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FULL TRANSCRIPT (with timecode)

00:00:09:17 - 00:00:15:11

Okay. Good morning everyone. The time is now 10:00 and this hearing is open.

00:00:18:04 - 00:00:26:07

Please get a member of the case team confirmed that I can be heard. And that live streaming of the recording has started.

00:00:43:09 - 00:00:48:18

Which is waiting for live streaming. Recording and. Good. Okay.

00:00:50:24 - 00:00:53:01

And I confirm that everyone else can hear me clearly.

00:00:55:23 - 00:01:27:25

I'd like to welcome you all to this issue. Specific hearing relating to the application made by West Burton Solar Project Limited for an order granting development consent for the proposed West Burton Solar project. My name is Jonathan Medlin, and I'm a member of the Panel of Examining Inspectors appointed by the Secretary of State to examine the application. You'll notice that Doctor Andrea McGinn, the lead panel member, is unavailable today and will also be unavailable tomorrow for issue for due to unforeseen circumstances.

00:01:29:07 - 00:02:05:11

Together, we are referred to as the examining authority. Our role is to examine the application and, on conclusion of the examination, to write a report to the Secretary of State for Energy Security and net zero, for the recommendation on whether the Development Consent Order should be made. Secretary of state is responsible for the final decision as a panel of two or more. There's obviously a division of labor covering aspects of the project, and that's extremely useful as it enables the examining authority to continue with hearings in unforeseen circumstances and does allow us to continue to make progress.

00:02:05:18 - 00:02:40:21

However, it would not be possible to make all of the progress that had been planned and set out on the published agenda today and tomorrow. The examining authority has taken the decision to proceed with the hearings in issue specific hearing three today, covering a number of items on the agenda that's general and cross topic, need, electricity, etc., soil, agriculture, etc. so you'll note that landscape visual impact section of the agenda will not be covered in detail today.

00:02:41:00 - 00:03:01:01

Tomorrow at issue for the following items will be covered. Transport. Socioeconomic. That means that cultural heritage and cumulative impacts. Inasmuch as cumulative impacts as a standalone item on the agenda, they will um, these items will be taken at a later date.

00:03:03:22 - 00:03:41:29

That means that those items will need to be revisited, and therefore attendees may wish to, um, move things around. If if necessary, the examining authority will make a decision and inform participants on how and when these matters. Will be progressed in due course. There are a number of options available to the examining authority. For example, examining through written questions or adding to reserved hearing dates which have been advised in the recent rule 8 to 3 letter and also to hold virtual hearings if necessary.

00:03:43:06 - 00:03:57:10

The examining authority also has the ability to issue a rule 17 request for additional information, should it require a rule 17 request as a specific request for further information to a specific party.

00:03:58:28 - 00:03:59:16

Slow.

00:04:01:13 - 00:04:34:29

Turning first before moving on to the agenda. As Broderick, the substantive discussion around landscape visual impact would not take place today. Um, we will be revisiting at a later date which the examining authority will notify of. I note that your individual experts may wish to provide. Some comments via way of update, and I'm happy to hear these and allow some comments, but we will not be getting into the the detailed questioning today. At this hearing we will use the options outlined above to move on.

00:04:35:01 - 00:04:37:25

Is there anything you'd like to say at this point?

00:04:39:05 - 00:05:25:21

Uh. Good morning. Claire Broderick, legal director at Pinsent Masons LLP, solicitors for the applicant West Burton Solar Project Limited. Um, just to reiterate what I mentioned to the case officer, which he'd said, they're obviously the applicants landscape team are here today, as are the local authorities. There have been quite a number of discussions that have taken place between, um, the relevant experts. Um, since the first issue specific hearing in terms of trying to narrow the issues, um, that are not agreed and therefore I think it would be of assistance to the examination for both the applicant and, um, the local authority to be able to give an update as to where we think we are, um, at the moment.

00:05:25:23 - 00:06:08:04

And, and what work is ongoing, particularly as that may well inform any further written questions that the examining authority may wish to ask or further information, um, that that may be required. So we would very much appreciate the opportunity to give that update. And I would have thought that Lincolnshire County Council would also like to do so. Um, we could also answer any questions, um, that Lincolnshire County Council or any other interested party might have on that topic, um, as they

are available, um, as the applicants team is available here today, um, which may well again move matters on and prevent the need for further written questions.

00:06:08:06 - 00:06:31:13

So we would, you know, be open to taking questions via yourself. Um, that may or may be, um, um, other interested parties may wish to ask, um, I wonder whether Lincolnshire County Council's um, representative is happy with that, with that approach, just to make the best use of the time, I think there is some merit in having update discussion on the topic.

00:06:31:15 - 00:07:03:00

Thank you. Um, yes. The the. There is a real aim and desire to make progress. So I think as I outlined and I'll invite Mr. McBride to come into as applicable. Happy to hear the updates, but it will not replace or, um, supplant any further questions or examination around that topic that may be needed either through a hearing or written questions at a later date.

00:07:03:02 - 00:07:05:16

So, um, Lincolnshire County can.

00:07:07:12 - 00:07:44:15

Like Monica Stephanie Hall, Lincolnshire County Council. So I think probably from this side of the room, we just appreciate. Um, perhaps if you could give us your list of things. Um, topic areas, because we as a team didn't quite catch everything that you suggesting might be postponed and just want to seek some further clarification. So if you're able to give it as to what what the proposal is to deal with the topic, areas that are proposed not to be covered today. And so obviously very happy if you if there is to be some sort of middle ground whereby we address them in parts but not in full, and I just think we need to understand probably what the proposal is.

00:07:44:25 - 00:08:25:06

Um, as to whether obviously if you're um, so, uh, examining, uh, inspector was primarily dealing with landscape, for example, and she's not here. There may be limited merit in, in covering things that may need to be covered again when, when she's available. Um, probably just help us to have a little bit more clarity around that. If that's if that's if we can ask you for that, we are very flexible. As Ms.. Broderick says, um, our landscape consultant is here. Obviously we've attended in order to try and cover those items, but if there's no point in doing so, for want of a better phrase, because, um, the part of the expert who was dealing with us is not available, then there may be limited merit in doing that.

00:08:27:13 - 00:08:37:10

Thank you. Okay. Um, just to reconfirm. Turning to the agenda. The proposal. Would be.

00:08:40:26 - 00:08:56:17

Item three remains. Item four remains so. Item three general interest. Topic item four need electricity generated. Climate change, safety and major incidents remains. Item five landscape and visual.

00:08:58:10 - 00:09:00:23

I will hear general updates.

00:09:02:16 - 00:09:33:13

But the matters will not be covered in detail. Item six remains an item 789. Are unaffected today. Therefore, the. It's item five that will be essentially removed from the agenda and examined at a later date. I don't have tomorrow's agenda with me. Um, but it would be cultural heritage as an historic environment and cumulative impacts.

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

Okay. Thank you. Really appreciate that clarity. So thank you. It's it's helpful for us in terms of staffing the examination tomorrow. Um, because obviously if cultural heritage is not to be examined, then we have our archaeologists doesn't need to attend. And we can let her know that today. And that's that's appreciated. Um, so thank you. In terms of, um, having a general update on landscape, we're obviously happy with that as long as it doesn't, um, result in a sort of lesser examination, that's another time. And if it is to result in another hearing at another time, we'd obviously appreciate and knowledge of where that might be.

00:10:10:10 - 00:10:25:24

Um, for sure that you can't give that today. So but obviously just, um, we wouldn't want it to be, um, relegated to written representations only if it was thought at one point that it needed to be examined aurally. That remains the case as far as we're concerned.

00:10:29:02 - 00:10:56:24

So yes, what we hear today will be a general update to see if things can move on ahead of the second written questions, but it will not be the detailed examination that had otherwise been planned. Um, I'll give some consideration to moving the agenda around once we've progressed through hearing any comments on these changes. Um.

00:10:58:12 - 00:11:36:08

Clap, clap. And I'm just to say, in relation to the hearing tomorrow on cultural heritage, we would be grateful for the opportunity to give a general update on the status of matters at the hearing tomorrow as well, particularly for cultural heritage. There's quite a fair amount of points, um, or progress that needs to be made during, um, the remainder of the examination. Um, and suggestions of having the hearings towards the very end of the examination on those topic matters, I don't think would be, um, particularly helpful in terms of bottoming out, um, what the issues are that are in dispute.

00:11:36:10 - 00:12:20:24

So we would like the opportunity to give an update tomorrow. Obviously, Lincolnshire County Council can decide whether they wish to have their experts here to hear that update and give an update from from their perspective. But I do think it's important for you to have an update on, um, the status of matters, particularly for cultural heritage. Um, and if we are going to need a another hearing in respect of cultural heritage, then the applicant's position was that that needs to take place as soon as possible. Um, and leaving it until the end of April, um, when the um change application hearings are proposed to or indicative proposed to take place would be too late in the process to to make that use of time meaningful.

00:12:20:26 - 00:12:43:09

Um, obviously, as you're aware, you don't there's no need for those hearings to be in person if they're technical topic discussions and there is no requirement to give, um, the full 21 days notice for an issue specific hearing. Um, so our view is that that could be accommodated as soon as, um, there is availability, um, on the examining authority's side.

00:12:43:11 - 00:13:20:19

Thank you. Miss Broderick. Okay. That's noted. What I will do is. Take away those considerations and during a break. Um. Take some advice and come back and let you know so that the right people can be informed as early as possible as to how tomorrow may play out. Um, okay. 7000 acres. Understand that a request that energy and or no or landscape matters be covered on eighth of was made and it couldn't be accommodated.

00:13:21:12 - 00:13:54:04

Um, and here we are on the 7th of February, and now the landscape matters will be heard in in part as an update, but not in detail is appreciated that you may have taken steps to adhere to the the published timetable today and gearing up for landscape to be examined. However, it might also be that, um, the pushing back of the examination to landscape and visual impacts may be welcomed.

00:13:56:08 - 00:14:01:20

Is there anything you'd. Like to say at this point you don't need to, obviously.

00:14:03:20 - 00:14:08:16

Patriarch Grady 7000 acres and filling and parish meeting. No. No comments at this stage.

00:14:09:00 - 00:14:36:09

Thank you. There is. In terms of tomorrow, I do understand, or under the impression that a representative of Historic England may have been attending, either in person or online. So in giving consideration to how tomorrow's cultural heritage item will be taken, it may be necessary to get a member of the case team to attempt to message them. Okay.

00:14:37:29 - 00:14:38:20

So we did.

00:14:39:00 - 00:14:51:17

Probably give consideration to merging items from issue specific hearing three and four in an attempt to make more headway today, but they are separate hearings and have been advertised as such. Therefore, they will be kept separate.

00:14:54:12 - 00:15:04:04

Has anybody got any further comments or need further clarification on those changes? Uh, if you could introduce yourself.

00:15:05:14 - 00:15:27:08

Uh, yeah. Russell Claussen from Western District Council. Thank you for clarifying that, sir. Just only any query, really as to whether a republished agendas will be uploaded and people notified accordingly. I'm just conscious of all those people outside of this room who, you know, won't

necessarily get that message. So just whether the agenda will be revised and published accordingly. Thank you sir.

00:15:27:10 - 00:15:54:26

Yes. So following the the hearings, um, we will review exactly where we are and give the required, at least the required length of notice of notification of any hearings, as well as publishing agendas, um, at least one week prior to those hearings. But the notification of those additional hearing dates, if they are required, will be made, um, well in advance. But.

00:16:02:19 - 00:16:35:24

Okay, moving back to the agenda and the introductions, a case team works alongside us throughout the process and they are managed by Louise Haraway. Although we have Simon Redwood here with us today and others in the background for your main counter, including Rebecca Evans. I'll now run through some of the housekeeping matters for those attending in person. Can everyone please turn off all phones, devices, etc. to silent? There are toilets outside of this room and diagonally across the.

00:16:37:10 - 00:16:50:27

Annex. Um, there are no planned fire tests today, but in the event of a fire alarm sounding, the emergency exits are again out of the door here and to the left, down some stairs.

00:16:52:26 - 00:17:17:15

The purpose of the hearings day is considered various environmental matters. It would generally follow the agenda published on, uh, Wednesday 29th of January, but subject to the alteration outlined earlier. In terms of timings, we always take a mid-morning break at around 1130 and a longer break for lunch at as close to 1 p.m. as is possible. We also have a mid afternoon break.

00:17:19:05 - 00:17:23:03

We intend that the hearings should not go on past 5 p.m. this afternoon.

00:17:25:21 - 00:17:40:15

If it. Seemed likely that it needed to go beyond 5 p.m., we would have a conversation about whether or not we can be flexible with this guide. Time. The hearing is a blended event, which means some of you are attending in this room, and some are taking part via Microsoft teams.

00:17:42:07 - 00:18:13:24

We will make sure that you are all given a fair opportunity to participate in whichever way you decide to attend. If you are watching the live stream, then please be aware that it will be stopped and during any adjournments. You therefore need to refresh your browser at the stated time. Once the hearing restarts, a recording of today's hearing will be made available on the West Burton Solar Project section of the National Infrastructure Planning website. That will be uploaded as soon as practicable after the hearing is finished.

00:18:14:06 - 00:18:41:10

So with that in mind, please ensure that you speak clearly into the microphone stating your name and who you are representing each time before you speak. I believe there's a roving microphone available for anyone in the room who wish to speak, but doesn't have a microphone in front of them, or isn't

seated to the table with microphones. For those of you joining virtually who wish to speak, please use the raise hand function. We will ensure that you have the opportunity to contribute.

00:18:43:19 - 00:19:03:12

A link to the planning inspector at privacy notice was provided in the notification of the hearing. We are assuming that everybody has read. But it sets out how personal data of our customers is handled in accordance with the principles set out in data protection legislation. Please speak to a member of the case team if you have any queries about that.

00:19:05:07 - 00:19:16:21

Moving on to item two. The purpose of the hearing. To address matters identified by the examining authority in our reading of the application documents and the submissions made to date.

00:19:18:20 - 00:19:52:09

During the hearing is H3 today and H4 tomorrow, we will be addressing a range of environmental matters, starting with general and cross topic matters. Moving on to look at need, electricity generated, climate change, safety and major incidents. As mentioned, consideration of landscape and visual matters will be taken at a later date, subject to that proviso that there will be updates provided for the benefit of the examining authority, um, to progress on issues around questioning at a later date.

00:19:54:03 - 00:20:16:08

And. There will be a look at matters relating to agriculture, biodiversity, ecology and water environment. During the hearing, the experts will invite parties to speak and will also ask questions as we go through the agenda. As a general principle, all comments, questions and answers are to be directed to the experts, not directly to other parties.

00:20:18:12 - 00:20:52:24

Just a word about issue specific hearings. The purpose isn't to open discussion on all matters under a particular topic. Rather, it is to allow discussion on matters that the Xa feels will benefit from oral representations, and doesn't mean that written representations aren't equally as important in terms of consideration that will be given to them in the recommendation. We are aware that it isn't always possible for interested parties to attend a particular session in these circumstances. It's possible to watch the recording of the live stream and make comments on discussion points in writing.

00:20:52:26 - 00:21:17:21

And that's the the fundamental point about this blended process. We welcome those written comments such as, uh, comments on what may have been said today by deadline for 28th of February. And emphasize the fact that just because a particular matter isn't discussed or a particular point made in a hearing, that doesn't mean that it will not be given its full consideration.

00:21:19:15 - 00:21:53:22

But the deadline. The various deadlines allow for written comments on what has been said. So now I'd like to introduce some of the other parties in the room. Please remember to unmute your microphone when you speak. If you are joining via Microsoft teams, please switch on your camera when we invite you to speak if you're comfortable doing so, but please do switch them off again when we move to the next speaker. As I said, a roving mic is available for anyone in the room that we invite to speak, but

who doesn't have a static microphone in front of them? It is really important that those comments are made into a microphone.

00:21:54:21 - 00:22:27:12

So that captured for the formal record. So when I state your organization's name, could you introduce yourself, state your name and who you represent, you know, need to introduce all members of the team at this stage, but those who you feel may be speaking. If you're not representing an organization, please just introduce yourself and say the nature of your interest. Please could you also state how you wish to be addressed? Mr. and Mrs., etc.. Okay, start the introductions with the applicant and their advisors, please.

00:22:27:14 - 00:22:31:14

So there's Broderick who is leading for the applicant today.

00:22:34:02 - 00:23:00:27

Collaborate with the applicant. Um, yes. I'll be leading for the applicant today. I'm joined by a number of different members of the applicants team covering various different, um, topics. Um, I have the, um, relevant, um, persons for the first, um, agenda items at the table, so if it would be helpful, they can introduce themselves um, now. So I'll let them each introduce themselves. Thank you.

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

Yeah. Uh, Daniel Clamping, uh, Bureau Veritas UK, climate change consultant for the applicant.

00:23:11:18 - 00:23:18:18

I think it's that Mr. Clamp. Clamping. Clamping, clamping. Is it? Mr.. Mr.. Clamp. Sorry. Yeah.

00:23:22:22 - 00:23:29:14

Paul Gregory, RBS, TNT Consultancy Services for best safety for the applicant, Mr. Gregory.

00:23:31:25 - 00:23:47:24

I'm also joined by Eve Browning, senior project development manager for Island Green Power and joining virtually, we have Mr. Gillet, who may be able to just introduce himself so we can check that he's he's there virtually as well. Thank you.

00:23:49:01 - 00:23:59:15

I thank you very much. Good morning everyone. Um, cigarettes? Um, for the applicant on matters of energy need, um, and I can be addressed as Mr. Gillette. Thank you.

00:24:00:12 - 00:24:01:09

Thank you, Mr. Gillet.

00:24:10:03 - 00:24:24:26

Thank you. Okay. Moving on to the organizations and individuals that have given notice of their intention to speak, starting with local authorities, Lincolnshire County Council. Um, same to you. Please give your name and role.

00:24:26:05 - 00:24:46:07

Uh, good morning, sir. Miss Stephanie Hall, Hall and Council, instructed by Miss Martha Wreath of Lincolnshire Legal Services, who sits to my immediate left. To my immediate right is Mr. Oliver Brown, our landscape consultant. And his immediate right. And Mr. Neil McBride is head of planning at Lancashire County Council.

00:24:48:19 - 00:24:54:03

Thank you. Uh, West Lindsey District Council again. Name and roll.

00:24:55:21 - 00:24:56:11

Uh, good.

00:24:56:13 - 00:25:21:02

Morning, sir. Russell Clarkson, develop management team manager at West Lindsey. Uh, to my left is Mr. Alex Blake, associate director at Atkins Wireless. And to my right is Martha Reese, senior lawyer, uh, link services. Uh, and online, we have Mr. Tim Carter, associate director for environment at Atkins Wireless. Thank you sir.

00:25:22:15 - 00:25:23:03

Thank you.

00:25:24:23 - 00:25:40:29

Okay, I can see, Mr. Carlton, I need to, um, confirm with the camera at the moment. Thank you. Okay. Um, Nottinghamshire County Council, I believe, are joining us today via teams. Mr. Poynter, are you there?

00:25:42:09 - 00:25:52:22

Thank you, sir. Uh, Steven Pointer, team manager planning policy at Nottinghamshire County Council, and can be addressed by Mr. Pointer. Thank you sir.

00:25:53:14 - 00:25:54:02

Thank you.

00:25:56:27 - 00:26:01:28

Any other local authorities or statutory parties present today.

00:26:03:17 - 00:26:16:10

No. Okay. Other interested parties that have requested to speak, starting with 7000 acres, Mr. Skelton. Would you be able to introduce yourself and.

00:26:19:21 - 00:26:29:13

Morning, sir. Yeah, I'm Sam Skelton, local resident. Um, these two gentlemen are from a thousand acres, so. Okay, so just here is my.

00:26:29:15 - 00:26:36:22

You're here individually. Okay. Let's go. Okay. Apologies. And 7000 acres, therefore. Uh, good morning, sir.

00:26:36:24 - 00:26:42:21

Um, Mark Pryor, 7000 acres. And happy to be addressed as Mr. Pryor.

00:26:48:27 - 00:26:58:18

Peter O'Grady, 7000 acres. Also filling in parish meeting. But I'm speaking on behalf of 7000 acres today. And I can be addressed as Mr. O'Grady.

00:27:05:21 - 00:27:06:06

Thank you.

00:27:08:23 - 00:27:12:20

Is. Christine Warren.

00:27:14:23 - 00:27:15:14

Mrs. Warren.

00:27:17:12 - 00:27:21:20

Um, Christine Moran underneath the cooling towers of West Burton Power Station.

00:27:22:14 - 00:27:27:18

Thank you, Mrs. Warren. Are you comfortable sitting where you are? Would you like to join?

00:27:27:27 - 00:27:28:24

I'm fine, I'm fine.

00:27:29:07 - 00:27:30:10

Okay. Thank you.

00:27:35:18 - 00:27:39:06

Is there anyone else in the room today who wishes to speak?

00:27:41:26 - 00:27:48:04

Are there any other virtual attendees who wish to speak to those joining via Microsoft teams?

00:27:56:01 - 00:28:30:06

No. Okay. Apologies have been received from the Environment Agency, who has have made a submission in advance of today's hearing. That's all the introductions for now. If anybody else decides that they do wish to speak during the course of this morning's or this afternoon's proceedings to make comments in response to representations made by other parties, you may do so. Please let us know by raising your hand, either physically or using the function within Microsoft Teams. Each time you speak, please give your name and any organization that you are representing, so it's picked up for the formal record.

00:28:30:08 - 00:28:38:02

Thank you. We'd also like to request that those speaking today provide a written summary of their comments by deadline for 28th of February.

00:28:40:00 - 00:28:48:13

Are there any before moving on to substantive items on the agenda? Are there any other questions on the arrangements for this meeting?

00:28:57:27 - 00:29:26:21

No. Okay. So moving on to item three which is general and cross topic issues. Um these are split out into A, B and C starting with item A implications of revisions to the National plan. National policy statement for the assessment of the project. Start with the implications of the revisions of the NPS, which were designated on 17th of January, 2024.

00:29:28:19 - 00:29:43:21

Obviously, something that January 24th was after the current scheme was accepted for examination, with a suite of energy NPS only having effect in relation to those applications for development consent accepted for examination after the designation of those amendments.

00:29:45:06 - 00:30:29:12

Nonetheless an emerging draft MPs, all those designated but not yet having effect, are potentially capable of being important and relevant considerations in the decision making process. The extent to which they are relevant is a matter for the relevant Secretary of State to consider, within the framework of the Planning Act 2008, noting provisions in section 105 and with regard to specific circumstances of each development consent order application. So, the applicant has set out in its planning statement that the 2024 energy NPA should be given significant weight in the planning balance and when applying the consideration of matters which are important and relevant pursuant to section 1.5 for three main reasons.

00:30:30:05 - 00:31:06:13

Um, and they set these out in the planning statement that the NPF sets out policy for energy in SIPs that reflect the government's current energy strategy and energy policies, that they set out a policy context that is directly relevant to solar and SIPs such as the scheme. And finally, the applicant refers to transitional arrangements set out in N1. On that final point about transitional arrangements, I'm not sure why. The final point in itself should indicate that the NPS should be given significant weight in this case.

00:31:07:00 - 00:31:09:25

Could the applicant expand on.

00:31:11:29 - 00:31:12:25

Why?

00:31:15:03 - 00:31:25:18

Transitional arrangements. Why it feels that transitional arrangements set out in in one. Suggest that significant weight should be given to the NPS.

00:31:33:06 - 00:31:42:00

Uh, Claire, what if the applicant. Would you be able to tell me the paragraph and the planning statement that you're referring to just so I can make sure I'm all right, please, I will.

00:31:43:02 - 00:32:07:01

However, I will take some time. So if I rephrase the question and maybe put in, um, a reference to the applicant's answer to written questions. 1.1.3 the applicant refers to the 2024 NPS carrying considerable weight. So one of the questions really is this.

00:32:08:24 - 00:32:10:11

Difference in terminology.

00:32:12:10 - 00:32:42:17

Whilst I call up the planning statement. So if you if you could address. Really differences in terminology between considerable weight and significant weight, and outline the level of weight and the reasons. Why the applicant considers that there is a significant weight in the planning balance. And I may then, um, call it the planning statement, give you the paragraph which you don't have to hand, or I may put that into a written question.

00:32:44:10 - 00:33:18:07

A CloudWatch for the applicant. I have managed to find, um, the paragraph um, whilst you were, um, kindly rephrasing or expanding on the points. That was um, paragraph 5.4. 16 of um, the updated, uh, planning statement. I think the point we were trying to capture there is that obviously when we updated the planning statement that was prior to the designation of the NPS. So at that point, um, whilst they were published, um, NPS, they hadn't yet been formally designated.

00:33:18:09 - 00:33:50:03

So their status at that point in time obviously was marginally less weight to be given to them than the formal designated, uh, versions, as we have now, because there was at that point, the possibility that Parliament, um, could have raised some questions on the documents or required some amendments. So I think we were trying to capture that the the weight may change. Um, should they be designated by the time the Secretary of state, um, makes the decision.

00:33:50:05 - 00:34:25:06

But obviously that um, has been confirmed now. So they, the policies themselves are designated. Um, we would therefore say they have more weight than they did when they were in only a draft form. Um, when the Secretary of state is, um, considering, um, the extent to which they are relevant for this particular scheme, um, however, it's the two primary, the first two points that are the reasons why the applicant considers that they should be given significant weight in respect of this scheme because they are specifically relating to this type of development, which is solar.

00:34:25:28 - 00:34:57:09

Um. Development, and they do set out the government's, um, current policy and ambitions for renewable energy, which includes solar and obviously the previous MPs, which are important and relevant. Still, under the transitional provisions, um noted in section 1.6 of N1, um do not specifically refer to solar, and therefore we would argue that the newly designated ones would be given more weight. Thank you.

00:34:57:27 - 00:34:59:14

Thank you for that clarification. So.

00:35:01:26 - 00:35:30:09

If the answer to written question 1.1.3 was being. Responded to now post designation. Presumably that terminology would. Alter to reflect. Uh, which which has the greatest level of weight? Considerable or significant. But presumably it would now read as significant weight because of the designation on January.

00:35:31:13 - 00:36:02:10

Uh, for the applicant. Yes. That's correct. Obviously, there are the transitional provisions in, in one cover, um, different types of developments. So, um, those transitional arrangements deal with DCO applications that were dealt with under section 104 that was submitted prior to the designation of the new energy NPS. And it also applies to um applications such as this scheme that were to be determined under section 105 and under section 105.

00:36:02:24 - 00:36:28:17

Um. The Secretary of State is required to take into account important and relevant matters, and that, we argue, includes the designated um NPS as it is, is slightly more important for those applications that are being considered under section 104, because they are to be determined under the previous 2011 version. But that's not the situation we have with this scheme, because it's remains under a section 105 decision.

00:36:29:00 - 00:36:58:23

Thank you. Thank you for that clarification. I note that other parties do not necessarily agree with the applicant's assessment of weight. Um, Lincolnshire County Council response to written question 1.1.1, for example, sets out that some weight should be attributed due to it being a draft NPS at that point. Does anybody want to comment on that point from interested parties?

00:37:07:00 - 00:37:34:18

No bride. Lancashire County Council. Um, again, I think, um, in our, um, response to the examiner authority's questions, we indicated that, uh, um, it would carry some weight. Um, I think that, uh, you know, things have moved on and, uh, you know, that amount of weight is has increased since, um, the official designations last month.

00:37:38:13 - 00:37:39:07

Okay. Thank you.

00:37:41:14 - 00:37:43:05

That's helpful. Okay.

00:37:44:25 - 00:38:20:07

Did any other. IPS wish to comment on the point about weight. No. Okay. Turning then more specifically to. References in one um section 4.2, relating to critical national priority for low carbon infrastructure. Interested parties have commented that there appears to be no particular emphasis within the NPS on any one technology over another, even though it's a matter of fact that not all technologies are able to contribute to decarbonization in equal measure.

00:38:22:09 - 00:38:23:24

Noting that the paragraph.

00:38:25:09 - 00:38:47:26

4.2.5 sets out. The government has concluded that there is a critical national priority at CNP for the provision of significant of nationally significant low carbon infrastructure. How would the applicant respond to the. Um, these comments, which I have. Summarized.

00:38:50:08 - 00:38:57:29

Uh, for the applicant. Um. The comments that have been raised are.

00:39:00:09 - 00:39:40:02

Primarily that they don't agree with the policy, rather than that the policy is not applicable to the scheme. And so the applicant's position is that, um, the wording on critical national priority in the designated um. Ms. N1 does apply to the scheme because the scheme does meet the definition of low carbon infrastructure in section 4.2.5, and therefore the policies associated with critical national priority infrastructure should be taken into account as an important, relevant matter when considering the scheme and and the planning balance.

00:39:40:07 - 00:39:54:00

Um. I don't believe that the applicant wishes to comment further on on any of the comments that have been made about why or why not. They don't agree with the actual policy itself, but the policy is clear and the scheme meets that criteria. Thank you.

00:39:56:27 - 00:39:59:05

Thank you. Okay.

00:40:02:27 - 00:40:21:04

So the the a number of interested parties also suggested that in three. Now provides an example of a typical solar scheme being 50MW and not significantly larger. Is there anything that the applicant.

00:40:22:27 - 00:40:25:29

We'd like to say to address that comment.

00:40:29:24 - 00:41:13:17

At Clare project for the applicant. Um. The national policy statements obviously apply to nationally significant infrastructure projects. That's their primary purpose, albeit that they can be considered as important and relevant for other types of development. The threshold for a generating station, um, to

be a nationally significant infrastructure project is the generating station with a capacity of, um, 50MW or more. Um, therefore, our reading of um, paragraph two point 10.17 is, um, that it is providing an example of what a nationally significant infrastructure project that meets the threshold for being an end.

00:41:13:19 - 00:41:54:10

CIP would generally, um, consist of in terms of land. Take it then does go on to say that this will significantly, um, vary depending on the site, with some being larger and some being smaller. Um, there is nothing in in three, um, to suggest that only, um, solar projects of 50MW are supported by the policy. Um, and obviously paragraph two point 10.10, um refers to a five fold increase, um, in solar deployment, which consists of both ground and rooftop solar, and that is 70GW by 2035.

00:41:54:18 - 00:42:17:21

Um, and then goes on to refer to powering up Britain, which um, C sets out the government's, um, desire for large scale ground mounted solar deployment. Um, so there's nothing in in three that says the policy only supports schemes of a size of 50MW. It was merely providing an example for a project that meets the threshold for being an end. Sep. Thank you.

00:42:21:18 - 00:42:22:17

Okay. Thank you.

00:42:26:01 - 00:42:32:23

Did any IPP wish to comment on what they've just had their.

00:42:36:00 - 00:43:07:20

Yeah, please. Uh, Peter O'Grady, 7000 acres. Uh, a couple of opportunities, if that's okay. I guess the first one is this idea of critical national priority. Um. I'm not sure if you are aware of the the kind of background and development of the terminology that first came out in the draft in March last year. Critical national priority was identified as offshore wind and the infrastructure to support the development of offshore wind.

00:43:08:14 - 00:43:48:10

Uh, the rationale for that was absolutely explicit. Offshore wind will be 70% of the UK's electricity generation. And all the, um, reports that came out last year from Climate Change Committee, from the National Audit Office and the Bays Committee, all identified that the primary, uh, objective, uh, an area that we were behind on was, was offshore wind. Uh, in the in the latter draft, um, of the uh, NPS, uh, critical national priority was broadened to any low carbon generation.

00:43:49:14 - 00:44:30:15

Uh, and by doing so, that includes solar. Uh, that includes, uh, geothermal and all sorts of other things. Uh, in reality, uh, the Secretary of state is also directed to consider the contribution that the, uh, the development would produce. Um, so the fact that critical national priority is being watered down means that in, in reality, it's meaningless because it's any form of generation. Um, but in the paragraphs afterwards, within the NPS, it's quite clear that the contribution that the scheme would make is a material consideration in the decision making.

00:44:30:18 - 00:45:10:06

So I think that's something that that needs to be explicitly drawn out. Uh, because clearly there's a, an order of magnitude scale of difference between what solar farm will develop and what a wind farm will develop. Uh, wind will, as I say, be 70% of the UK's power. Uh, solar will be, uh, at best, around seven. Um, so that's the the the kind of comment, if you like, on on critical national priority. In terms of the comment that you're asking there for about scale and the comment in the in the NPS, which gives and the wording is very explicit.

00:45:10:08 - 00:45:46:24

It says a typical solar farm. Um, it does not give uh, it is not worded to suggest it is an example of the minimum threshold size as has been described by the applicant. Um, it is explicitly described as a typical solar farm. Uh, is 50MW. Uh, and clearly that that scale may vary as has been described. Uh, but we are talking about, uh, a development which is uh, ten times in terms of the rating and probably more than that by the time the applicant is considered over planting.

00:45:47:07 - 00:46:20:05

Uh, which I know is another another feature that, uh, Island Green Power have considered. Uh, so, you know, a 500 scheme might be over planted to sort of 700MW. So the scale of what's being proposed is, is massively, massively different to what is in the NPS. Now, clearly the NPS is um, it does not include a ceiling in terms of what the, uh, what the upper capacity should be. Um, but it's, uh, it does give an indication of what is typical.

00:46:20:18 - 00:46:22:06

So those are the comments from me, sir.

00:46:23:27 - 00:46:55:22

Thank you. Yes, sir. I am familiar, obviously, with the evolution of national policy and. With those comments that you've just set up there, which I've, I believe will echo or do echo what I've read from 7000 acres in written submissions to written questions. So I will briefly invite anything that the applicant would like to respond to on that before. Before moving on to a couple of other questions from me.

00:46:57:11 - 00:46:59:04

Uh, collaborated with the applicant. Um.

00:47:01:21 - 00:47:35:09

As I said, the. The policy is clear, and it's quite that the government considers all forms of onshore and offshore generation and that of renewable generation to be critical, national priority. So it's clear that they now the position is now that all forms are considered to be critical. And that includes solar. One of the points I would just clarify is that Mr. O'Grady is incorrect. Um, paragraph 2.1. 17 of Ian three does not say a typical solar farm.

00:47:35:11 - 00:48:13:03

It says a typical 50 megawatt solar farm will consist of around 100,000 to 150,000 panels and cover between 100 and 205 to 200 acres. Um, so it is not correct to say that it refers to a typical solar farm generally. Um, so I just wanted to make that clarification. We dealt with over planting in quite

considerable detail at issue specific hearing one, and the applicant was not intending to repeat any of the submissions it made on offer. Planting um, and would refer to the written summary that we produced of, um, that oral submission.

00:48:13:08 - 00:48:22:25

Um. Which you can find, which is rep 1-052. So we won't make any further submissions on that point. Thank you.

00:48:22:27 - 00:48:38:06

Thank you. Yes. That's, um. It was substantially addressed at issue one. And we do have the written submissions which followed on from that. Okay. I'm going to.

00:48:41:12 - 00:48:50:04

Just move on again within. Um. In one paragraph, 4.2.3, which sets out that.

00:48:51:22 - 00:49:33:08

And this is a quote from that paragraph. With smart and strategic planning, the UK can maintain high environmental standards and minimise impacts, while increasing the levels of deployment at the scale and pace needed to meet our energy security and net zero ambitions in terms of minimising impacts. It's been suggested by West Lindsey District Council that the dispersed, formal, dispersed nature of West Burton project means that it's not a single coherent project, and in that sense it contrasts with others such as Gate Burton, where the land take is over a more concentrated area.

00:49:35:01 - 00:49:51:05

Now the applicant has responded to the general point in, um, to that to West Lindsey District Council's written rep setting out the approach to site selection and the fact that there is no guarantee that a single site of the same scale would result in fewer impacts of the scheme.

00:49:53:23 - 00:50:25:21

My question really now, does the applicant consider that there would be any conflict with the NPS in this regard? So the the dispersed nature of a number of schemes, of one scheme dispersed over a wider area, rather than a scheme which is maybe more coherent and more collective in an impacting on a more discreet or in individual location.

00:50:32:14 - 00:51:05:28

And clear project for the applicant. The applicants position is that we, um. Via the site selection process and consideration of design that's evolved over, um, the pre-application stage and continues through the DCO application and will continue further. Um, at the detailed design stage is that, um, we are minimising impacts of the scheme wherever practicable to do so. Um, and therefore um. We are complying both with paragraph 4.2.3, but also with all of the other um.

00:51:07:12 - 00:51:40:09

Policies that go on and obviously it it that that paragraph then precedes, um, the um, Secretary of state's um, determination that obviously it would only be on an exceptional basis where we're looking at, um, uh, critical national priority infrastructure that doesn't affect, um, has etc., is that it would um,

uh, the infrastructure would meet the test within the M.P.s. Um, unless, um, there were sort of exceptional reasons.

00:51:40:19 - 00:52:30:22

Um, why it wouldn't. Um, so I think that that that paragraph in itself has to be read in, in the context of the subsequent paragraphs, um, in terms of, um, determination of a critical national priority. Um. Projects. However, in terms of the specific point about whether a dispersed site has or a conjoined site would have fewer environmental impacts, that obviously that question obviously covers a wide variety of different environmental topic matters, particularly in relation to landscape, which is what I think West Lindsey District Council's comment was primarily referring to as the landscape and visual impacts of a dispersed site compared to a site that is more contained.

00:52:31:04 - 00:52:50:23

Um, we obviously have our landscape, um, expert available to provide some more detail on the reasonings why we consider that a dispersed site, um, does not result in a greater environmental impact or the benefits associated with the dispersed site, if that would be helpful. But I would need to get him to come to that table.

00:52:51:19 - 00:53:15:27

Okay. Thank you. Yeah. Yes. Um, I think what we'll do on this is that I'll just ask West Lindsey District Council for a clarification. And in considering that clarification about the point made about the dispersed nature of the scheme, how. How might a more compact scheme have less of an impact on the surrounding environment?

00:53:21:17 - 00:53:52:25

I'll explain on behalf of West Lindsey District Council. Um. Pretty wonderful topic that we'll deal with in detail at a future date. Um, but yeah, I think you summarize the case, um, as made by West Lindsey. It's a question of, um, you know, how you derive the benefits from a project with a smaller land. Take, um, appreciate that. Every scheme, uh, has different constraints, has different, uh, uh, impacts or constraints to, to grapple with in the design phase.

00:53:53:09 - 00:54:27:24

Um, however, we start here with, with three projects on a cumulative basis, where there are stark differences between all three in terms of their installed capacity versus, you know, the impact in terms of land take and the geographical area over which those impacts would be experienced, um, both directly on the landscape in terms of character and his characterizing influence and in terms of just people moving within a landscape, you know, you're traveling through the landscape and your experience and development over a broader, broader area than you would do with the scheme with a more efficient land.

00:54:27:26 - 00:54:57:24

Take um, and Ian three does talk about, you know, um, the requirement for solar projects to, uh, achieve a efficient use of land. And so what we're testing here is to what extent has the applicant genuinely. Uh, taken that policy requirement and embedded it in the design process to ensure that the scheme before us genuinely represents the most efficient use of land to deliver the outputs that they are proposing.

00:54:58:12 - 00:55:08:09

Thank you. Thank you. And just to confirm by by three. Schemes. You're referring to Wes Burton one. I spent two misspent and three. Uh.

00:55:08:14 - 00:55:30:13

I'll explain. West Lindsey. Apologies. Should've been clearer. Um, yeah. So in combination within the project itself, but also cumulatively with the other two and CIP applications that have been examined, uh, or currently in examination once it's closed with Gabe Burton, as you mentioned. So, yes, it was both, to be clear, in cumulative effects with other projects and in combination effects within itself.

00:55:31:26 - 00:55:32:12

Thank you.

00:55:44:28 - 00:55:45:25

There anything?

00:55:46:13 - 00:55:54:20

Miss Broderick, you'd like to respond? I think you may have already addressed, but, um, I'll invite you to comment on what you've just heard.

00:55:55:21 - 00:56:32:09

Uh, applicant, I think there's two separate points that are being made by West Lindsey District Council here. One is the site selection process. So why have we actually selected the sites that we have and why, um, was it not possible, um, to find, um, uh, you know, one contiguous site, why have we selected three separate sites and the site selection, um, uh, process is detailed, um, in the stage, you know, five stage process is set out in a, in quite a significant amount of detail.

00:56:32:14 - 00:57:14:27

Um, in, uh, chapter five of the environmental statement and the associated appendices, I will put the references in the written in the written summary so that the reasons why we've selected the sites we have is, is set out in detail there. There is a separate point which is which was being made, which was about efficient use of land, which I think is distinct from the question as to why have we got separate sites rather than and contiguous site. And we've obviously spoken at issue specific hearing one about, um, the area of land needed, the flexibility required for the detailed design, um, the uh, panel size, the spacings of panels, the um, over planting, etc.

00:57:14:29 - 00:57:45:21

we did cover in quite a bit of detail. So the applicant's position is that it has included within the order limits, um, a sufficient area of land to generate, um, the um, capacity that it has a grid connection for in the most efficient way based on the technology, um, that's currently available. Um, at the order limits also obviously include a number of other, um, elements associated with the scheme, such as cabling and mitigation areas.

00:57:45:23 - 00:58:20:15

And so the um, areas of land for solar panels have been designed to take into account various constraints and, and mitigation measures that need, need to be put in place. So the applicant's position is that it has not um, uh, and the order limits are not larger than they need to be. Um, but they, um, reflect a combination of different factors, um, uh, that are required at this stage in a process where you don't have a detailed design and that that approach is very typical for nationally significant infrastructure projects of this type.

00:58:20:21 - 00:58:21:06

Thank you.

00:58:22:15 - 00:58:24:05

Thank you. Okay.

00:58:27:04 - 00:58:34:16

Before moving on to item B, there are any other matters relating to the implication of the revisions to the NPS.

00:58:38:07 - 00:58:40:02

Mr. O'Grady.

00:58:41:25 - 00:58:59:08

Yeah. Peter O'Grady, 7000 acres. I guess just in relation to the to the discussion just now about the, uh, uh, uh, selection process and. I guess avoiding and mitigating impacts of having parcels of land. Um.

00:59:01:06 - 00:59:34:21

I think it's very hard to argue that there's been a genuine attempt to mitigate the impact of the development when you consider the scale of each, uh, parcel of land, particularly in comparison to the setting and the communities that they, uh, uh, they surround. Uh, and, and also, crucially, the height of the panels. So, um, the idea of saying we are mitigating effects and having panels that are tracking panels at 4.5m, uh, it just doesn't stand up.

00:59:35:16 - 01:00:10:10

Um, you've got a marginal gain for from, uh, uplifting the, the panels and, and, uh, and adopting a tracking panel. So you go from around 11% load factor to about 12 or 13% load factor as a result of that. Uh, but having. Having selected uh to connect at, uh, a low voltage scheme at high voltage. You've also incurred the losses associated with transmission and distribution because you're not near a load sensor.

01:00:11:03 - 01:00:43:02

Um, so all you're doing by by uplifting the the size and scale of the panel is you're serving to offset some of the, uh, inefficiency that's been created by, uh, choosing to collect a connect a high, uh, a low voltage scheme at a high voltage connection. Um, so I think the the idea that there's been a genuine attempt to mitigate in the design, uh, is, is, uh, is stretching a point to to build credibility.

01:00:43:04 - 01:00:43:19

Thank you.

01:00:45:24 - 01:00:54:07

Thank you for the comments. We may have strayed into other items on need and electricity there, but they will be borne in mind and the point

01:00:56:02 - 01:01:06:21

about the mitigation is noted. Before moving on to item B, I'll just the the applicant may wish to reflect on those comments.

01:01:08:05 - 01:01:42:05

And to protect the applicant. Only to highlight that we did discuss in detail load factors at issue specific hearing one. So we would refer to our um, written summary in that respect. Um, obviously some of the comments relate to, um, solar technology as a concept itself. Um, obviously the applicant's position is that solar technology works and that it provides a valuable contribution to the renewable energy mix for this country, and that's supported by, um, national planning policy.

01:01:42:11 - 01:02:03:09

Um, and the applicant has set out in detail throughout its environmental statement the steps it's taken to mitigate, uh, the impacts and where their residual impacts do arise, which is, um, typical for large scale schemes of this nature, um, that the benefits of, of the scheme will outweigh those residual impacts. Thank you.

01:02:04:16 - 01:02:28:18

Thank you. Okay. Item B Implications of technical technological improvements for electricity generated scheme design and environmental impacts. And in working our way through these. If you feel a need to refer to something that's already submitted in writing or has already been said, please um, do just reference back to what has already been said.

01:02:30:28 - 01:03:04:10

This point has to some extent been addressed by the applicant in response to written questions, 1.1.6 in terms of whether technological improvements and more efficient panels could lead to a reduction in land take and therefore any visual effects, or whether this would be used to increase solar output. Noting the maximum level of the grid connection agreement, the applicant has referred to the ongoing improvements in terms of wattage generated by panels and their efficiency, noting that at times there can be step changes in a in efficiency.

01:03:06:02 - 01:03:36:06

That changes in efficiency. What would be installed in this case would be dependent on what is available on the market at the time, though, as I understand the answer in the answer, given significant increases in installed capacity by adding more or using more efficient panels, it's not realistic option at the scheme based on current known technologies. Great panel efficiency, meaning that fewer panels are installed, though it is suggested that total coverage across the site is not expected to change significantly.

01:03:36:08 - 01:04:13:20

Rather, this may unlock opportunities to enhance the overall efficiency of the scheme. Other detailed design stage, for example by spacing the panels out more within the extent of the works areas, which itself would reduce shadowing effects. So there is clearly some flexibility inherent in scheme design. I'm interested in how this would play out in terms of addressing the environmental impacts at the time decisions are made about detailed design. So I'd invite comments first from the applicant, and then I'll bring in interested parties.

01:04:20:27 - 01:04:22:28

Uh, collaborative for the applicant. Um.

01:04:26:10 - 01:05:14:11

Just to make sure I understand. Um, the question, um, in terms of the detailed design, obviously the way that the, the DCO works is that, um, a development is permitted within the area shown on the works plans, and then the actual detail of that design is controlled by the requirements which require further details to be submitted. Um, prior to the commencement of construction, um, and those um, requirements, um, when the discharging authority comes to approve plans and details that have been submitted, um, will be, um, considering whether the, um.

01:05:15:23 - 01:05:52:17

Detailed design will result in any new or materially different environmental effects compared to those set out in environmental statements. So the as a Rochdale envelope approach has been taken here. The final detailed design will not be able to result in any materially new or different effects from those set out in the environmental statements. Obviously, a very conservative approach has been taken to environmental impact assessment, and it may well be that the impacts at the detailed design stage are much less than was, um, assessed in the environmental impact assessment.

01:05:52:19 - 01:05:57:06

But um. There isn't, uh, the

01:05:59:02 - 01:06:30:23

the way that this, the DCO developments work is that the, um, that that is the control mechanism that you don't go beyond what was assessed in your environmental statement. Um, obviously the. Efficacy of um, planting, for example. Landscape mitigation is something that would be monitored throughout, um, the life of the development. So, um, the outline landscape environmental management plan includes monitoring provisions.

01:06:30:25 - 01:06:58:03

There are other environmental topics that have also ongoing monitoring. Um, soil quality for example. So there are a number of elements of the scheme that will continue to be monitored. And um, steps may need to be taken to ensure, um, that the mitigation performs in the way that it was anticipated in the environmental, um, statement. But, um, that that is how a Rochdale envelope scheme works. Okay.

01:07:00:08 - 01:07:07:05

Thank you. Yes. That was the the question that were, that was posed, um, albeit maybe in a.

01:07:08:22 - 01:07:24:07

Roundabout way. It's to do with the the the assessment having taken into account, I suppose, worst case scenarios. Um, it has been suggested by interested parties that the applicant has failed to apply a reasonable worst case assessment.

01:07:27:05 - 01:07:33:20

And relies on, um, improvements in future technology without supporting evidence to mitigate harm.

01:07:36:10 - 01:07:39:25

First of all, in relation to those comments.

01:07:41:18 - 01:07:56:03

Would it be possible to hear from the applicant? Ah, on to reconfirm, I suppose, that approach to Rochdale envelope. And then I'll bring in interested parties who some of whom may have. Made those comments through writing.

01:07:58:13 - 01:08:32:20

Uh, coverage of the applicant? Um, yes. The EIA methodology is set out, um, in, uh, chapter two, I believe, of the, um, environmental statement, um, and sets out the Rochdale envelope approach. Um, follows the guidance provided by pins. Um, on that. Um, I would just emphasize that it is a reasonable worst case approach that needs to be taken, um, based on, um, information that's available or um, and or events that are anticipated, um, rather than, you know, the ultimate worst case you could possibly imagine.

01:08:32:22 - 01:08:37:26

So it's a reasonable worst case approach that's been taken and the methodology has been followed. Thank you.

01:08:40:10 - 01:08:49:18

Thank you. Um. So on that point and on points around technological improvements.

01:08:51:07 - 01:08:57:14

Is there any body in the room or online who wishes to comment on what they've heard?

01:09:03:05 - 01:09:04:24

Okay, Mr. Pryor.

01:09:06:28 - 01:09:38:06

Uh, thank you, sir. Mark Pryor, seventh and thousand acres. Yes. I think it was us that made the comment about the applicant, not, um, following advice. Um, notice nine, because often, um, they have not applied a reasonable worst case assessment. This applies to to things like landscape will touch on shortly as well about things like the um failure failure rate of um solar panels.

01:09:38:08 - 01:10:17:22

So it's a general point about the application as a whole. Also, advice and notice nine requires their application to be consistent and that they've failed to do because certain parts of the application, um,

um, reference um, 40 years some. And the part of it, um, 60 years, if we, we look at the DCO that gives them certain powers, which, um, other parts of the application have not applied, such as hedges, um, things like that.

01:10:17:24 - 01:10:36:09

So if you read different parts of the application, you get a different answer. So that's a an issue as well. So those are the two main points from advice. Now notice nine where I think they are remiss.

01:10:38:04 - 01:10:53:01

Thank you. As you rightly say, some of those issues will be discussed under a different item. Just invite the applicant to comment on that 4060 year consistency, if that's okay.

01:10:54:29 - 01:11:25:25

A cloud project for the applicant. Um. The applicant has set out, um, in detail, both in its written submissions. Um, and it was discussed, um, at the issue specific hearings on the, on the DCO as well. Um, the reasons for um, including a maximum 60 year period before the um scheme will need to be decommissioned. The original DCO application did not include a time limit.

01:11:25:27 - 01:12:10:06

Um, we did set out, um, in a document, um, the approach to, um, considering the environmental, um, statement in um, or a review of the environmental statement in terms of, um, that 60 year limit. And that goes through each of the sections in the environmental statement where we, um, mentioned, um, a typical operational time period of 40 years. And then it goes through each of the environmental topics one by one, to see whether there would be any changes to the assessment that was undertaken, should, um, the development, um, be in place for up to 60 years? And that's document rep 1-060.

01:12:10:08 - 01:12:48:22

So the applicant doesn't agree that there's an inconsistency. Um, obviously you have to appreciate there's a lot of information, but the information has to be read as a whole. And the DCO, a document does, um, evolve over time. Um, and where changes have been made to the draft DCO, the applicant has submitted supporting information to, um, confirm that those changes are in accordance with the environmental statements such as that, um, review of likely significant effects at 60 years, and also in the schedule of changes that are submitted at each deadline, which explains the reasoning for changes being made to the draft.

01:12:48:26 - 01:13:18:17

Um, DCO similarly, um, we've discussed in detail the point about hedgerows before, so I won't go over that again. But the point is, you have to read all of the documents together. You can't pick and choose individual parts. You need to read the environmental statement in the context of the draft echoes which must be read. Um, the powers must be read in conjunction with the requirements and the outline plans that are submitted in support of those requirements. So, um, all of the documents need to be read together. Thank you.

01:13:20:23 - 01:13:21:09

Thank you.

01:13:26:10 - 01:13:30:26

Okay. Um, I'm just checking online for any.

01:13:32:16 - 01:13:38:21

Uh, the comments before we move on to see any other IP's wish to comment doesn't appear so.

01:13:40:20 - 01:13:41:16

In which case.

01:13:44:01 - 01:14:14:03

Item three C consideration of the nature and purpose of the Community Benefits package. So Lincolnshire County Council has referred in written reports to the need for comprehensive and appropriate package of community benefits to be secured and delivered to compensate for the identified negative impacts that the proposed development would cause to the communities affected by this project. In response to the applicant set out in their planning statement.

01:14:14:25 - 01:14:40:25

Rep 3030 at paragraph 4.8, that a community benefit fund would be available for community based benefits throughout the lifetime of the scheme. However, the provision of the Community Community Benefit Fund itself does not form part of the DCO application and it should not therefore be given weight by the Secretary of State in determining the scheme in terms of balancing the positives and negatives of the proposal.

01:14:43:10 - 01:15:02:23

The same point was. Made to. In responses to written questions. It doesn't appear to address the point made by Lincolnshire County Council about compensating for identified negative impacts. Um.

01:15:08:06 - 01:15:26:09

And that there should be reference in planning statement which summarizes suggested benefits as a result of the scheme. And in fact there is a a summer. A summary of suggested benefits of the scheme. First of all, I'd like to ask the applicant to comment.

01:15:28:17 - 01:15:29:05

On.

01:15:31:08 - 01:15:50:20

I mean, really in terms of. Lincolnshire County Council's comment. There needs to be. There's a need for comprehensive and appropriate package of community benefits to be secured to, and that they should be compensating for the identified negative impacts that the proposed development would cause.

01:15:56:02 - 01:16:27:10

Uh, for the applicant. Um, obviously there are a number of different elements there. So there's the mitigation, which is for the scheme, um, to try and minimise and reduce, um, adverse impacts and that that is secured through the DCA process. In terms of the proposals set out in the management plans.

Um, there are also a number of enhancements, um, proposed in terms of um, uh, landscape and biodiversity, net gain, um related measures.

01:16:27:12 - 01:16:58:23

So new planting, new hedgerows again that is secured um, through the DCO. Um, there are other benefits that are secure through the DCO such as um, uh, in relation to kind of habitat management areas. Um. Etc.. The. Um, point that we were trying to make. And perhaps there's been some cross talking in what's being referred to here is that, um, there was reference to a sort of financial contributions.

01:16:58:25 - 01:17:33:29

So a community benefit fund. And so the applicant was specifically stating that that type of compensation. So a financial type of compensation, um, in terms of a community benefit fund, is not something that can be taken into account as part of the DCO application process. The applicant's obviously um stated its commitment to providing one, but um, that would be done if the scheme gets consent and prior to construction and would be we'd work with stakeholders to, um, develop how best to put that in place and what types of projects it should it should fund.

01:17:34:01 - 01:17:58:22

But that is not mitigation. Um, for the scheme in the sense of the mitigation measures that have been provided. So it might be helpful if, um, Lincolnshire County Council could provide maybe a specific example of what they're referring to in terms of, um. Measures to compensate as distinct from financial contributions, which are obviously outside of this, of this process. Okay.

01:17:59:04 - 01:17:59:24

Okay.

01:18:02:11 - 01:18:23:16

Yes. I turned to Lincoln County Council who made this statement, as we have heard. Like any items, such as a community benefit fund, doesn't really sit within the the DCO, but it would be useful for understanding about Lincolnshire County Council's comments on that.

01:18:24:28 - 01:19:10:23

Stephanie Hall, Lincolnshire County Council I don't think there's actually anything really between the parties on this. So you've got a list of potential things we thought could be done in our answer to written question at 1.13 point six, um, including sort of assisting with legal skills and development and employment opportunities. And obviously there's a that's a whole there is a particular chapter that the an offer from the applicant on, on that. Um, so there I think the applicant is quite right to, to separate out points that sit within the DCO, such as, for example, local skills and development, which are quite properly matters going to the merits of the proposal and the community fund, which probably sits outside that assessment.

01:19:10:25 - 01:19:21:20

And we're obviously grateful for the applicant's commitment to that funds. I don't think there's actually anything between us. We're grateful for what's been proposed. Some of that sits within the merits of the DCO and some of that sits outside.

01:19:24:17 - 01:19:25:19

Thank you. Okay.

01:19:29:07 - 01:19:54:26

So the provision of the Community Benefit Fund is separately agreed between the applicant and the fund's beneficiaries. I suppose with that, with bearing in mind it doesn't form part of the GCA, that there's no need to discuss how that works in practice. Are there any other comments from attendees here on community benefits? Anything anybody wishes to raise?

01:20:01:09 - 01:20:02:07

Yes, sir. Grady.

01:20:02:15 - 01:20:03:00

Yeah.

01:20:03:02 - 01:20:05:12

Peter Grady, 7000 acres. Um.

01:20:08:24 - 01:20:27:11

I guess the, uh, the point of community. Community benefits. Um, it was quite prominent in the in the original. Um, communications material. So it was, you know, one of the one of the 10 or 15 stands that was presented. Um, so it's kind of a, uh.

01:20:29:01 - 01:20:59:19

A prominent thing. And yet I don't think anyone's heard anything since. Uh, so I guess a lot of people in the community think it's it's nothing more than. You know, either a distraction or a cynical bribe to to say, hey, you know, we're going to do x, y, z, but we've seen nothing. Um, speaking as, as filling and parish meeting, we've we've certainly had no, no contact or information from island green Power on, on either this or the Cottam scheme.

01:21:00:06 - 01:21:31:00

Uh, so I'm not aware of anything and certainly not aware of anything being agreed. Uh, now, I may be wrong. I'd be a separate, separate position. Um, but certainly in terms of in terms of our community, nothing's been put to our community. Uh, and I think what what people have found, the more they found out about the scale of the development, uh, and the size and the frankly impossible, uh, idea of mitigating with hedgerows such a scheme.

01:21:31:17 - 01:21:45:25

Um. The idea of being able to compensate. Living next door to this stuff, uh, through a community benefit scheme, is is nothing more than a fig leaf. Um, I just just felt we needed to make that point. Thank you.

01:21:48:02 - 01:22:00:03

Thank you, Mr. O'Grady. Is there anything that can be said usefully around the practicalities or progress on behalf of the applicant on the Community Benefit Fund?

01:22:13:05 - 01:22:51:27

Uh, clear body of the applicant. Um, so, as we said in our response to, um, question one point 13.6, um, we continue to welcome suggestions for the types of projects that local people would like the Community Benefit Fund, um, to, um, be involved with and issue grants for. We the applicant is continuing to have discussions with Lincolnshire County Council about, um, initiatives that they are involved with and whether there is an ability for the community benefit Fund to, um, link into or support other initiatives that are being undertaken in the local area.

01:22:52:06 - 01:23:26:19

Um, however, that that fund wouldn't be set up until unless and until consent is granted for the scheme. But in the interim period, the applicant remains willing, um, to hear any suggestions it consulted and asked for suggestions during statutory consultation. Um and yes remains willing to discuss options with with local people if they have if they have suggestions. But its purpose is to, um, provide additional benefits to, to local people. It is it is not seeking to minimize particular impacts, um, of the scheme.

01:23:26:21 - 01:23:27:06

Okay.

01:23:27:15 - 01:23:38:03

Thank you for that confirmation. So the discussion is with Lincolnshire County Council at the point in time and suggestions are welcomed.

01:23:40:27 - 01:23:59:07

Thanks. Neil McBride, Lancashire County Council. Yeah, I can confirm that, uh, outside of the DCO sort of process examination, those conversations have started, and obviously we'll continue to discuss with the applicant and hopefully, you know, come to, um, you know, a good sort of agreement between us on that.

01:24:00:10 - 01:24:09:02

Thank you. Okay, I think that's enough. Apart from, um, final comment from Mrs.. Warren, I can see with her hand up.

01:24:10:06 - 01:24:45:18

Hi, I'm Christy Moran, living under the cooling towers of West Burton power station. Um, the community benefit fund, um, is for some reason, just primarily, um, Lincolnshire. The cables are coming into Nottinghamshire, uh, predominantly in front of my house. So, um, does the, um, applicant, um, consider Nottingham as much as they do Lincolnshire because the impact of the cabling is going to go to affect Nottinghamshire just as much as it's, uh, we're not I don't even know where it's going.

01:24:45:24 - 01:24:51:04

Um, all the, all the soldiers bought the cable and certainly affects, um, Nottinghamshire.

01:24:52:10 - 01:25:24:28

Thank you for that point. Okay. Uh, I think the point is noted. I think Lincolnshire County Council, who is the primary point of contact for the Community Benefit Fund, will also have heard this today. And hopefully you've heard that the applicant is welcome or open to suggestions and ideas around how that community benefit fund could work. It's not part of the DCO or the examination, so I'm going to move us on. But hopefully you've picked up that there, there.

01:25:25:00 - 01:25:28:12

The the door is open to suggestions.

01:25:37:00 - 01:25:38:06

Okay. Well.

01:25:40:08 - 01:25:48:24

I'm just checking online. I don't think there's any need of further time to spend on item three at this point.

01:25:50:13 - 01:26:06:12

Obviously, written questions are fast approaching. I'm going to take a pause of. 14 minutes to 1140 and resume with item four, as I say at 1140. Okay. Thank you.