

**Application by West Burton Solar Limited for an Order Granting Development Consent for the West Burton Solar Project**

**Agenda for Issue Specific Hearing 2 on the draft Development Consent Order (ISH2):**

Notification of the date, time, and venue for Issue Specific Hearing 2 on the draft Development Consent Order (ISH2) was provided in the Examining Authority's [Notification of Hearings and Request for Information](#) on 19 December 2023.

Hearing	Date and Time	Location
<b>Issue Specific Hearing 2 (ISH2) on the draft Development Consent Order</b>	<p><b>Tuesday 23 January 2024</b></p> <p><b>Hearing Starts at 10:00am</b></p> <p>Registration and seating available at venue from 09:30am and virtual Registration Process from 09:30am</p>	<p>The Ballroom Hemswell Court Lancaster Green Hemswell Cliff DN21 5TQ</p> <p>and</p> <p>By virtual means using Microsoft Teams</p>

Item	Matters
<b>1.</b>	<p><b>Welcome and introductions</b></p> <p>The Examining Authority (ExA) will welcome participants and lead introductions. The live stream and recording will start.</p>
<b>2.</b>	<p><b>Purpose of the Issue Specific Hearing</b></p> <p>The ExA will introduce the hearing, including the following points:</p> <ul style="list-style-type: none"> <li>- the purpose of the hearing is for the ExA to further consider the drafting of the applicant's draft Development Consent Order (dDCO) and related matters, and invite certain parties to make oral representations about them;</li> <li>- the hearing is subject to the powers of control of the ExA, as set out in the Planning Act 2008 and supporting legislation;</li> </ul>

	<ul style="list-style-type: none"> <li>- the ExA will invite parties to speak and will ask questions at relevant points on the agenda and when it otherwise considers necessary;</li> <li>- all comments, questions and answers are to be directed to the ExA and not directly to any other party.</li> </ul>
<b>3.</b>	<p><b>Applicants Update: Rationale for Change Request</b></p> <ul style="list-style-type: none"> <li>- Noting the <a href="#">Applicant's notification to submit a Change Request Application</a> which was submitted to the Planning Inspectorate on 3 January 2024, the Applicant will be asked to set out the nature and implications of the changes anticipated.</li> </ul>
<b>4.</b>	<p><b>Applicants Update</b></p> <ul style="list-style-type: none"> <li>- The Applicant will be asked to provide a brief update on any changes that have been made to the original draft DCO and the Schedules.</li> <li>- Applicant will be asked to provide an update on any proposed changes to Version C of the dDCO, including setting out any expected changes it anticipates will be required to align the dDCO with other DCOs currently being examined.</li> </ul>
<b>5.</b>	<p><b>Draft Development Consent Order – Articles</b></p> <ol style="list-style-type: none"> <li>a. Article 5 (Power to maintain the authorised development): discussion of the extent of the maintenance provisions.</li> <li>b. Article 11 (Temporary prohibition or restriction of use of streets and public rights of way) and Article 14 (Agreement with street authorities): discussion to address matters raised by the local highway authority.</li> <li>c. Article 38 (Felling or lopping of trees and removal of hedgerows): clarification of the updates to the provisions for hedgerow removal, with regard to the provisions of Advice Note 15, Section 22.</li> <li>d. Article 29 (Temporary use of land for constructing the authorised development) and Article 30 (Temporary use of land for maintaining the authorised development): what steps been taken to alert all landowners/occupiers of land within the Order limits of this provision.</li> <li>e. Article 49 (Crown Rights): clarification of the nature of and progress towards gaining consent for provisions.</li> </ol>
<b>6.</b>	<p><b>Draft Development Consent Order – Schedules</b></p> <ol style="list-style-type: none"> <li>a. Schedule 2 Requirement 5 Detailed design approval: discussion of why detailed design approval is confirmed to Work Nos 1,2 and 3.</li> </ol>

	<ul style="list-style-type: none"> <li>b. Schedule 2 Requirement 9 Biodiversity Net Gain: consideration of the mechanisms by which the anticipated levels of BNG would be secured through the dDCO</li> <li>c. Schedule 9 Deemed Marine Licence under the 2009 Act: update on discussions with the MMO.</li> <li>d. Schedule 16 Protective Provisions. The Applicant will be asked to provide an update progress between the parties, with an explanation of any important differences in view and timescales for resolution. In particular consideration will be given to provisions for: <ul style="list-style-type: none"> <li>a. Network Rail</li> <li>b. EDF</li> <li>c. Marine Management Organisation</li> <li>d. Canal and River Trust</li> <li>e. The Environment Agency</li> <li>f. Other parties with which protective provisions have not yet been agreed</li> </ul> </li> <li>e. Schedule 17 Procedure for discharge of Requirements: noting that these are bespoke provisions, the positions of the planning authorities and other consenting bodies will be clarified.</li> </ul>
<b>7.</b>	<b>Opportunity for interested parties to comment on other aspects of the dDCO and raise any matters not covered under previous items.</b>
<b>8.</b>	<b>Other matters</b>
<b>9.</b>	<b>Review of Actions</b>
<b>10.</b>	<b>Close</b>

## **Purpose of ISH**

The main purpose of ISH2 is to consider the drafting aspects of the dDCO. In particular the ExA will seek to:

- clarify matters raised relating to around how the dDCO is intended to work, what is to be consented, the extent of the powers and what requirements, provisions and agreements are proposed;
- identify any possible issues not covered by the dDCO as currently drafted; and
- establish or confirm the views of IPs as to the appropriateness, proportionality and efficacy of the provisions and requirements as currently drafted.

The decision to hold the hearing should not be taken to imply that we have reached any view at this stage of the Examination as to whether or not the Order should be granted. Discussion at the hearing will therefore be held without prejudice to the ExA's final recommendation about whether or not the dDCO should be made.

The details set out above are indicative and the ExA may find it necessary to include additional Agenda items or to amend the order in which the items are dealt with.

## **Notes**

The ExA received the Applicants Change notification on 3 January 2024. This, and the ExAs response to it have been published on the [project webpage](#). At the time of the issue of this Agenda, the Change Request itself had not been received.

## **Attendees**

The ExA would find it helpful if the following parties could attend this Hearing.

- West Burton Solar Project (the Applicant)
- Lincolnshire County Council
- Nottinghamshire County Council
- West Lindsey District Council
- Network Rail
- EDF Energy (Thermal Generation)
- Marine Management Organisation
- The Canal & River Trust

However, this does not indicate that other parties will not be able to contribute. All Interested Parties (IP) are invited to attend and make oral representations on the matters set out in the Agenda, subject to the ExA's ability to control the Hearing.

The ExA has sought to provide sufficient detail to assist the parties to prepare for the Hearing. The details set out above are indicative and the ExA may find it necessary to include additional Agenda items or to amend the order in which the items are dealt with.

Anyone wishing to attend the Hearing in person, who has not already advised the Case Team of this, should do so as soon as possible.

Please refer to the [Notification of Hearings and Request for Information](#) letter of 19 December 2023 for information on submitting requests to attend the Hearing, which should be received no later than **Thursday 18 January 2024** via the project mailbox: [westburtonsolarproject@planninginspectorate.gov.uk](mailto:westburtonsolarproject@planninginspectorate.gov.uk) .

The event will be livestreamed and a link for watching the livestream will be posted on the [project page](#) of the National Infrastructure Planning website closer to the Hearing date. IPs and members of the public who wish to observe the Hearing can therefore view and listen to the Hearing using the livestream, or view and listen to the recording, after it has concluded.

### **Registration Process**

Parties who have registered to speak (both in person and virtually) will receive a Joining Instruction email shortly before the Hearing which will include a link to the virtual event on Microsoft Teams, and a telephone number should they need to participate by telephone. To enable the Hearing to start on time at 10.00 those attending virtually should join promptly at 09.30 to ensure that all virtual attendees can complete the Registration Process in good time.

### **Procedure at ISH**

Guidance under the Planning Act 2008 and the Infrastructure Planning (Examination Procedure) Rules 2010 provides that it is for the ExA to probe, test and assess the evidence through direct questions of persons making oral representations at Hearings. Questioning at the Hearing will be led by the ExA. Cross questioning of a person giving evidence by another person will only be permitted if the ExA decides it is necessary to ensure representations are adequately tested or that an IP has had a fair chance to put its case.