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Issue Specific Hearing 1 (Afternoon)

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FULL TRANSCRIPT (with timecode)

00:00:06:19 - 00:00:11:14

Good afternoon, everyone. It's now 2:00 and the hearing is resumed. Welcome back.

00:00:16:18 - 00:00:51:01

Just before we broke for lunch, we moved on to item number six and we were dealing with the requirements. We just moved on, if recall from requirement two sorry, schedule two and the general point and we were due to move on to requirement five on the agenda and that's detailed design approval. This project, I'm assuming that you're continuing to speak for the applicant for present time. Thank you. Um, we weren't sure if this was intentional or not. If it was, perhaps you could explain the reasons for limiting this requirement to work numbers 1 to 4 only.

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And

00:00:55:17 - 00:01:31:15

so the specific details that are set out in requirement five in relation to layout scale, proposed finishes, external experience, etcetera, are all related to those elements of the project that have that are above ground. So they're the solar panels themselves, substations and the energy storage, etcetera. And the work number five is the works that are to take place within the existing national Grid substation within their operational boundary.

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And therefore it was not considered necessary for these external appearance related requirements to apply to the works that were taking place within the base, within the existing operational substation in relation to work number six. That relates to the grid connection which will be below ground. And there are other requirements that manage the the construction of those elements of the project.

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So for example, the construction techniques for work number six are set out in the Construction Environmental Management Plan, which is separately secured by requirement 13 as an example, things like fencing is has its own separate requirement, which is requirement ten to the extent that's required for the grid connection works. Um, landscaping works, for example, are separately secured under the landscaping ecological management plan, which is requirement seven.

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So the there aren't sort of above ground elements of the work that need to be secured from a design perspective. But other elements, if the construction of those elements are secured by way of by way of the different requirements in the order. So that was the justification for for the approach taken. Thank you.

00:03:04:28 - 00:03:11:04

Thank you very much. Do either of the local authorities wish to comment on the approach taken by the applicant in respect of this requirement?

00:03:21:07 - 00:03:29:07

West Lindsey District Council. So we don't have any objection or comment on this matter. So we're quite content as it's currently drafted. Thank you very much.

00:03:30:24 - 00:03:31:15

Mr. McBride.

00:03:34:15 - 00:03:56:00

Said Neil McBride, Lincoln County Council. I think we'd just like to test whether an extra clause could be put in to basically incorporate landscaping works, including planting, layout, specification and program. We made a similar request for Gate Burton and

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that's been accepted. So following that sort of consistency with a similar sort of wording was incorporated in requirement five here.

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The project is the applicant review on adding an addition of some additional building around landscaping to that requirement.

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Project for the applicant. Yeah. We note the additional wording that's been included in the gate Burton Draft. I think we just need to double check whether the point is already covered in the particular outline landscape management plan that we have in terms of programming. What what we're keen to ensure is that there isn't a duplication so that you're required to submit the same information under and under both requirements. So if we just take that point away and just double check that it wasn't, it is an additional requirement that's been asked for rather than something that's already covered in as part of requirement seven.

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Thank you. Does anyone else wish to comment on this requirement?

00:05:15:20 - 00:05:17:29

Anyone on my teams, Miss Summers.

00:05:21:07 - 00:05:29:14

Hello, Sophie Salmons for the Canal and River Trust. And just to make the point that and think the applicant is thinking about how to secure this, but it has.

00:05:29:16 - 00:05:53:18

Recently made a commitment to drill underneath the Trent at least five meters below the lowest part of the riverbed. And I believe they're looking at either securing this through the design parameters and principles document or the Kemp and just ask that that's considered as part of this this process. Thank you.

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Is that in relation to requirement five, Miss Summers?

00:05:57:25 - 00:06:42:03

Yes. In that in so far as requirement five is headed detailed design approval and it is at detailed design stage that they know how far they were going to go underneath the river on the gate. Burton proposal. It's similarly been secured that way. There's a similar detailed design approval, um, requirement. Um, and it's in that case it's secured in a document known as outline design principles, which I think is the equivalent of the Cottam, um, design parameters and principles, concept design parameters and principles document that makes sense.

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So in terms of consistency, we're just trying to make sure we've got the correct, um.

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It would be helpful if it was the same in each project, but appreciate that that's not necessarily possible.

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Thank you so much. Think I'm reading this correctly. Requirement five to just refer to the concept design parameters and principles which think is the document that you're referring to.

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Yes. Oh, sorry. The connection cable under the Trent is part of work number six. The.

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Uh. Okay. Yes. Thank you very much. Thank you. Okay.

00:07:23:15 - 00:07:24:03

Thanks.

00:07:24:05 - 00:07:25:17

Take the point. Thank you. Miss Broderick.

00:07:27:03 - 00:08:02:00

Yes? We've been in discussions with the Canal and River Trust and that commitment and the applicant is going to comply with that commitment in terms of depth, it's just working out the best place to put that at the moment. The kind of methodology for crossing all different types of apparatus of statutory undertakers, roads, etcetera, set out in the construction environmental management plan for this particular project. So it's probable that that commitment will go in that document. But we are seeking to align with the other projects for the consistency reasons that have been mentioned.

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So if the preference is to put it in and the concept design parameters, then we will just need to amend the drafting so that it's clear that that particular commitment applies to work. Number six for the reasons you just mentioned, about why it doesn't currently

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apply for work. At the moment it's only an approval for works one, two, 3 or 4. Here we it's not an approval being sorted, it's a commitment to drill at a certain depth. So it's just where it's best to place that commitment in the requirements for the the nature of the works and how they're going to be done. There is going to be an approval process which will come on to later in the update of the protected provisions. But protected provisions have been agreed with, with trust and will be inserted into the draft, the next version of the draft.

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So the the approval mechanism for getting the Canal River trusts sign off for the plans and the detail will be via the protected provisions. It's just where that commitment to make sure the drilling is five metres below the riverbed where best to place that for this particular based on the the content of the management plan. So it will definitely be in there. We're just working out where best to place it.

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Yes, See, so there may be a difference between this and the gap, but they'll both be in there in.

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The same commitment, be in there. It just might be in a different document.

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Thank you.

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Besides, you want to come back on anything there?

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No, that's fine. Thank you.

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Thank you very much. Would anyone else like to comment on on this point?

00:09:42:19 - 00:10:00:08

Nope. Okay. Thank you all very much. Moving on then, to requirement nine, which is biodiversity net gain. This project, as you can see from the agenda, we've noted the levels of biodiversity net gain that were indicated in the applicant biodiversity net gain report. And we're just really wondering how the applicant proposes to secure these in the.

00:10:02:24 - 00:10:42:29

Clear project for the applicant. Yes. As you've referred to the Biodiversity Net Gain report, which was document 089, sets out the anticipated biodiversity net gain that could be delivered by the scheme. However, the specific amount of units will be known at the detailed design stage. At the moment, the drafting requires a strategy which will set out those gains to be submitted for approval prior to commencement, and that follows the approach that was taken in the recently granted Hornsea four offshore wind farm order.

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However, we're mindful that this is a rapidly evolving area and the drafting is moving on. So we are keeping it under review. We note that there were some provisions included in the Longfield which referred to specific percentages for diversity, net gain on the actual requirement itself. And what we need to make sure is that there is because the detail of the design is not currently known, that there is sufficient flexibility in terms of the percentage, but also in terms of the metric used.

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So at the moment, obviously the biodiversity net gain report has been based, has been based on the metric. But we note in the long field order, the Secretary of State amended the wording such that it would be the percentages under whatever metric was relevant at the time, and therefore we need to make sure that obviously if you're committing to a particular percentage, that there wouldn't be an issue with compliance if the metric were to change such that the percentage that came out under the new metric would be different than the metric that we've assessed under the terms of the environmental statement.

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We can, I'm sure, be dealing with biodiversity net gain in more detail from a kind of actual environmental perspective. But in terms of the drafting of the DCO, but we're just mindful that at the moment there is a variety of different approaches.

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Take a moment to take some water if you want.

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Yeah, at the moment there's a variety of different approaches being proposed and so we just need to establish what's appropriate for this particular project given its nature in terms of disparate sites and also a much longer grid connection route.

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Thank you. Yes, thank you. Was just checking the long field because I think that it was specified biodiversity metric 4.0 or the current version of the metric if it's been superseded. And my understanding is that the 4.0 is likely to become the statutory. Document understand at present, but it may change during the course of the examination. So yes, I'm sure we'll discuss biodiversity net gain further as we move forward. And I'm grateful that you will keep it under review and no doubt update us as we as we go on.

00:13:03:09 - 00:13:35:03

Does anyone else like to comment on the biodiversity net gain requirement and requirement? Nine. District. Thanks, Lindsey. District Council. Yes, just two points on this. Firstly, we agreed that there should be a minimum requirements and probably in a similar drafting to the landfill, DCA just just setting those those that have been identified in the report. And then also secondly, and this is a point that applies to a number of requirements. We do consider there should be some retention clauses that aren't currently there in some of the requirements.

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And. Notably requirement 9th May or may not need a retention clause. It probably depends on the relevant plan in due course that submitted and approved. But there are other requirements and the list includes six, seven, eight, nine, 16, 19 and 20, which we consider may also need retention clauses.

I've got there six, seven, eight, nine, 16, 19 and 20. That's correct. Make sure I've got it all down. Thank you.

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Okay. Does anyone else wish to come in on this point? If. Go back to Miss Broderick.

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And all my

00:14:13:06 - 00:14:32:29

project teams at Local authority are supportive of the idea of something similar to Longfield. So no doubt you'll be looking at that Just in terms of Mr. 6.167, eight, nine, 16, 19 and 20 and the retention clauses. It's not something I've looked at in detail myself and will be taking it away with this, but wonder if you want to respond at this point.

00:14:33:28 - 00:15:11:14

Clare the applicant and I guess from a general point of principle where a plan says it must be implemented as approved, if that plan itself contains ongoing monitoring and maintenance, then implemented does include the monitoring and maintenance that is set out in that plan. However, we are aware that additional drafting is being considered on the other projects, so we will have a look at that. But as a as a high level point would, and that's consistent with the drafting in all other DCS.

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The wording implemented does include ongoing maintenance if ongoing maintenance requirements are in that plan.

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To as an example, an example, if there's an obligation in the landscape and ecological management plan, if the plan itself, which is approved, says that you must monitor and replace any trees for a certain period of time, stating that the plan must be implemented would require you to maintain those trees for the time, the period of time you don't need an additional provision saying you must maintain the plan because the plan itself contains the maintenance provisions.

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Yes, I see.

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And presumably then the local authority will have an opportunity to influence the extent of those maintenance provisions at the time that they approve the plan.

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Yes, that's correct. So the maintenance, the maintenance provisions would have to be approved. But then there is an ongoing as this the word implement. It does require an ongoing compliance with the requirement.

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Mr. Shakes, you have anything to add to that?

00:16:51:27 - 00:17:25:21

Let me shape West Lindsey District Council. Well, we can probably review in due course any amendments that are made to the drafting. I agree that the plan itself may be sufficient if it's implemented and it includes maintenance requirements. However, it's probably still our preference that retention clauses or maintenance clauses are included in the drafting just for clarity and precision. But but we'll take away any amendments that are made to the drafting and consider those. Thank you, Mr. Potter. Just a quick point to follow up on on what's been discussed.

00:17:25:25 - 00:17:41:15

The plans that you're referring to. Most of them are available in outline and they will have similar provisions to what you're discussing at the moment in them. And there's a requirement in there for them to be submitted substantially in accordance. And we've already had that discussion earlier in the hearing.

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A collaborator? Yes, that's correct. As part of our review of of the request that's been mentioned, we will just go through the plans and confirm that to the extent there is ongoing monitoring and management, that there is a a paragraph on that topic in the outline plan such that then when we come to submit the final plan, there would be a need to be in accordance with that.

00:18:10:06 - 00:18:28:24

Thank you. Presumably in this project you're also in discussions with West Lindsey District Council in the same way that you're having discussions with Lincolnshire County Council on the drafting of some of these requirements. And I would hope that discussions outside the hearing will be taking place so that you can reach an agreement between yourselves on any of these outstanding issues during the course of the examination.

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That project for the applicant? Yes, there is sort of officer applicant level discussions that have been ongoing throughout the process. It's a point I mentioned just at the beginning, but I note that in terms of the discharge of the requirements, there has been some request for the relevant planning authority to be Lincolnshire County Council and for certain requirements. So again, it would be helpful if perhaps it could just be confirmed that the approach being taken in gate burden is what would be required for this project and then we can make sure that the is updated accordingly.

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And perhaps if you're not able if the authorities aren't able to confirm that in the hearing, then then it could be an action to just to follow up on after today's hearing.

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So it's just want to make sure I understand what you said correctly, but it's the point that it will specify rather than leaving it open, which local authority is approving what it will specify, who's responsible for which, which part.

00:19:31:24 - 00:20:04:27

The applicant. So the default position is that it would be the the district council that would be the discharging authority. However, I believe because of the number of projects and the role of Lincolnshire for the for these projects as a desire for Lincolnshire to be the discharging authority. And that has been discussed as part of the examination into the hearings on Mallard Pass and on Gate Burton. So it was just seeking clarification that a similar approach is specifically required for this this scheme as well.

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Mr.. You can see what West Lindsey District Council. Yes, that is correct. And Lincolnshire County Council and Council have consulted already and discussed which requirements we should each take. So we have an agreed list which we can pass the applicant and that can be included in the next draft. And in essence, we agree for some of the requirements that Lancashire County Council can be the relevant determining authority. There are others where we should be and there are some where Lincolnshire County Council are, but we think we should be named Consultees.

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Okay.

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Jimmy will get details of any of those areas where you're not in agreement on those points during the course of the examination. Yes. There aren't any, as far as I understand. I think we're in complete agreement, but we'll update you in due course, sir. Thank you. Miss McBride, did you want to add anything on this? Thank you.

00:20:57:07 - 00:21:34:24

Sir. Can the council now concur with what's been said? We've identified the requirements where the County Council feels that it should be relevant planning authority. Again, probably a consistent approach that's been taken on others. And it's basically where those sort of topics are dealt with by the county normally. So like highway matters where we have the highway authority, it makes sense that schemes related to highway matters are submitted to county council rather than being as a consultation.

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So we've certainly yeah, we've got a list of those which we're in agreement with.

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Thank you, Miss Parker. Hopefully that answers your query.

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Does anyone else wish to comment on Requirement nine?

00:21:53:08 - 00:22:06:18

Nope. Thank you very much. We'll move straight on then to requirement 12. Have a few queries on this on this one. This project firstly is very brief. And so my first question is this intended to be the final form of the requirement or is it more of a placeholder?

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Okay. Budget for the applicant? Yes. At this point in time, it's the plan. The written scheme of investigation that's been submitted with the application would be the final version of the plan.

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Sorry. My first question was whether or not the requirement wording, it's one line and whether that's intended to be the final form of requirement or whether you're in discussions with a local authority to work that up a bit.

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Clare Project. The applicant discussions are ongoing, but at the moment this is a point that is not agreed.

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So is it a placeholder or is that what the applicant is proposing as part of the DCO as a final form of requirement?

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The applicant on the basis of the at the moment, then this is the applicant's preferred drafting. We don't envisage there being a change unless Lincolnshire County Council's archaeologist changes position, which we don't imagine necessarily happen. But obviously that point could be explored further during the examination. But at the moment the applicant's position is that the plan that's been the written scheme of investigation that's been submitted with the application is suitable and sufficient and it would be approved by the Secretary of State as part of the grant of the consent development consent order, and there would be no further need for it to be approved by the by the relevant planning authority.

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Yes. So understand so if you if the is in its final form, there's no need to have any further detail in the requirement other than.

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It being implemented in accordance with the principles. That's really helpful. Thank you very much. And your understanding, this project is that that's been agreed with the local authority.

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A collaborative napkin is the opposite. It's that there is a disagreement on this particular point between the applicant.

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Okay.

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And so this is the applicant's position.

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Thank you very much.

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This magazine.

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So this kind of counsel. Yeah, we are in disagreement at the moment on this point. So our archaeologist is in contempt with the current wording of the scheme of investigation. And there is some tension between the two parties in relation to what's included in terms of what as a as an authority we think should be included as against what they're currently is. So, um, we will at the moment we're obviously not in agreement with the wording of this requirement, but as that dialogue continues, it might be that we do come to agreement or potentially suggest an alternative form of wording, but at the moment we're, we're not in agreement with the or this wording as it's currently stands.

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Thank you, Mr. McBride. Um,

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no doubt we'll go into detail on cultural heritage at some further issues specific here in possibly in December. But for the purposes of this year, it would be useful if we could get early sight of where the areas of disagreement are, because what I'd like to avoid is getting towards the end of the examination and then having lots of detailed submissions on where the areas of dispute are between you, because that means that we have to become involved at a later point in the process. And so it would be helpful if either as part of the deadline one or certain deadline, two submissions, we could have some further detail on this point, um, put into the examination from both parties.

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If at that time you haven't reached any agreement on the outstanding issues.

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Can't push it. Yes. Obviously, we're having this hearing before, had sight of our detailed responses to the relevant representations and also the draft statement of common Ground that's being prepared, which sets out in more detail the particular issues that are not currently agreed. I think

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obviously there'll be, as you said, and an opportunity hopefully for the actual detail of what should and shouldn't go in the written scheme of investigation to to happen at a hearing with the relevant experts, providing you with further detail on actually what the differences are in approach. But for the purposes of the drafting. Because in light of the the difference in expert opinion, the applicant feels it's appropriate for the written scheme of investigation to be approved by the Secretary of State in this particular case.

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When you say this project, you say it is appropriate for the Secretary of State to approve the WSI. Do you mean as a certified document that's or do you mean to become involved in the detail of.

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And whether or not there's a disagreement between the parties on specific points around the drafting of it.

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Clare Project No, there wouldn't be a need for a further approval by granting that with this requirement in it, then the Secretary of State would be confirming that the applicant should comply with the terms of that written scheme of investigation.

00:27:21:07 - 00:27:45:24

So that's something that as an examining authority will need to go into in a bit of detail to understand whether or not and I suppose we'll need to reach a view on whether or not we are in agreement with the applicant or the Council on any specific points. And think that goes back to the point that I made earlier, which is we'd like to have early sight of any of those areas of disagreement certainly before we hold any surance so that we are able to consider what the differences are and have a discussion around it at that time.

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That project? Yes. We've set out in quite a lot of detail in the responses to relevant representations. What the reasons behind the the applicants position, for example, on the the amount of trenching, for example, that's necessary for this scheme. We've we've set out our view. And then there's the view of the Lancashire County Council as well. And yes, we envisage it being explored further as a topic.

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Thank you. Mr. McBride can also ask before you come in there, if the Council are if the County Council are planning to put forward alternative wording, we would like to have early sight of that as well.

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No links to county council. So we'll do that to think in terms of it, just go to the heart of it is to do the amount of trial in that. See the main point of disagreement. The intention is that we will set out in our local impact report in more detail the sort of the issues that that we have. And that's where we were thinking of making you aware of those of those issues.

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Thank you. That would be very helpful.

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Just one final point on this project, and that's whether or not the Ind needs to be indeed included in Schedule 14.

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Julie Atkins. Yes. As mentioned earlier, we noted that that had unfortunately been omitted from the schedule. So that will be included in the next version.

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Thank you. Would anyone else like to come in on the point and a requirement 12 archaeology.

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No. Okay, Mr..

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In that case, the next one we have is requirement 19 soil management. Ms.. Broderick think I now understand how the applicant has approached this, but perhaps you could just briefly run us through it to make sure I have understood it correctly.

00:29:51:08 - 00:30:21:24

Clever trick for the applicant. Yes, it is. Requirement obliges the applicant to submit a soil resource management plan substantially in accordance with the outline soils Resource Management plan prior to commencement of the authorized development to ensure that soil quality is protected throughout the duration of the construction operation and then decommissioning of the scheme.

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The outline measures that are set out within the outline soil management plan, which is 146, does have references to management of soils during the operational phase. That's in paragraph 8.6. In terms of decommissioning, the intention, is that a under requirement 21, the decommissioning plan will be prepared and that's to be substantially in accordance with the outlined decommissioning statement,

which is AP 338 and as and the requirements to prioritize and manage soils, resources and soil quality would be set out in detail at that stage depending on the decommissioning process that's undertaken.

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So for example, for the

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solar panels where the solar panels will be removed, there'll be a certain type of soil management. But if it's decided at that point in time that it's more appropriate to leave the grid connection cables in situ, then there wouldn't necessarily be a detailed soil management plan for the decommissioning phase of that part of the development because we wouldn't be disturbing the soil as part of the decommissioning process. So it's left at a fairly high level for decommissioning because it's not known as at today's date what form of decommissioning will be will be required or the appropriate standards that will need to be put in place at that point in time.

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But soil management will form part of the the detailed decommissioning plan.

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Thank you.

00:32:05:02 - 00:32:39:07

And just as an aside. But it's two and two, really one. Think the outline sole resource management plan or outline management plan does refer to decommission. It has a reference to operational plan and think you might just want to if you do end up updating that document or pick up on that point, don't have the paragraph reference, but it's under the decommissioning section and there seems to be a bit of a lack of continuity in the reference in on this point. Again, I think we touched on it earlier and I know you're going to review it, but it's it's referred to an Article two as the soil management plan.

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And again, in schedule 14. And then we go to requirement 19 and it's the Soils Resource Management plan.

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Just draw that to your attention for ease of reference. Really. Does anyone else wish to comment on on this before we move on?

00:32:57:10 - 00:33:00:26

There online, his project. Was there anything you wanted to say before we move on.

00:33:02:01 - 00:33:12:11

To the applicant? No, just to state that we will be doing that consistency check to make sure that the the title of the document, sometimes it's where the title changed at the last minute and just hasn't.

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Been picked up. It's certainly not in any way as being critical. I'm just drawing it to your attention as we picked up on it, and there may be 1 or 2 others as we move through the hearing. But that just again mentioned just to draw it to your attention so it's easier when you do the review.

00:33:27:00 - 00:33:48:20

Requirement 21 decommissioning and restoration. We have touched on this point already when we discussed the whether or not the. Gender consent order requires a time limit. I'm hoping that we won't go into any detail on this again because I. No, the applicant has already said that they'll come back to us on that point. And.

00:33:50:20 - 00:34:10:25

There are a few other points, though, I'd like to touch on in terms of this requirement, and one of them is the timing for the submission of the plan. I can see that there's a 12 month delay required between the decision to decommission and the submission of the plan to the relevant planning authority. And just wanted to project, if you could explain why that is, noting that in Longfield it was three months.

00:34:13:03 - 00:34:23:00

Thank the applicant. And I think as we discussed earlier, we were going we're going to update this provision to include a notification

00:34:25:07 - 00:35:08:25

requirements so that when the time starts running, it is clear to the discharging authorities. But the reason why we've so there's not a delay as such, but there is up to 12 months for the applicant to prepare the decommissioning plan. So it has to be within 12 months. So that's the maximum time period it could be, it could be prepared and that that is consistent with other DCS, but it's primarily there to ensure that sufficient pre-submission consultation can take place with stakeholders so that when you submit your plan for improvement, for approval that you have, you know, you're fairly confident that it will be approved.

00:35:08:27 - 00:35:39:08

So at that point in time we would want sufficient time to consult with stakeholders and the host authorities and also to allow for the flexibility that you that the scheme could potentially be decommissioned at short notice and therefore you wouldn't you'd need sufficient time to be able to prepare plans which will be as detailed as all of the construction plans potentially. So the construction traffic management plan, the construction environmental management plan, they're very they're the final versions will be very detailed documents.

00:35:39:10 - 00:35:52:25

And they do take time to prepare and to invite comments before you submit them. So that's why 12 months has been included, and that is consistent with the large number of other decommissioning requirements.

00:35:53:10 - 00:36:06:24

There's no reason that the applicant couldn't do that in advance of taking the decision, is there? So it's not a case of taking a decision and then the clock starting running within the applicant gets to prepare those plans significantly in advance for chooses to.

00:36:08:12 - 00:36:40:07

Because. Yes, that's correct. And equally, there is no obligation to wait the full 12 months. You could submit the plans the very, very next day. It's just up to 12 months. And that's because there could be a situation where, for whatever reason and circumstances beyond the applicant's control that they had to decommission with very short prior notice, we would wouldn't want to be automatically in breach of the requirement because we didn't have a decent lead up time to know that that that decommissioning was going to need to be happen.

00:36:41:09 - 00:36:41:24

Thank you.

00:36:43:09 - 00:37:01:13

Mr. Know you mentioned reference, consultation, relations in this plan, but as far as I can see, the requirement makes no reference to it in terms of it being a stage, in terms of the preparation and planning. That's part of the justification for the for the 12 month period. So is it proposed to update the requirement to include consultation.

00:37:03:12 - 00:37:41:13

With the applicant? No. With all of these nationally significant infrastructure projects, there are a lot of consultation does happen with the host authorities and stakeholders outside of the formal regime. So whilst the requirements themselves have a fixed consultation period, once you put it in for the discharging authority to undertake their own consultation, in reality the applicant, because they're keen to keep control of the programme and ensure they're putting forward plans that are likely to be approved, will have had months or weeks worth of discussions with the host authorities before they submit the final plan.

00:37:41:15 - 00:37:56:24

So these types of projects, there is a lot of informal engagement that goes on before the final plans are submitted for approval. So it's to allow time for that informal engagement to happen in a circumstance where you had to decommission a short notice if mean.

00:37:56:26 - 00:38:18:04

But if in this case, obviously the you mentioned, that's part of the justification for the 12 months in some specific condition. So that's something which should be more specifically considered in relation to this condition. In terms of reference to the this consultation, because as you say, it's part of the justification, essentially a 12 month period it refers to, which doesn't appear in other conditions, other requirements. I'm sorry.

00:38:20:12 - 00:38:45:00

Yes, we can give that some more thought potentially in terms of what's in the outline and decommissioning strategy, in terms of the wording that might go into that. In relation to consultation, we will also provide in the written summary of these submissions, um, other examples of a 12 month decommissioning period being appropriate in my experience. 12 months is fairly standard.

00:38:46:06 - 00:38:51:09

Okay. So just picking up on that point in long field, they felt that it could be done in three months.

00:38:52:25 - 00:38:59:19

I'm not saying that that means that they were right, but I'm just saying they did consider that a similar issue when it was three months.

00:39:04:02 - 00:39:11:13

Yes, we know that they were able to. Reduce the time limit on that, but at 12 months is generally quite standard across energy.

00:39:12:26 - 00:39:17:15

Thank you. I'm sure we'll hear more about that. Would any of the local authorities like to come in on this point?

00:39:20:00 - 00:39:20:20

Mr. McBride.

00:39:22:20 - 00:39:41:27

Thank you, sir. Brightlingsea County Council. We have got some points to make on this. Around that 12 month period and think you've probably sort of highlighted those already. So I think I'll probably just leave that to some written submissions rather than going through them again now, because I think you've largely covered the points that we were going to make anyway.

00:39:42:16 - 00:39:46:04

Thank you very much. Would anyone else like to make any points as Gilbert?

00:39:48:28 - 00:39:50:12

Yeah, but stone by stone.

00:39:53:10 - 00:39:55:27

Over you if you want a quiet, flexible and robust.

00:39:57:03 - 00:40:16:10

Carol Gilbert Stone by stone. And it actually says decommissioning and restoration. Now, I'll be honest, I haven't read the background assessment that goes with it. And what this not be a point where this is specified to go back to farmland.

00:40:17:22 - 00:40:39:18

Thank you very much, Mrs. Gilbert. I have noted that myself wasn't going to deal with it today. But as you've raised it, I'll ask the applicant if they'd like to respond on that point that this is entitled decommissioning and restoration, but there is no restoration mentioned in that requirement. And just wonder, is the applicant's intention to have a restoration? Kind.

00:40:43:20 - 00:40:52:23

And collaborate with the applicant and the. It's decommissioning and restoration is of both. Those points are dealt with in the

00:40:54:11 - 00:41:11:28

decommissioning statement. So the outline statement that or the statement that's been submitted does deal with both decommissioning and then restoration. We we believe it is one and the same point as part of decommissioning restoration is part of decommissioning.

00:41:12:14 - 00:41:16:05

Okay. So it's dealt with one of the plans of the decommissioning plan.

00:41:17:24 - 00:41:24:27

Uh, yes, it's. There's will provide. I'm just trying to find the relevant reference. Um.

00:41:29:04 - 00:41:46:26

There's different references depending on the the type of element of the project in terms of the restoration that will take place. And so we've we've said that the restoration will be where it's agricultural land, it will be restored to agricultural land.

00:41:49:16 - 00:41:55:12

Thank you. Do you have anything else that you'd like to mention on that? Does anyone else have any comments?

00:41:58:05 - 00:41:58:20

Don't you?

00:42:00:07 - 00:42:01:01

Uh, yes, please.

00:42:01:08 - 00:42:02:20

Oh, I'm sorry.

00:42:03:19 - 00:42:08:06

Mark Pryor for 7000 acres. Yes. It's really just.

00:42:08:08 - 00:42:08:23

A question.

00:42:08:25 - 00:42:44:10

About the what will trigger the the commissioning phase, because at present the wording seems to put it purely at the gift of the applicant. The for example, the solar farm could cease production after ten years, but the applicant could choose not to commission for the next 30. So there should be some clause saying that the minute the operation stops, that should be the trigger for the commissioning.

00:42:45:14 - 00:43:13:03

Thank me for my project. Think we've already dealt with this point in one of our earlier discussions. If I understood it correctly, you were looking to insert notification provisions and think you were going to go away and look at the time limit. And one of the ways in that you could do that is to insert a long stop date on the decommissioning. I'm not going to pre-empt what you'll come back with, but. I think that together addresses the point that's been made may be missing.

00:43:15:10 - 00:43:46:24

Uh, the applicant. Um, yeah. Just to go back on the previous point, it's paragraph 2.1. Point five of the outline decommissioning statement that refers to restoring the land to its pre-construction condition at the end of operation. That was just to provide that that reference. Yeah, we've obviously spoken at length as to whether the, um, whether it's appropriate or not to include a time limit for this particular project which we are going to provide more detail on.

00:43:47:15 - 00:44:27:09

What would say here is obviously that it is. And. Decommissioning in distinct from having a time limit is when the the younger undertaker decides to formally decommission. It's not it wouldn't necessarily be appropriate to have that triggered If the scheme was just not operational for a particular day. It has to be, you know, a permanent decommissioning of the scheme. There could be a number of reasons why the scheme was not generating for a particular period of time that wouldn't necessitate the complete decommissioning of the scheme, um, maintenance or grid related issues.

00:44:27:11 - 00:44:36:28

So a whole range of different issues. But the, the commitment is there to once decommissioning is going to take place, then the plan has to be complied with.

00:44:37:26 - 00:44:45:15

But what's the trigger? Think the point is being made is what's the trigger for decommissioning? Is it just a decision on the part of the applicant to decommission?

00:44:48:24 - 00:44:54:06

For the applicant? Yes, that's correct. The the applicant decides when the scheme will be decommissioned.

00:44:55:13 - 00:45:18:23

And how does that link back into the early discussion of whether or not there should be a time limit on the consent? Because it seems that when we add all of these different parts of the discussion together, then the consent that's been asked for is very open ended and that. I'm struggling a little bit to see how that sits with what we discussed earlier on the ease of a 40 year assessment period. I know you're going to come back on this in writing. Just wanted to make that point.

00:45:22:03 - 00:45:27:12

Yes, that's noted. So we all deal with that point. When we come back on the on the environmental impact assessment.

00:45:29:17 - 00:45:34:28

Is there anything else anyone would like to say on this particular requirement? And one of Microsoft teams.

00:45:38:07 - 00:45:46:12

Thank you. In that case, we'll go on to schedule nine, the deemed Marine license. And before we go on to discuss the schedule, I wonder.

00:45:48:15 - 00:45:59:03

Am I right? The discussions with the have already started. They are aware of this because they're not not aware that they're present today. Don't think we've got anyone joining us on teams or in person.

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

Yes, the MMO are aware of the provision and we are in discussions the same. This section of the grid connection and cable route is for the combined corridor where where there is gate Burton as well. And the discussions are because Gate Burton is further ahead in the examination process, they've largely focused to date in relation to the Gate Burton examination, so they haven't yet submitted any representations in relation to this hearing, but they have made representations in relation to the gate.

00:46:37:17 - 00:46:39:13

Burton And ask.

00:46:39:15 - 00:46:52:16

Him to discuss the position on the memo and they'll make their own representations. But presumably what's happening I suppose, is that they're channeling their resources to that one. And then when agreement is reached, it'll come over to us as an almost ready made form.

00:46:54:00 - 00:46:58:13

Collaboratively. Yes, discussions are ongoing with the. In respect of that

00:47:00:04 - 00:47:34:24

examination. And so to the extent that agreement is reached, the intention is to then carry across the agreed provisions into into this draft at the moment. Um, there the reason for including it is because there isn't um, there isn't a guarantee that some of the existing exemptions that apply will definitely apply to these projects. And so Edem Marine licence has been included to ensure the scheme is deliverable in the in the event that when we came to construct an existing exemption, there was no longer there or it was not available to the project.

00:47:35:21 - 00:47:51:06

Thank you. If you could just keep us updated on the progress on this point throughout the examination, that would be really useful. And presumably, if anything is inserted or sorry, introduced into this examination that's been agreed on the other examination, then confirmation of that from me would also be useful.

00:47:53:00 - 00:47:55:15

I'm anyone on schedule nine. Any other points?

00:47:57:24 - 00:48:27:26

And on the line. You know. Okay. Moving on then, to schedule 17. Ms. Project, I think you've already said discussions are ongoing with the local authorities on this point, and it's linked to some of the other discussions in some of the other examinations as well, if I understand correctly. I only really wanted to, um, to touch on a few points you really expect we'll have some further questions as part of our first written questions if they haven't been resolved already by that time. And.

00:48:28:24 - 00:48:49:15

The two I really want you to look at is firstly. Well, it's one of them you've already answered, which is whether or not a discussions are ongoing. And you already told me, I think that they are. And one particular point that wanted to raise is how the costs of the relevant local planning authorities associated with the discharge of requirements will be met under the schedule.

00:48:53:12 - 00:49:23:05

Applicant? Yes, there are a number of amendments that are going to be made to the schedule, in particular relating to the time limits that are included for determination on certain matters. But the other point that has been agreed in relation to the drafting of the gate burden draft is the inclusion of an additional provision relating to fees, and that same provision will be included in the next version of this draft. Forgotten.

00:49:23:18 - 00:49:33:24

Thank you. When you mentioned time limits, think in this one. It's six weeks after which the consent provisions would would apply. Is that still the case? Six weeks.

00:49:46:18 - 00:50:01:03

Claire, Bridget, the applicant and know that that will be increased. So for the majority of the requirements will be increased eight weeks. However, for the detailed design elements which was requirement five, that will be increased to ten weeks.

00:50:05:01 - 00:50:42:04

Thank you. What other? The local authorities like to comment? Mr. Coleman? Half of Westlands District Council. Yes. Thank you, sir. Some of the amendments which are going to be made by the applicant are welcome. For example, fee provision. Think all of the amendments are in line with what

has been amended or is going to be amended in relation to the gate Burton Draft DCO. We still have a number of representations that apply equally to that and also to the amendments that will merely reflect that in this examination. So for instance, the amendment from 6 to 8 weeks in our view is still not long enough for a number of reasons.

00:50:42:12 - 00:51:14:17

And those reasons, which will explain in more detail in writing, include the fact that there is no provision within the relevant schedules for discharge of requirements to limit the number of approval applications that could land on our desk at any one time. And that can also be seen in the context of the fact that if numerous DCS are consented at the same time, then West Lindsey District Council may receive discharge applications for different projects all at the same time.

00:51:14:19 - 00:52:19:11

So talking about resources at this stage, there's a concern just naturally on the eight week period that suggested on that basis. There's also representations which will include in detail more specifically about specific requirements that might need longer. For instance, because for like the detailed design approval, there is more to assess and there are more significance. And also we have made this representation in relation to Gate Burton and don't know if the amendments are going to be reflected in this draft, but where there are consultation requirements, we obviously don't have the ability to control the consultees responses or the time timeliness in which they respond, and therefore the suggestion would be that the drafting is changed so that those consultees are either approached by the applicant before the approval is sought from West Lindsey District Council or an increased amount of time is given so that we properly can consult those named in that specific requirement.

00:52:21:11 - 00:52:56:04

But just a couple of other comments as it's currently drafted or as it will be drafted, we don't agree to deem consent for any of the requirements. There may be someone we can review the position where deem consent is appropriate, but we don't agree that it's appropriate, especially for some of the more significant and important requirements as it's currently drafted. There's no ability to agree an extension of time, but we would welcome that in light of the cumulative and concurrent applications that could land on West Lindsey District Council's desk.

00:52:56:13 - 00:53:12:12

And similarly, things like the timelines for further information and the appeal timelines or as it's currently drafted to short. But again, we'll review what the amended timeframes are on that and whether or not they're in line with the Gate version project.

00:53:15:21 - 00:53:24:06

Seems to think presumably you make these comments in writing as well in detail. So I've got a note of them, but it would be useful to have them in writing also. Yes.

00:53:26:18 - 00:53:35:10

Then my next question for you is. Did you have a timeline that you were putting forward in mind in terms of the eight week period or the period that suggested by the applicant?

00:53:38:22 - 00:54:10:02

Chairman on behalf of West Lindsey District Council. Yes, they're probably more around the ten week period. There may be some distinction between certain requirements, for example, designed detailed design approval, which is akin to reserved matters application where there may be longer needed. And again, that ten week period probably needs to reflect whether or not there are going to be

consultees that we have to approach as opposed to the applicant. So it depends on a number of matters and it also depends on whether or not deemed consent is still going to be maintained and.

00:54:11:08 - 00:54:18:15

Depending on whether or not some of those changes made a ten week period would be satisfactory in our in our view. Thank you,

00:54:21:16 - 00:54:30:09

Mr. Gareth. Yeah. Before you come in. Just wondering whether we should. It would be easier if we hear from Mr. McBride first, and then you can respond to all of those points at the same time.

00:54:32:06 - 00:55:02:07

Thanks. Brightlingsea County Council. Yeah, we certainly welcome the intention to include these within the works. What we've asked for on previous examinations and we were going to ask the same for this. We welcome that intention in terms of the timescales. Um, I believe that we can accept ten weeks as a period for um, determining the requirement. I think that's a reasonable time that we could. We can work to.

00:55:03:23 - 00:55:05:21

Thank you, Mr. McBride. Mr. Phillips.

00:55:07:12 - 00:55:10:04

Thank you, Gareth. It's the applicant. Just to say that.

00:55:10:06 - 00:55:46:03

I concur with the points that have been raised already, that they were also raised in respect of the gate examination hearings a couple of weeks ago. The applicant for that project is taken away to have a look at what could be worked with in terms of those timescales. There's the principle here is one of urgency in that you can't you can't fail to see the urgency that's set out in the national policy statements. And that isn't just an urgency that applies up to the ground, to the the urgency actually is reflected in when the power is generated.

00:55:46:05 - 00:56:28:05

It's not even just and discharge requirements. And that's a theme that we need to keep through all of these DCS relating to energy generation. So it's not about trying to squeeze the local authorities, but it's about trying to keep a good time timescale throughout the planning process for these projects to ensure that they are, you know, deployed with speed to meet that that urgency set out in national policy. But I just wanted to confirm for you, for you, sir, that we've heard these points on the other application and the applicants are all working together on on points like this to make sure that there's some uniformity across the DCS in Lincolnshire.

00:56:28:07 - 00:56:28:27

So thank.

00:56:28:29 - 00:56:41:28

You. Thank you. Mr. Phillips. And just one follow up question for you. In terms of the ten weeks, think you suggested eight weeks, both of the local authorities have suggested ten weeks. Does the applicant have a view on that? Ten weeks at this point, a ten week period?

00:56:42:00 - 00:57:12:20

I think it's something that we're looking into. It's not we might speaking for all of the applicants, it's whether or not the same timescale is needed for all requirements or whether a concession could be made in respect of the more detailed ones, because that was also a point that came out through the gate and hearing. So there's a dynamic there to consider as well. So think we'll have some or confer with the other applicants and then hopefully provide something in writing at the next deadline.

00:57:13:03 - 00:57:37:21

Thank you. Just follow up, Mr. Phillips. I think there's a range of different timescales in various different DCS. I'm aware of that. But think some of the recent ones that I've dealt with, I think ten weeks has been around about the time some of them have gone to 13 weeks. I'm not aware of any eight and think Longfield has ten and they didn't have the same challenges that are posed by some of the local authorities here. So think that's something that we'll certainly be bearing in mind.

00:57:43:05 - 00:57:45:00

Does anyone else wish to comment on this point?

00:57:49:24 - 00:57:55:09

Very well. That's. Oh, I'm sorry. I'm sorry. Didn't see that. There's one guy.

00:57:58:10 - 00:58:35:06

Thank you, sir. Kerry Monger for the Environment Agency. If I can just comment on agenda item six, if that's okay. Um, the Environment Agency acknowledged that the applicants stated at the beginning of this hearing that they intend to align the wording was that of Gate Burton Energy Park. I just thought I'd briefly outline our comments here for completeness. So we, we just have concerns that the procedure outlined in section 17 of the DCO will not provide sufficient time for adequate consultation to take place on the discharge of requirements.

00:58:35:22 - 00:59:08:21

So schedule 17, paragraph three three. Further information and consultation references. A 15 day turnaround from when the relevant planning authority receives further information and requires consultation. Um, so we just were asking that that be amended to 20 working days to provide sufficient consultation, which I believe would then align with the with gate gate. Burton. So I just wanted to, to make that one clear. We'll follow it up in writing, but just, just to put that across.

00:59:08:28 - 00:59:25:29

And also when it comes to paragraph four to see on appeals, we we'd ask that that be amended to to the same 20 working days if possible. But yeah, if you if you need any more information, I'll put that in writing for you. But just wanted to say that whilst I'm here.

00:59:27:21 - 00:59:28:06

Thank you.

00:59:29:29 - 00:59:33:15

Thank you, miss. We had some feedback there. I think that.

00:59:38:01 - 00:59:38:16

Just

00:59:39:25 - 00:59:40:10

maybe if.

00:59:44:09 - 00:59:45:17

I think the consultation.

00:59:48:15 - 00:59:51:25

I'm sorry. We're having a few problems. Can you. Can you hear me now?

00:59:53:19 - 01:00:23:15

Yeah. Thank you. Um, I think the consultation point is being picked up by the West Lindsey District Council already. Another point that I picked up on was around the 20 days for appeals and think Major is now mentioned that we've got a 20 day period that's been accepted at Gate Burden. I appreciate that you're trying to coordinate across a number of different schemes and you may need to come back on these points in writing. But Ms.. Broderick, would you like to respond on those points, particularly the point around consultation?

01:00:24:14 - 01:00:58:27

A collaborative with the applicant? Yes, In relation to increasing the time frames in paragraph three. The intention is to align those with the increases that have been made for the gate burden and draft, and that includes increasing from 15 working days to 20 working days, which was mentioned by the Environment Agency's representative in relation to the appeals provision. I don't believe there has been a change on that particular provision in the latest version of the gate burden.

01:00:59:15 - 01:01:03:09

So that will need to be one that we take away. Thank you.

01:01:05:20 - 01:01:09:22

Thank you. Does anyone else wish to come in on schedule 17?

01:01:11:08 - 01:01:14:06

You know. So thank you all very much.

01:01:18:25 - 01:01:26:19

And that brings us to the end of item six. And before we move on, is there anything else anyone wishes to raise under item six?

01:01:29:18 - 01:01:34:00

No. Moving on then, to item seven, which is scheduled 3 to 8.

01:01:36:11 - 01:01:57:19

Officially scheduled for May. I'm conscious of time, so I'm not going to label the point here. This is about the streets. Plan the streets to be stopped up plan and the references to it in schedules for five and eight. We've already discussed it briefly and think said just flag it up to you. And so you may just want to note that there is an inconsistency in the references there. Which I'm sure you've already noted.

01:02:00:21 - 01:02:05:14

And if we can just move straight on to to schedule five. And.

01:02:08:05 - 01:02:23:14

And that's item seven B. I suppose the point really here is whether column three needs to be a bit more specific. Think we've touched on this point as well. We touched on this earlier. In terms of.

01:02:25:08 - 01:02:31:16

Alteration to streets and think you did say that you were going to go away and look at that further. If I'm recall correctly.

01:02:34:03 - 01:02:48:23

The applicant. Yes, that's correct. Believe the. The intention will be that we will put that detail in one of the management plans rather than amending the schedule. But definitely the provision of greater detail is something that we've taken away as a point to consider.

01:02:49:14 - 01:03:12:02

Thank you. And then the next one is see where the Article ten distinguishes between the Highway Authority and the Streets Authority. We may have touched on this point when we had the discussion with Mr. McBride earlier as well, if I remember correctly, on how the operation of Article ten will work and just wonder whether that if there is to be a distinction, whether that distinction then should carry through to schedule five as well.

01:03:15:12 - 01:03:46:10

Right for the applicant. And generally, we tend not to specify whether it is a street maintainable by the street authority or by the highway authority in the schedules, just because that position could change over time and the powers and the articles apply whatever the situation is as at that point in time. So generally we tend not to specify in the schedules the current status of the highway.

01:03:46:12 - 01:04:00:26

Obviously that will be known at the point in time. It has been known in some cases for that to be for that to be stated. But generally speaking, we wouldn't we wouldn't do so unless unless the highway authority specifically wanted us to do so.

01:04:02:18 - 01:04:03:09

Mesmerized.

01:04:05:26 - 01:04:16:13

Now, what kind of council? We haven't really looked at that in any particular detail, so maybe I need to take away and come back, but I've got no comment at this time on that.

01:04:17:07 - 01:04:33:01

Thank you. Think the local authority and the applicant will discuss these issues outside the hearing and no doubt. Let us know and keep us updated of any developments in that respect. In that case, that brings us to the end of item seven. Does anyone have any comments they wish to make on item seven?

01:04:35:18 - 01:04:37:03

And all Microsoft teams.

01:04:42:27 - 01:04:49:19

Moving on to item eight, which is schedule 14 documents and plans to be certified. And.

01:04:51:21 - 01:05:23:17

As you've seen, we've asked for a schedule of the latest versions of the applicants, submission documents and the documents to be certified. This is reasonably standard in these types of applications, so expect you'd already have something in mind. I've already pointed out that there may be 1 or 2 things missing out of the schedule, but you've already picked up on those. So what we're really looking at here is to achieve some assurance at this point that whatever ends up listed in Schedule 14 is correct and it doesn't become necessary for a correction order to be made in respect of that particular point.

01:05:25:18 - 01:05:58:10

Uh, for the applicant. Yes. That's very much the intention, that each time a new version of the DCO is submitted into examination, schedule 14 would be updated. A guide to the application will be submitted at every deadline, and that will list where new versions of certified documents have been submitted into the examination. We've obviously got a more limited number of deadlines here, so it's probably likely that there'll be a new version of the draft at every deadline.

01:05:58:12 - 01:06:06:06

But in the event that there wasn't, then that guide to the application would keep track of where we'd got to until the next version of the is submitted.

01:06:06:20 - 01:06:07:08

Thank you.

01:06:13:18 - 01:06:14:23

Moving on to.

01:06:17:14 - 01:06:19:18

Item nine. Does anyone have anything on item eight?

01:06:21:26 - 01:06:53:11

Nope. Moving on into item nine protected provisions. Here we are dealing with schedule 16 of the draft of consent order. This project you'll have noted, we've asked the applicant to provide a schedule of progress in respect of statutory undertakers, protective provisions, as well as any side agreements, and for this to be updated during the examination. Again, this is reasonably standard for these types of examinations, so I'm sure we already have something in mind. I wonder if you could just provide us with an update on the approach that you'll take as well as the discussions that are currently ongoing in respect of protective provisions.

01:06:55:11 - 01:07:32:03

By the applicant. Yes, we will be submitting an update as requested in the six letters to the status of Negotiations following the format of the update that was given in the Statement of Reasons Appendix. Discussions are ongoing with each of the statutory undertakers that have been referred to. A number of those have requested bespoke protective provisions, some of which have been already included in the draft and are under negotiation and some which need to be added to the next version of the draft.

01:07:32:05 - 01:08:02:20

DCO As mentioned in relation to the Canal and River Trust, a form of protective provisions for cotton has been agreed and that will be included in the next version. The draft submitted at deadline one. Discussions are ongoing in relation to the other undertakers that require a bespoke protective provisions and also associated side agreements are being negotiated with some of those statutory undertakers.

01:08:03:02 - 01:08:38:12

It's hoped and we're quite confident at the moment that agreement will be reached prior to the end of the examination. But often these agreements do tend to take some time or they are reliant on associated property agreements being entered into. So for example, with Network Rail, the applicant is in the process of discussing the property agreements for the crossing of the grid connection with their railway. And once those property agreements have been agreed, then we'll be able to make progress with the protective provisions that they've requested.

01:08:38:14 - 01:08:43:06

So work is ongoing and we'll provide a regular update as you've requested.

01:08:45:05 - 01:08:56:14

Thank you. As is often the case in this and appreciate that these discussions go on throughout the examination and when everyone does work towards trying to get them done by the end or by the close of the examination, and sometimes they do run over.

01:08:58:06 - 01:09:38:29

I'd just like to really encourage everyone to try to get them done by the end of the examination because that just makes it think easier for everyone because then we know what the position is at the close and we can advise the Secretary of State. Otherwise it means everyone has to write in to directly to the Secretary of State. So would very much encourage all parties to try and work together to get those in. And we will be monitoring progress as we as we go through and perhaps at some point in the future we might need to become involved in any disputes between you on those protected provisions so that we understand where the issues are in the event that agreement isn't reached here in the course of the examination and isn't agreed before the secretary of State takes the decision.

01:09:42:09 - 01:09:59:13

Yes, that that's understood. And it's definitely what we're working towards in the unlikely event that we haven't reached agreement by the end of the examination, then the applicant would be providing a much greater justification for the satisfying the tests under section 127 of the Planning Act to help

01:10:01:07 - 01:10:15:28

to inform the Secretary of State's decision in the unlikely event that there is a dispute over the form of protective provisions, for example. But at the moment we don't envisage any any areas of dispute. It's just taking time to to to reach agreement.

01:10:16:00 - 01:10:50:05

I think sometimes what in my experience, what could what can sometimes happen is that there are specific provisions where there's dispute that prevent these agreements being entered into. And then as the examiner authority, we only have sight of that right at the last minute. And what I'd what I'd like to say is that we'd like early sight of that. So certainly before the final deadline when the information is is available, so when the final information is provided into the examination so that we have time to understand where those areas of dispute are before the close of the examination in case we need to discuss that or write out to any of the parties for further understanding of what their positions are.

01:10:51:20 - 01:10:54:11

Would anyone else like to come in on the protected provisions point?

01:10:59:22 - 01:11:00:10

Miss Summers.

01:11:03:21 - 01:11:35:10

Sophie Simons, Canal and River Trust. Um, just to confirm that Miss Broderick, um, is position. That's our understanding. The protective provisions. We cannot remove the trust. Ah, agreed. And it was just a flag that she, the applicant has also agreed to an amendment and we're not sure quite the wording of it, but to Article six, which seeks to apply some local legislation in in conjunction with schedule three.

01:11:35:26 - 01:12:11:18

Um, it's just a flag that there's one act in there which gives the trust power to dredge the river at that point. Um, as a point of principle, it's the applicant doesn't intend to, um, it doesn't need to supply that power. So it's just some wording will need to be added into Article six one. I think so that, that act, which is the Trent Burton on Trent and Humber Navigation Act 1887, doesn't get supplied inadvertently.

01:12:12:28 - 01:12:13:19

Thank you.

01:12:14:15 - 01:12:24:14

Thank you, Mr. Thomas. And we also have a few questions in our written questions on this article, and we will be following up in writing with the applicant on that. Thank you for drawing that to our attention.

01:12:27:06 - 01:12:29:00

It's perfect. Is there anything you'd like to say?

01:12:31:04 - 01:12:37:20

No. Just to confirm that we will be making an amendment to Article six of the

01:12:39:06 - 01:13:04:21

draft to address the point that Sommers has raised specifically. And also another amendment to that article will be made in relation to points that the Environment Agency have raised to make it very clear that the application of the environmental permitting regulations only applies in respect of flood risk activities. And so again, that clarification will be made in the next version of the draft.

01:13:05:27 - 01:13:21:26

And it sounds like we'll address some of the queries that we've had as well. So. Thank you very much. In that case, that brings us to the end of the questions that we have on item nine. Does anyone else have anything they'd like to raise within? Item nine.

01:13:25:15 - 01:13:30:29

Nope. Well, thank you all very much. I'm going to hand back now to Mr. Hendley, who will take us through items ten and 11.

01:13:31:27 - 01:13:36:18

And thank you. So move on to item ten, which to the consents.

01:13:38:03 - 01:13:49:09

So please, could the applicant provide an update on the matters to be included in the schedule? Progress in securing other consents has included an exchange of all six letters of the 10th of July this year.

01:13:52:26 - 01:14:05:26

And the. Yes. So there is a number of consents that we have already mentioned today in terms of the for example, the Section 135 consent that's required from

01:14:07:14 - 01:14:47:21

Crown Estate, also consent to the applications of the various provisions in Article six, again, which is being discussed. And the anticipation is that that consent will be set out in the relevant statements of common ground and in relation to. Other consents and agreements that were included within the applicant's consents and agreements position statement, which was app 340 and the majority of additional consents that are required of at the post grant stage.

01:14:47:23 - 01:14:57:10

So they are to do with the detailed design of the scheme and therefore the applicant wouldn't be progressing those consents at this point in time.

01:14:58:16 - 01:15:04:26

Okay. Will that be clarified? As soon as which of those consents in that document fall into that category and which don't.

01:15:06:15 - 01:15:14:24

Uh, yes. The consensus in Agreement's position statement states when it's anticipated that those consents will be obtained.

01:15:19:14 - 01:15:26:24

And to the consenting authorities present any any comments to make on that? I'll start firstly with the in-person.

01:15:29:08 - 01:15:29:27

I shouldn't say.

01:15:31:16 - 01:15:38:05

Um. Anyone who's listening via teams and the people may be involved in terms of consent and authority.

01:15:43:06 - 01:15:48:07

Okay. And does anyone else more broadly have anything to say in relation to to this item on the agenda?

01:15:52:16 - 01:15:58:13

Okay. Thank you. I'll now move on to agenda item 11, which is in any other matters

01:16:00:03 - 01:16:14:15

and please could remind you to provide the written submissions that you have committed to. Please could you remind the applicant and all those who have contributed today to provide a written summary of its responses for Deadline one on the 17th of October 2023?

01:16:16:04 - 01:16:21:25

The transcripts and video recording of the hearing will be published on our website as soon as practicable after the hearing.

01:16:25:24 - 01:16:30:27

Is anybody else in the room wishes to raise within the scope of this issue? Hearing.

01:16:34:23 - 01:16:35:12

Recent bride

01:16:36:29 - 01:17:29:16

now. Brightlingsea County Council. Thank you, sir. I wasn't sure at the appropriate point to raise this, so I've sort of left it to the end. It comes to a resourcing matter in relation to requirement six, the battery security system and basically that particular requirement and an issue that sort of evolved in relation to um, the gate Bourton examination when the Lincolnshire Fire and Rescue, um, have looked at the outline battery management safety plan and also the emergency response plan and it's to sort of factor in the requirements, the resource requirements for fire and rescue to do the necessary monitoring in the first year and then subsequent years.

01:17:29:18 - 01:18:15:04

So in the first year they've estimated that it would take 20 days to do the necessary, um, inspections and monitoring and then probably two days in each subsequent year. So on its own, that probably doesn't cause too much of an issue. But as we've heard earlier today, um, there are other, um, solar schemes coming forward within the county and I don't know whether, um, to say a worst case scenario, but in terms of the fire and rescue perspective, there could be up to 8 to 9 of these battery systems that require monitoring, um, all in a similar sort of period of time.

01:18:15:06 - 01:18:51:25

So the, I suppose the request is that consideration is given to a Section 106 agreement to provide some funding towards the Fire and Rescue Service so that they can undertake the necessary safety checks, particularly in the first year and then in subsequent years to undertake the necessary monitoring inspection, I suppose to give a confidence to the local community that that battery safety system is being checked and is being undertaken in accordance with the relevant plans.

01:18:51:27 - 01:19:10:01

And so if it was one scheme on its own, that probably wouldn't become an issue. But given the prospect of a number of these schemes coming forward, think it's right that that we should investigate the possibility of each developer providing some funding towards that, that monitoring that would need to be taken.

01:19:11:28 - 01:19:16:07

Okay. Thank you. Um, this project, what's your view on that?

01:19:18:29 - 01:20:05:24

Check with the applicant. Yes, we know the point and be keen to receive further details of actually the nature and the amount of the contribution that's being sought and also so that we can satisfy ourselves that it's actually capable of being a Section 106 contribution in light of the various tests. It would also be useful to understand, I suppose, given that energy storage is increasing generally, not just in the Ansip scenario, but standalone energy storage projects are being consented to built more frequently,

so it'd be useful to understand Lincolnshire's position in more detail across all energy storage projects rather than focus particularly on the on the CIP projects.

01:20:05:26 - 01:20:17:00

In terms of the approach being taken consistently across the board. But perhaps that's a topic that we can discuss with Lincolnshire outside of the hearing. And as to whether that's.

01:20:17:02 - 01:20:21:12

Appropriate, are you in discussions also with the fire and rescue and rescue about this issue directly?

01:20:22:14 - 01:20:30:05

As far as I'm aware, we've not been approached for financial contributions by fire and rescue directly yet. We haven't been approached.

01:20:30:09 - 01:20:33:07

In discussions with them in terms of the the requirements anyway.

01:20:36:14 - 01:20:41:20

I just wanted to see if you had discussions in any way about the battery storage is something that could be raised also directly with them.

01:20:54:14 - 01:21:26:02

Uh, the applicant? Yes, the applicant did consult with them prior to submission of the application. So on the outline, battery storage, safety management plan and. Before we made the application. So they have had involvement in the project. But in terms of discussions about financial contributions, that hasn't been raised directly with the applicant. So today is the first time that the applicant has been made aware of that potential point.

01:21:26:04 - 01:21:32:03

And so it'd be useful for us to understand a bit more about it outside of the hearing process. I guess

01:21:33:27 - 01:21:38:29

we might, if you bear with us one moment, might be able to add some more information from the other hearings.

01:21:40:21 - 01:22:10:25

Hi Gareth, it's the applicant. Yes, This was a point that did arise in in the Gate Burton examination. And similarly, the applicant for that project hasn't received any request from the fire service along the lines have been outlined by Mr. McBride. I think where the where the hearing for Burton ended up was that the examining authority, Mr. Kenneth Stone, after the submissions be put in writing by Mr. Grade and also for some consultations, we understood with the fire service to find out whether they felt this was necessary.

01:22:11:11 - 01:22:19:07

But it was it was news at that hearing. Um, it's news to everybody, to my left, but it's something that will need to be looked into further.

01:22:20:23 - 01:22:32:23

I think on that point, I think the same should happen in terms of this examination as well, both in terms of discussions of the Fire and Rescue Service, but also if you could also put your concerns in writing deadline one as well.

01:22:35:11 - 01:23:07:09

County Council. Suppose that as the fire authority is part of the County Council, their representations are made through me. So I am obviously in conversation with the relevant fire officers and they provided me with some sort of detail as to what is required. So think they would probably feel that that sort of dialogue should start off with myself and then obviously if it needs to get into the detail, then the relevant sort of the applicant's representative can speak directly with the relevant fire officer.

01:23:07:11 - 01:23:52:06

But um, they are, it's a request they have put to me. So it's not something that's been sort of made up, you know, it is something the Fire and Rescue service of, of I suppose scoped out and come with some information about their the costs associated with this with the necessary inspections and the number of days that it would take. So um, but it has come relatively um recently with think you know with the gate bridge and examination and the requirement to view and review the outline battery management plan that was submitted for that scheme.

01:23:52:08 - 01:24:24:11

And as a result of that, um, the sort of the potential resource implications of monitoring that plan has now sort of become evident to them. And that's the reason why it's sort of appeared relatively recently. Are you sending that form part of your submissions in due course? Yeah. And it sounds like any way you the two parties applicant and Lincolnshire discussion a number of matters between you by the sounds of it. So yes to me the it'd be sensible for those discussions to be expanded to include this issue as well.

01:24:24:13 - 01:24:29:05

You can give us an update in in due course in relation to how that progresses. Thank you.

01:24:29:29 - 01:24:33:01

And just check on this.

01:24:33:09 - 01:25:04:10

I just wanted to check one point, and it's what you said about the links from County Council and speaking on behalf of the Fire and Rescue Service. I just wanted to to pick up on that and just to help me understand, are you separate bodies or is the Fire and rescue service part of the county council? Okay. Thank you. And then the second point I just wanted to make in terms of the Section 106, obviously, if Section 106 were to be agreed, then that need to be a policy basis and a justification statement submitted alongside that. So presumably there's something in the local plan that would be able to hang that on.

01:25:05:24 - 01:25:06:09

Thank you.

01:25:12:02 - 01:25:17:17

Is there anything. Anything else anybody in the room wishes to raise within the scope of this hearing?

01:25:22:19 - 01:25:25:18

Madam Jones, you should come forward. So you can. You can speak, please.

01:25:38:27 - 01:25:47:06

Sorry. Margaret O'Grady. I'm the chair of Filling and Parish Meeting. I'd just like to make a point that Mr..

01:25:47:08 - 01:25:47:29

Phillips raised.

01:25:48:01 - 01:26:22:22

Earlier. He said there was an urgency to for the deployment of this solar scheme and presumably the other three in this area to meet the required energy requirements through the Government and the Climate Change Act of 2008, which this all hangs its foundation on. And the ten point plan for decarbonisation action of 2019 and doesn't actually mention solar, especially large scale ground mounted solar.

01:26:23:12 - 01:26:48:01

And the first time solar was mentioned was in 2022 with the energy security strategy, and that was for 70 gigawatt solar. If there is such an urgency, then, you know, this is actually going to change our landscape, our homes, for more than my lifetime, in fact, more than my son's working lifetime. So.

01:26:48:28 - 01:26:49:15

The energy.

01:26:49:17 - 01:27:11:00

The urgency really is actually to consider it properly, not to push for eight weeks, six weeks, because that helps them, but to actually think about the consideration of our lifetime in this area, because it's. Actually.

01:27:12:22 - 01:27:18:12

Don't know what the word is. I'm sorry. I've been sat there and it's just bugged me and.

01:27:19:01 - 01:27:26:04

Think this is touching. We obviously understand that. Obviously we're today. The session is about the government consent order documents.

01:27:26:11 - 01:27:26:26

It is.

01:27:27:02 - 01:27:45:01

It's been going through it. So it's not a it's not a means of, you know, broaden that out into other things, which we obviously we all considering the examination. Clearly issues over need is something, you know, an examining authority will have to consider. But we all today what we are doing, we've been going through the document principally with our questions about that. So that's that's what today is.

01:27:45:03 - 01:28:14:27

Today and appreciate that. But we were also talking about the time that things took. Sorry, can't just be, you know, documents and plans to be certified. All of those things, all these schedules that we've just gone through. Actually, it's pertinent. The Mr. Phillips brought it up with the rush or the urgency.

Sorry, not the rush. He brought it up as the urgency. And but it's all to do with every single part of this.

01:28:14:29 - 01:28:35:16

You are absolutely in terms of the requirements which we've discussed today, which form part of the draft document? Yes, that's absolutely correct. But in terms of broader issues such as? Well, obviously, we will consider those, you know, in the examination. So so, so thank you for that. And in terms of the scope of this hearing, pacifically, is anything further in the room that anyone would wish to raise?

01:28:39:01 - 01:28:39:16

Through

01:28:41:22 - 01:28:43:22

Carol Gilbert Stone by Stone.

01:28:45:02 - 01:28:45:18

Would it be.

01:28:45:20 - 01:28:46:26

Possible to.

01:28:46:28 - 01:28:47:21

Put in.

01:28:48:07 - 01:28:50:26

Regarding community reparation.

01:28:51:04 - 01:29:22:16

Within the DCI? It is actually precedented in Triton now. And have asked for some monetary reparation for the communities within one of my written representations. But, um. So far, that doesn't seem to have been addressed. It's the communities are the ones that are going to be impacted by this. And we do have, um, we should have some form of reparation.

01:29:27:11 - 01:29:33:11

And just to respond to that in terms of that point, in terms of whether or not that should be included in the DCF.

01:29:36:02 - 01:29:37:12

For the applicant.

01:29:37:28 - 01:30:14:12

Just in relation to the point previously made, think we just we were trying to seek that there's a balance between allowing the in terms of the discharge requirements, it's about obtaining a balance between giving the discharging authorities sufficient time to consider the applications, whilst also recognising that these projects have great connection dates and that there is a need to proceed with nationally significant infrastructure projects once and if they've been granted on the point that was just made in relation to community benefits at the moment the community benefits doesn't form part of the consideration of the planning process.

01:30:14:14 - 01:30:58:29

It's outside of the scope of the matters that we're dealing with as part of this application. It's not something that can be taken into account at the moment in terms of the the planning balance. So there's there isn't detail as part of the application materials or the measures that are secured in the relating to community benefit. However, there are a number of other measures that are relevant to the planning balance in relation to wider community benefits, such as the skills and supply chain and employment plan, which does relate to the use of local people for employment on the scheme and also providing supplies and services.

01:30:59:09 - 01:31:14:21

And that is a planning related point that does form part of the application. So that's requirement 20. So there. Planning benefits is is a topic that's being discussed by the solar industry

01:31:16:06 - 01:31:21:18

on a wider basis, but it doesn't form part of this particular process because of the way that

01:31:23:07 - 01:31:26:03

the planning balance decision is made at the moment. Okay.

01:31:26:25 - 01:31:27:10

Um.

01:31:27:25 - 01:31:39:23

Obviously understand what you've said in terms of the planning process, but almost outside of the planning process, the only thing the applicant is proposing in relation to the local community that they'd wish to the, to the, to the Speaker.

01:31:59:27 - 01:32:10:06

The sad day for the applicant and we are absolutely considering what there's an appropriate level for community benefits is. And one of my other roles is

01:32:11:23 - 01:32:28:08

to work with the solar industry, the trade association, particularly on the larger projects. We have a group where we're working to align on that. So everybody got some clarity. In actual fact, there's a meeting about that subject tomorrow. And so that is something that we're looking to put forward very shortly. Yes.

01:32:29:22 - 01:32:30:19

Okay. Thank you.

01:32:33:02 - 01:33:08:06

I'll just come in on that point. There's a Gilbert. I'm going to pick up the point in this project made that as part of this process, even if the applicant were offering any community benefits in the way that you proposed, it's not something that we'd be able to take into account or indeed the Secretary of State would be able to take into account in making the decision. That's not to say it doesn't happen on certain projects. I think the point that Mr. Elvin is making is that there is some consideration going on, but that would happen outside the process and no doubt you'll be kept informed by the applicant if something were to come to fruition on that respect to find.

01:33:09:26 - 01:33:16:28

Thank you. Okay. Thank you. Anything? Anyone? Anything. Anybody else in the room wishes to rise within the scope of this hearing?

01:33:18:21 - 01:33:42:13

That was just we've obviously been making detailed notes of the points, but just wanted to clarify whether it was the intention to publish a list of actions or whether we'll just rely on our own notes of the things that we said we would do for today's hearing. Obviously, some hearings have set published actions, but if not, then we'll just proceed on the basis of our own records today.

01:33:42:18 - 01:34:05:19

Well, I'd say that maybe we proceed on the dual basis that we have captured and we've aimed to capture most of the actions. But if there are any actions on our list that we that you've got that we haven't, then to. To action as well. So, yes, if you want to carry on. Think it probably take a good few days before we publish our list of actions in any event. So in the meantime, to continue to rely on your own notes.

01:34:07:15 - 01:34:22:00

Approach it. The applicant. Thank you. Appreciate you obviously have a decent amount of time before deadline one. So other compared to on other hearings where the deadlines are fairly close. But yeah, just wanted to check whether there would be a formal list of actions that you are publishing. So thank you.

01:34:23:26 - 01:34:30:10

Okay. Is there anything anyone taking part via Microsoft teams wish to raise in the scope of this issue? Pacific hearing?

01:34:35:13 - 01:34:36:02

Okay.

01:34:36:10 - 01:34:46:27

I believe now that we've covered all the items on the agenda and all that remains is for us to say thank you for your assistance during this hearing. This issue specific hearing is now closed.