the local impact report for that particular project or that examining authority were prepared to move the deadline to deadline two for the local impact report because of similar issues that are raised from some precedent already being established there. So I think that perhaps hopefully give some background as the reason why.

00:46:19:10 - 00:46:21:16

Thank you. Requesting the extension.

00:46:22:12 - 00:46:55:21

Okay. Thank you. So just just in terms of that, the context for for this examination. And as I've already mentioned, the application was accepted on 18th of April, and there's a general expectation that the examination will commence within three months of acceptance. We're now sort of approaching five months. So there are there are some some some pressures there that. That we're

obviously live to in terms of the deadline set within the examination. And I've kind of mentioned that deadline.

00:46:55:23 - 00:47:05:19

One is seven weeks into the examination, which is actually quite late. Deadline two is three months into the examination. So we're getting to halfway through when

00:47:07:09 - 00:47:39:02

in terms of looking at this this important document that's going to put pressures on us as an examining authority to really fully digest and address those documents within the remaining time of the examination. So that's our sort of our concern. And but I understand fully what you're saying. Again, it's it's what we're trying to do is balance local pressures with the pressures we have in undertaking the examination. Just just going back. Sorry, simply variable levels of volume.

00:47:40:23 - 00:47:57:29

Okay. So just going back to the point you made about taking the local impact reports to committee and understand you've programmed Cottam and Hacking Defend to go in early October. What how regular are they the committee meetings.

00:47:59:14 - 00:48:07:27

Brightlingsea County Council. They're on a monthly basis. So after the October meeting, the next meeting would be the 6th of November. Okay.

00:48:08:29 - 00:48:12:01

So what date is the October meeting? Just out of curiosity.

00:48:12:05 - 00:48:12:23

2nd of.

00:48:12:25 - 00:48:14:25

October. 2nd of October and six of November.

00:48:19:03 - 00:48:19:22

All right.

00:48:23:01 - 00:48:29:11

Okay. I do understand the points you've made, and these are things that we will be we'll be looking at. All right. And.

00:48:33:05 - 00:49:01:09

So we also had a submission from West Lindsey District Council, referring again to the timing of local impact reports. And again, I'd make similar points to you, Mr. Shaikh, in terms of the consideration of these reports through through committee and whether what what the. But just just trying to understand what the particular issues are for the local authority.

00:49:04:12 - 00:49:30:09

Should we say, come off of West Lindsey District Council? There are no particular issues on behalf of Westminster District Council. We can conform to the deadline one requirement as it's currently set. We obviously have no objection if that's pushed back slightly, given the resource constraints that we

currently have in relation to the other projects too. But as it currently stands, we can meet that but would invite and welcome a slight, a slight extension of time in that respect.

00:49:36:05 - 00:49:38:24

All right. Thank you. Yes, Miss Garbutt?

00:49:39:21 - 00:50:14:09

Thank you very much, madam. I'd just like to say on behalf of seven that. Sorry, let's go about 7000 acres. I'd just like to say, on behalf of 7000 acres, we we concur with Mr. Bryden that we agree that elected members must be able to understand the nuances between each schemes as very important as obviously they're, um, representing ourselves as elected members. Obviously I'm aware there's timetable constraints and obligations that you're under, but there is obviously an electoral obligation that they're under as well to do so.

00:50:14:11 - 00:50:18:13

So just we should consider that as well. Thank you. All right.

00:50:18:15 - 00:50:19:01

Thank you.

00:50:23:23 - 00:50:28:14

Thank you for that. Good. Okay. Any other comments on local impact reports before we move on?

00:50:39:02 - 00:50:42:04

Hey, thank you. So moving on to statements of common ground.

00:50:44:00 - 00:51:18:02

So Annex H of our Rule six letter sets out the request to prepare statements of common ground between the applicant and various parties. So the aim of a statement of common ground is to agree factual information and to identify whether there are areas of agreement, and particularly where there remain points that are in dispute or not in agreement. So the identification of these outstanding areas of concern is important to us in understanding the respective positions between the parties.

00:51:18:22 - 00:51:55:07

So the list of statements of common grounds that we've produced is not exhaustive, and we would encourage you to find opportunities for identifying areas of common ground and either by joining forces individually or with others or sorry, I'll just say we encourage you to find opportunities for identifying areas of common ground with others. So where matters are included in a statement of common ground, This does not mean that we will not examine them further. They're just a starting point and a framework for us understanding where and respective parties are in terms of particular points.

00:51:57:06 - 00:52:02:11

Does anyone in the room have any particular questions or points about statements of common ground?

00:52:05:02 - 00:52:05:28

Yes, Miss Modric.

00:52:06:14 - 00:52:47:22

Project for the applicant. It was just to note that on the list of statements of common ground that have been requested in Annex H, you have listed the Health and Safety Executive and they didn't submit their relevant representation to the Planning Inspectorate. They'd sent it directly to the project address that since been forwarded by the Health and Safety Executive on the 29th of August to the Planning Inspectorate. I don't believe it's currently on the website yet, but should be soon confirming that they didn't have any further comments and requesting to be removed as a consultee in respect of requirements.

00:52:47:24 - 00:53:06:09

Six In light of that submission, we don't think that there's any it wouldn't be of assistance to have a separate statement of common ground with the Health and Safety executive. So we'd be grateful if that could be removed from the list of requested. All right. But once you've had a chance to review. Yes.

00:53:06:16 - 00:53:09:23

If you haven't already and have a look at it. Thank you very much. Thank you.

00:53:17:29 - 00:53:20:21

Any other points or comments on statements of common ground?

00:53:28:02 - 00:53:30:27

All right. So the next point is.

00:53:32:26 - 00:54:03:03

Around written statements. Sorry, written representations should say so. Written representations provide a further opportunity for interested parties to make a submission to the examination. We do realize that deadline for the receipt of written representations was not included in our draft time timetable. This should have been referred to as a requirement for deadline one, and it's something that we will be addressing in our rule like rule eight letter.

00:54:04:09 - 00:54:32:07

Just to note at this point that you don't need to submit a representation if you've nothing to add to your relevant representation. There will be opportunities for comments to be made on relevant and written representation and for responses to be made to those comments. And again, just to note, at this point, if a relevant representation or written representation is over 1500 words in length, then summaries should be provided.

00:54:35:27 - 00:55:06:27

So in in noting that a deadline for written representations wasn't included on the timetable. I know that West Lindsey District Council had have referred to this and have referred to the fact that the written representation is a key document for the local authority requiring committee scrutiny. Therefore, clarity is needed so that provision can be made so that adherence with any committee schedule can be accommodated.

00:55:06:29 - 00:55:22:14

So I just wanted to to clarify any implications of of that comment and whether, um, stating that the deadline for written representations would be deadline one, whether that has any ramifications. So Mr. Shaikh, do you want to make any comments, please?

00:55:22:17 - 00:55:30:08

Yes. Thank you, madam. I'm half of West Lindsey District Council. I'm told that we can meet deadline once the written representations. So there's no issues in that. Thank you.

00:55:32:13 - 00:55:36:25

Does anybody else have any comments or observations on written representations?

00:55:39:22 - 00:55:40:28

Yes, Mr. McBride.

00:55:42:17 - 00:56:00:04

Thank you. Thank you, counsel. Um. It's this really the same point for the written representation response as the local impact report? Because it would need to essentially go to the same committee. So, um, that obviously what I've said about the local impact report would also apply to written representations as well.

00:56:09:06 - 00:56:10:19

Thank you. I made a note of that.

00:56:14:12 - 00:56:19:06

All right. So moving on to the examining authority's written questions.

00:56:21:14 - 00:56:55:07

So our first set of written questions will follow on from our initial assessment of principal issues that is set out in Annex D of our Rule six letter. As I've already said, the examination is primarily a written process in order to ensure that it follows a rigorous process, there will be a significant number of first round and written questions. They will be wide ranging in nature. Some of them will address some quite fundamental issues to examination and some will and others will focus on matters of more detail points.

00:56:55:17 - 00:57:30:00

They'll be directed at at the applicant, at the local authorities and also at at various interested parties. When you do see these questions, you may think that some of the answers are already contained in the documents that have been introduced to the examination. But even even if that's so, please answer the questions directed to you and where relevant, provide any cross-referencing to other examination documents. We do need to ensure that all of the issues that might be relevant are identified and shared so that they can be tested properly.

00:57:31:09 - 00:57:42:14

The examination timetable. The draft timetable sets a deadline for the responses to our questions. And all of the the comments and responses received will be published on our project webpage.

00:57:44:09 - 00:58:01:25

There will then be a second round of questions and answers later on in the examination, and the second round will seek to provide a clarification on certain points. Probe further into any unanswered, any unanswered points and to maybe address any new points that have have emerged.

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In addition to these iterations of questions, answers and comments, we may at any time during the examination, seek further information or written comments. Provision is made under made under rule 17 of the infrastructure planning examination procedurals for for such requests to be made.

00:58:22:16 - 00:58:27:20

Does anybody have any questions or points to make about the examining authority's written questions?

00:58:31:07 - 00:58:32:08

Okay. Thank you.

00:58:36:06 - 00:59:09:28

All right. So turning to hearings, as I've already said, whilst the primary method of examining the application is in writing hearings will be used to build on the foundations of various documents and comments that that we need to consider. And you are. Advised at the outset to make your submissions in writing rather than assuming that you can wait for a hearing to be held as an opportunity for you to influence what happens with the application.

00:59:10:00 - 00:59:40:23

It may well be that a hearing on a particular issue isn't held, or that that particular or that the hearings that we do hold don't address the particular points that you want to make or questions that you want to ask. So please bear in mind this. It is primarily a written process. So in terms of the hearings that can be held, there are three different types under the Planning Act 2008. The first type is a is an open floor hearing which must be held if requested by an interested party.

00:59:41:02 - 00:59:58:15

This type of hearing allows interested parties to exist address the examining authorities on matters they consider important to the examination. And we have made a procedural decision to hold an open floor hearing at the close of the preliminary meeting. And we'll come on to to this a little bit later.

01:00:01:00 - 01:00:24:10

The second type of hearing is a compulsory acquisition hearing, which must be held if requested by an affected person so that an infected person is an individual or organisation whose land or rights over land would be affected by the compulsory acquisition included in the development consent order. So please ask the case team if you're unsure about whether or not you're an infected person.

01:00:27:11 - 01:00:45:19

As we'll see when we come to look at the the draft timetable, a little bit more detail. We have asked that relevant parties inform us if they wish to speak at an open floor hearing or a and a compulsory acquisition hearing. And we've asked people to let us know of of that of those requests by deadline one.

01:00:48:11 - 01:01:02:09

The third type of hearing is an issue specific hearing which is held if we decide that it's necessary to ensure adequate, adequate examination of an issue or if it's necessary to ensure that an interested party has a fair chance to put their case.

01:01:04:04 - 01:01:43:20

Whether we do hold issue specific hearings will depend on representations made at deadline one. However, we've given some initial thought to the appropriate focus for any issue, issue specific hearings that we do hold and our initial thinking that issues specific hearings may be required to consider topics including need and alternatives, generating capacity and battery storage,

environmental matters, including the effect on biodiversity, agricultural land and landscape and visual considerations, and also matters associated with the draft development consent order.

01:01:44:26 - 01:01:53:07

I've also already mentioned and has been discussed that we will consider holding an issue specific hearing looking at cumulative effects.

01:01:54:22 - 01:02:05:12

So those are just our initial thoughts and we will be taking into account also the submissions made to deadline one and also deadline to.

01:02:10:27 - 01:02:42:07

So the draft timetable that we have in front of us does make provision for hearings during week commencing the 12th of December, December, and they are their provisional dates, although they were provisional dates when we issued the draft timetable. And we're very much aware that there may be issues with venue availability at this stage. This is something we'll come back to a little bit later. Just to note that whatever happens, we will provide at least 21 days notice of the timing and nature of these hearings.

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If you would like to participate in a hearing that's been arranged, then you are required to submit a request to register for each one of those and information about how to go about doing that is set out in our Rule six letter. If you just want to observe the hearing, if you simply want to, to observe and not to actually take part and then there's no need to make a request to register. Public live streaming and recordings of the hearings will be made available on our project web page.

01:03:16:09 - 01:03:36:28

And. That is, if there is a virtual element, which in most instances there is. And I'll come on to that Now, in fact, in terms of the hosting of these events, it's common at the present time to run hearings as blended events, that is, with both an in-person and a virtual element, as we're doing today.

01:03:38:21 - 01:03:56:17

Alternatively, hearings can be held entirely in-person or entirely virtually. And the decision on the nature of events depends on a number of factors, such as the topic under consideration, the location accessibility, and indeed the availability of suitable venues.

01:03:59:06 - 01:04:15:25

This is a general comment at this stage. We are aware of the comments that have been made about the difficulty some people have in attending hearings during the working day. We will therefore consider holding evening sessions if that would assist with participation and.

01:04:17:26 - 01:04:28:22

Comments have also been made about the the timing of of hearings during the examination period. And we'll come back to this when we look at the the timetable, an agenda item for.

01:04:31:24 - 01:05:02:00

So just in terms of the nature of the hearing or the way they're held, um, we've had a submission from the applicant to procedural deadline, basically referring to the difficulty of finding venues associated with our currently scheduled and December hearings. And there's a suggestion that given the

difficulty of securing a suitable venue, we should consider holding fully virtual hearings. That is, without an in-person element.

01:05:02:02 - 01:05:05:19

Is there anything further you wish to comment at this stage? Ms..

01:05:05:21 - 01:05:06:07

Broderick

01:05:07:24 - 01:05:39:20

Clare Project the applicant. Um, what I would say is that that that suggestion is on the basis that the examining authority wish to keep with that particular week. We have tried to find another venue that meets the criteria for holding the blended events and it's and it's not been possible to find a suitable venue for that for that particular week in light of the Christmas period and venues being booked with with Christmas events, which would require the set up to be removed, etcetera, when it couldn't be.

01:05:40:10 - 01:06:20:11

We have made another suggestion. We are mindful of the submissions that have been made by interested parties for the preference for some in-person element to be to be provided and and also a preference for the Lincolnshire showground to be utilised as a venue rather than a venue in the in the centre of Lincoln, for example. And therefore we have sought to find when this particular venue is is available for dates that that work and don't coincide with deadlines for the other projects being mindful of the resource issues that have been previously mentioned.

01:06:20:13 - 01:07:04:08

So this venue would be available in the week from Tuesday the 9th of January until Friday, the 12th of January, which we mentioned in our response to the procedures decision. What I would say is that if, um, if you were minded to move the hearing dates to that, that January date, we would then be looking to, we think that that could possibly facilitate the request that has been made by Lincolnshire County Council for the submission of the local impact report being that we would then still have receipt of that local impact report well in advance of the hearing dates, both for yourself to consider and also the applicants team.

01:07:04:24 - 01:07:35:04

The applicant could then respond um, at deadline three on the local impact report, um, if required. Um, so that you would also again have sight of the applicants response on that document before the hearings commenced. So we just thought that that would. You know, we're going to talk about the the hearings, perhaps the timetable in more detail. But, um, we think we could do that by using those dates in January.

01:07:35:06 - 01:08:13:23

You could keep with the deadlines that have been sought just by moving some of the documents. Um, we noted that there was a potential suggestion of using the week of the 18th of December for hearings on this project. But we would, as we've said in our letter, note that that would overlap with with the deadline three for the Cottam Solar project. And we're also very mindful that a lot of people are on holiday that week. Um, and so in terms of ensuring, you know, people can participate, we, we would have a preference for it for January rather than that week directly before Christmas.

01:08:13:25 - 01:08:14:22

Okay. Thank you.

01:08:15:17 - 01:08:46:20

And yes, just to say in general terms have picked up various comments that there is a there's a strong preference for events to have an in-person element to allow effective participation for as many people as possible. So have have acknowledged we're very much aware of that. Um, in terms of the suggestion of the week commencing the 9th of January, and again, we'll absolutely as we've said, we'll come on to timetabling a little bit later. But just to make a general comment at this stage as an examining authority and.

01:08:47:20 - 01:09:01:13

We are very conscious of that. But that is within two months of the end of the examination and for the sort of the only set of substantive hearings during the examination, we have to consider whether or not that would work in terms of allowing for an effective examination process.

01:09:03:14 - 01:09:14:12

Okay. And does anybody have any comments on the type of event that is whether they're blended in person? Yes. And it's Gilbert. Gilbert.

01:09:15:04 - 01:09:38:04

Oh, Gilbert Stoughton by state council. And just to say in regards to broadband, if you're going to be having online events, we do have significant problems with connections dropping and they just go for no any no reason at all. So that could be a significant impediment.

01:09:41:04 - 01:09:53:18

This is a comment that has come through in some of the representations. So. So we are conscious of the the importance of having an in-person element to to events where we can. Thank you. Yes, it's.

01:09:54:18 - 01:10:18:09

Thank you. This at 7000 acres. Yes, I would agree with Mrs. Gilbert. Broadband is a major issue in terms of participation, and we're pretty confident we may be able to list a few venues, local venues that might be appropriate for blended events as well as in-person events that.

01:10:18:11 - 01:10:19:05

Will be very helpful.

01:10:19:07 - 01:11:03:28

Yeah, so we're looking into that at the moment. Um, but that is the most paramount thing for ourselves that people have the opportunity to come along, be seen and be heard and see the applicant and see the process actually happening. Otherwise a written process obviously is paramount. We understand that. However, you know, this affects them for their lifetimes. It's not a minor issue and as there are for it causes a lot of confusion. So to be able to see individual examining authorities and to represent their views and sort of compartmentalize, um, elements of the projects within the scene, independent sort of hearings would be much needed, really.

01:11:04:16 - 01:11:05:16

That's it. Thank you.

01:11:05:18 - 01:11:07:05

Thank you. I understand the point made.

01:11:09:05 - 01:11:10:06

Yes, Mr. McBride.

01:11:11:14 - 01:11:23:15

Okay. My provides links to the council. Just like to say we're grateful to the suggestion from the applicant about potentially moving the dates of the hearing because obviously that would enable us to, um,

01:11:25:21 - 01:12:04:12

in terms of our resources be able to, to certainly make the deadline to for the local impact report. Just on the other point. I think I'd just agree with Ms.. Garbutt that the Council's view is that a blended approach to to the examination is very much the way that it should go. And I think the fact that obviously an opportunity for local residents to see people in the room and to hear it this way is much more conducive for their participation than if it's done totally via virtual means.

01:12:05:22 - 01:12:08:12

Thank you for that. Yes, Mr. Shaikh.

01:12:10:16 - 01:12:43:12

On behalf of Westlands District Council. Yes. Just to reiterate. Reiterate the points are strong preference for is for a blended event. And we have a strong objection also to a purely virtual event, really for two reasons. Firstly, our own engagement and the ability to effectively participate, but also perhaps more significantly, public engagement already heard that the public much prefer in-person or blended events, and that is also the view that's expressed by our own members and those who we represent understand.

01:12:43:14 - 01:13:18:05

Thank you. Any further comments on hearings. Okay, moving on. Um, so just just to make some, um, some final comments on hearings and if anyone listening live or on camera wants to comment on the type of event held, they can do so in writing by deadline one. We'd like to remind you that all representations made it. Hearings should be based on representations made in writing, though they should not simply repeat what's what's been said in writing.

01:13:18:07 - 01:13:58:17

They should provide further detail on the matters raised. We would encourage anyone who wishes to be heard at a hearing and who has a common view or common points make with others to group together and appoint one spokesperson. This will help with the making best use of the time available to us. Um, and basically repetition of a particular point doesn't mean that it carries more weight in the examination. Say something once and we will. We will hear it. We don't need to hear it multiple times. Um, anyone who is an interested party can give an oral, can give oral evidence and based on their relevant representation or written representation at a hearing.

01:13:59:01 - 01:14:32:25

Um, if there are lots of requests to speak, then we may need to announce a time limit on in terms of speaking. And just to note also that anyone who speaks at a hearing can expect us to ask questions. And in terms of clarification and understanding the points that are being made, the applicant will be provided with an opportunity to respond orally or to clarify factual matters through us after an interested party has spoken. Generally, there's no direct dialogue between parties at hearings apart from in certain special circumstances.

01:14:32:27 - 01:14:37:21

When we think it's we think it would be beneficial to allow some some cross questioning.

01:14:40:04 - 01:14:43:13

So moving on then, to site inspections.

01:14:46:03 - 01:15:18:21

We did carry out an unaccompanied sight inspection yesterday. This was based on viewpoints featured in the environmental statement, and it was on public land in the vicinity of the proposed development. A record of the inspection undertaken and the things that we looked at will be published on our project website web page. Sorry. We intend to undertake inspections of most, if not all, of the viewpoints listed in the environmental statement over the coming months.

01:15:20:10 - 01:15:38:24

Our view is at this stage that most, if not all of these site inspections can be carried out on an unaccompanied basis. That is without the presence of the applicant or the parties. And this is based on our experience of both accompanied and unaccompanied visits in the past.

01:15:40:10 - 01:16:08:00

It's important to note that if we do hold an accompanied site visit, it isn't an opportunity to express any views on the merits or otherwise of the application. Rather, it's an opportunity for us as the examining authority to view the application site and its surroundings. And in this respect, it is possible to draw the examining Authority's attention to particular points or features of interest on the sites, but to say not not to discuss the the merits of the application.

01:16:09:20 - 01:16:19:00

Where an accompanied visit is held. Then representatives of the Council and his relevant statutory consultees and the applicant would need to be present.

01:16:20:16 - 01:16:30:04

Although there may be opportunities for a small number of interested parties to attend, it's likely that attendance would need to be limited for logistical and and safety reasons

01:16:32:00 - 01:16:51:23

and. We are aware that parts of these visits will require access onto private land, for example, onto farm tracks and into fields. And in such cases, the examining authority's preference is that access to this land can be allowed for us to undertake a visit on an unaccompanied basis, as I've as I've described.

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

We would welcome suggestions for locations for future site inspections, including where there's no public access. And if you have such suggestions to make, you should do so, but do so by deadline one. This doesn't prevent any further requests for site inspections being made that there should be good reason for for for doing so. If you do consider that an inspection should be made on an accompanied basis, then you need to give a clear justification as to why it can't be an unaccompanied visit.

01:17:29:06 - 01:17:38:06

So we'll come on to the timings of future visits when we look at the timetable. Does does anybody have any comments or questions about arrangements for site inspections?

01:17:43:01 - 01:17:44:06

Okay. Thank you.

01:17:45:29 - 01:18:18:01

So just just moving on then. I just wanted to make a few comments about making effective submissions and some general remarks about about the submissions made by interested parties. Many of you have already provided us with written material in your relevant representation, and we'd like to thank you for taking the time to do that. And as I've other as I've explained, you will have the opportunity to set out your case and and the evidence to support your case in more detail as the examination progresses.

01:18:18:03 - 01:19:01:01

And you'll also have the opportunity to comment on everyone else's written submissions. So the next comments are really about how to to make these submissions most effective. And as I've described during the examination, will be seeking to obtain information that we can take into account when making our representation. Sorry, our recommendation should say to the Secretary of State. And in terms of the nature of that recommendation, it will be based on facts and sound evidence rather than speculation and opinion, and it will consider whether the application complies with the policy sorry, the legislation, policy and guidance, rather than being based on a vote for or against the application.

01:19:01:10 - 01:19:05:26

And it would also require the consideration of very large volumes of information.

01:19:07:18 - 01:19:31:25

So this process is about us on the undertaking examination and obtaining that that evidence so that we consider the applicant's case against the relevant legislation and policy. So in making your submissions, it would be very helpful if you could please submit information once and provide evidence that it's factual. For example, by providing any data, methodology and assumptions used to support your submission.

01:19:34:02 - 01:19:47:21

The kind of support you said it would be helpful if you could work with any other people that have the same view as you so that a coordinated and a submission can be made, noting that we give the same amount to information that's provided once or many times.

01:19:49:26 - 01:20:21:06

It'd be helpful if you could provide references to any document that you referred to, including where within that document you are referring. And finally, it will be helpful if you could respect the deadlines given and the timetable relies on on compliance with those those deadlines and which are generally at 2359 or 11:59 p.m.. On the date given. Submissions received after this deadline could mean that other parties have less time to respond, which can lead to unfairness in the process.

01:20:22:21 - 01:20:40:23

And for that reason, the examining authority may not accept late submissions into the examination. As I referred to it earlier on, if there are particular pressure points in the examination where you feel it's going to be a challenge to meet the deadlines and please do inform us as far ahead as you can do so that we can we can look at whether or not an extension can be accommodated.

01:20:44:28 - 01:21:02:10

So the examination web page is the means by which the examining authority will communicate with you. It's the home for all documents and will be updated regularly as documents are received in issue and issued. You're advised to visit this regularly and as the examination progresses.

01:21:04:08 - 01:21:27:05

And the examination process. Just a word about costs. All parties are normally expected to meet their own costs where a party behaves unreasonably and causes another to incur an unnecessary or wasted expense, then an application to cover those costs can be made and a link to the guidance on the costs process is provided in our Rule six letter.

01:21:31:08 - 01:21:37:14

Before we move on, are there any final points that anyone would wish to make about the examination process?

01:21:42:14 - 01:21:59:13

All right. So we'll we'll move on from that agenda item. And just. Just to just to say before we do so, we will consider all of the points made by everyone today and where it's necessary and where we need to make decisions. We'll we'll confirm those in writing in due course.

01:22:05:28 - 01:22:12:00

All right. So we're now going to move on to agenda item for the examination timetable. And I'm going to hand over to Mr..

01:22:14:12 - 01:22:14:27

You.

01:22:16:21 - 01:22:17:27

Looking in to.

01:22:18:24 - 01:22:33:08

Looking now to agenda item four, which will cover the Examining authority's remarks on the timetable for the examination. I'll give a brief overview of the timetable now and we will move on to submissions and discussion around the timetable a little later.

01:22:34:26 - 01:23:05:21

I'll draft timetables set out in Annex E of our Rule six letter of 10th of August. It would be helpful if you have a copy of this in front of you. They will also share it on the screen. Time tool sets out the deadlines for written submissions and dates of hearings. Also includes dates for the examining authority to issue documents such as our written questions. I'm not going to go through the entire timetable now, but will take you through some key elements and introduce some points.

01:23:05:23 - 01:23:09:20

Some of these have been raised under previous agenda items.

01:23:12:07 - 01:23:15:00

If we could have the timetable shared. Thank you.

01:23:18:06 - 01:23:35:03

So following the start of the examination, which is at the conclusion of this preliminary meeting, we will we have already decided to hold an open floor hearing early in the examination process is to allow parties the opportunity to present their views.

01:23:37:20 - 01:24:18:12

They are the items in the timetable that are grayed out. Those items are either in the past or today. Items four and five cover the issue of the timetable in the rural eight letter and then the publication of first written questions. Just to note that in responding to these questions, there is no need, as Dr. McGinn has said, no need to repeat your points if you've made them in previous submissions. Nor to repeat points made by others. Item six refers to examination deadline one scheduled in this draft agenda, as we have said for the 26th of October is particularly important Deadline seeking to obtain some of the key written submissions.

01:24:19:02 - 01:24:52:02

Those are, for example, statements of common ground local impact reports, and we have discussed some of those under previous items. It does also include request to be heard at further open floor hearings and compulsory acquisition hearings. As has been said, written representations will also be required by this deadline and the applicants draft itinerary draft itinerary for an accompanied site inspection will be required by this deadline if an accompanied site inspection is to go ahead. Deadline also includes the opportunity to suggest locations to be visited.

01:24:53:09 - 01:25:10:00

Umm. Deadline also requires the applicant to submit updates to draft development consent Order. Explanatory Explanatory Memorandum, book of reference, statement of reasons. And all those items that are set out won't go through them in too much detail. They're set out in Annex.

01:25:11:16 - 01:25:41:22

Annex item seven refers to deadline two. This is not this is currently the 30th of November of this draft timetable provides the comments on the applicant site visit itinerary by others and final version of this site. Visit itinerary will be published on 5th of December, according to the draft Rule six timetable. Item nine has been, as has been alluded to, really is when we are proposing further hearings to be held.

01:25:41:24 - 01:26:06:10

If they are required, parties will be notified at least 21 days in advance of these hearings, and the agendas will always be issued at least one week ahead. The agendas will be sufficiently detailed to allow parties to complete their final preparations. Plan at this stage is to hold these as in-person events with a virtual element. That's the blended event that we've discussed, which gives people the option to attend in person or in or online.

01:26:08:04 - 01:26:40:28

If a company's site visits are in necessary, then they will be held during that week. Items ten and 11 refer to deadlines three and four and they should be self-explanatory. Kind of following a similar pattern to previous deadlines except for your note deadline for which follows currently in the draft timetable two weeks on from deadline three, and that's a slightly slimmed down version of what might be required at that time. Item 12 is where the examining authority bullish reporting implications for environmental sites if one is required.

01:26:41:20 - 01:27:12:25

Also includes a further cycle of written questions to allow us to probe further into unanswered points. Item 13 is a date by which we will issue a schedule of changes to the draft development consent order following this submission of the applicant. The final version of the DCO and Explanatory memorandum. Underwriting 14 Item 14 is deadline five. Item 15 includes the submissions of statements. Matters previously during examination but have not been resolved.

01:27:13:06 - 01:27:51:25

Item 16 takes us to six month point, by which time the examination needs to close. No further documentation can be accepted after this point. That's a run through really of the timetable and we will now be moving on to hearing submissions around that. I'm conscious of the time. I wonder if it if participants would appreciate. A short comfort break has discussed as we're now at the 90 minute point and we could resume to take submissions maybe with a brief recap on the timetable in.

01:27:53:05 - 01:27:56:00

A short while. I'm happy to hear any thoughts on that.

01:27:56:14 - 01:27:57:17

I can see people nodding.

01:27:59:02 - 01:28:02:10

I think we should have a short comfort right now. So

01:28:04:00 - 01:28:12:06

if we if we say it's now 1128. So if we could resume at 1140, please. Thank you.