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FULL TRANSCRIPT (with timecode)

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

Everyone. Um, we'll now resume the hearing, and I can see that recording has started. Good. So, um.

00:00:18:09 - 00:00:57:05

I'd like to turn now to the question of, um, what's required, um, in order for field investigations to be in keeping with, um, archaeological policy rather than guidance. So in this point, the applicant's comparison of archaeological evaluation report sets out that, um, at paragraph 1.2, sorry, 1.1.2, that there's no nationally recognized professional guidance that sets out the that sets out details of the level of field evaluation required to support, um, an application of this nature.

00:00:57:07 - 00:01:27:17

But what we do have is, um, in terms of policy and guidance set out in NPS and one, section 5.9 and in three, um, paragraphs 2.10 .13, 113 and 114, and also the national infrastructure planning. Sorry, the infrastructure planning I write II regulations. Um, we also have NPF, um, paragraph 200 and 201.

00:01:27:19 - 00:02:03:20

They've also been referred to. So just a particular point on um, on the guidance. The, the parties have referred to the definition of field evaluation given in the Chartered Institute for archaeology Guidance and Standards and a particular point raised by um Nottinghamshire in their response to one of the written questions, one of the written questions, that was 1.7.2. And this set out that the this professional body, um, in December 2023 redefined evaluation.

00:02:03:27 - 00:02:35:18

Um, and the particular um definition um, has been has been set out there and it's stated that this replaces the previous wording of the standard, which described evaluation as a limited programme of non-intrusive or intrusive work. So what I'd like to start, what I'd like to do is ask the, um, the parties to comment on the significance of that change. Um, on the on the issues before us. Um, so could I start with the with the applicant on that if possible, please?

00:02:43:28 - 00:02:50:29

Alex James on behalf of the applicant. Um, yes. That's correct. The, um, the Johnson Institute for archaeological, um, uh, for archaeologists.

00:02:51:08 - 00:03:27:05

Uh, was, uh, the standard and universal guidance for archaeological field evaluation was, um, updated at the end of last year. Um, and um, the the new definition is, is, uh, we would argue is we've still met that um, that test um, in, in the evaluation that we've, um, undertaken, um, it still states it is a program of non-intrusive and or intrusive fieldwork, which we have done. Um, um, and it still states it seeks to determine the presence or absence of architectural features, structures, deposits, architects or eco facts.

00:03:27:07 - 00:04:01:05

Um, and and again, we would argue we have done that. It's also possibly worth noting that, uh, noting in the universal guidance, um, uh, for a field evaluation, paragraph 2.8 states, wherever possible, non-intrusive methods should be considered as the first option, with intrusive techniques used only where necessary to achieve the purpose of the archaeological field evaluation, which again, we would say

the the works we have undertaken have have met that. So, um, yes, they were updated, but the work we have taken is still in line.

00:04:02:10 - 00:04:04:00

I guess, in our opinion with them.

00:04:04:11 - 00:04:11:21

Thank you. And that sorry, the second definition that you just gave Zach is that one that's before the examination. I'm not sure I've seen that.

00:04:12:01 - 00:04:20:14

No. Um, and I can submit the, this document which, which has this paragraph in writing if that's of use that would be it's.

00:04:20:21 - 00:04:23:12

Yes. Thank you.

00:04:26:03 - 00:04:41:18

So I don't know whether the, the, um, either of the archaeological advisers would want to make any, any comment, particularly on whether or not the definitions of field evaluation have have been met by the applicant's work.

00:04:53:03 - 00:04:58:12

Yes. Um. Misspent. You've got your hand up. Yes. What would you like to say?

00:04:59:23 - 00:05:01:21

I would like assessments.

00:05:01:23 - 00:05:37:05

Not scared to counsel. I'd like to point out that the guidance regarding evaluation, um, refers to what could be a a an area of land for housing development of. Half an acre up to these massive CIP schemes. So that guidance is is meant to, to deal with looking at evaluation on very small sites as well as very large sites. And obviously the larger the site, um, the more likely there is to be archaeological impact and archaeological loss.

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I think it's also worth noting that regionally, our um, Association of Local Government Archaeological Officers has been recognising that we have been letting, um, some very big sites, um, come forward for things like solar farms, with the understanding that we've been very often told that the impacts were only going to be very limited. And in fact, I've checked my own files and the case histories in Nottinghamshire, and I've found that very rarely are we given any real information about the actual impact of these schemes.

00:06:17:08 - 00:06:49:26

So we might be told that there are going to be, um, helical screws piled into the ground, but we're not told at what intervals or what depth they're going at, what diameters those screws have. We're not told how wide the cable trenches are. We're not told how much, um, topsoil stripping there is going to be for roadways, for those cable trenches, for ecological scrapes. So we've actually been proceeding on the basis of really quite poor information about the actual impacts of these schemes.

00:06:50:06 - 00:07:08:28

And that should be starting point for understanding everything. And I think it would be extremely helpful in support of the applicant if they could actually be requested to provide an understanding of what the perceived actual ground impacts are going to be over. What kind of area?

00:07:11:19 - 00:07:13:26

Thank you, Miss Spence. Um.

00:07:19:00 - 00:07:35:07

Just in terms of, in terms of the, the, um. The implications of policy and guidance. I think I'm going to to. To revert some of this to to written questions just so we so I can get a clear response from from the parties. Um.

00:07:37:05 - 00:08:08:29

Yeah, I think so. I think we're going to leave that that there for, for now. And because we've still got a fair amount of material to get through in terms of the approaches to mitigation, this is the next agenda item. Approaches to mitigation and management of identified um remains. So, um. I'd like to start off by looking at the mitigation provisions set out in the PSI before moving on to look at to, to to look at the without prejudice WSI.

00:08:09:01 - 00:08:34:17

And then also, um, finally come on to the suggestions from um, Nottinghamshire and Lincolnshire, I think um county councils in terms of a way forward, a couple of suggestions have been made. So we will come on to look at those a bit later on. But first of all, um, in terms of, uh. The nature and extent of harm that could be caused by the ground disturbance in terms of delivering the project and.

00:08:38:00 - 00:09:12:18

Noted a number of different areas and areas of concern in that regard in terms of the laying of the cable route, in terms of piling for the solar panels, in terms of ground compaction from vehicular access. Um, turning to the program of mitigation proposed, which is obviously set out in the WSI. This sets out that it would comprise four main elements that's preservation situ informative trial trenching, strip map and sample excavation, and archaeological watching brief.

00:09:12:27 - 00:09:54:09

Um, and I just want to look at each of, um, it looks look at some points in each of these, these areas now please. So looking firstly at preservation in situ, um, there seem to be two areas of, of concern that have been raised. Um. At this point is whether sufficient mitigation um measure would be measures would be in place to ensure that these areas are protected during development works. Um, in terms of ground disturbance, and secondly, whether the sufficient information in support of the use of concrete anchors as a form of archaeological mitigation, um, uh, by preserving the archaeological, very dark archaeological remains beneath.

00:09:56:02 - 00:10:23:26

Um. Particular reference is made to the suggestion that harm could be caused to any surviving archaeology, noting that this is an agricultural landscape with areas of shallow deposits that might be damaged or destroyed. Um, and I'm aware that the applicant has responded to some of these points, noting, for example, that, um, damage has been caused by ploughing and the use of concrete anchors has been found acceptable elsewhere.

00:10:25:28 - 00:10:30:00

Um, so just just coming to the applicant to start off with, um.

00:10:32:00 - 00:10:50:16

I suppose the first question is whether or not it's right to say that concrete anchors could cause harm in places where there's uncertainty about the nature of underlying soil, um, and the potential for significant archaeology. So starting with the applicant. James, do you want to respond to that point, please?

00:10:53:21 - 00:11:24:26

Questions on behalf of the applicant. And first of all, it's worth highlighting that, um. All areas where concrete have been suggested have been trenched. So, um, uh, we have done that set in those areas. Um, uh, so as we, as you've kind of alluded there, we've um, um, concrete feet have been successfully used on other schemes. And the archaeology we've, we've encountered, um, we think is fit for, for concrete feet as, um, kind of evidence on, on other schemes.

00:11:25:00 - 00:12:00:01

Um, and we've not identified any evidence, um, to, to suggest that there would be, uh, compaction or an adverse effect, you know, as a result of, of, of using concrete feet. I mean, um, um, and I think again, as we've, um, stated elsewhere, you know, the guidance, um, uh, has kind of highlighted how they are an acceptable, um, mitigation form for preserving archaeological remains in situ so that they, um, can be left alone, I guess.

00:12:00:03 - 00:12:30:14

Um, um, and again, as, as you said, um, um, all of these sites, as we identified, um, through the trenching, are getting heavily damaged by activity. So, um, um, by, by being able to take them out of their current use and then, um, putting the concrete feet on top, we really would see as a better situation for the archaeology, um, in these areas, um, if that makes sense, in terms of, you know, preserving it for future generations and so on and so forth.

00:12:32:09 - 00:13:05:00

Thank you. Yes. I was just reiterating back to you that you've referred to the fact that, um, ploughing and has the potential to, to, to damage, um, underlying, um, archaeology on that particular point, in terms of the, um, the critique that's made of, um, preservation in situ, um, by Nottinghamshire and Lincolnshire, um, uh, advisers. Um, the specific point about protection during development works and mitigation measures being in place to ensure that protection and that I'm assuming that's a wider area.

00:13:05:02 - 00:13:08:03

Do you have any comments to make on on that point?

00:13:08:22 - 00:13:17:27

Um, yeah. So assuming we have the applicant, um, in in the Kemp plan in table 3.2, we do have, uh, several.

00:13:18:12 - 00:13:21:05

Sorry. We're just repeat that document, please. What the.

00:13:21:19 - 00:13:24:13

Uh, apologies. Let me get the reference.

00:13:25:03 - 00:13:25:18

Um.

00:13:32:21 - 00:14:09:06

Uh, so, uh reckless. Um. Hyphen 043. So the construction environmental management plan. Yes. Yes. Point two we do have, um, a section of cultural heritage table 3.2 that does kind of, um, put in, um, monitoring requirements that, you know, works would be undertaken with, uh, in line with, um, um,

the WAC set out and again, the, the intention for, um, the um, areas where preservation in situ, um, so, you know, where they've kind of been taken out of development within the scheme.

00:14:09:09 - 00:14:54:14

So a lot of these are kind of ecological areas. The the intention is for them to, in a sense, be left alone, if that makes sense. Um, so that for the, you know, the ecological mitigation to obviously be effective, um, you don't want people kind of, um, uh, I don't know, having activity in those areas. So, um, again, if that's not clear, um, we can update documents. It's it's also worth noting that, um, in terms of the, the, the two pieces that now be submitted, we have received comments from, um, the, the county archaeologists and we have we're in the processing, uh, the process of updating the documents in, in line with, with those comments.

00:14:54:16 - 00:15:01:18

So, um, we can make these things clearer if that's not, uh, clarified enough, if that makes sense.

00:15:02:04 - 00:15:13:09

Okay. So so in terms of updating the documents, what do you is that by putting these references in and and just just making sort of navigation a little bit clearer. Is that what you mean exactly.

00:15:13:11 - 00:15:24:28

Yes. So um, in terms of, of where things are maybe clarified a bit better or, or kind of adding that additional detail, is that seen as clear enough in the original version, if that makes sense.

00:15:25:12 - 00:15:26:13

Okay. Thank you.

00:15:27:18 - 00:15:38:07

I'm sorry. Yes. Um, just to add, I think that's one of the points that there is a lot and we appreciate that. There is a lot of information that forms part of the DC application, but there.

00:15:38:09 - 00:16:09:22

Are various measures that are interlinked. So, as Miss Jones was alluding to, the actual management of the ecological areas is set out in other management plans in terms of the nature of activities that we undertake during construction and then during operation, and these will then have consequential benefits from an archaeological perspective. But they are controlled. The activity is controlled in another management plan. So you have to read the suite of documentation as one to to get a full picture of the activities that are secured by way of the DCO.

00:16:09:24 - 00:16:39:00

But as Mr. James alluded to, it might be helpful, um, to the, um, local authorities, if we could perhaps add a bit more signposting so that whilst there isn't a specific measure within the written scheme of investigation, for example, um, constraints on activities in particular areas, we can provide the relevant reference to that section of the um operation and environmental management plan or the landscape management plan for it, for example. Um, but it's just to reiterate, you do need to.

00:16:39:02 - 00:16:39:17

Read.

00:16:39:27 - 00:17:15:04

All of the management plans as a whole rather than, um, focusing on one particular issue, and also that there needs to be a balance. So where we're putting forward ecological mitigation that needs to perform ecologically. And so there may be reasons why fencing, for example, cannot be put in place, because that would, um, detract from the ecological benefits of that area. And that and that is the

priority. What whilst there might have been a preference for there to be a physical fence from an archaeological perspective, then wouldn't function um, as beneficial from an ecological perspective.

00:17:15:06 - 00:17:22:22

So we, we are trying to achieve a balance across a multitude of environmental topics here, and that also needs to be taken into account.

00:17:22:24 - 00:17:23:26

Okay. All right.

00:17:25:00 - 00:17:27:23

Thank you. Miss Allen, what did you want to say?

00:17:33:13 - 00:17:34:06

Thank you, ma'am.

00:17:34:08 - 00:18:09:02

Jan Allen El-Sisi. Uh. I don't believe we're anywhere near discussing whether or not a fence should be in place. What we actually have, when we look through the details of the submission documents as a whole, is that we aren't seeing any element of joined up ness, if you want to put it like that, in terms of, um, things like the proposed mitigations, wildlife mitigations, we've got wildlife ponds, woodland planting, shelter belts, planting, bird habitat strips that are up to half a metre deep.

00:18:09:04 - 00:18:51:18

All of these things are going to have absolutely massive impacts, as in destruction of the archaeological resource if it survives there, and we haven't had evaluation in these areas. So I identified those from maps of, um, the proposed uh, habitat mitigation areas. There's no mention of it in the SES. There's no mention of it in terms of the evaluation reports. So we need much more understanding of the archaeological resource that these areas of proposed mitigation for other sorts of meditations can actually be effective in terms of, you know, being good to wildlife and everything else.

00:18:51:20 - 00:19:33:06

We don't have any issues with any of those. We just need to be establishing enough baseline evidence to have an understanding of what these these proposed measures are and how we deal with the impact, because that's a meditation impact as much as the cables that'll run behind all of the solar arrays, as much as the, uh, screw piles that are going to go in and presumably be replaced again and again as the infrastructure is replaced over the course of the lifetime of this team. Something else that we're going to have issues about is the fact that there are things like, uh, in the outline decommissioning statement, which is AP 310.

00:19:34:01 - 00:20:05:11

There is a reference in um in section 211 which says, uh, the land will need to be restored to its pre-construction condition at the end of the operation. So those are the sorts of small statements that you see that are written, uh, throughout the submission documents. And. Absolutely right. You need to look at more than just the cultural heritage documents to get an understanding of what the potential impacts are going to be. So this is a major concern for us and something that we have put into our various responses.

00:20:06:06 - 00:20:24:07

Um, we absolutely agree that you do need to look at all of the submission documents, and there are a lot of these that have not been addressed in terms of dealing with the archaeological impact, and there

is not sufficient baseline evidence to be able to deal with it in a, in a in a satisfactory mitigation approach. Thank you very much.

00:20:25:08 - 00:20:25:29

Thank you.

00:20:26:11 - 00:20:52:09

Miss Allen. And obviously, in terms of the general point about joint oddness, um, across the piece, that's a that's um, uh, not an area we can necessarily address in, in today's hearing and, uh, and do it justice in terms of looking at all of the documentation before us, but is there a brief comment that the applicant would like to make by way of response now?

00:21:05:06 - 00:21:46:17

And so in terms of the current land use, obviously this is all farmland. So farmers can do a lot more to land than, um, uh, in terms of archaeological impact than possibly we'd all like them to, if that makes sense. In terms of plowing land drains, all of these kind of things. So, um, uh, um, so it's possibly worth noting that, but also the WSI does, um, uh, include kind of archaeological monitoring, um, uh, for any areas of ground disturbance where the archaeological evaluation we've undertaken has identified a low potential, um, for, um, archaeological remains to be present.

00:21:46:19 - 00:22:27:03

So, um, I suppose part of this discussion does link back to the previous discussion over, um, uh, the, the ongoing, uh, issue regarding, um, whether or not um, um, Lincolnshire and Nottinghamshire agree with us that sufficient evaluation has been undertaken. So obviously, in our opinion, it has. And so, um, um, we're we, we're happy in terms of the mitigation we've offered. Um, uh, um, where we have got ground disturbance, we have suggested a mitigation, um, option depending on the, the, the level, um, or the extent, the level and the nature of archaeology that was identified, if that makes sense.

00:22:27:11 - 00:22:29:15

So that is all within the. So.

00:22:31:24 - 00:22:32:24

Thank you. Um.

00:22:34:12 - 00:22:36:18

Sorry. Yes. Mr. Adams, what did you want to say?

00:22:38:09 - 00:23:10:18

Uh, Matthew Adams, Lancashire County Council. Thank you, ma'am. Um, I just wanted to raise a couple of points on the your original question about the ground. You know, concrete shoes and and areas. Um, but in principle, I don't think we're averse to, um, mitigation measures like that. Um, what we what we really need to understand is whether those mitigation or mitigation measures are going to have an impact. So concrete shoes would involve some level of, of ground preparation, removal of soil, um, and, and over the lifetime of those things there will be compaction.

00:23:10:20 - 00:23:43:20

Really. We don't know. I don't think yet what those impacts are going to be. So essentially we're being asked to agree to a mitigation measure where we don't know what what the impacts are going to be over the lifetime of the the solar farm, which could be 40, you know, 60 years long, long after we've all, you know, retired and it's no longer an issue for us. So we are being asked to agree something that perhaps we don't know. I think I think in circumstances where we can the applicant has demonstrated there's sufficient overburden of soil between the archaeological horizon and where they intend installing these mitigation measures.

00:23:43:22 - 00:24:43:11

I don't think, you know, we'd look at that on an, you know, an area specific, um, um, you know, we'd look at that in context of, of those areas. But but really we need that information to understand what those impacts are going to be. Um, secondly, in terms of fencing and, and areas of preservation in situ, um, we're finding on earlier schemes that that actually those, those, those mitigation measures can have very long ranging, um, implications for, for the applicant, including who's going to monitor that those areas over the lifetime and often the operation of the solar farm, are they going who's going to be monitoring them? Is there going to be an archaeological company making sure that that those areas, um, are actually preserved in situ, because we are finding from other schemes from decades ago that these areas get lost? Um, in, in future, you know, future, um, schemes or when the sites are sold on.

00:24:43:24 - 00:24:54:16

Um, so we do have concerns with them, but again, they're it's something that requires a lot, a lot of detailed consideration and thought that I don't, I don't think we're getting at the moment. Okay.

00:24:55:08 - 00:25:35:05

Thank you Mr. Adam. So I'd like to go back to the applicant. Um, so the concerns that have been raised, um, around the mitigation measures and I'm going to include the comments in relation to strip map sample and also, um, archaeological watching brief. I'll base it around the, the point that's being made that there's been insufficient, um, uh, evaluation work undertaken to date. That's, that's the comment that's been made. So in relation to the specific comments made, if the applicant has got a response to those, um, now then, then I'd like to hear, but I'd also like to, to hear a response to the comment that Mr.

00:25:35:07 - 00:25:49:10

Adams has just made in relation to sort of longer term. Um, uh, monitoring of, um, of the impact on our archaeology. So, um, Miss Broderick was James, I don't know who wants to start with those.

00:25:51:05 - 00:26:31:06

A clever trick for the applicant, just in relation, I suppose, to the point about long term monitoring. Um, obviously, um, as people know this, this is slightly different from a Town and Country Planning Act planning permission, um, in the way that statutory instruments work, measures that are secured via the management plans, um, have to be complied with. Um, otherwise it's automatically an offence. So they're very much is an obligation on whoever happens to be the undertaker for the purposes of the DCO, to comply with any requirements that are set out in both the requirements and schedule two, but also any of the management plans, um, secured under them.

00:26:31:08 - 00:27:15:00

So I think this is more a question of is sufficient text included in the management plans to address this concern rather than is there a risk of non-compliance down, down the line? And I think that I mean, it very much is something that we feel that could be addressed in the management plans, but I think it's a case of understanding specifically what is what is required. And then we can make sure that's added into the outline versions of the operational management plan, if that's the correct place for this to go, go into noting that the Outline Operational and Environment Management plan is an outline plan, um, and will be more detailed when the detailed design of the scheme, um is developed post consent.

00:27:15:02 - 00:27:47:17

And I think that's another point that just needs to be recognised for inset projects, that they are very much in an outline sense at this stage. In the process, a range of parameters have been assessed as part of the Rochdale envelope, and those parameters are secured in the draft DCA via the concept Design Parameters and Principles document that's referred to in the requirements. But we don't have the

detailed design of the various elements that were being discussed earlier about the precise locations of each of the piles.

00:27:47:19 - 00:28:20:02

For example, for the mountain structures, that information isn't available for schemes of this nature across the board. And that's not how national infrastructure project consenting process works. It is very much an outline design and fixed parameters. And then the detailed design comes post consent. So the question is what do we what information needs to be available at this stage in the process that's proportionate for these types of schemes. And what level of detail can be left post consent? For example, the precise areas of monitoring may well be something that needs to be determined post consent.

00:28:20:04 - 00:28:50:03

Once the detailed design of where exactly each of the solar panels and then on mounting structures has been determined. Similarly, the cable route corridor, we've got a wide corridor within which the cable can be sited. And there may be and the detailed design of that, again will fall in terms of its precise location will follow post consent. So there is a limitation on the information that can be provided at this stage of the process across all inset projects, and that needs to be considered when deciding what's proportionate.

00:28:50:19 - 00:28:58:10

Um, and the nature and the detail given in mitigation at this point in time. But I'll let Miss James that, um.

00:28:59:20 - 00:29:01:12

Just just sorry. Just come back on a.

00:29:01:14 - 00:29:15:29

Particular point you make this project. Are you suggesting that it will be helpful that if Lincolnshire and Nottinghamshire would provide a little bit further information about what they're looking for in terms of future monitoring, is that the point that you made? Um, as part of that, as part of that response.

00:29:16:18 - 00:29:18:03

To the applicant? Yes. I mean, I think it's.

00:29:19:23 - 00:29:46:21

I think the comments about the position, about what's been provided for the consenting process are well noted. What we had, um, tried to achieve via the without prejudice comments is that parking the position that there has been insufficient information provided at this stage of the process? What would the comments be? And largely the comments are based on the fact that there's been insufficient. Reiterating the position that there's insufficient evaluation so we don't really have.

00:29:48:09 - 00:30:22:04

Kind of a some detailed comments as to how they would like the drafting to be changed. If the Secretary of State is minded to agree with the applicant that there is sufficient, um, information as part of the DCO application. So I think if there's specific drafting that they would like to see included in the written scheme of investigation, whether it's okay version we've prepared without additional trenching or the without prejudice version. Yes. Then that would be helpful to have rather than a list of comments that say that we can't agree with it because there hasn't been sufficient trenching done to date.

00:30:22:18 - 00:30:52:19

Sorry, I was on a slightly different point, which was the point that, um, Mr. Adams made about future monitoring. Um, yes, yes. So then my question was, in terms of that future monitoring, are you again asking for for some suggestions from the local authorities as to what, um, might be appropriate in terms of the management plans, in terms of the information that would go into the management plans if I missed, if I understood that correctly or or not monitoring.

00:30:53:26 - 00:30:55:24

That's on the future monitoring point.

00:30:56:02 - 00:30:56:17

Yeah.

00:30:56:19 - 00:31:12:21

Collaborative action. Yes. So we have got provisions relating to future monitoring. But if the local authorities want additional provisions or more detail to be provided, then some specific drafting, um, would be helpful because, um, that's the only way I think we can take the actual draft.

00:31:12:23 - 00:31:13:08

Yes.

00:31:14:04 - 00:31:19:05

In principle. Point forward. Thank you. Thank you. James, has anything to add?

00:31:19:08 - 00:31:19:23

Yes.

00:31:19:25 - 00:31:20:10

Thank you.

00:31:22:06 - 00:32:08:16

An interview with the applicant, and only to say that the the WAC does, um, uh, include several different, uh, options in terms of mitigation and provisions for that to, um, be carried out. Obviously, um, depending on the final design, things might change. Um, but the WAC allows the mechanism for the archaeology to be mitigated irrespective of what the the final design looks like. So there might be a case of, um, uh, you know, we need to pinpoint, you know, the, for example, if you were using ecological, uh, scrapes and things like that, you know, uh, we might need to pinpoint where that's happening, but the WAC provides the provision for that to be suitably archaeologically monitored, if that makes sense or mitigated.

00:32:09:00 - 00:32:15:14

Um, depending on, on, on, uh, the the level of archaeology that the evaluation has identified in a certain area.

00:32:17:04 - 00:32:47:04

Thank you. And there is a specific point in the CI about updated project design. Um, uh, so presumably that's in terms of, of um, on that more detailed information looking at the and the Rochdale envelope and adapting the design. Um, in response to to that, um, Miss Allen, I think you had your hand up and it's gone down again. Is there anything you wanted to say by way of. Response to or comment on what's been said.

00:32:48:14 - 00:33:33:09

Thank you ma'am. Jan Allen LK. Uh, it was that, uh, Miss James had moved, things had moved on, and I wasn't sure whether we wanted to stay going off in that direction, but, um, to pick up a few

points, if I may. Um, there was a reference to, um, the Rochdale envelope. I think it's quite important, um, that, um, that we looked at the advice note for the Rochdale envelope, which is that there is a section which I believe is 5.2, but I can I can look it up and put it into my, uh, written submission, which is that it's not a blanket opportunity to allow for insufficient detail in the assessment, and that the applicant should make every effort, um, prior to submission of their DCO application.

00:33:33:13 - 00:34:08:06

Um, and that's something that's, I think, really quite important because what we have with these large schemes, um, as, as, uh, the applicant's barrister was, was, was saying we have very general ideas of what's going to happen in terms of what's on the ground, where the impacts will be. Um, we have a general understanding, maybe of something like the depth of the connecting cord or the connecting cable or, um, how many solar array units there will be, for example.

00:34:08:08 - 00:34:46:06

But where this is in terms of apart from here, be arrays on this part of the red line boundary and here be infrastructure, we don't have an understanding. In the level that you need for meaningful archaeological meditation, by which I mean. Enfields whatever it is. 546 what's going to be happening here? What's the archaeological potential here? What is the meditation that we need to be using here? So, um, if we don't have any, you know, significant archaeology and we've got an understanding of what's going on, they can do whatever it is they want.

00:34:46:08 - 00:35:44:03

If we've got a wildlife pond or a scrape that's half a metre deep, if we've got trenching results that tell us that the archaeology is, is 20 or 30 or 60cm deep, that 50 centimeter deep hole is going to have a significant impact on the archaeology. So these things are are the level of detail that we need. And we do appreciate that. The actual detailed field by field impact isn't going to be known on this or any other asset at the determination phase, and that's something that's a real problem as as Miss Spence, um, uh, put into her last comment, we don't have that level of detail, but the problem that we have with this one is that we do have adequate undertaking understanding of part of the site, and it worked well.

00:35:44:05 - 00:36:17:27

It did what we needed it to do. It was in accordance with standards and guidance and, and, and good archaeological practice. It's the it's the outstanding 4/5 that we have an issue about. And while we will, uh, respond in terms of, uh, whether it's the suite of meditation, uh, measures that's put forward is acceptable or not, which we have commented on. And no, trial trenching is not an acceptable meditation because it's a perception technique.

00:36:18:02 - 00:36:49:02

So to do trenching and identify that there's archaeology that's not a meditation. Um, so we are, um, doing our best. We will be happy to reiterate things as we as we can and will and, and however you would like us to do it. But it remains a problem because we don't have enough information to be able to. Work with and devise a meditation strategy that works on a field by field basis, which is what we're going to need by the end of the day.

00:36:49:05 - 00:37:08:27

And as long as that information isn't provided now and isn't provided soon, if it's going to be provided later, then everything else is going to be held up until later. And that's going to have serious, you know, high risk strategy. But we are where we are, and we will continue to discuss things and and move things forward as we can.

00:37:09:10 - 00:37:38:11

And I'd like to ask, I'm just going to move slightly forward in terms of my my list of questions, but I think it would be helpful to look at it now. So um, in in the joint comments that we have from

Nottinghamshire and Lincolnshire county councils, there is a comment that it will be possible to complete an appropriate scheme of trenching evaluation before determination to allow the results to inform a reasonable and robust site specific mitigation strategy. So on that particular point, um, what what's what would what would that entail?

00:37:39:21 - 00:38:12:14

It would entail doing the trenching at the level that we had agreed that they would do, which came out of a meeting with the, the applicant and the and the Planning Inspectorate advisors. So we would move forward with what we have agreed on this team. And, uh, and we would be there through the process, as we were for the 21% of the site that was that was adequately trenched. So we could just add all of this. The results would be coming up as the new areas are are adequately assessed.

00:38:12:16 - 00:38:33:04

We could move forward in terms of identifying mitigation areas, having an understanding of the depth and the extent and the significance of the archaeology. And all of that then goes through the process as, as I'm sure you're familiar with or the or that you're learning about. So we move forward. As we learn more, we learn enough to understand what we need to, and then we move on.

00:38:33:06 - 00:38:37:02

That's when when when would this realistically take place?

00:38:37:09 - 00:38:38:01

Sorry.

00:38:38:03 - 00:38:40:14

When would this realistically take place?

00:38:41:29 - 00:39:13:26

Uh, that's not up to us. Obviously, we're the curators, but. But if they wanted to do a programme of trenching, we'd be very happy for that to to help them move forward with that. They could undertake it now. Uh, it will take the, the 20% that they did 21% of trenching that they did. I believe that was in September and October of 2022. So it's not many weeks. We certainly have, uh, another end CIP which was till bridge. They did, um, I think 2800 trenches in 18 weeks.

00:39:15:08 - 00:39:15:23

Okay.

00:39:16:15 - 00:39:27:25

The capability is there, the capacity is there. If they wish to move forward with getting an idea of, um, of where we are in terms of ground truthing before the determination date.

00:39:28:11 - 00:39:28:29

All right.

00:39:29:12 - 00:39:33:25

Actually. Sorry, ma'am. When is the determination date for this one?

00:39:34:08 - 00:39:39:18

It's three months after the end of the examination, which at the end of the examination is, um, the 8th of May.

00:39:40:03 - 00:39:46:10

Yes, we would certainly have time. And this is a good time of year to be doing it rather than in the depths of winter.

00:39:46:21 - 00:40:09:09

All right. Thank you. And my understanding is that's that's a Lincolnshire and Lincolnshire and Nottinghamshire County Council's positions in terms of, in terms of the way forward. Um, that my understanding that that's your position, um, in terms of identify. In terms of the evaluation work that needs to take place pre consent. Is that is that right?

00:40:10:03 - 00:40:41:18

It is for myself, ma'am. I believe it is also for first response. We have been, um, sending in combined responses, so for there to be enough evaluation. Absolutely brilliant. We could then move forward with meditation. We wouldn't necessarily get to the edge of, you know, trading off whether there's fencing and things like that. We can move forward through the process when we have enough information and where there's no issue, we're good and where we need to talk it out. We can talk it out, but we need that baseline evidence that comes from the trenching.

00:40:42:13 - 00:40:42:28

Okay.

00:40:43:20 - 00:40:48:17

Spencer, you have a brief comment to make before I go back to the applicant. You've had the hands up for a while. Yes.

00:40:48:19 - 00:41:15:03

Um, thank you ma'am. Mr. Spencer, not to county council. I completely concur with everything that Jan has said. To have sufficient evaluation on this site would be a useful precedent for other and CIPs, given the amount of NC pressure we're seeing in this area. Um, and it's just essential we can work with the applicant and deliver the project, but we need to have enough information to make decisions. Thank you, thank you.

00:41:16:06 - 00:41:21:17

So. But going back to the applicant, um, Miss Broderick, Mr. James, I'm not sure who wants to.

00:41:23:03 - 00:41:24:06

To go first.

00:41:25:01 - 00:41:58:23

Uh, I mean, I, I think the, the essential point here is that the level of trenching has not been agreed. And that is the issue here. Um, discussions took place previously about the correct percentage of trenching to take place. Um, there wasn't agreement at that stage, but there was agreement to undertake an initial, uh, of the stage of trenching that was put forward by the applicant and has been undertaken. But throughout this examination, we've heard that the level of trenching that was undertaken by Burton was sufficient.

00:41:58:25 - 00:42:36:10

But then equally in submissions, um, we've heard that it needs to be 2% and then more recently it's 3 to 5% trenching. Um, so there hasn't really been a fixed position put forward by Lincolnshire County Council and Nottingham County Council about the level of um, trial trenching. But with that, notwithstanding that the applicant's position is that additional whilst that provides further information, it's not necessary in order to make the assessment adequate or to inform the mitigation, because the mitigation does provide for suitable mitigation measures for a variety of different scenarios.

00:42:36:12 - 00:43:19:07

And it's not clear to me how the additional trenching, given that we're talking about or the comments that have been raised about needing to know what's going on in every particular field, that wouldn't be achieved by our additional trenching. Whilst there would be some more information, it's still not. All of you know, we're not trenching the whole of the site so. Or the order limits. So I think the applicant is struggling to understand how and why additional information would lead to a a different position in terms of the amount of the mitigation would have greater certainty of the mitigation necessary for those particular areas that have been trenched, but you would still be left in the same situation for those areas that haven't been trenched.

00:43:19:19 - 00:44:00:01

Um, and, and so we seem to be going around in circles here, whereby on the one hand, we're saying we need to know absolutely everything about every area, but then the other hand saying, well, actually, if you do X number X trenches, then we suddenly have all of the information we need to be able to sign off on the mitigation. So the applicant's just struggling to understand how those two positions fit together. But I'll hand over to Mr. James to see if he has anything else to add in terms of the actual mitigation that we're proposing, and also the you know, from the applicant's perspective, we don't consider it to be necessary or proportionate to carry out any further trenching prior to Secretary of State making a decision, because we believe sufficient information is available.

00:44:00:03 - 00:44:24:27

It's not something that the applicant is proposing to do. Obviously, it's up to the Secretary of State when the application, um, falls, um, to them to be decided to either if they are minded to agree to either say I don't have sufficient information and request that further information is provided, or to refuse the application on the basis that there isn't sufficient information to make a decision. So those options are available, um.

00:44:25:05 - 00:44:47:11

To the Secretary. And, and in terms of making in terms of making that decision, obviously a key thing will be key. And so that will be looking at how um, the assessment undertaken, um, complies with the provisions of policy and guidance. And that's particularly what, um, what we're seeing trying to, to, to explore and extrapolate as part of this examination. But yes, Miss James, what would you like to say?

00:44:48:22 - 00:45:25:16

And as James, on behalf of the applicant, I think, um. Um, I don't want to, uh, uh, say the same things I've said earlier too much, but I fear I might, um. Um, I think ultimately it's as I've kind of said previously, I think the main issue here is, um, we believe we've we've undertaken a really extensive, uh, assessment here, and the evaluation we've undertaken is sufficient to inform this, this application. Um, and within the mitigation strategy, within the WRC, we we've got a really robust strategy to, to mitigating any archaeology that could be impacted by the scheme.

00:45:25:29 - 00:46:02:05

And um, obviously, um, that's a different position to, um, where the councils are. Um, but it's it is worth highlighting that we um, throughout this process, we this, you know, the, the level of trenching that's been requested has been something that we were, I think, in disagreement throughout. Um, in terms of, you know, hence we had a meeting with pins. Um, um, and, um, even in that meeting, um, we still didn't reach an agreement. So, um, in terms of the junction we did undertake, a lot of that was we wanted to undertake dredging because we wanted to further understand the archaeology.

00:46:02:07 - 00:46:37:15

And, uh, we got stuck in a situation whereby we to do something. This is what we had to do to get it agreed with, with, with the council. However, in terms of the, the the areas that haven't been trenched, we the the baseline information we've got, we we don't think further evaluation trenching would

would change the game or or change the mitigation measures would, would look like or um, in terms of that. And it's also worth highlighting. I mean, you know, if we stick on the 2% that's being suggested, um, it's still a it's still a very broad sample.

00:46:37:17 - 00:47:15:06

So, um, I think sometimes trenching gets talked about like it's an absolute methodology for identifying archaeology. It's, it's a, it's one of many techniques we use. And it's probably the, the broadest sample or broadest methodology to find archaeology in some respects. Because, you know, if you if you take an area, you do, uh, you, you sample 2% of it, you've not sampled 98% of that. So there's still potential that you're, you're not going to find, uh, discrete or isolated features if they are there. And it's it's also worth noting, you know, um, um, you know, from my experience, I'm working on a whole range of different solar schemes across the country.

00:47:15:08 - 00:47:56:17

Um, in, in many different areas. Um, we, we are finding that, you know, there are the occasional, um, there might be the occasional pit or, or something that we, we haven't picked up. Um, but the generally not of an archaeological interest that would warrant further mitigation. So, um, and there would still be the chance that if, if we did all this trenching, we'd still wouldn't find them. So the um, as um, um, so again, it's coming back to my original point, and I'm sorry to reiterate it again, but the, the the evaluation undertaken is, is is fairly extensive and has given us a very good idea of, of what's there and what we need to.

00:47:56:19 - 00:48:33:28

Okay. Thank you. I understand your position. Just, just, um, uh, before I consider a number of parties wanting to, to come in, but I just wanted to, um, just look for a moment at the without prejudice, uh, WSI and the comments that have been made on that. And obviously the comments are focused from Nottinghamshire and Lincolnshire, have focused on the fact that there hasn't been sufficient evaluation. And that's that's the we we understand that's concern. Um, there's also comment about the proposed, um, 552 untargeted trenches and, and where they've come from.

00:48:34:00 - 00:48:41:06

Would you, would you mind saying a few words about that, please, Mr. Jones, before we come to the the parties in terms of the wider comments.

00:48:42:20 - 00:49:22:25

So, Alice James, on behalf of the applicant. So, um, the we've, uh, we've already trenched where we think there there is any potential for archaeology. We've suggested around of informative trenching in either WAC, um, which is aimed at features which are were interpreted as being more likely to be, uh, agricultural, geological. But there was a shadow of doubt, so we thought we'd test them, um, just to make sure that they're not archaeological. Um, the, um, in terms of the without prejudice, we then, uh, provided a version which includes trenching across the blank areas.

00:49:22:27 - 00:50:00:11

Now, largely in these areas, there is nothing for us to target, as in these trenches are just randomly placed, um, across fields. But obviously, um, where we do have, uh, features, many of which are, if I'm honest, likely to be agricultural. We, we have placed them so that there is a bit of sense or logic or reason behind it, rather than it being completely, uh, random locations. But ultimately they, they're untargeted so much as they're not targeting any, um, uh, anomalies or features which have been identified as having an archaeological potential.

00:50:00:16 - 00:50:08:13

Okay. All right. Understood. Thank you. So, um, just in terms of the the parties wanting to speak, Mr. Adams, I think you're you're first on my list.

00:50:10:03 - 00:50:45:27

Uh, Matthew Adams, Lancashire County Council. Thank you ma'am. Um, just in terms of bringing it back to policy. Um, the EIA regs, NPF, our professional guidance and historic England guidance. Um. Requires the applicant to understand the archaeological resource and understand their impact upon it. Um, as a fundamental principle. Um, at the moment, there is still 80% of the site where the applicant cannot describe, um, the impact of their development on the archaeological resource, because as we keep coming back to I haven't undertaken sufficient evaluation.

00:50:46:08 - 00:51:20:26

Um, I think that's probably the main point that that we would get across into in terms of that would want to get across in terms of this, um, just, just also to come back to the point that, um, my colleague for the applicant made was, um, we regularly find archaeology entrenching of supposed blank areas where it hasn't been picked up by other techniques, um, including human remains, the site that I mentioned earlier, no other technique. Pick that up. It was only the trenching. And of course, a 2% sample is a small percent, you know, a small sample of the entire site.

00:51:21:05 - 00:51:53:06

But, you know, it does pick up, um, archaeology that hasn't been picked up by any of the other techniques. And it is essential in our, in our view, to properly assessing the site. We would love for them to do more, but we come back to issues of, you know, proportionality and, and and so on. So, you know, in our eyes it would be we would love to do more. But, um, we agreed, I think early in the process that 2% would be sufficient for this site. Um, we realised subsequently that that perhaps isn't enough.

00:51:53:08 - 00:52:10:27

Um, and as the counsel for the applicant mentioned, um, you know, we're now looking at 3 to 5 but percent, um, coverage for trenching. But but in this case we originally agreed 2%. And I think, um, we would be happy to move forward with that for the rest of the site. Coming back to the point made earlier.

00:52:11:16 - 00:52:17:14

All right. Thank you. Um, thank you for that, Mr. Adams. Um, Miss Allen, what did you want to say?

00:52:24:06 - 00:53:02:28

Thank you, ma'am. Jan Allen, Lincolnshire County Council. Um, Mr. Adams has addressed some of this. Uh, but it is an odd thing that, um, Miss James is saying that 98% of, um, of the site not having trenching on, uh, means that there are a lot of things that we will miss. We do acknowledge this, and what we're trying to do is to do the minimum required in order to have sufficient understanding to move on. But it does point to the fact that for the 79% of the site that has 100% no trenching, it's even worse.

00:53:03:15 - 00:53:34:22

Um, but certainly, uh, we have an n CIP, uh, in Lincolnshire, which is Harrington Fen, I believe five out of the six mitigation areas that were identified came from trenching results. Nothing else in the evaluation techniques that that predated it, uh, preceded it, had identified that. And it's absolutely not a problem. That's the point of why we do a suite of, uh, archaeological evaluation and trenching is necessary in terms of the truth, the ground truth thing. But I don't want to repeat anymore.

00:53:34:24 - 00:54:20:18

It's just that we are where we are. We will do our best to engage with, um, whatever it is that you need, whatever it is that the applicant needs in terms of moving forward, if there's, um, a point in this where we have an understanding of what it is that, that, that, um, that the applicant or that you need

from us in terms of, um, provision of information. We also have, um, Miss Spence is in the throes of producing regional guidance because we are very aware that there is no national guidance that is giving us percentages, and we are needing to get an understanding of that, because Lincolnshire is one of the counties where there's very, very, very sudden, uh, um, big number of large, large streams.

00:54:20:20 - 00:54:48:16

And, uh, we are on a learning curve with that. So part of the reason why we agreed 2% trenching with this team is because they initially provided us with, uh, they proposed 100 trenches. We said you needed 3%. They came back with 104 trenches. And so we ended up in our meeting with the with the Planning Inspectorate to try to find a middle ground. And we are happy to continue with that. Um, and that's where our position is. Thank you. Okay.

00:54:48:18 - 00:54:52:07

Thank you. And, Mr. McBride, what would you like to say?

00:54:52:24 - 00:55:03:09

Yeah. Thank you ma'am. I think she kind of council. Yeah. Just, um, in the reference to the meeting with the planning inspector, I suppose it was, um, at a time.

00:55:04:26 - 00:55:36:01

Before. The sort of mechanism for principle areas of disagreement to, you know, has come in. But it was a obviously an opportunity to try and move forward on a on the point that was obviously between the parties. And I think one of the things that came out of that meeting as well is that, um, because, uh, in this instance, there are um, obviously large areas of land involved. That doesn't mean that that sort of requirements should be compromised. So you might have a a small site, which then, um, would, you know, would need.

00:55:38:10 - 00:55:54:10

The 22% draw attention, which might mean that there isn't a huge amount of land involved, but because this area is so extensive. It doesn't mean that you should compromise on that requirement just because it's going to mean a lot of work. And I think that was a point that, uh, that we also made at that meeting. So I just wanted to, uh, to emphasize that.

00:55:54:12 - 00:55:59:21

All right. Thank you, Mr. McBride. Okay. Returning to, um, to the the applicant.

00:56:11:06 - 00:56:13:03

Uh, the applicant. Um,

00:56:14:19 - 00:56:49:07

I think the point that we come back to each time is what's proportionate for this particular scheme. Um, both in terms of its extent, but also in terms of the activities that are to be undertaken. Um, we note that there was reference to hacking, what was done for hacking. And then our understanding is that Headington Firm carried out a less than 2%, um, percentage of trial trenching. But the reason we understand that their, uh, their non-intrusive survey was, um, less informative was because of the geology for that particular scheme, which doesn't apply to this particular scheme.

00:56:49:09 - 00:57:26:28

So again, we need to be careful when we're talking about other schemes that are not comparable, um, to the specifics of this scheme. Similarly, our understanding is that, um, uh, for certain it was a sample of just over 1%, which we've already heard was considered to be completely appropriate and and capable of informing the mitigation for that scheme. So we're finding that the goalposts keep moving.

Um, but in any event, the applicant maintains its position that, um, it's done sufficient evaluation, both in terms of the combination of non-intrusive and intrusive um, techniques for this particular scheme.

00:57:27:00 - 00:57:49:13

But I'm not I'm conscious that we haven't a number of other items on the agenda, and I'm not sure whether we should perhaps move on from this point, because we're not going to be able to agree it. Um, on to date, in today's hearing, um, and I'm aware that, um, the representative from Historic England is patiently waiting to discuss. I am as well. Yes. Um, I.

00:57:49:15 - 00:57:50:00

Am a.

00:57:50:02 - 00:57:52:01

Heritage element. Thank you.

00:57:52:26 - 00:58:02:15

Okay, thanks. Thank you, Miss Broderick. Um. Mr. Adams, did you want to say if you were just. Just briefly before we try and move on?

00:58:02:28 - 00:58:33:20

Yeah. Matthew Adams for Lancashire County Council. Um. Thank you. Um, yes. Very briefly. Um, the percentage is, uh, is for the impact areas. So obviously we wouldn't be expecting the applicant to trench in woods or other areas. So the reduction in percentages, as far as I'm aware, um, that you've just been quoted by, by the applicant council is, um, you know, it's excluding it's not just the red line boundary where we say you must put 2% in of the whole red line boundary. We would exclude areas like woodland and and so on.

00:58:33:22 - 00:58:39:06

And so that I think that gives an overall lower percentage for the red line boundaries. Just just to clarify that point.

00:58:39:08 - 00:59:09:17

Thank you. Um, thank you, Mr. Adams. Uh. I would like to hear the applicant's comments on the the alternative wording that's been provided, um, in relation to requirement 12 of schedule two to of of the DCO. Um, but I think, I think um, given given where we're at, it might be helpful to hear comments on that in, in writing. Um, so I, I'm going to.

00:59:10:14 - 00:59:53:20

Who's my question in relation to that? Um, in the next round of, um, of written questions, I think that's the best way to deal with that. In terms of action more generally, yes, it is clear that we're not going to be able to progress too much further in the hearing. Um, in terms of sort of, uh, areas of agreement and disagreements. What I, what I am keen to do is to hear from Lincolnshire and Nottinghamshire, um, in terms of the position that they've been being clear about the their position in terms of the way forward, that that's necessary to, to deal with the concerns, bearing in mind the provisions of policy and guidance and the need for the approach to be to be proportionate.

00:59:53:22 - 01:00:18:27

So I'd be that'd be very helpful if we could have some clarity on that. And more generally, um, I'd encourage the parties to, um, carry on having discussions, um, in order to identify areas of agreement as, as well as disagreement. Um, and in that regard, it would be helpful if we could please have an update, um, for deadline five, which I think is the 11th of, of April.

01:00:20:16 - 01:00:57:01

Um, so I would like to move the discussion on now, and I'm very conscious of the time, but I would like to continue until, um, until 130, um, and moves on to the next agenda item, which is the, um, the assessment of the effects of the scheme on the Stone park, medieval Bishop's Palace and Deer Park. Um, and particularly looking at the areas of identified harm and consideration of mitigation measures. So just just by way of context, um, the Ex-aide has, has visited the site and walked around and its main elements at the end of January.

01:00:57:03 - 01:01:31:21

And there's a note of our visit, um, on the website. So as a, as a, as a starting point, um, we're aware that there's disagreement between the applicant and historic England in relation to the degree of harm that the scheme would cause to the setting of the Stowe Park, medieval Bishop's Palace and Deer Park. So both um main parties agree that um, so both the parties agree that there would be harm. The applicant's position is that this would be less than substantial at the upper end of the spectrum of less than substantial harm.

01:01:31:23 - 01:02:11:15

And Historic England's position is that there would be substantial harm to the significance of the monument through loss of its character as a bounded architectural space. So the first point I'd like to address, um, is in relation to, um, the applicant's position that all three of the elements of this schedule monument are excluded from the order limits, and therefore no development would take place within the boundaries of the monument. Can I ask whether or not there's agreement on that specific point, please? So perhaps, um, Historic England and its, uh, Mr.

01:02:11:17 - 01:02:14:04

Allen. Are you there?

01:02:14:21 - 01:02:17:03

Hello. Tim Allen from historic England. Thank you, ma'am.

01:02:17:20 - 01:02:42:19

Uh, yeah. Our understanding is that none of the works that are set out in the application intrude into the areas of the scheduled monument. Um, but it's a, uh, obviously that's that's dependent on the the detailing of those works and which but that's our understanding that this is this is about setting impacts on the significance of the monument.

01:02:43:08 - 01:03:13:27

Lovely. Thank you. Thank you for confirming that. Um, and in terms of significance, and my reading of the party statement suggests that there does appear to be agreement that, um, the Scheduled Ancient monument derives most of its significance from its historic interest as an enclosed and enclosed medieval space. But there appears to be disagreement over the significance that can be attached to the extent of the surviving elements of the Scheduled monument, and in particular, the degree to which they can be experienced as a coherent whole.

01:03:14:29 - 01:03:46:01

Um, so starting with the applicant, um, your position seems to be that the degree of significance is undermined by the fact that it's not possible to appreciate this, um, this the area as a space in parked. And I had to lock that up. That's, uh, my understanding is that it's an, um, a space to enclose animals within a park. So, um, so, as I say, significance is undermined by the fact that it's not possible to appreciate this as a space in parked.

01:03:46:16 - 01:04:12:09

Um, and and because of that, the relationship between the surviving elements has been compromised. Um, so in terms of how that's occurred and the implications, um, for the way in which significance

has been assessed, I'd like to hear from the applicant, please, in terms of, of, um, how that relationship between surviving elements has been compromised.

01:04:13:09 - 01:04:54:02

Hello? It's, uh, Emily Mercer, on behalf of the applicant. Um, we I think we agree, you know, in terms that you you mentioned, uh, a little earlier about the significance of the actual scheduled monument. So you've got the three elements of the scheduled monument. So there's the, uh, southwest pale, southeast pale, and and the Bishop's, uh, palace, the remains of the Bishop's Palace. Um, we, um. We are in agreement with what's in the the listing for the scheduled monument that, um, these three elements derive their significance from the, um, archaeological and historic, historical, um, interests.

01:04:54:20 - 01:05:30:04

Um, so that that's not in dispute. It's what, uh, how the setting contributes to the very significance. Um, so whilst we can understand that there are these three elements, the way it's experienced, um, from the applicant's point of view is that that well, there's, there's there's two kind of ways of, um, looking at how it was a space in parks. Most of it can be appreciated from, um, documentary evidence, though, through aerial photographs and through maps.

01:05:31:04 - 01:06:13:17

Um, you know, right up to the present day, you can see how the three elements relate to each other from kind of views above. Um, then when you're on site, you can experience the three separate elements, but this is more in a kind of kinetic way. So you have to, uh, almost walk from one feature to the next, from one part pale to the other part pale up to the medieval, um, the former medieval bishop's palace. Um, the the, I suppose the the main problem or the compromise that we view is the kind of post-medieval and modern, um, agricultural landscape that now in fills between the three monuments.

01:06:13:27 - 01:06:44:19

Uh, we you have running through the middle the, um, the railway and there's also the former mod, um, storage facility. Um, so that that doesn't help in trying to kind of view or understand and the actual formally import space, um, it you the railway bisects that. So you can't see between the Bishop's Palace down to the southwest pale, for instance.

01:06:44:28 - 01:07:26:18

Um, there is a sense of being able to view from the Bishop's Palace to the southeast. Pale. Um. Which, you know, you can kind of look southwards, but that's the pale. The southeast pale is more fossilized in terms of the trees that are at the top. So you you if you can see the trees, you can kind of get that sense of scale. So you as you walk around them, you feel that there was this sense of scale. You can understand. You can go to each element and you can look at each element and know how it's, uh, it formerly was part of the pale, you know, the, the size of the, um, the embankment.

01:07:27:15 - 01:07:59:15

Um, but then within it there's, there are no features that there's no, um, experience. If you stand in the middle of, of the former Deer Park, you, you don't feel or experience it as a form of deer park. There is no there are no features that you find in other examples that, um, that lend itself to being mainly because of the way it is now, uh, uh, kind of agrarian landscape. Um, you don't get with the the North.

01:08:00:11 - 01:08:32:14

Um, pale is, uh, in dispute. We don't really know where that goes. So you can't get the whole of it all together. Um, you in trying to kind of look beyond, um, if you look at the kind of documentary evidence, you can see how it was carved out of the landscape formerly, but on the actual ground, you can't, uh, you can't get that because the, the agrarian landscape that you're standing in in the middle of the park looks exactly the same as that beyond the, uh.

01:08:33:12 - 01:09:03:21

The former boundaries of the park. So, um. So whilst we, we do appreciate, um, um, we we do understand, you know, the scheduled areas, the actual park itself, uh, has, has kind of been lost or the experience of it has been lost. Um, and it can only really be experienced from the ground in that, that kinetic way as I, as I mentioned earlier. So this is why we feel it's been it's been compromised in terms of the deer park setting.

01:09:04:20 - 01:09:05:05

What?

01:09:07:04 - 01:09:40:19

That's helpful. Thank you. Um, so coming to you, um, Mr. Allen, in terms of that, the, um, that the point about the awareness of, of, um, the the the space and the suggestion that that's been compromised by, um, uh, the nature of the agrarian landscape, the, um, the addition of the railway line, the fact that the, the, um, the northern um, uh, extent of, of that space, um, it has has been lost.

01:09:41:15 - 01:09:52:12

Can you talk to me about about your your, um, your thoughts in terms of how that's impacted on on the nature of significance and the significance of the space itself, please.

01:09:53:24 - 01:10:30:11

Okay, so there parks are spaces cut out of the world, as we've said in a previous submission, that they're a place where, um, rights are privatized. And whilst a number of activities may have gone on in there, it is a place in which there's a particular kind of control space. Um, the applicants in the comments just now talk about the kinetic experience. That's not a secondary form of experience. The the it is one scheduled monument. It's under one number, the parts of it which were clearly evident as earthwork features were designated by the Secretary of State.

01:10:30:13 - 01:11:00:17

But they are parts of one thing. And the association between the palace site, the moated site at Moat Farm and the deer park which enclose the site. That's an integral relationship. That's what it's an aspect of having a high status site out in the country where the bishop could take their guests, where they could take time to reflect where they could, um, deploy the resource of venison, which was important in, in underpinning their status, gift giving, that kind of thing.

01:11:01:02 - 01:11:38:03

So you experience that now in a way that is different from how that landscape would have been encountered in the medieval period. But even that isn't one static state. It's not that there's a single perfect form in which it was experienced at one point in time. That experience is kinetic as you move through, but the experience of all parks and landscapes are kinetic. They're about movement through space. They're not about single point views. And as you move around kinetically through that space and you navigate the railway, which is possible at the bridge, you reconstruct that space and you experience it.

01:11:38:27 - 01:12:10:12

In a way that brings together the parts of it, and you get good views from at points across over the railway as you move between north to south, so you can construct that space, reconstruct it as a direct experience. And that's that's something more important than what you would gain from secondary forms of experience, such as aerial photographs, Historic mapping. Those things would enhance your experience. They'd inform it, but they're not a substitute for that direct experience in space.

01:12:11:05 - 01:12:39:20

And our argument is that the introduction of solar arrays into that space will transform that experience. Now, whilst the land use is in there at present, are different to some of the ones that were there in the medieval, they are mainly still agricultural uses. The fine topography, the relationship of the slightly raised ground at the northern end, where the palace moated site was, and the raised area at the dairy adjacent to the railway line.

01:12:41:20 - 01:13:13:01

That micro topography allows you to think about how that space was used and how people moved through that. Um, that would be to a degree concealed by the, by the, by the panels, but also your experience of that space will no longer be. Of a modified rural landscape. Clearly, the bisection of the site by the railway has changed that, but it is possible the introduction of the former Mod fuel depot, adjacent to the railway line is another non medieval edition.

01:13:13:03 - 01:13:27:22

It's part of the history of the site, but these things don't prevent that experience of it as a, as a as, as we termed it an architectural space. Um, yeah. That's that's probably our point of disagreement.

01:13:28:03 - 01:14:02:19

Thank you. Yeah. And I understand the, the, the positions of the, the parties on, on that element of significance. And what I wanted to do was, um, move on to consider the, the impact of the scheme. And I wanted to start by summarizing what I see as, as being the respective positions of the parties. Um, before looking more in more detail at the and the nature of the harm and and whether mitigation measures could, could address this. So, as I understand it, Historic England's position is that the central aspect of the significance, um.

01:14:03:26 - 01:14:42:01

Uh, of the space as a space in parked would be profoundly compromised by the loss of both its rural character through the installation of the panels, and by being it subsumed into a new landscape of solar generation. Um, the applicant's position is that, um, by placing the fencing panels, uh, sorry, by by placing fencing lines and solar panels in close proximity to two of the three areas of protection associated with the the scheduled monument, this would physically and visually isolate the site of the Bishop's Palace from the surrounding rural landscape.

01:14:42:03 - 01:15:13:18

However, due to the changes identified, the general character of the landscape within the former deer park relates to a post-medieval or later landscape, and fails to embody a sense of the earlier medieval deer park. The applicant also highlights the temporary and therefore reversible nature of the scheme, um, and that the landscaping, sorry, the landscape features would remain in situ. So I'd just like to ask whether those brief statements fairly reflects the party's positions. Mr.

01:15:13:20 - 01:15:18:10

Allen. Are you happy with what I've just said in terms of reflecting Historic England's position?

01:15:19:18 - 01:15:23:01

Yes, I think that sound. I think the only thing I'd add to that is that.

01:15:25:08 - 01:15:26:01

It's.

01:15:27:29 - 01:15:48:25

Again, as we said, these are not. Whilst there are gaps between the areas protection, it is one. It is one ancient monument in the categorical sense of which parts have been protected as scheduled as a

scheduled monument in separate areas of protection. Therefore, it needs to be thought of as a whole, as an asset.

01:15:49:06 - 01:16:02:20

All right. Understood. Thank you. Um, and, um, where are we now? Uh, sorry I missed most. Um, did. Are you happy with how I've captured the the applicant's position?

01:16:03:19 - 01:16:34:24

Um, Emily Mercer for the applicant. Yes, I'm happy with that. I, um, you know, as we as we mentioned in our position, um, we do understand that they will be isolated. However, um, the, you know, the way we reach our conclusion is based on the fact that, um, the landscape, uh, none of the landscape features will be removed, none of the, uh, field boundaries, it will still be completely legible as it is now.

01:16:35:03 - 01:16:41:24

Um, and that it we are looking at something that's reversible so we can return it to the do do nothing state.

01:16:42:01 - 01:17:00:28

All right. Thank you. I'll come back to that at that point a little bit later. Um, just some specific questions then. Um, um, Mr. Mercer, I don't think you're the best person to answer this, and I'd like to ask how the, um, the design of the scheme and its layout is sought to respond to the presence of the scheduled ancient monument.

01:17:02:16 - 01:17:13:09

Um, the. This is something that we would need to come back to you on, if that's possible. Um, this is something that's kind of worked out beyond just, uh, heritage with with the other teams.

01:17:13:25 - 01:17:31:27

Okay. Um, I was I was then going to follow on, um, with a question to, um, Historic England about the, um, the effectiveness of, of that of the design approach that's been adopted in, in mitigating harm. Um, I can see Miss Broderick's raised her hand. May want to, to jump in.

01:17:33:10 - 01:18:35:24

Uh, to the applicant. Um, just in terms of general comments, obviously the scheme design is an iterative process. Um, as a set out, um, in chapter five of the environmental statement, which goes through the reasons why each parcels were selected for the scheme, um, and as um, the environmental impacts were um became known. Um, the scheme was looked at to see whether changes should be made. And I think in this particular case, obviously the, uh, there it would as we understand it, um, Historic England's position is that all solar panels from the entirety of the area, whatever that may be, which is, again, something I think that hasn't been necessarily specifically put on the plan that the entirety of the area would need to have no panels in it at all in order, um, to address Historic England's concerns, rather than there being, um, a specific height of panel or particular areas within the deer park that panels can be removed on to address the concern.

01:18:35:26 - 01:18:45:16

So I think our understanding is that it's a mitigation. Opportunities are limited because it's an all or nothing. Um, there are there are elements of it that could be.

01:18:45:18 - 01:18:46:24

Removed to.

01:18:46:26 - 01:19:07:24

Address Historic England's concern. And therefore the applicant's position is based on our interpretation of less than substantial harm that the the benefits of the generation across the fields, um, outweigh the less than substantial harm, and therefore it's not. There isn't a suitable proportionate mitigation measures that can be put in place. Okay.

01:19:07:26 - 01:19:40:01

As I say, I think it was just just trying to sort of understand a little further, um, how, um, the presence of the, the scheduled intervention had had been responded to in, in setting out, um, the scheme design. Um, but I'll, I'll defer that to written questions. But I would like to, to see Mr. Allen's got his hand up. Um, and, uh, I don't know if you'd like to respond to the point that the applicants just made about the all or nothing approach, um, to to scheme design. Um, what would you like to say?

01:19:40:05 - 01:20:08:28

Tim Allen, Historic England. Thank you, ma'am. Um, it's a very, very large development whilst the whilst there are. A considerable number of panels within the area where we would like to see them removed as a percentage of the whole scheme. It's not that great. Um, yes. We've not sort. Partial removal of panels from within the area of the medieval deer park. Um, a light

01:20:10:13 - 01:20:37:12

only on the northern end. Is it really in much doubt as to where the line of the park park went, and that could be subject to further discussion. It's it's evident on the historic map sources of wise, and I think it would be fairly simple to identify which panels would need to come out to address our concerns. Um, that's probably for this at this point. Okay. Okay. Comment.

01:20:37:24 - 01:20:47:00

Sorry. So just just on that final point, um, would you mind repeating that you referred to the removal of specific panels to address concerns?

01:20:47:05 - 01:21:06:22

Is that right? In, in terms of in terms of of. Which areas as the applicant just touched on which areas of the array. Would need to be deleted from the scheme to address our concerns in respect of substantial harm.

01:21:08:12 - 01:21:26:18

That would be those which lie within the bounds of the medieval deer park. And whilst the northern boundary. There is some ambiguity over the line of the boundary of the northern side, given that we have the position of the moated lodge and we have the site of the park, it would be a fairly simple matter to identify a reasonable line through there.

01:21:28:08 - 01:21:32:11

Alright. Thank you. Um, Miss Broderick, you wanted to come back.

01:21:34:06 - 01:22:04:19

My project, captain. Yes. I've just been informed that, um, the the a plan detailing the area is envisaged to be annexed to the next version of the Statement of Common Ground. So hopefully there should be that should be submitted into examination to give more clarity. Um, as to the areas we're talking about. But my base, those areas, um, I've been informed, would result in a loss of 128MW of generating capacity. So we're not talking about a small proportion of this particular scheme. We're talking about a quarter of it.

01:22:04:21 - 01:22:13:24

So when you just need to be um, it would be silly to bear that in mind, but we'll provide more detail on the actual figures, um, in the summer.

01:22:14:00 - 01:22:46:15

All right. Thank you. So, so I suppose I'd just like to come back to you, Mr. Allen. And just just so as I understand it, um, it's it's the presence of any. So any and any element of the solar scheme within, within the, um, the, the park area that that is of concern, um, and that there's this there's no compromise position. It's substantial harm whatever whatever degree of, of of panel presence shall we say, was was within that area.

01:22:47:14 - 01:22:56:29

I think for the purposes of a conversation about a scheme of this character, evidently were one to have.

01:22:59:07 - 01:23:15:27

A very small solar array within the park that would not have that level of impact. However, given the character of this as a nationally significant infrastructure project composed of large arrays. Our view is that.

01:23:20:06 - 01:23:55:01

A salami slicing approach of saying, well, what about half of what's that called? It isn't really going to cut to the main issue because it's about the experience of that space. So so notwithstanding that, we're not looking at someone wanting to put up a few panels next to their bar. This is large scale stuff. So I think in the sense of this, the solution would be to not introduce them within the area of the medieval park. I, I it's as good a point to make now as later that in our experience of other solar schemes when.

01:23:57:29 - 01:24:10:01

High impact in respect of designated assets. Arise. Those are designed out. This is really unusual for us to be at this point in process with something like this. Still in ski.

01:24:12:18 - 01:24:15:19

Just to thank you. Thank you for that comment. Um.

01:24:18:28 - 01:24:20:22

I'm aware that, um.

01:24:22:20 - 01:24:23:05

Uh.

01:24:23:22 - 01:24:55:25

There has been assessment of the, um, the effects of, uh, on the setting of this at the scheduled monument on the basis of shorter panels. Um, so this was referred to, um, in the s chapter 13 as being panels approximately two meters high. Um, but then in response to one of the written questions, the applicants clarified that the intended height, um, for fixed panels would be, um, uh, 3.5m.

01:24:56:15 - 01:25:12:09

Um, and and also sets out in, in response to that question that in relation to the height difference between 3.5m fixed panels or 4.5m tracker panels. Um, this wouldn't significantly affect, um.

01:25:13:13 - 01:25:14:11

Uh, the.

01:25:14:13 - 01:25:31:03

Setting of the the scheduled monument. So my question is, um, does does that mean that consideration has been given to the use of 4.5m tracker panels in, in that location, um, within the setting of the schedule scheduled monument.

01:25:35:25 - 01:25:36:28

Yes, Miss Broderick.

01:25:38:27 - 01:26:13:15

Uh, project, uh, for the applicant? Uh, yes. So at the moment, the design is that either fixed or tracker panels can be placed in these areas. And that and our understanding is that it's not considered a suitable mitigation measure to reduce the level of harm on the point of historic England for, um, shorter or lower height panels to be used. But I will, um, uh, refer to Miss Mercer to just add any further detail on the discussions that have been had between the applicant's advisers and Historic England on on the specific point.

01:26:13:17 - 01:26:14:02

Thank you.

01:26:14:11 - 01:26:16:24

That will be helpful. Miss Mercer. What did you want to say?

01:26:17:08 - 01:26:59:03

Emily Mercer, on behalf of the applicant. Um, I just wanted to clarify that, um, it was the difference. Um, in the height. It wasn't that there would be no change in the significance. Um, on the on the the actual, uh, scheduled monuments. It was just that it wouldn't change our conclusions in terms of, um, lessened substantial harm at the upper end of the scale. Uh, the, uh, two metres, a two metre high, um, panel is, uh, that was looked at, uh, originally, but that's still of a height that's between two metres and, uh, 3 or 3 and a half or 4.5m panels.

01:26:59:15 - 01:27:13:11

Um, it doesn't give you any benefits. It's not you can't it doesn't in terms of views and things, in terms of how we're looking at the setting. Um, it didn't alter our conclusions.

01:27:13:24 - 01:27:28:06

All right. I mean, I suppose I would for my own point of view, I'd say there's quite a difference in terms of that kinetic experience of walking around the site, as we've talked about previously, between there's quite a difference between two two meter panels and 4.5m panels. Um.

01:27:29:10 - 01:27:56:29

Probably the applicant. Um, yes. In terms of height. That's understood. Um, in terms of how you see over them, you can't see over a two meter panel, just the way you can't see over a three and a half or four and a half. So you can still with a two metre and a 4.5m panel, you would still be experiencing the site in the same way of kind of, um, moving between the isolated, uh, scheduled monument features.

01:27:57:09 - 01:28:00:07

Okay. Thank you, miss Mr. Allen. Can I bring you in now?

01:28:03:24 - 01:28:34:14

Tim Allen, Historic England. Uh, yeah. So in response to a question, 175, um, asking about difference between circa two metres and three and a half, we said, um, we know that circa two metres metre panels might be a little less prominent than those at three and a half, but but we wouldn't see that as providing a tipping point between so from substantial harm. So from our point of view.

01:28:37:09 - 01:29:00:16

Men in many ways as as the applicants just said, it's still going to break up your experience of that space. It larger would be more prominent, but. The circa two metre ones have already passed the tipping point. From our point of view, in terms of for transformation of apps based on one's kinetic experience of it, so we didn't really see any value in.

01:29:02:08 - 01:29:06:12

We didn't feel that that would take us to a point where our concerns were addressed.

01:29:07:13 - 01:29:26:12

All right. Thank you. While you're speaking, Mr. Allen, I would just like to to ask you about the the point that was made by Mr. Mirza earlier on in terms of the reversible nature of the scheme and whether that was taken into account when, um, uh, considering the conclusion in relation to harm.

01:29:28:13 - 01:29:42:12

We note the physical reversibility in terms of that experience of space. However, the proposed design life of the scheme, which I recall is 40 years.

01:29:43:16 - 01:29:45:18

Up to 60, up to 60.

01:29:45:20 - 01:29:52:14

Well, that's more than one generation, 62 generations in term. So.

01:29:54:11 - 01:30:15:00

We would add weight. The reversibility in that context that this is this is beyond this is someone's lifetime and you know it. It's it's generational. So a multi-generational in terms of the experience of that space. So we wouldn't wait that, you know, thank you.

01:30:15:16 - 01:30:21:21

Thank you for that. Thank you. Uh, and Miss Broderick, did you want to say.

01:30:24:20 - 01:31:20:06

Uh, it was just to come back on the on the point about, um, the rationale for continuing to have the ability to put both the full height fixed and tracker panels. Um, just referring back to obviously, where there is harm caused, then the Secretary of State needs to take into account the, you know, whether the public benefit or the benefits of the scheme outweigh the harm. Um, that's caused. And obviously, the greater the generation capacity by using larger panels than the greater the benefit. So our position would be that given that there isn't this tipping point or ability to mitigate suitably by reducing the height, then the the benefit, the benefits that can be delivered um, by the scheme, um, justify the use of um, the 4.5 tracker panels or the 3.5 fixed panels so that we can maximize the generation capacity and the benefits energy associated with it in the balance when when deciding whether that outweighs the harm the harm caused.

01:31:21:06 - 01:31:25:11

Okay. Thank you. Um, yes, Mr. Allen.

01:31:29:15 - 01:31:47:02

You'll probably come to this in person, but, um, when you go to in three. Across paragraphs one eight, 310, 183 ten. 109 setting impacts. Can be substantial.

01:31:48:17 - 01:31:49:12

And.

01:31:51:18 - 01:31:54:20

Applicants are asked to

01:31:56:20 - 01:32:02:28

ensure that assets are conserved in a manner appropriate to their significance across these two points. If.

01:32:06:01 - 01:32:12:01

This is the nature of a deer park is that it's an enclosure of space. The

01:32:13:16 - 01:32:43:27

the infilling of that space with the development. If that doesn't cut to a category of setting impacts. That can take you to substantial harm. Then it's how can some think, be, um, be more, be more, um, intimate in its relationship with the asset than it actually being within the area that it bounds. Um, so yeah, we, we feel our position sound and that the significance hasn't been addressed in design.

01:32:43:29 - 01:32:50:06

And if it had been addressed, we wouldn't be here today and the panels wouldn't be being proposed within the area of the purple.

01:32:51:07 - 01:33:22:10

Understood. And and to be fair, I do understand. Um, I, I'm fully, fully aware of that. The the, um, the applicant's position. Historical England's position. Um, and I'm not too sure there's anything further we can we can gain by prolonging the discussion. The parties have have set out their positions. We've got the statement of common ground. Um, we've got got positions in terms of, um, the nature of significance, the harm that would be caused.

01:33:22:12 - 01:33:46:04

Um, obviously the policy tests are set out there in the, um, and the ndps. Um, is there anything further I should we, as the czar should be noting in terms of, of, um, of this point, um, in the examination, anything for the further we need, we could we would benefit from discussing at at this point. Yes. Mr. Sheikh, for West Lindsey District Council.

01:33:47:29 - 01:34:03:03

She was then to District council. Uh. Yes, ma'am. There are points that we wanted to make in response and after Mr. Allen, for historic things made. So it might be worth Mr. Allen finishing his points, and then we'll respond accordingly, because it builds on and and responds from a policy perspective.

01:34:04:08 - 01:34:06:11

All right then, Mr. Allen, what would you like to say?

01:34:09:22 - 01:34:44:04

Okay. Tim Allen, Historic England. Um, we will provide, um, written comments, um, summarizing what we've said today. And, um, and I think we'll use that as well to expand slightly on the, on the, on the significant the relationship between it being the bishop's residence and the use of the park, because I think that would assist the applicant, the um, saying in understanding how that significant relationship between the palace and the park works, if that's agreeable to ma'am.

01:34:44:08 - 01:34:44:23

Yes.

01:34:44:25 - 01:34:45:10

Yes, please.

01:34:45:12 - 01:35:29:28

Um, um, on a second point, I note the, um, applicant's reference to creation of a plan as part of the Statement of Common ground process that defines an agreed like line stroke lightly line at the top edge for the medieval deer park. I think that would be very useful in terms of our understanding of process. Would that also assist you, ma'am, in the in your reporting process so that you say that it was possible to define clearly which part of the array it was that we we as um, such consultees would like to see deleted.

01:35:30:19 - 01:36:10:16

But that would be helpful. Yes. Yeah. Again, as much information as we can gather in terms of understanding, um, the parties respective positions would, would be of assistance. But probably the greater help with this would be if the conversation is in relation to the statement of common ground could continue. Um, uh, if there are areas that can be agreed, whether that's in relation to the nature of the significance of the, um, of this heritage asset. Um, uh, anything to to assist the examination further would be, would be in terms of information and, and to say that those, those conversations, um, is to be encouraged.

01:36:10:18 - 01:36:12:22

Um, Miss Mercer, what did you want to say?

01:36:15:03 - 01:36:52:27

Emily Moser on behalf of the applicant. It might also be worth, um, in that that similar vein. Uh. In the kind of the written comments that we also explore how the medieval bishop's palace, um, is also linked to the the landscape to the north, to the to the uh, former Roman road, which, which ran, um, to the north. And we also, um, there's a deserted medieval village, uh, to the north of it. It's believed to be associated with and during trial trenching, uh, to the immediate north, there was, um, an earlier, um, there was evidence of of an earlier settlement.

01:36:52:29 - 01:37:11:08

So earlier at medieval settlement. So, um, that it isn't just fixed onto the, uh, the deer park is the landscape. There's also the wider medieval associated landscape to its immediate north that we, I feel, would, you know, be beneficial in exploring that a little further also.

01:37:12:20 - 01:37:16:04

Thank you. Mr. Wallander, do you have a particular comment on that?

01:37:16:06 - 01:37:47:24

Just just in response to, um, Miss Mercer's comment that, um, yes, I think I think in understanding what an area, um, an area of sensitivity might include that bit the area that's between the northern limit of the park and the Roman road and is and the relationship to the um, non-designated to certainly a deserted medieval village remains is is worth, you know, wrapping up in that same conversation.

01:37:48:24 - 01:37:49:09

Okay.

01:37:49:22 - 01:37:51:12

And then come back to Mr. Sheikh.

01:37:52:15 - 01:38:26:03

Thank you so much, Westlands District Council. It's building on Historic England's position and it's in relation to the application of policy. And because we note that policy and three specifically paragraph 2.3.8 is being relied on, which is the positive role that large solar plays, which can um and should be taken into account as a public benefit. But we would wish to reiterate that Ian Ian one should be read in light of the statutory duty, and that's expressed at 5.9.

01:38:26:05 - 01:38:57:04

21. And that 5.9. 29 has to be read in light of 5.9. 28. In other words, if Historic England are correct, which is a position that we echo, um, then the policy is clear that where there are substantial harm to or loss of significant of assets of the higher significance, including scheduled monuments, they should be wholly exceptional. So we understand in relation to the balance or the test be applied at 5.9.

01:38:57:06 - 01:39:35:28

28 uh 29. But that should be read in light of MPs which says wholly exceptional. So there are two points of clarification. The first is what the applicant's position would be on the application of that policy, if Historic England's assessment was correct and whether or not that policy would be met. And in the alternative, if the applicant's assessment is correct in that it's less than substantial harm, but it's at the upper end and quite how they've reached the conclusion in the planning statement that the public benefits do outweigh, uh, the harm, because all that we've been able to identify as at paragraph 6.6.

01:39:36:00 - 01:39:41:19

20, which doesn't particularized why the benefits outweigh the harm. So it's two points of clarification.

01:39:43:00 - 01:40:20:11

Thank you, Mr. Shaikh. And and I'm going to hand straight over to the the applicant. Um. Uh, yes. You've identified areas that I was going to sort of pick up on before we closed on this particular item. Simmons. Broderick, do you have any, um, any any response, particularly in relation to, um, if the conclusion, um, in relation to the degree of harm was that it was substantial, if that was the sector sites position. Um. How would you account for the fact that that that that position, um, is, is noted as, as being something that should be wholly exceptional? Um, uh, with reference to in one paragraph, 5.9.

01:40:20:23 - 01:40:21:14

30.

01:40:23:26 - 01:40:59:06

Uh, and just before we go on to the application of the various policy tests. Um, I was just going to hand over to Miss Mercer, who perhaps could just reiterate the distinction between those elements that are part of the schedule monuments and therefore, um, the various policy tests that apply to schedule monuments attract to and then those parts which are part of the setting. And obviously there are different policy tests in respect of setting compared to actually harm to the actual, um, scheduled monument parts of it.

01:40:59:08 - 01:41:10:18

I don't know if that would be. I know Miss Mercer touched on it earlier, but it might be just helpful to reiterate that before then. We go on to the application of the policy parts of that property that.

01:41:10:20 - 01:41:14:18

Yeah. Miss Mercer, do you want to just say anything more?

01:41:15:20 - 01:41:55:17

Uh, Emily Mercer for the applicants. Um, yes. Just, uh, as we iterated earlier, we, um, you know, the scheduled monuments, the scheduling actually applies to the the three elements, um, the southwest pearl and southeast Pearl and the medieval bishop's Palace. Um, we the the panels are within the setting. There would be no direct impact on the actual scheduled, um, features themselves. Um, and so the this is where we have led to our kind of, uh, conclusion of lessons, substantial harm because of the lack of direct impact.

01:41:56:00 - 01:42:04:10

All right. Thank you. I'm going to ask, um, Mr. Allen to come in before we go back to Miss Broderick for the applicant. Mr. Allen, what would you like to say?

01:42:04:17 - 01:42:35:13

Tim Allen, Historic England. Thank you. Ma'am. Um, policy in three, paragraph 3.10 .109 says, and I'll quote directly, as the significance of a heritage asset derives not only from its physical presence, but also from its setting. Careful consideration should be given to the impact of large scale solar farms, which, depending on the scale, design and provenance, may cause substantial harm to the significance of the asset. Therefore, it's not reasonable to exclude.

01:42:36:20 - 01:42:42:06

The possibility of substantial harm simply on the basis of lack of direct physical impact.

01:42:43:23 - 01:42:44:26

But thank you.

01:42:47:13 - 01:42:47:28

Uh.

01:42:49:10 - 01:43:42:12

Yes. I think the point we were trying to, um, make is that it depending on. The policy and N1 relate in terms of the use of the phrase wholly exceptional that was referred to by Mr. Shaik applies to um, the substantial harm um. Or loss of significance of the actual scheduled monument, and in terms of that being wholly exceptional. Um, and then the policy then goes on, um, in terms of, um, uh, how you apply, whether you should, whether the Secretary of State should, um, refuse consent in, in the event of substantial harm of a designated heritage asset and then the, the, the um, requirement to show that there would the harm is necessary to achieve substantial public benefits that outweigh that harm.

01:43:43:00 - 01:44:14:22

Um, and then also then goes on to have other, um, paragraphs relating to um, applications for development affecting the setting of designated heritage assets. So that's it's the sort of a different stages of, um, policy or approach and apply, depending on whether we're talking about the harm to the schedule one itself or to its setting. Um, so that was just the purpose of going through that. But what we will do, um, what we are proposing to do, um, anyway, is to, uh, um, we've also got the statement of common ground.

01:44:15:02 - 01:44:54:29

Um, but we also will be doing, um, sort of closing submissions on this point in terms of how it, um, how we go through the various policy tests, but it sounds as if that's something that might be more helpful to do, um, for the next deadline, rather than leaving it to, um, our, um, closing submissions. And it's really the information is already there, but it's kind of bringing it all together in one place. Um, and, um, we can definitely, um, on a without prejudice basis, obviously address the point that if the Secretary of State was minded to, um, agree with Historic England's, um, position that there is substantial harm, then then what that means in terms of the the application of the applicable policy.

01:44:55:01 - 01:45:03:13

So we can include that as part of the, um, as part of the summary, um, noting obviously that that's not the applicant's position.

01:45:03:21 - 01:45:07:21

Indeed. Yes. That would be helpful. Thank you, Miss Broderick. Mr. Allen, what would you like to say?

01:45:10:01 - 01:45:33:05

Perhaps finally on that point, um, there aren't two kinds of substantial harm to significance of designated assets. Um, you can't have one category for direct ones and one for setting what? That setting isn't an asset in its own right. It's and it's an aspect of the significance of the monument. So I don't recognize the split put forward by the applicant there.

01:45:35:20 - 01:45:36:05

Thank you.

01:45:36:16 - 01:45:38:27

And, Mr. Shay, what did you want to say?

01:45:39:19 - 01:46:10:25

West Lindsey District council. Yes. It follows on from Mr. Allen's point, which is if the applicant's position and approach is correct, then one would probably expect that they need to do an assessment of what is determined as the setting as a separate non-designated heritage asset, which we haven't seen from their approach to date in reaching the conclusion of less than substantial but the upper end of that. So we would invite just clarification on that point and whether the applicant wishes to revisit if if the applicant approaches is the one that is, there is going to be followed.

01:46:12:24 - 01:46:28:11

Thank you, Mr. Sheikh. So on that particular part, I can see you've got your hand up, Mr. Moser. Is there anything you would want to say in terms of the assessment of the setting as a as Mr. Sheikh has just said, a non-designated heritage asset?

01:46:28:23 - 01:46:31:24

Yes. Mr. Mercer, on behalf of the applicant. Um.

01:46:33:26 - 01:46:50:11

Just I just wanted to clarify that matter, because the setting is to the scheduled monuments as a designated heritage asset and not as a heritage asset to be split out. So, um, it was that entirely really?

01:46:52:13 - 01:46:53:21

Just clarification.

01:46:54:16 - 01:47:06:06

Okay. Yeah, I must admit, I'm not entirely sure. Mr.. Mr. Shaker, in terms of the point your your you're making in terms of what further work might be required.

01:47:06:28 - 01:47:23:12

West Lindsey district council. Uh, ma'am, it might be one that we revisit when we've seen the applicants approach to dealing with the setting. And then we can revisit the point, because I think it probably is contingent on their approach and whether or not we accept or disagree with that. Um, I think we can respond in writing in due course.

01:47:23:18 - 01:47:55:12

Thank you. That will be helpful. Okay. So I think we'll probably, um, uh, progressing as far as we can in terms of particularly identifying areas of additional information that would be helpful, um, from Historic England in terms of, um, assessing significance and also, as it's been mentioned, um, policy implications and, um, simply from the applicant a little bit further, a little further information in terms of the area that would be affected and, and sort of signposting that, that sort of policy information as has been discussed latterly.

01:47:55:17 - 01:48:31:24

So, um, I'm going to suggest we leave that there with those, with those actions very much in mind. Um, and noting the fact that, that, that others will, will want, will need the opportunity to comment on those before the end of the examination. Um, noting the time, I am going to suggest that we we have a break here. I was hoping that we would get through, um, the cultural heritage section, um, before lunch. But we we are where we are. So phrase of the day. We are where we are. Um, and so, uh, I'm going to suggest that we have a lunch break.

01:48:31:26 - 01:48:41:08

Now, could we let's think of the time. Could we return at, um, at 230, please? Thank you very much, everyone.