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FULL TRANSCRIPT (with timecode)

00:00:05:25 - 00:00:10:13

Good morning everyone. Can I check that? Everyone can hear me.

00:00:14:10 - 00:00:28:17

So the time is, um, 10:06 and this hearing is now open. Could a member of the case team confirm that? Live streaming and recording of the hearing? Have started, please.

00:00:30:15 - 00:00:31:13

Uh, yes it has.

00:00:31:20 - 00:00:32:09

Thank you.

00:00:34:28 - 00:01:07:02

So I'd like to welcome you to this final set of hearings for the West Burton Solar Project. My name is Andrea McGuigan, and I'm the lead panel member of examining inspectors, appointed by the Secretary of State to examine the application and report back with the recommendation. The other panel member is Jonathan Medlin, who is also here this morning. So these hearings relate to the applicant's request for changes to the proposed development and are being conducted on an entirely virtual basis.

00:01:07:23 - 00:01:41:28

If you participate in today's hearings, it's important that you understand that you'll be recorded and that your consent to the retention and publication of the digital recordings, and that you consent to the retention and publication of the digital recordings of the meeting. So just a few points of housekeeping, and please, can I ask that you keep your microphones muted until we invite you to speak? The chat function in Microsoft Teams has not been enabled and won't be in use, so please don't try to use it for any questions or comments.

00:01:43:09 - 00:01:53:29

If you are watching on the live stream, then please be aware that it will be stopped during any adjournment and that you will need to refresh your browser to view the restarted hearings.

00:01:55:26 - 00:02:02:16

You'll find it helpful to have the agenda that was published on the 16th of April to hand this morning.

00:02:04:09 - 00:02:11:09

And then, uh, as a general rule, we'll have a break after about 90 minutes if we're still sitting at that point.

00:02:15:05 - 00:02:19:22

So moving on to agenda item two. The purpose of these hearings.

00:02:22:16 - 00:02:44:11

Today's hearings are held under regulations 14, 15 and 16 of the Infrastructure Planning, Compulsory Purchase Acquisition Regulations 2020 ten. The session consists of an issue specific hearing, a compulsory acquisition hearing and an open floor hearing, and all three of these hearings will be running concurrently.

00:02:46:12 - 00:03:18:06

Now, as we set in the notification letter that was issued on the 16th of April. The hearings are being held primarily for the purpose of hearing from those who wish to speak in relation to the the applicant's proposed changes to the application. And I will shortly be asking the applicant, Pryde, a summary of those changes and how they impact on the applicant's case. Um, but before I do that, could I ask, um, who is here and who will be speaking on behalf of the applicant, please?

00:03:23:08 - 00:03:50:25

Good morning. Um, my name is Claire Broderick. I'm a legal director at Pinsent Masons LLP, solicitors for the applicant, West Burton Solar Project Limited. Um, there are various members of the applicants EIA consultant team available. Um, depending on the questions or the points that are raised during the hearing. So I'll let them introduce themselves if they are required to speak at any point during during today's hearing.

00:03:50:27 - 00:04:05:06

Thank you. Okay. Thank you Roderick. So I'll be asking, um, any additional affected persons or, um, additional interested parties who are in attendance to introduce themselves when we come on to agenda item four.

00:04:06:23 - 00:04:17:17

In the meantime, um, I was going to see if there are any local authorities present who wish to speak. I don't think they are, but I just check for a moment.

00:04:20:04 - 00:04:21:05

No. Okay.

00:04:23:17 - 00:04:39:21

Good. Okay. So that brings us on to agenda item three, which is, um, a brief summary of the applicant's changes to the application and any effect these have on the applicant's case. So could I invite the applicant to to do that please.

00:04:44:10 - 00:05:24:15

A clever trick for the applicant. Um, details of the applicant's, um, change application are set out in the Change Application and Consultation report, which is document reference as Dash 056. Um, this um, describes in detail in section three the five um proposed changes. Um, which I'll just summarise now. Um, change one is an extension of the order limits along the highway from the West Burton one

site to the A1 500 Bridge Lane, to the north of Brock's home, in order to facilitate access to the site during the construction phase.

00:05:24:29 - 00:06:00:27

Change two is an extension to the order limits, uh, to the east of the Lincoln Gainsborough Railway line within Stowe Park to allow for flexibility in relation to the um separate proposal being submitted for another solar farm under the town and country Planning Act regime. Um at Stowe Park Farm uh change five is an extension to the order limits along the Lincoln Gainsborough Railway line within the West Burton three site, to allow for flexibility in relation to the construction of the cable cable underneath the railway.

00:06:01:17 - 00:06:36:15

Change four is a small extension to the order limits along the A1 five six High Street Martin, in proximity to the cable route corridor construction. Access point reference AC 110. In relation to the provision of a visibility splay and change five is an extension to the order limits to include the existing main vehicular access to the West Burton Power Station from Gainsborough Road, and that's to provide access during both the construction and operational phases, uh, to the National Grid, a substation site.

00:06:37:24 - 00:07:16:25

Um. As part of the change application, uh, the applicant prepared a supporting environmental information report that's document reference as 057, um, that considers the conclusions of the environmental statement submitted with the DCO application in relation to the proposed changes, and in particular, whether there are any changes to the potential significant effects compared to those reported in the original environmental statement for the scheme. Uh, the Supporting Environmental Information report concludes that there are no new or different likely significant effects of the change.

00:07:16:27 - 00:07:51:20

Application and consultation report also sets out, um, the engagement that the applicant applicant has undertaken with both um stakeholders, including uh, local authorities, and also engagement with landowners who are affected by the proposed um changes. Um, and in a number of cases, uh, the change has been a result of consultation and discussions with those landowners. Um, that's my brief summary of the of the five changes.

00:07:51:22 - 00:07:56:04

I'm happy to provide further details of if that would be of assistance. Thank you.

00:07:57:16 - 00:08:14:29

Thank you, Miss Broderick. Um, yes, that was a helpful summary. Um, so you'll be aware that Mr. Mayor and I have already, um, uh, issued a number of questions on the changes, and I don't have any additional changes on what you've said at this point. Um, Jonathan, do you have anything you want to pick up on at this point?

00:08:16:01 - 00:08:19:13

Uh, nothing right at the moment. Thank you.

00:08:19:15 - 00:08:51:14

Okay. Thank you. All right then, so we'll move on to, uh, agenda item for. Um, and this is for, um, affected persons and interested parties to speak. Um, and as is noted on the agenda, um, each party, um, who's indicated a wish to speak, will be invited in turn to address, um, the examining authority. Following each submission, the examining authority may wish to ask and ask questions.

00:08:51:27 - 00:09:27:21

The applicant will be invited to respond to any matters arising by the speaker. Um, at that point or at the the end of the hearing. Oral submissions should be based on representations previously made in writing by the particular participant. Um. However, the representations at the hearing should not simply repeat matters previously covered in a representation, but rather should provide further detailed explanation and evidential corroboration to help the, um, the essay. So we have had, um, requests to speak from um, three parties.

00:09:28:05 - 00:09:48:23

Um, firstly, the UK Atomic Energy Authority, um, and Mrs. Christine Warren and then also Brock's home parish meeting. So just at this point, want to check, um, uh, that those parties are in attendance, please. So first of all, who represents the UK Atomic Energy Authority? Um, good morning, madam.

00:09:48:25 - 00:10:22:03

I hope you can hear me. Um, my name is Daisy noble, and I'm council instructed on behalf of the UK Atomic Energy Authority. Um, there are a number of other members of our team on the call, but I won't introduce them unless I need to. Um. They need to speak to you, if that's okay. Um, by way of context, madam, the UK AA is an executive non-departmental public body sponsored by um, the Department for Energy Security and net zero um, and it has responsibility for researching and developing fusion energy and related technologies.

00:10:22:15 - 00:10:29:07

Um, as you will have seen from our um, representations, it holds an interest in land at West Burton Power Station.

00:10:29:20 - 00:10:46:19

Sorry, I'm going to stop you there for a moment. Sorry. Is it miss, miss noble. Miss noble? Yes. Miss Noble's fine. Thank you. So I just want to check who's here first, and I'll come. I'll come back to you. Of course. When we've done that. Just to hear your your case. Okay. So so so thank you for that. And I'll come back to you in a moment. Thank you.

00:10:48:21 - 00:10:55:06

Uh, and then, um, can I see Mrs. Warren? Mrs.. Christine Warren, are you are you here with us this morning?

00:10:56:10 - 00:10:57:18

I am. I'm here.

00:10:58:08 - 00:11:09:27

Lovely. Thank you, Mrs. Warren. All right. Well, here, we'll speak to you shortly as well. Thank you. And then also Broxbourne parish meeting. Can I check whether or not a representative of the parish meeting is is here?

00:11:13:17 - 00:11:21:17

I know we had some issues earlier on, so they may not be in attendance at this point. Um, so we'll we'll carry on.

00:11:23:10 - 00:11:28:00

Um, is is before we do. So is there anybody else here this morning who wishes to speak?

00:11:31:07 - 00:12:05:12

I. Okay, so we've got, um, the UK Atomic Energy Authority, and I'm Mrs. Warren. Um, and we'll hear we'll hear from you in that order, please. So, Mrs. Warren, you can switch your camera off for now and we'll come back to you in a little while. Um, just to remind everyone that these hearings are going to be primarily focused on matters associated with the change request, and we won't be hearing from parties on matters that have been covered on a previous agenda. And it won't be necessary to repeat points that have been made previously at, um, an open floor hearing.

00:12:08:04 - 00:12:47:09

At. So starting with the UK Atomic Energy Authority. Um, I'm just going to start off, um, Mr. Noble, if you wouldn't mind, by just setting out what I understand your position to be, and then if you want to sort of clarify or correct anything, anything that I've said, and this is based on the representations that you made, um, uh, to deadline for and also the additional submission that we received earlier this month. So, um, we understand that the UK Atomic Energy Authority has an interest in the land at West Burton site for the development of the the Step project, um, which we understand to be a project that will demonstrate the ability to generate energy from fusion.

00:12:48:18 - 00:13:23:14

And your representation is set out that so far the early investigations are focused on site characterization, which was found at the site and is constrained by various environmental sensitivities and also the need to coexist with other users. And we also understand that this this baseline investigation type work will continue for a further two years to inform site master planning. And and so therefore, at this point, there's no certainty about the location of plant within the site and that in fact won't be fixed until around 2027.

00:13:24:11 - 00:14:04:06

So until this time, the, um, the UK Atomic Energy Authority seeks to retain flexibility in order to to optimize plant's location. And again, as we understand it, um, the UK Atomic Energy Authority doesn't object in principle to the scheme, but in the absence of a voluntary agreement with the applicant, is seeking protective provisions in the developed consent order. Um, and in that respect, I understand that um, engagement between the parties has, um has, has been taking place. Um, so, so just does that reasonably set out your case or are there any points of correction or clarification that you'd like to make for us?

00:14:09:19 - 00:14:10:21

Can't hear you.

00:14:16:02 - 00:14:17:09

Nope. Still muted.

00:14:38:27 - 00:14:44:06

We'll just hang on for a moment while Mr. Noble. Addresses her microphone.

00:14:51:03 - 00:15:25:03

Apologies, madam. Sorry, I. I'm afraid Microsoft Teams completely froze, so I'm sorry about that. Thank you very much for that summary. That is an accurate summary of where we were up to. I just wish to highlight one point, which is that, um, we are working with the applicant and we welcome that engagement. Um, as things stand, however, our position is that the compulsory acquisition powers over our land, um, is over. Land in which we hold an interest isn't justified in circumstances in which we are willing to grant rights on a voluntary basis.

00:15:25:12 - 00:16:03:21

Um, and the second point is just to highlight that, as you will have seen, madam, we provided some protective provisions that were appended to our further representations there in draft. And we are working with the applicant to hopefully reach a point of agreement. But there is one point that, um, we're not in agreement on, and that is paragraph five in those protective provisions. Um, and that is about, um, effectively exercising the powers, um, in agreement with ourselves. Um, and at the moment the applicant hasn't agreed to that, um, on the basis that they need to reach an agreement with the freeholder of the land, EDF.

00:16:04:01 - 00:16:24:21

And just as things stand, that's not acceptable to us. Um, we say that that needs to be included in the draft DCO in advance of and notwithstanding any progress made in respect of an agreement with um EDF as a as a minimum reasonable safeguard to protect our interests because of the significance and importance of the site and the project.

00:16:25:11 - 00:16:28:21

All right. Thank you. That's. That's helpful.

00:16:30:24 - 00:17:08:19

So in terms of, um. The site specific information. Obviously, um, you've set out that work is underway to, to, to into the various investigations and in terms of the need to retain flexibility within the site, are you able to to provide any, any more specific information on that? At this stage of looking at the, um, the area impacted, um, uh, it appears that it's plot ten um, ten um, one eight, four seems to be the main area.

00:17:09:07 - 00:17:12:26

Are you able to provide any any further clarification on that?

00:17:12:28 - 00:17:39:00

Yes, madam. Of course. Perhaps it would be helpful if I, um, introduce, uh, Mr. Gary Corbett, who is from the UK Atomic Energy Authority, who will be able to speak more directly to what has been going on in terms of the the site investigations and the specific need to retain flexibility in terms of the sighting of the plant, if that's all right. So thank you. Um, Mr. Corbett, if you just turn on your microphone and your camera, that'd be really helpful. Thank you.

00:17:41:05 - 00:17:42:24

Yeah. Yes. Good morning. Can you hear me?

00:17:43:15 - 00:17:44:06

Yes.

00:17:44:15 - 00:18:22:12

Oh, it was a good start. Yeah. Good morning madam. Thank you Daisy. Yeah. So this is, um. It's going to be basically the world's first, uh, sort of fusion power plant that will put energy onto the grid. Um, it's going to be a prototype plant. At the moment, there are huge technical, technological engineering challenges which we need to resolve. And there's going to be new ones coming down the line, which are unforeseen at the moment. But what we have at the moment is we have a site that is, uh, was carefully chosen as being the best available site, but it does come with a lot of, uh, challenges.

00:18:23:03 - 00:18:59:06

Um, and one of the challenges, as you mentioned in your summary at the beginning, the environmental challenges and also the fact that we need to coexist with other users. Um, so they include National Grid, they include, uh, West Burton Energy, they'll include other solar farms, who we are talking to who have similar needs, and we are working actively with them to make sure that we can all coexist on the site and work in a, um, a, uh, a good collaborative manner. Um, but at the moment, um, we don't have any specific laydown areas, but a key demand of the project is that we maintain flexibility.

00:18:59:08 - 00:19:29:02

So when we do go into the more detailed design phase, we don't become constrained unnecessarily by, uh, things that we cannot move. So all the agreements we are looking for are the ability to, uh, lift and shift and to work together to look for solutions in a collaborative manner and not to be restricted by land which we might not have access to in the future, that could, uh, create, uh, serious impediments to the success of our project.

00:19:31:10 - 00:19:54:13

All right. Thank you, Mr. Colby. That's helpful. Um, are you able to say any more about the sort of timeline that you're working to? I know, I know, in summary, I've seen reference to things not being fixed until 2027. Is there anything more specific you can say in terms of the progress towards that, the milestones you're hoping to go through?

00:19:55:01 - 00:20:37:19

Um, yeah. So we're currently doing the environmental baseline studies. We're doing the Geological Survey's, um, this is going to be a major, uh, you know, the size of the project is going to be something similar to, uh, maybe Sizewell C, uh, you know, a major nuclear plant. Um, so there's a lot

of geotechnical, um, risk assessments we need to do, uh, understanding the, uh, the ground structure. Um, and that's going to determine very much where the plant goes along with the environmental considerations. So we're intending to have all these studies being done over the next 2 to 3 years so that we can have a, a firm layout fixed by around about 2027 to start construction in early the early 2030s.

00:20:41:09 - 00:21:03:16

And then the plant will be operational. The aspiration is to get it in the early 2040s. Uh, the plant actually running. So it's a very long time. Scales, uh, very hard to sort of say where are we going to be in 20 years time? And that's really what we're just looking for, is not to constrain ourselves in these early, uh, that could own these early, uh, periods that could harm us ten, 15 years, even down the line.

00:21:04:15 - 00:21:35:14

All right. Thank you, Mr. Mr. Corbett. Um, okay. Um, I'm just going to point out at this point to something for the applicant to know. I have noticed, um, there's a small mistake on the land plan, so it's sheep number ten. And that relates to, um, plot ten. Um, 183. There's it's basically to the fixer transpose. It says one through eight. So just just something to note there. And I'll note this is an action point. Okay.

00:21:35:16 - 00:22:03:04

Thank you. So, um. Unmistakable. You've set out that, um, that there is discussion with the applicant and there seems to be there's a there's a sticking point over paragraph five on the protective provisions. So at this point, I think it will be helpful to ask, um, the applicant to, to, to comment on, on where things are up to and, and where things might, might proceed from here. So, Mr. Broderick, are you able to assist with that?

00:22:04:29 - 00:22:35:18

A clever project for the applicant. Yes. As Miss Noble said, um, the applicant has been engaging in discussions with uh, UK, aa both in terms of the, um, sort of practical technical alignment of the cabling in this area and also in relation to um, protected provisions. Um, as you will have seen, um, from the plans, um, the area to the immediate south of the National Grid substation is is very constrained.

00:22:35:20 - 00:23:11:02

There are a number of overhead lines and pylons coming into that substation. Um, and the cable route needs to navigate its way through. We believe we have, um, a route that has been, um, considered acceptable both to, um, EDF, who are the current landowners, um, and also, um, UK, EEA. We obviously do need to retain, however, some flexibility because there is the potential for National grid, um, to change the location of the bay, um, that the cable comes into.

00:23:11:04 - 00:24:14:02

And that's why, um, the order limits are fairly wide around the National Grid substation to provide that flexibility in case National Grid, um, decides we need to connect into a different a different bay. Um, my understanding is that there isn't at the moment any intention, as part of Ucaas plans to relocate National Grid to Substation um as part of their proposals. And therefore, what we're looking at is ensuring that the location of the cable within that area to the sort of small area to the south of the

site, um, is acceptable to UK and the protected provisions that we've been discussing, and that will be included in the deadline six version of the draft DCO, um, require the applicant before it carries out any works to, uh, submit details of um, the exact location of the cable um to UK for approval before it does any of the works.

00:24:14:11 - 00:24:52:11

Um and that UK can impose um, any reasonable conditions that they might need in terms of obviously depth or, um, protective, uh, measures that they might need to facilitate their ongoing, uh, development proposals. Um, obviously it's noted that at the moment, whilst UK has the benefit of an option agreement over this land, it's not the current landowner. Uh, the landowner is EDF. Um, a voluntary property agreement is being negotiated with EDF, but at the moment we're unable to reach agreement on the commercial terms.

00:24:52:13 - 00:26:10:17

So the consideration that's due, uh, for that. So at the moment we it's not possible, um, to, for the applicant to, um, restrict or give up its compulsory acquisition powers because there, there isn't a voluntary agreement in place and UK are not able to grant that voluntary agreement because they're not currently the freehold owners of the land. Um, we are working, um, on putting in place hopefully a signed agreement, um, that will provide some further assurances to UK should it become the freehold owner of the land prior to the construction of the cable? Um, however, um, as the Secretary of State has already considered in a number of other decoders, um, there is a case for granting compulsory acquisition powers to ensure there are the correct property rights to enable a nationally significant infrastructure project to go ahead, and that can be done without causing serious detriment to, uh, the undertaking of statutory undertakers or um, in this case, future development proposals, because protective provisions provide a mechanism whereby consent needs to be given for the actual works themselves.

00:26:11:00 - 00:26:42:24

Um, and we'll provide details in the written summary. But the Secretary of State has considered this issue both in the National Grid Hinkley Point C connection project order and then subsequently in the Immingham Open Cycle Gas Turbine Order um, which basically states that it is acceptable and reasonable for compulsory acquisition powers to be granted. Um, assuming that there are those protections in terms of the actual technical nature of the works provided in protective provisions.

00:26:42:26 - 00:27:02:13

So at the moment, in the absence of a voluntary agreement with EDF as landowner, the applicant's position is that it does need to retain compulsory acquisition powers to ensure deliverability of the scheme, but that it feels the protected provisions provide adequate protection for UK future development plans. Thank you.

00:27:03:06 - 00:27:17:18

All right. Thank you, Miss Broderick. Okay, so I can obviously see that work has been undertaken, but there are various um, elements to this which do complicate matters. So yes, miss, Miss Noble, what would you like to say in in response?

00:27:17:23 - 00:27:57:17

Thank you madam, if I just made briefly respond, respond to that. Um, as things stand, um, obviously, as Miss Broderick said, there isn't an agreement with EDF as the freeholder, which means that as things stand, the compulsory acquisition powers would bite against us. And without the paragraph five, effectively, we're in a position where they have compulsory acquisition powers that don't allow for a kind of lift and shift. So we are still, um, effectively we're going to be prejudiced by, um, potentially the inability to reach an agreement with EDF, and therefore it is our position that we still need the paragraph five in our draft protective provisions to protect our position at this stage.

00:27:58:11 - 00:28:13:03

All right. Okay. I just understand it. Um, can I ask what what what progress is likely to be made over the the next couple of weeks, given that the examination is very rapidly drawing drawing to a close with you're able to help with with that miss Broderick.

00:28:14:13 - 00:29:01:10

A clear project with the applicant. I think in light of the, um, time left, it is unlikely that a voluntary agreement will be completed with EDF prior to the close of the examination on the um 8th of May. Um, heads of terms are back. It's still at the heads of term stage. Um, and those are back with EDF for consideration. Um, as you may be aware, EDF are also the owners of the cotton power station site. Um, and negotiations are ongoing still with EDF in respect of a voluntary agreement for that site, both for, um, the Cottam solar project, but also for the other projects that are connecting in to um Cottam Power Station being Gate Burton um, and the recently submitted Taylor Bridge project.

00:29:01:12 - 00:29:37:00

So there is um, I think, a fair amount of work still to be done in respect of the voluntary agreement with EDF, albeit that the applicant remains hopeful, um, that agreement may be reached before the Secretary of state, um, makes their decision on the matter in respect of, um, a voluntary agreement between the applicant and um UK aa um, the applicant, um, has, uh, prepared a draft agreement, which it hopes will address, um, the concerns that have been raised in today's, um, hearing.

00:29:37:08 - 00:30:11:11

Um, that was sent only yesterday to UK. So they're only just having the opportunity to consider that. But, um, I am optimistic that we can make progress on the terms of that, um, separate agreement before the end of the examination. And if that agreement can be concluded, then we would hopefully have reached agreement on the version of the protected provisions to be included within the draft DCO. Um, I think both parties will will try to, to make progress before the end of the examination on the end at the 8th of May.

00:30:11:22 - 00:30:24:24

Um, but if, um, if it's not possible to conclude it by that date, then work will definitely continue beyond the close of the examination such that a update can be provided to the Secretary of State when it goes for determination.

00:30:25:03 - 00:30:55:24

All right. Thank you, Miss Broderick. Um, and obviously, um, we expect the examining authority would, would encourage you to continue working as closely together and to to resolve some of these issues as you can. And what we'd ask for is, is, is by the end of the examination, by the 8th of May to

to have a clear understanding of the parties respective positions, uh, particularly in terms of those areas where agreement hasn't been reached. So, um, if you could take that away as a, as an action, please.

00:30:55:29 - 00:30:56:14

Um.

00:30:58:25 - 00:31:28:26

I wanted to pick up on a point that was made in the, um, um, the UK Atomic Energy Anthology representation of the 15th of March, which suggested that, um, the UK Atomic Energy Authority should be considered as analysed. And are you only able to say this word analogous? There, we got it out. Analogous to a statutory undertaker. And does this remain your position, Miss Noble? And and if it does, can you provide any further justification for that please.

00:31:29:21 - 00:31:30:06

Um.

00:31:30:08 - 00:32:16:14

Yes, madam. So whilst at present the UK AA isn't a statutory undertaker, we are looking at a situation where, as explained by Mr. Corbett, this project is is going to be a very, um, kind of long term one. And looking ahead, we will in due course gain the status of a statutory undertaker. So, um, whilst we don't say that we, we meet the definition, um, for the purposes of the planning Act, we do, um, invite you to, um, treat as analogously insofar as, um, our, our interest in the land and the project that we will be promoting in due course is, um, protected in the same manner because obviously in due course we would have that protection.

00:32:18:21 - 00:32:19:06

All right.

00:32:19:18 - 00:32:32:22

That's the point. It's not a it's not a legal one as such. It's more a kind of that is the protection that the statutory framework gives to statutory undertakers. And in due course we would qualify as such.

00:32:34:27 - 00:32:40:12

And can I ask, Miss Broderick how you respond to that, that particular point, what your what your views are on that?

00:32:41:13 - 00:33:16:08

Uh, if the applicant um, yes. As Miss Noble said, um, whilst they're not currently falling within, um, the test in section 127 of the Planning Act, the applicant has approached, um, their concerns in the same way that his approached concerns raised by other statutory undertakers, and that's why we felt protective provisions were the appropriate mechanism, by way, to protect, um, Ucaas future development plans. Um, and why it was considered appropriate to submit plans to them for approval.

00:33:16:21 - 00:33:48:26

Um, and comment prior to construction. So the same, um, method of um protection that's put in place to prevent serious detriment to other statutory undertakers has been applied here. And we would therefore argue that protected provisions are adequate to resolve the concerns that have been raised. And the protected provisions, um, as has been mentioned, are agreed with the exception of that paragraph five. So the protected provisions cover a range of different matters, including approval of plans, as I've just mentioned.

00:33:49:04 - 00:34:21:03

Um, but they also include, um, ensuring access is maintained during construction. And one of the other points that was raised by Uka was the use of the access road into East Burton uh Power Station, and those protected provisions ensure that access is maintained for Uka. Um, during. Yeah. As I say during construction, um, this is obviously an access road utilised by others. Um, as part of the ongoing operation of the West Burton Power Station site.

00:34:21:05 - 00:34:54:10

It's the main access for National Grid to access their, uh, substation. So, again, we've given Ukiah the same protections that we've also given to National Grid, for example, in terms of not, uh, not preventing, um, access, uh, being restricted. Um, and then also other uh, points in relation to use of highways powers, protective works to buildings, um, etc. will have the same, uh, provisions. Similarly, uh, a similar indemnity has been included in the protective provisions, um, payment of expenses, etc.,

00:34:54:14 - 00:34:58:10

that mirror those that have been offered to other statutory undertakers.

00:34:59:13 - 00:35:03:29

All right. Thank you, Miss Broderick. Okay. Um.

00:35:05:26 - 00:35:12:00

Is there anything else that you would like to add to your case, Miss Noble, at this, at this point?

00:35:13:06 - 00:35:46:19

Um, I don't think so, madam. Um, obviously the parties will continue to work towards hopefully a, um, resolution. Um, but but failing that, it is essential that we have protection for what is a very significant project, um, so that that can be delivered in a kind of unconstrained manner. Um, when we get to that stage in years to come. So, um, we, we do hope to be able to resolve everything voluntarily. Had agreement, had negotiation started earlier. We may not have been in this position, but but we are now and will continue to work, um, with the applicant.

00:35:47:13 - 00:35:56:28

All right. Thank you, Miss Noble. Any final comments from from the applicant before we move on to, um, the the next person.

00:35:58:03 - 00:36:24:00

A cloud project for the applicant. Now, as we've said, we will continue trying to reach agreement on, um, a side agreement to hopefully remove Ucaas. Um, objection. Um, and I would just say that as

soon as the applicant became aware of, um, the option agreement for this site affecting the land that was part of this scheme, um, engagement did take place. Thank you very much.

00:36:24:10 - 00:36:44:09

Thank you very much. Thank you, Miss Noble. Um, all right then, moving on. Um, I'd now like to ask, um, Mrs. Warren, if you would like to, um, switch on your camera and microphone, please, and, um, invite you to say what you wish to say to the the examining authority.

00:36:46:06 - 00:37:21:19

Morning. Um, I. The, uh, changes to the access into Gainsborough Road and into the West Burton power station. Um, at this present time. Um, I live underneath the cooling towers of West Burton Power Station, as you probably know by now. Um, and what concerns me is the impact of all which was taken, the cumulative impacts of all the projects which was removed from the last meeting, which was going to be put back into another meeting at this moment in time.

00:37:21:21 - 00:37:56:19

We have, uh, the projects that I know about are West Burton battery packs, which have been granted by, uh, Bassetlaw Council and 340 vehicles a day. The quarry is being granted down to six vehicles a day. You've got the national grid and the pylons and the cables, which are, um, that is ongoing at the time. They've just done upgraded the fiber optics and put electrics into, uh, West Burton Power Station down the main road, which you will be using, which was between February and March.

00:37:56:21 - 00:38:27:28

We've got the demolition of West Burton Power Station. We've got the decommissioning of White Burton Power Station. We've got the removal of coal from West Burton Power Station. We've got the removal of ash from West Burns Power Station. We've got the transportation of all the West Burton, the machines that are needed to carry out the work on West Burton. We're starting to look at the delivery of cable drums, the noise of the work that's being done, the surveys that are around in the areas for all the projects that are impacting.

00:38:28:04 - 00:39:01:21

The other day I watched, um, a, um, a boogie running across where the footpaths were at the side of West Burton pulling a sled, and it nearly ran over a hare pears to have the babies in the ground, and there was no thought whatsoever for whether it ran over anything or not. Um, we have the oil power workers. We have the drones being used to survey. We have Bassetlaw filling potholes in the roads at a rate of knots, because these holes everywhere, we've got fusion with Scottish Power coming in.

00:39:01:23 - 00:39:34:00

We've got the landowners which which are trying to stop us walking the land. We've got the Bumblebee solar project and there's another one coming up, balls and the footpaths are being dug up and they are not being, uh, replaced, as they should do in the process of being passed is the West Burton Solar Tilghman Bridge and hi madam to Hull. And just starting the process is rise. We have a pond in the middle of the village which can't be, um, drained, dredged because of a newt.

00:39:34:09 - 00:40:08:11

And yet we're constantly seeing, um, every day another hedgerow is removed. Um, if you go down North Street and I believe you did a survey, um, you came round and you had a look in January. Well, since January, we've lost, um, about 600m of hedgerows. Um, we had now have site entrances all down North Street, down New Holland. Um, what the site entrances are for, I don't know, coming out of North Liverton this site entrance.

00:40:08:18 - 00:40:39:21

Um, um, signs. We have the trees dug up on public, um, footpaths and which aren't they aren't even removed. They are burnt on site. Um, we also have the dumping of, um, hedgerows. Um, and it can only be done by somebody who has access to the gate keys. At this moment in time, the quarry has removed six metres of of a copse and about 500m of hedgerow.

00:40:39:26 - 00:41:17:15

It just goes on and on and on. You combined impact if of and if you're going to go from Cottam to from West Burton to Cottam via the same route as the. It seems as if the grid is going. It will have nothing left in in certainly steeper the impact and that is this is happening around here is just unbelievable. And nobody is actually looking at the combined impact of all these projects that are going on. And and we've got who's you know, the HSC should have an F10 in and they should be watching what's going on.

00:41:17:17 - 00:41:57:15

But nobody is looking at the combined impact of all these these projects in two projects. If you look at the quarry and the 340 vehicles that are going to the battery packs, that is nearly 600 vehicles a day going in and out of West Burton Power Station and the quarry at the side of me. And and that is only the start of it. And you've got now going to put, try and put this project to go down the main road in. Westbound station. Who is going to police the combined impact of all these projects, plus the fusion that's going to be, um, added to them? Projects will have no wildlife.

00:41:57:17 - 00:42:02:25

I was ten foot away from a deer this morning. They haven't a clue where to go anymore. All these animals.

00:42:04:18 - 00:42:12:05

And that is my speech for today. But nobody is looking at the combined impact of everything that's happening around this table.

00:42:14:03 - 00:42:30:27

Thank you, Mrs. Warren. Just just to address a point that you made at the start. Um, yes. Accumulative impacts were moved off. Move from one issue specific hearing. I think it was issue specific hearing 3 or 4. And what were covered in issue specific hearing five. Um.

00:42:33:13 - 00:42:45:18

Thank. Thank you for that. Um, I'm going to invite the applicant to make a response now, or to ought to consider how best to to respond to the points that you've you've made. Are you there, Miss Broderick?

00:42:47:06 - 00:43:48:28

A cloud project for the applicant. Um, we. And thank you to Mr. Warren for for making your submissions. I think a number of them, as, um, you might recall, we discussed during issue specific hearing for, um, particularly in relation to, um, traffic movements. Um, and I would refer to the applicant's summary of that hearing, which is rep for Dash zero seven uh, one, where the applicant's, uh, transport consultant, um, uh, explained that in relation to this particular scheme, um, the construction works, um, using the access, um, that, um, Warren is referring to, um, will take place over approximately 90 days, um, with eight vehicle movements, uh, per day and up to ten workers per day.

00:43:49:05 - 00:44:34:03

Um, so in respect of this particular scheme, we're talking about a very small number of traffic movements required to, um, facilitate the works, um, at the National Grid substation to provide the connection. Um, and also the construction of this section of the underground cable route, um, in respect of cumulative effects. Um, the applicant um, submitted at deadline five. Um, an update, um, on cumulative um matters um, in both the form of a technical note, which was 5-031 um, and an addendum which was rep 5015.

00:44:34:05 - 00:45:20:12

And both of these documents sought to update, um, the assessment on cumulative based on further information that has come into the public domain since the DCO application was submitted. Um, including um, the other some of the other developments, um, that Mrs. Warren has referred to. Um, there is a limit to the amount of information and respect of some of the projects which are only just at the beginning of the consenting process, but the applicant has considered, um, these in respect of cumulative impacts, both in terms of traffic, um, but also in terms of other matters such as noise, um, impacts on ecology, um, landscape and visual, etc..

00:45:20:18 - 00:45:56:28

Um, a number of the uh, sort of existing operational, um traffic movements have been considered as part of the baseline. So there was a mention in terms of the existing operational quarry, existing um, operational vehicle movements associated with the ongoing use of Westborough and power station and all of those um, matters were considered as part of the environmental impact assessment. Um, in terms of. Providing further detail, particularly on matters relating to traffic.

00:45:57:02 - 00:46:32:27

The applicant's um traffic consultant, Mr. Robert, often is available if you would like. If you have any specific questions, in addition to the matters that were covered at issue specific hearing for. But from the applicant's perspective, we do feel that we have adequately assessed cumulative impacts, both in terms of the very small impacts associated with this scheme, but in the context of all of the other projects that are going on in the vicinity of the West Burton Power Station, I would point out, obviously, that no work has commenced in respect of this scheme.

00:46:32:29 - 00:46:43:23

So in in respect of obviously the concerns raised by Mrs. Warren about activities currently being undertaken, they obviously aren't associated with this particular scheme.

00:46:46:09 - 00:47:01:28

Thank you, Miss Broderick. All right. So. So we've heard, um, what you've said, uh, this morning, Mrs. Warren, and the applicant has had the the opportunity to to respond. Um, I am going to allow you to come back once more because, um.

00:47:04:04 - 00:47:14:05

What would you like to say? You can I say please say what you wish to say now. But we can't have a back end to this morning. That's that's not appropriate for this hearing. But the, um. What would you like to say?

00:47:14:17 - 00:47:48:21

How how can anybody keep up with what is happening in the area when on a daily basis that I go out with my dogs? Do I see a difference to the countryside every day? A different sign is up, a different whether you you're not in this one little project, one little more projects to the projects that are already happening around here is not just a small project, it is just adding to the to the impact of the whole of all of the projects.

00:47:48:23 - 00:48:16:28

Every day I go out, I see another sign, another site entrance, another gate being put out, another hedgerow being disappeared. We've now got people dumping down the, uh, down the lanes. It just it just happens every day. Every single day. So how can you start in an office judge and say your little project is not going to make an impact on what's going on around here when on a daily basis, with respect, you see something different every day.

00:48:17:15 - 00:48:48:02

I'm just going to interrupt there. Mrs. Warren, I we understand your concerns and you've you've expressed them very clearly this morning, but the points you're making are really beyond the remit of this hearing, which is talking about, um, West Burton solar project, which, which doesn't have don't, doesn't consent at this present time. And, and you're talking about things that are happening on a daily basis, which as I say, I'm not within the remit of, of this, this particular hearing. Um, so I think we're going to have to draw things to a close there. But thank you. Thank you for your contribution.

00:48:48:12 - 00:48:59:11

He's going to have to start looking at the the combined impact, whether it's you or somebody else. And if I have to keep looking for that person I will keep looking. Good day. Thank you. Mr..

00:48:59:13 - 00:49:30:14

Thank you, Mrs. Warren. All right. Um. I note that we did have, um, Blackstone Parish meeting, um, uh, register attendance, but I don't I don't think they have um, I don't think they're in attendance. So I'm going to ask if anybody else wishes to address the examining authority at this point. There's a hand up. I can't see whose hand it is. Was that? Is that a legacy hand from Mrs. Warren, I wonder? Yeah, I think it is.

00:49:30:16 - 00:49:31:01

Okay.

00:49:33:12 - 00:49:39:13

So I'm going to move on to um. Agenda item six, which is other matters.

00:49:41:03 - 00:50:20:17

Um, and, and there are a number of other matters that the examining authority would like to raise with the applicant and affected parties to that end. A rule 17 letter is going to be issued very shortly. Um, setting those out. Um, in the meantime, we can draw this particular, um, session to a close. Just to note, um, a couple of actions arising. Um, and the first of those is in relation to land plan sheet ten, where there's a discrepancy and plot numbering that, that, um, I noted earlier on.

00:50:21:04 - 00:50:46:21

Um, and then the other point is around the applicant and the UK Atomic Energy Authority continuing to collaborate to address, um, uh, the points between the parties, particularly in terms of the possibility of voluntary side agreement and also, um, the outstanding issue on protective provisions. Um, are there any other final points anybody wishes to, to raise before we, um, draw the meeting to a close?

00:50:51:14 - 00:51:31:26

Nope. Okay, so just as a reminder, we are due to close the examination on the 8th May in just over two weeks time. We will be expecting some statements from the parties regarding any matters that they previously raised during the examination, but which they feel haven't been resolved to satisfaction prior to the close of the examination. Um, we'll also be looking for comments on, um, documents received at uh, at deadline five. So the time is now 1057 and, uh, unless there's anything else, um, the meeting is is now closed.

00:51:31:28 - 00:51:33:06

Thank you very much, everyone.