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FULL TRANSCRIPT (with timecode)

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

Good morning everyone.

00:00:14:20 - 00:00:16:21

Before we start. Just a quick sound check. Yoshimi.

00:00:18:08 - 00:00:20:21

And I'll be livestreaming and recording.

00:00:24:10 - 00:00:56:16

Yes. Thank you very much. Um, well, it's 10:00, and I'd like to start off by welcoming you all to this, the fifth issue specific hearing into the quantum solar project. My name is Rory Cridland. I'm the lead member of the panel of Examining Inspectors, appointed by the Secretary of State to examine the application and report back with a recommendation. I think everyone in the room has attended other hearings this week, and so you will be aware that a digital recording is being made. And so can I remind you all to please clearly identify yourselves before you speak. As you already know, many of you will.

00:00:56:18 - 00:01:28:03

The recording will be retained and published on the National Infrastructure website for a period of five years, following the Secretary of State's decision on the application. So once again, can I ask you all to try and avoid referring to any information that you wish to be kept private and confidential? As with all of the other hearings this week, this hearing is also being live streamed on the internet in case we do have anyone joining us for the first time. Please note if you do participate in today's hearing, you will be recorded and you will be taken to a consented to the recording and publication of the information.

00:01:29:17 - 00:01:52:25

To avoid disrupting the meeting. Can I remind you all to keep your microphones muted until we invite you to speak? And that applies to those of you joining us via Microsoft teams, as well as those of you in the room today. Good hand over now to my colleague, Mr. Henley, who will take us through the introductions and say a few words about the purpose of the show. Yeah. Good morning. My name is Darren Henley. I'm the other member of the panel.

00:01:53:23 - 00:02:25:02

The hearing is a blended event, which means some of you are attending in this room and some are taking place. So taking part via Microsoft teams, whoever you are attending, we'll deal with you fairly. And please switch off your or mute your mobile phone if you're not using it to join the hearing, please get anybody joining via Microsoft teams. Try to minimize any background noise. There are also other things for those joining via Microsoft teams. Chat function will not be enabled or in use, so please do not try to use that for questions or comments.

00:02:26:03 - 00:02:38:26

Also, we will only use the raise hand function in teams at specific points in the agenda when we invite general comments. We will also get people who are not able to use that feature an opportunity to comment at the relevant time.

00:02:40:25 - 00:02:51:14

If you're watching the live stream, then please be aware that it will be stopped during any adjournments. The hearing that you will need to refresh your browser page to review to V to view the restarted hearing.

00:02:53:05 - 00:03:16:00

It be used for all parties have the agenda that was published on the 28th of November 2023 available. That's also been put on the screens as well. I'll now ask certain parties to introduce themselves. So please remember to unmute your microphone when you speak. If you are joining via teams and are comfortable to switch on your camera. Please switch them off again when we move to the next speaker.

00:03:17:20 - 00:03:49:26

Open microphone is available for anybody in the room we invite to speak, but who doesn't have a static microphone in front of them? It's important all contributions are made using a microphone set so that they are captured for the formal record. We all came to make progress. So there are several people representing the party. Um, please, for just the lead speaker, introduce themselves for now and then. Any other representatives that are invited to speak later should please introduce themselves at that time. So firstly please. And who will be the lead speaker for the applicant?

00:03:51:27 - 00:03:59:15

Morning. My name is Claire Broderick. I'm a legal director at Pinsent Masons LLP, solicitors for the applicant Cottam Solar Project.

00:04:02:09 - 00:04:05:25

Thank you. And for Lincolnshire County Council.

00:04:06:12 - 00:04:14:04

Hi. Good morning. My name is Stephanie Hall Hale. Happy to be Miss Hall and Council instructed by Legal Services. Lincolnshire.

00:04:16:05 - 00:04:18:02

And West Lindsey District Council.

00:04:19:07 - 00:04:21:01

My name is Samuel Sheikh. I'm also a.

00:04:21:03 - 00:04:25:18

Counsel also instructed by Legal Services Ningxia and half of West Lindsey District.

00:04:27:22 - 00:04:33:15

Thank you. Um, and are any other councils present either in the room or via Microsoft teams?

00:04:35:27 - 00:04:58:21

Thank you. Um, so I'm now going to turn to the interested parties, so registered to our speakers. And please keep your name and explain your interest in the application, how you wish to be addressed. And also, if you're representing an interest group, um, give them give the name of the group. And also approximately how many people that you are representing. Um, so firstly, I have, uh, 7000 acres.

00:05:00:13 - 00:05:12:26

Uh, good morning, sir. Um, Mark Pryor, 7000 acres. We are a single interest group, and we represent more than a thousand members.

00:05:14:15 - 00:05:16:12
Thank you. Simon Skelton.

00:05:18:15 - 00:05:22:06
When he saw that. Yeah. So I'm a skeleton person.

00:05:24:12 - 00:05:29:09
Thank you. Um, and then, uh, license and park driving center, Inc.

00:05:31:14 - 00:05:45:24
Good morning. Our local stone Brighton Park driving centre and effective business to the north of the development. I'll be sole representation today as the rest of the L.A. group are detained elsewhere, so I can answer for both parties.

00:05:46:15 - 00:05:55:10
Okay. Thank you. Um, I have two further parties have indicated, um, they may wish to speak. Um, a pa Mitchell.

00:05:58:09 - 00:06:03:20
Okay. And also, um. Sorry. Excuse me. Um, Mr.. Mr. de white.

00:06:06:13 - 00:06:07:03
Okay. Thank you.

00:06:11:23 - 00:06:44:06
And that is all the introductions for now. Um, but if you haven't introduce yourself at this time, have an opportunity to do so later when we invite you to speak. So I'm not going to move on to agenda item two, which is the purpose of the hearing. So its purpose is to examine the draft Government Consent Order, or DCO. Related matters and invite parties to make all representations about it. This is the second hearing into the draft echo, and it will focus on a number of specific issues that we wish to explore orally at this point in the examination.

00:06:45:29 - 00:06:51:11
We may have a further questions on the draft eco, which will be included in our second set of written questions.

00:06:53:02 - 00:07:00:27
Sharing is necessarily a technical nature, and is based on the specific wording of the draft DCO and the expansion referendum memorandum.

00:07:02:21 - 00:07:15:28
The draftees show is currently the applicants document, and the version that we will be referring to during the hearing is revision C that was submitted at deadline to. On the reference. That document is repped 2004.

00:07:21:25 - 00:07:48:10
They have stooped to the hearing today so that you will have an opportunity to raise anything relevant to the hearing. When we invite you to speak at the relevant points on the agenda. Please keep your microphone muted until we invite you to speak. Each time that you do speak, please give your name and then the organization that you are representing so that it is picked up for the formal record. And please direct all comments, questions and answers through us rather than directly to any other party.

00:07:50:15 - 00:08:05:15

So you're just about to complete agenda item two. But there is one final point. Subjects of progress. We tend to take short comfort breaks at intervals of around 90 minutes or so. We may take a longer break for lunch, depending on if the hearing extends into the afternoon.

00:08:07:03 - 00:08:18:09

Also, depending on progress, we may ask for responses to some of the questions on the agenda to providing writing rather than during the hearing. However, that is subject to change depending on progress.

00:08:19:24 - 00:08:22:05

I'll now hand back to my colleague, Mr. Rory Cridland.

00:08:24:09 - 00:08:49:15

Thank you. I'm moving on into our agenda item three. Uh, Mr. Broderick, we received an update on the draft developing consent order at deadline to, um, which was around two weeks ago, I think so, I think hopefully we're quite up to date, but is there anything that you'd like to update us on in terms of any changes that the applicant proposes, either in relation to this project or in order to align it with any other projects that are currently under examination?

00:08:51:27 - 00:09:12:01

A clever trick. The applicant. Um, as I think I mentioned on Tuesday's hearing, there will be an update at deadline three to include protective provisions for the benefit of Lincolnshire Fire and Rescue. So that is one change. Um, that, um, uh, will definitely be included for deadline three. Um, as, um.

00:09:13:19 - 00:09:57:02

He mentioned. We are keeping track of changes that are being made to and other draft echoes in particular, and the gate burden energy park CEOs. So where they are proposing to make amendments to their draft, we're considering whether they're applicable to the draft DCO for this particular scheme. Um, so there may well be some, um, alignment amendments, but we're not envisaging at the moment any, um, material changes. Um, there are a number of, um, uh, smaller, uh, points that we've noted, sort of typographical, um, changes or consistency changes as part of the review of the draft DCO, um, for the change application.

00:09:57:08 - 00:10:33:00

Um, and so the new a new version or a specific change application version of the draft DCO has been produced as part of that application, and some of the minor changes will be carried across into the deadline three version. But not the change in application related amendments. Whilst there's two separate DCS, as it were. Um, uh, in place for the for the period of time before a decision is made on whether to accept the change application or not, because I think the timings will just potentially just overlap for one round of the DCO.

00:10:33:12 - 00:10:46:25

Yes, I understand, so there'll be two versions of the draft development consent order while um, we consider the change application and then um, whether or not it accepted that decision, they will fall back to one version of the draft consent order.

00:10:47:26 - 00:10:56:24

Of the applicant. Yes. That's correct. So some of the referencing will be out of line for a very short period of time, depending on the decision of the change. Application thinking.

00:10:58:11 - 00:11:39:15

Thank you, Mr. Porter. Moving on then, to item four on the agenda. Uh, there are five items on this agenda. Um, item, uh, that we'd like to discuss, but I do have 1 or 2 others. I'm just going to make you aware of that now. Um. There are. Generally smaller points, but if you can't address them, I know you haven't noticed. So we can take them in writing, but hopefully we'll be able to deal with them today. So starting with article 17, Mr. Project, we drew your attention in our first written questions to the approach taken by the Secretary of State and other made orders, where the provision in relation to the removal of human remains was removed from the development consent order.

00:11:40:04 - 00:12:17:22

And I think in response that that was that was done on the basis there were no burial grounds within the order limits. And your response to our question, the applicant refers to both the wide definition of burial grounds and and pointed to one possible Anglo-Saxon burial ground within the order limits. I understand the applicant is proposing open excavation of this area, and so any remains found would presumably be covered by the WSI. And so what I'm interested in, really, is why you think the Secretary of State should take a different approach in this project to the one that they have recently taken in other made orders.

00:12:21:08 - 00:12:56:28

At the applicant and our understanding of the approach generally taken where there is the potential, um, for human remains to be found, um, is the inclusion of this provision. And the purpose of this provision is to essentially streamline a number of different processes that apply in relation to, um, human remains, so that there is a clear process with set timeframes, and that's part of ensuring deliverability of a nationally significant infrastructure project.

00:12:57:08 - 00:13:33:21

Um, on within programme. It's not seeking to remove any protections or deal with things in a different way. Its its aim is to streamline the process, um, and the approach on other DCS where there is um, has been determined to be the potential for human remains has been to include the provision on the basis that there's different activities that will be involved, some of which are carried out through the WSI and some of which may need to be dealt with through the provision of this type of article, depending on the nature of the remains that might be found.

00:13:33:23 - 00:14:07:07

However, our understanding is where where, um, surveys and work undertaken has identified that possibility. Um, as a it's appropriate and proportionate to include this article and this power to streamline the process should such, um, human remains be found. I don't believe that there has been any, um, objection to the to the wording or the inclusion from, um, the local authorities who would normally manage the processes under the other regimes that apply.

00:14:07:21 - 00:14:19:00

Thank you. Thank you. Miss Margaret. Was the applicant position that the circumstances in the current application differ to. The circumstances in the recently made long field solar farm.

00:14:21:04 - 00:14:25:12

I can approach the applicant? Yes. That's correct. I believe it's factually different scenario here.

00:14:26:01 - 00:14:30:09

Thank you. Does anyone else wish to comment on article 17?

00:14:33:01 - 00:15:08:06

Okay. Thank you very much. Um, moving on then, to article 18. This project. The explanatory memorandum, um states that the reason for this article is that there are buildings within and in close proximity to the auto land that might feasibly require surveys and protective works as a result of the

proposed development. However, the response provided by the applicant at Bat to question 1.1.9 indicates the applicant is not aware of any existing buildings that might require protective works. I wonder if perhaps the explanatory memorandum can be updated to reflect that position.

00:15:09:11 - 00:15:43:02

At Cambridge. The applicant. Yes. And in fact, the updated explanatory memorandum that we've prepared for the change application does include, um, text that's consistent with our response to first written question, 1.1.9, um, which states that we're not aware of any existing buildings. However, we are aware that there is extant planning permission for buildings within the order limits, and therefore there is the potential, um, for protective works to be required, and therefore the inclusion of the powers is necessary and proportionate.

00:15:43:14 - 00:15:47:13

Okay. Thank you. Does anyone else wish to comment on article 18?

00:15:50:29 - 00:15:57:03

Okay. Thank you. Moving on into article 35. So paragraph three. See?

00:15:58:23 - 00:16:39:14

Again, we drew your attention to the approach taken by the Secretary of State in other made development Consent order decisions, where provisions similar to this one have been removed by the Secretary of State before making of the order. In the applicant's response to question 1.1. 12 provides reasons for its retention. Here again, I don't see that there are any materially different circumstances being argued or put forward, and that merely it would just be preferred by the applicant for it to be retained. So is there any specific reason that this provision is required for this particular project? And perhaps you could explain why the applicant considers Secretary of state should adopt a different approach here to the one they've adopted quite recently.

00:16:42:27 - 00:17:22:07

A clever project for the applicant. And as you referred to it did provide, um, some reasons why we consider it, that it could be appropriate for this particular, um, uh, exception to be included, um, for this project. Um. The two examples that we mentioned in our response to question 1.1. 12 related to, um, the provision of habitat mitigation areas or the permissive path. Um, so elements of the, of the scheme that don't form part of the, the generating station, that would necessitate a license under the Electricity Act 1989.

00:17:22:17 - 00:17:56:08

Um, this particular scheme obviously has a different, uh, geographical extent, um, to, to long field. Long field was, um, primarily a contiguous site that was much smaller. Uh, whereas for this scheme, we have a number of individual parcels that are fairly spread out with some more distinct elements to the scheme than others. So the permissive path, for example, um, and some of the habitat mitigation areas are geographically sort of distinct from the generating station.

00:17:56:10 - 00:18:19:28

And so therefore we think. The factual circumstances are different for the scheme than for Longfield, so it's definitely the applicants preference. But obviously if the Secretary of State considers that they don't want to give that exemption, um, for this particular scheme, then no doubt they will remove it, um, as they have done for the Longfield Project.

00:18:23:04 - 00:18:44:03

I wonder whether it's correct if the applicant's position is that there are elements of the scheme that wouldn't require a generation licence. I think the way this operates, it would potentially apply to the other to all elements of the scheme. If what you're saying is it doesn't apply to the generation

side, whether there could be a carve out for that particular provision, which might give the Secretary of State some comfort.

00:18:47:14 - 00:18:54:21

A table napkin. Yes, we can certainly consider adding some wording to provide that distinction between various elements of the scheme.

00:18:54:28 - 00:18:59:12

Thank you very much. Does anyone else wish to comment on article 35 three? See?

00:19:03:25 - 00:19:14:04

Thank you. Um, the next one and this one isn't on the agenda. So it's the first of my non agenda items on this project. And it's requirement nine biodiversity net gain.

00:19:16:04 - 00:19:17:26

That would be from a while. I just get there.

00:19:30:19 - 00:19:48:19

He said earlier in the week about percentages of biodiversity, net gain that are being proposed or being being put forward by the applicant. And I've noticed that there are these are also referred to in the planning statement as other benefits. What I'm not clear on at this point is whether the applicant is.

00:19:50:06 - 00:19:54:11

Proposing that these percentages of biodiversity net gain are.

00:19:56:03 - 00:20:05:02

Input forward as part of the benefits of the application. Or if it's biodiversity net gain in general that's being proposed. It's a benefit.

00:20:06:08 - 00:20:26:25

And the applicant. And so at the moment, requirement nine um, relates to the biodiversity net gain strategy being substantially in accordance with the outline Landscape and ecological Management plan. The outline ecological the outline membership um, includes, you know, the range of different um.

00:20:28:18 - 00:21:01:17

Landscape and ecological mitigation and enhancement measures that are being proposed for this scheme. Um, a biodiversity net gain, uh, calculation has been undertaken to establish what the percentages would be for the measures that are set out in the outline lamp. Um, and because the final lamp must be substantially in accordance with the outline lamp, then the applicant's position is that the the benefit is something that can be taken into account in the planning balance.

00:21:01:19 - 00:21:31:29

However, um, obviously biodiversity net gain is an evolving area. There is currently no statutory obligation, um, for nationally significant infrastructure projects or other projects at this current moment in time, and it's going to be some time before the, um, process for net projects becomes a statutory obligation. Um, I think it was last week, new metric was, um, published, um, for the calculation of biodiversity net gain.

00:21:32:01 - 00:22:11:08

And therefore the applicant's position is that it is committing to delivering the mitigation that it has shown that it will provide. However, there is a significant risk that the metric that applies at the point of construction may well result in a different percentage, um, being attributed to that. And we note

that the Secretary of State chose to amend the wording in the Longfield um DCO so that it apply. The calculation was on the basis of the metric that applied at that point in time, not the metric that the the applicant there had used as part of their DCO application material.

00:22:11:15 - 00:22:50:18

Um, so we our position is that there is a, there is a risk that the, the metric could change, and therefore we could find ourselves in a position where the percentage, um, changes over time. Um, however, the actual elements of the mitigation are committed to and are secured through the um, outline lengths. So we still feel that the Secretary of State can take into account the delivery of that mitigation as part of the planning balance. But obviously the the percentage we don't feel should be, uh, the commitment in the draft DCO that needs to be adhered to because it could change as the metric changes.

00:22:51:01 - 00:23:10:26

Yes. So if I understand correctly, you're not relying on the percentages. You're relying on the mitigation measures. Um, just picking up on your other point, and you mentioned the long field development consent order. And as I understand it, that's been amended now or corrected recently to deal with the point that you raised in terms of the percentages. And I think the correction order now.

00:23:13:02 - 00:23:16:12

Change the percentages, but gives some scope for.

00:23:18:22 - 00:23:29:14

Changing it in the event that the metric changes. And I wonder whether or not there could be further alignment in a similar way on this developing consent order. In the interest of consistency.

00:23:32:24 - 00:23:41:11

Claire Kent. Um, yes. I haven't checked the most recent drafting. I think it might have related to agreement. By agreement. Um.

00:23:42:11 - 00:23:42:26

Yes.

00:23:43:15 - 00:23:45:07

Um, agreement between um.

00:23:45:27 - 00:23:51:05

I think it's agreement from the local authority in consultation with the statutory body.

00:23:52:27 - 00:24:35:11

Uh, yes. That that's, um, that was my understanding of what was being proposed. I think what our position was is that because the the lamp itself needs to be, um, approved by the relevant planning authority and in fact, the net gain biodiversity net gain strategy under um, requirement nine also needs to be approved by the relevant planning authority in consultation with the relevant statutory nature conservation bodies. The the discussions as to the appropriate percentages that will be delivered by the scheme will take place via the discharge of the requirements as they are currently drafted, and that there is no need to include on the face of the DCO the specific percentages.

00:24:35:19 - 00:24:52:18

Yes, and I do see what you're saying, but, um, I think the circumstances in this application are, as I understand it, very similar to the other made DCO position. And I think those have similar. Plans in place similar requirements in terms of approval and.

00:24:54:16 - 00:25:19:12

And so, in the interest of alignment. I would suggest that. A similar approach should be taken here. Secondly, it goes to weighting in my view, in the long field development consent order, the Secretary of State was able to give um weighting based on those percentages, whereas if those percentages are not included in the draft development consent order, then they wouldn't be able to do it in the same way, presumably.

00:25:20:28 - 00:25:50:12

A cleavage that can, um, yes. They would not be able to refer to specific percentages in the planning balance, but the delivery of the actual measures would be able to be relied upon for the reasons that I mentioned. I would just say that slightly different approaches are being taken in relation to the matter. Pass draft DCO and the gate Burton DCO. So in terms of W, all of the projects are aligning with the long field, um, approach, either those.

00:25:50:15 - 00:26:08:17

I think one of those examinations has recently closed. Some one is still open. So I'm not sure that we can rely on that point because, um, those approaches could change when the examination authority makes its recommendation that we're indeed the Secretary of State considers considers it. And he may take the view that a similar approach to the one that he's recently taken is the best approach to take.

00:26:09:20 - 00:26:48:17

A couple of the applicant. Yes. I mean, other approaches are being taken is to secure, um, a greater than 10% percentage on the face of the DCA and then have the more detailed provisions set out in the um, outline plan. So that is another option that's being taken forward by other DCA developers. So there are various different approaches, um, being taken across various energy projects. So it's something that we're keeping under review and will definitely take the point away to consider whether it would be, um, advantageous for the applicant to put forward a different proposal.

00:26:49:14 - 00:26:54:22

I'm just sort of interest in any of those proposals that you've mentioned, taking a similar approach to the one being proposed in this examination.

00:26:57:22 - 00:27:40:06

Now the applicant. Um, so, for example, the, um. In terms of made applications. The approach we're taking is consistent with the, um. Uh, order that was made for the Hornsea Four offshore wind farm project. Um, so there is precedent for the approach that we've taken. But obviously, since that was granted, the measures for biodiversity net gain have evolved, um, slightly, but we can find some examples, um, as part of the, um, hearing note in terms of the different approaches being taken at the moment, but there is a wide range across various assets on this particular issue because it is evolving and there isn't really any certainty as to how it's going to apply to end projects once it does come into force.

00:27:40:25 - 00:27:45:05

Thank you. Does anyone else like to come in on this point of biodiversity net gain?

00:27:47:05 - 00:27:50:12

This Lancashire County Council and Miss Hall. Thank you. Yes.

00:27:51:01 - 00:27:55:23

Can I just ask you that? Yeah. It's difficult to go on it. Yes.

00:27:55:25 - 00:28:37:10

Thank you. So, um, thank you for raising the point about biodiversity net gain. Um, I think it's helpful to have the applicant's clarification that the 96% claim for the planning statement isn't a percentage

that you could rely on in your recommendations. And Secretary of State. So just to note that there are a variety of approaches being taken across the ongoing, um, and so examinations, which I take your point. So not necessarily a great utility to you because they are subject to change. Um, but one approach being taken at Eckington was that, um, the applicant thought that they could get around over 100% in there, and that was what they were claiming in their planning statement.

00:28:37:12 - 00:29:14:19

And what they put in the draft echo was 60, so they were claiming a percentage, but it was much greater than ten as my point that they they thought they would allow themselves some flexibility. I take the point because the death rate metric may change. Um, and that's the other difficulty with including percentages in the DCO. Is that as against what metric is that percentage to be achieved? Because if you fix the metric and then the metric changes, or if you if the metric, um, if you just say as against the current metric at the time of the discharge, the requirement, it may not be possible to achieve the percentage you thought you could under the new metric.

00:29:14:24 - 00:29:40:00

Um, so that there are a variety of ways of addressing that uncertainty. And one of them is to pitch it at a percentage, which strikes a balance between what's claimed in the planning statement, but above the 10%, so that there's some benefit can be attributed to the planning balance, just to encourage the applicant to think about what's achievable rather than setting up a floor, um, that that floor could be set at something more aspirational.

00:29:41:10 - 00:29:49:02

And the Lincolnshire County Council's position on this. Do you have a view on what percentage you would wish to see or what approach you wish to take?

00:29:49:05 - 00:29:52:02

I think I'm able to say that, no. So thank you, sir. Thank you.

00:29:52:24 - 00:30:07:01

I think this project is already said that you'll take this point away and give it further consideration. Um. Anyone else? Miss? I'll give you a chance to come back. In West Lindsey, Somerset Western District Council. No, no, I think you've raised all the points that we were hoping to raise in relation to.

00:30:07:03 - 00:30:07:20

Requirement nine.

00:30:07:22 - 00:30:32:17

Already, and the same point is made on behalf of Lincolnshire County Council. We agree with the points raised and we think there can be some minimum that's higher than 10% secured. Um, I'm not going to suggest a figure that's for the applicant, but, um, we certainly think that the issue with the matrix changing can be dealt with as, as was dealt with by the correction order in Northfield. Thank you very much. Is there anything you'd like to come back on that?

00:30:34:21 - 00:30:53:22

To collaborate with the applicant. And no, not I think we've we've covered the the reasons why we've taken the approach we are. But as you say, we are going to take that point away. And also it is an evolving point. So there may well be some further iterations of this throughout the rest of the remainder of the examination. Thank you.

00:30:53:26 - 00:30:54:22

Thank you very much.

00:30:56:13 - 00:31:28:09

Would anyone else like to come in at this point before we move on to requirement 21? Okay. Requirement 21. Um, this project, we see that the applicants included a six year timescale for decommissioning in. Um, I think that was on the deadline. One version that's carried through into the deadline too. That was in response, in part to our discussion at the previous TCO hearing. Um, this deals with the point about secure and decommissioning generally, but I'm not entirely sure it deals with the applicants. Uh, that deals with the point. Around whether the essay was undertaken on a 40 year basis.

00:31:28:11 - 00:31:45:29

I think we did ask in our. So certain questions. If you could identify where in the US it specifically says that it was undertaken on a permanent basis. And I haven't seen that response and I haven't seen it myself. So I wonder if you could perhaps direct us to that within the yes, please.

00:31:46:27 - 00:32:45:01

Claire project the applicant. And yes. So in relation to um, uh, the questions, um, and also comments that have been made, um, at deadline two, the applicant, um, submitted a document called uh, which was called Review of Likely Significant effects at 60 years. And and that's rep 2-058. Um, there was also an update to um chapter 23 of the um environmental statement also submitted at um, deadline to the um, sort of introductory section of that review of likely significant effects at 60 years document sets out, um, sort of the purpose of the document and um, lists extracts from the um, environmental statement where the um references to the operational life of the scheme and a typical 40 year period were referred to um.

00:32:45:24 - 00:32:46:28

To 058.

00:32:49:03 - 00:32:50:28

Uh. Rep 2058.

00:32:53:06 - 00:32:56:09

Sorry. Could you tell me to that particular section that you're referring?

00:32:56:16 - 00:33:30:15

So in section one, which is the introductory um, section to that, we um, set out, um, the various places in the sort of introductory chapters. So the description of the scheme, the methodology where, um, uh, the operational life of the scheme was considered and in various places it was noted that, um, a sort of a, uh, an indicative 40 year period, um, was assessed and reported in the year, however, and the DCO application did not seek a temporary or a time limited consent.

00:33:30:17 - 00:34:05:07

So we've listed the places where the fact that it would be not time limited, um, was um, referred to in the year, and that was on the basis, um, for which each of the environmental topics were considered. Um. However, in response to comments about the scheme being, um, potentially there in perpetuity, which was um, which was not the aim, because the intention was always that there would be a commitment to decommission. Um, the reference to the 60 year time limit, um, was included, as you mentioned.

00:34:05:09 - 00:34:38:21

And as part of that exercise, um, the applicants environmental consultant team did a review of, um, every chapter in the environmental statement setting out, um, you know, the wording in the environmental statement and whether a operational period of up to 60 years would make any, um,

have would have any implications to the conclusions of the environmental statement. Um, and so that document then goes through each of the environmental topics, um, on that basis.

00:34:38:23 - 00:35:09:07

And then as I say, chapter 23 was also updated to it, which is the summary of residual effects, to include a specific comment relating to an operational period of up to 60 years, just so that there was that clarity, um, for the conclusions of the, um, of the environmental statement and how that sits alongside this document. So this this document is intended to explain the exercise that was undertaken. And then the conclusions are set out in chapter two, the updated version of chapter 23.

00:35:11:00 - 00:35:45:03

Of the updated chapter 23 and the the general review point. Um, I think there are three paragraphs at the start of this document that you've directed me to that refer to this time limit. Um, I'm going to set aside chapter one for a moment, which is introduction but under process and methodology. Um. Where did it say that? It's. It's for more than 40 years or minimum, 40 years. It's my reading of it and my mistake, and seems to suggest that the ease was undertaken on a 40 year period on the basis of a 40 year period.

00:35:45:06 - 00:35:47:10

Again, it says a similar thing in chapter four.

00:35:48:25 - 00:36:03:12

The collaboration. Yes. The wording of the yes is that the operational period is anticipated to be. Then it clearly does state that the the DCO application was not seeking to time limit it. Um, and that decommission.

00:36:04:09 - 00:36:25:12

Where does it say that. Because I'm not seeing where it says that. It says I do see it says anticipated and then it says it goes on to say, and this time period has been assessed in this. Yes. It doesn't say. And this time period has been assessed in this. Yes. Or a different time period has been assessed in the assets at this period. And I read this period to mean 40 year period.

00:36:27:15 - 00:36:30:14

And then chapter four. It does the same thing.

00:36:33:23 - 00:36:48:23

After approximately 40 years. So if you were saying, well, it might go to 41 or 42. I could probably understand it, but 1460 or adding an additional 20 years onto that period and it doesn't doesn't seem to say that in the year.

00:36:49:25 - 00:37:22:00

Yeah. As I said in each the paragraph one and two, it specifies that the DCO application was not seeking to be a temporary or time limited consent. And that was acknowledged, however, for the purposes of an EIA. A typical period has to be assumed for the purposes of that exercise. Um, and 40 years was this was the typical period used for that? Um, and decommissioning no earlier than 2066 was assumed for the purposes of that exercise.

00:37:22:02 - 00:38:03:24

However, it was, um, within the minds of the um reviewers that the consent of the authors of the environmental statement, um, that um, the DCO application was not seeking to be time limited. And so when they were assessing the mitigation that might be required, they were considering whether some form of time limit may be necessary as a mitigation for the impacts that have been identified.

What I would say is that obviously, we put forward the application on the basis that it wouldn't be time limited, which is in accordance with, um, the N3, which does state that there is um.

00:38:06:11 - 00:38:11:20

Some applicants may seek consent without a time period. So that was. The initial approach.

00:38:12:00 - 00:38:24:23

Doesn't say that, does it? It also says just before that, I think something about a typical period will be specified, like immediately before it, but I think the entry doesn't leave it open. It does say.

00:38:26:15 - 00:38:40:28

Normally there will be a time limit on it and applicants make proposals not to. And if you're proposing not to. And I would say that that should be clear on the assessments that have been undertaken. And I'm not sure that they agree that that's what this is saying. I'm prepared to be convinced otherwise.

00:38:42:08 - 00:39:14:03

I collaborate with the applicant. So just to be clear, paragraph 2.1.65 of m3 says applicant should consider the design life of solar panel efficiency over time when determining the period for which consent is required. An upper limit of 40 years is typical, although applicants may seek consent without a time period or for differing time periods of operation, and so there is flexibility in the approach that applicants can take. The approach initially taken for this project was for there not to be a time limit for the project.

00:39:14:19 - 00:39:40:17

Um. However, in response to comments, we have put forward a 60 year, um, period for the reasons we mentioned, which was, as you mentioned yourself, it could be 41, 42, 43 years, 60 years was taken because actually that is becoming the more typical time period as this evolves as a point. It's the time period used in the Mallard Pass DCO uh, draft DCO it's the time period being used in the gate. Burton draft DCO so at the.

00:39:40:19 - 00:39:41:13

Moment, I think.

00:39:41:15 - 00:40:14:17

We would argue that a 60 year period is becoming more typical, um, as these solar projects are evolving. Um, we have undertaken a review to see whether there would be any dip. Um. Any differences to the conclusions on the basis of an operational period of up to 60 years. Um, and our conclusions were, um, no, um, with the exception of two chapters, which was in relation to climate change, where the webbing, the calculations period would be different.

00:40:14:19 - 00:40:45:12

However, um, that's the beneficial impact if the project is operating for longer and then flood risk because the modelling periods, um, uh, change um, over time as they currently are at the moment. However, um, the conclusions were, um, that any, any additional risks could be mitigated upon, um, a review, um, of the um mitigation in the scheme and the operational Environmental Management plan at that time.

00:40:45:14 - 00:41:20:29

So the overall conclusions were that there weren't any changes to the assessment or the conclusions of the assessment, should the operational period be up to 60 years. You know, obviously, if the Secretary of State is minded to, um, disagree with the applicant, then they would be able to impose a different time limit should they think that that was appropriate to do so. But the applicants position, if a time

limit is required, and that is the response we're getting from stakeholders, both the local authorities and members of the public, that they want to see a time limit, then the applicants position is that a 60 year period is appropriate.

00:41:21:13 - 00:41:48:09

Yes. I understand the applicant position. Um, you mentioned the Malad Pass development consent order. That's sorry, the Malad Pass application that has recently closed and the Burton application, which is currently in examination. I'm not familiar with the details of those. Obviously those are separate examinations, but I wonder if you could. If you have information on the time period of session. Yes. On those applications. Were they 40 years as well?

00:41:49:18 - 00:42:20:22

Uh, the Atkins, the the um, gate Burton um, environmental statement was, um, a 60 year period from the outset, but the Mallard Pass, um, DCO application took the same approach as the cotton, which was that it didn't have, um, it wasn't proposing a time limit, um, from the beginning. Um, and then in response to comments, um, a 60 year period was put forward in a similar exercise to the one that we've done on the cotton scheme was done for the Malabar scheme. It's my understanding that Mr.

00:42:20:24 - 00:42:22:29

Phillips might be able to pass.

00:42:23:07 - 00:42:33:02

Um, development consent order. Environmental statement was based on a 40 year period. Is that what you're saying? This project almost felt. Back to my parents.

00:42:35:01 - 00:43:08:19

Yes, that was the assumed period to be consistent with what we what Mr. Broderick has already mentioned in terms of the M.P.s, but the position was essentially taken by the authors of the. Yes, as well. But when you take the effects as they are at 40 years, that's that's almost taken to be the permanent effect. To paraphrase. So essentially whether you then look at 41, 42, 50, 60, it's going to be the same, same assessment of effects as at year 40. So essentially the 40 year period has been assessed to be consistent with the M.P.s.

00:43:08:21 - 00:43:14:26

But if you like, where the conclusions arrive at would be the same for any year following that period.

00:43:17:28 - 00:43:18:18

Yes, I.

00:43:20:09 - 00:43:26:02

Take that away. Thank you very much. That's useful. The council's like to come in on this point as well.

00:43:26:15 - 00:44:16:13

Stephanie Hall, Lancashire County Council so it's more of a substantive point. So I'll just put a pin in it if I can, but just that's it. I just want to note what Mr. Phillips has said about the distinction or the importance or lack thereof of, of well, Mr. Phillips was equating 40 years with the permanent project. That is expressly not the approach taken by the applicant and other applicants in relation to the harm to to best the most fertile agricultural land and soils. There's a heavy reliance by the applicant and indeed all applicant, on the basis that the EMA guidance does not treat essentially doesn't allow for a significant effect to be found unless they harm is temporary, unless the harm is permanent, and therefore, on a temporary project, you'd never get to a significant adverse environmental effect on soils.

00:44:16:15 - 00:44:46:20

And that's their interpretation of the I in the guidance. Be that right or wrong. Um, but just I just flag that because it's probably something we'd like to come back to when we talk in our written report about soils, or if we come back for another hearing on that. That's just an important distinction between how the applicant seems to treat permanent and temporary, um, depending on the subject matter, because obviously our point of view would be that a 40 year effect is exactly as Mr. Phillips says.

00:44:46:22 - 00:44:59:10

It's essentially a permanent effect. And indeed, that's how Bolivia three treats landscape effects of that duration. The EMA guidance on soils is an outlier on that. Um, so I just I just wave that flag.

00:45:00:04 - 00:45:08:21

And just hold the council's position in respect of the 40 year old, the assessments undertaken in the. Yes. The point that we're actually discussing. Do you have any comments on that?

00:45:09:12 - 00:45:24:12

Stephanie Hall, Lincolnshire County Council no. Thank you. We note that the applicant has done an update to the yes to essentially carry across findings based on a 40 year assessment to a 60 year assessment and seek to update it based on the 60 year time period. We think that's the correct approach.

00:45:26:03 - 00:45:35:11

Mr. Sheikh. Somerset West Lindsey District Council and. Yes. I think the first point just to indicate is that our position is that requirement 21.

00:45:35:13 - 00:45:36:27

Should be in line with the ease which is.

00:45:36:29 - 00:45:51:26

Assessed on a 40 year period. There are various references throughout the year in the different chapters which expressly note 40 years. I have the references, but I need not read them out there. Chapters one, four, eight, nine and the deadline two planning statement all reference.

00:45:51:28 - 00:45:52:23

40 years.

00:45:53:05 - 00:45:53:20

As.

00:45:53:22 - 00:45:54:09

The EIA.

00:45:54:11 - 00:46:09:01

Assessment. The other point to mention is that I understand that the applicant and states in the ES, uh, I think it's chapter one, that the draft DCO may not necessarily be sought for 40 years, but might be longer. That is not the.

00:46:09:03 - 00:46:10:18

Same as saying that the.

00:46:10:20 - 00:46:23:09

Environmental effects have been assessed for longer than 40 years. So an application for a DCO, which is not temporarily limited or which is limited for a period beyond that assessed in the ES, does not mean that they have actually carried out the.

00:46:23:11 - 00:46:24:02

Assessment.

00:46:24:10 - 00:46:54:24

In line with what they're seeking in the draft. So our position is that the decommissioning requirement should reflect the ease, which is temporarily limited to 40 years. Um, the other point I should make at this stage is we note, and we'll have to review the summary documents of likely significant X at 60 years. We would just ask if the assessment for the summary conclusions which have been provided by the applicant have also been provided, because we can't find them.

00:46:55:04 - 00:47:02:03

And if we're going to assess the extent to which they are correct and review them, um, then we need to see the workings out.

00:47:03:29 - 00:47:06:12

Let's take a call, Mr. Phillips.

00:47:08:00 - 00:47:18:16

And what Mr. Fig is asking for is clearly the background, the data upon which your new additional 20 summary is based on. If I understand correctly. Mr..

00:47:20:21 - 00:47:58:01

Collaborated with the applicant. The the approach taken and the elements considered is set out in the table in rep 2058. So for every topic they have, there is a column that says summary of approach to reviewing the assessment account to account for up to 60 year operational period. So okay, for each topic, they've clearly set out what was taken into account as part of that review. So we do feel that we've actually provided that information. Um, obviously for the reasons I've stated, um, it was clear and it sets out in the introduction of that document that it wasn't that they, as Mr.

00:47:58:03 - 00:48:30:00

Sheikh said, that the, the they the applicant may not seek a time limit. It was quite clear that the DCO application will not seek to be time limited. So I just wanted to make that clarification that, um, we were clear from the outset that the DCO was not seeking to be temporary or time limited, however, throughout the DCO and to pick up on this falls point throughout the DCO, we have always stated that the impacts are, um, that the the project was not time limited, but it would be decommissioned.

00:48:30:02 - 00:49:06:16

So in terms of the assessment on agricultural land, the decommissioning, the commitment to decommissioning was taken into account. Um, and that is consistent throughout the topic. The question that was asked as part of this review was, did it make a difference to the conclusions whether that decommissioning took place at 40 years or took place at 60 years? And because for agricultural land, obviously we've got a very small amount of BMV land for this particular scheme, only 4.1%. But the position taken on agricultural land is that there is no loss of land because it will be decommissioned.

00:49:06:19 - 00:49:21:07

And the author of the chapter view was whether it was decommissioned at 40 years or 60 years, the fact that there would be no loss, um, it remains consistent because there is still that commitment to decommissioning.

00:49:27:17 - 00:50:00:10

Yes, I appreciate that. Um, the accent may have said that they are applying for consent. That is is not time limited, but that doesn't mean that it yes, has been undertaken on that basis. Yes. It's the yes. And the yes seems to say that it was undertaken on 4G basis, notwithstanding the updates that have been provided. And I just wanted to make that point, Mr. Shaikh. Um, Miss Broderick has pointed to how they've approached this, and I can see if we just look at the first century climate change. No additional calculations have been completed, and there's an explanation as to why.

00:50:00:25 - 00:50:04:20

Um, and then it goes on their various reasons as we go through the document.

00:50:06:08 - 00:50:41:02

There were various explanations as the approach adopted. I'm wondering what else you'd want the applicant to provide in addition to what's already been provided in this document. Somerset West Lindsey District Council. So one of the issues we have with this document, for instance, in relation to the summary of approach taken, is, for instance, in respect to chapter 15 and 16. And bear with me for a moment. I'm going to scroll down and get to it. Yes, it's it's PDF page 14 of 17. Sorry. Um, chapters 14, chapters 15 and 16 and the same for 17.

00:50:41:04 - 00:51:12:17

So noise and vibration Clinton ground air quality. The summary of approach taken is quite simply, the assessment was reviewed to consider whether a 60 year operational period would change the conclusions. That is, the extent of the methodology and assessment that the applicant has explained. In our view, we also see something more detailed so that we can properly assess whether or not that is a correct approach and the conclusion aligns with a correct review. So that's the issue that we have at present with the summary document.

00:51:13:00 - 00:51:22:05

And in short, we would like to note exactly the methodology applied in that review and how it was approached and and more details so that we can properly review it.

00:51:24:14 - 00:51:24:29

Thank.

00:51:27:24 - 00:51:35:03

You can see in some of them, there's a bit more of a detailed explanation than in others, the ones that Mr. Shaikh has taken us to. I think socioeconomics

00:51:36:21 - 00:51:47:28

and recreation. Chapter 13. They're similarly basically saying, well, we've reviewed it and we don't think there'd be any change. There's no detail as to how you've come to that conclusion.

00:51:49:04 - 00:52:21:12

A collaborative with the applicant. Um. So the the detail here obviously also needs to be considered in line with the conclusions of the. Yes. So for for the topics that have just been mentioned there, no residual significant effects were identified for a 40 year period. And so that conclusion was reviewed. Um, and the um with the consideration of whether there would be a change at 60 years in that, in the author's, um, opinion.

00:52:21:14 - 00:52:51:29

And the answer was no change was identified. So I think it's I'm not entirely clear what more information is actually required. The author of the chapter considered their conclusions. They

reviewed that to take into account whether there would be a difference if there was a 60 year period. And their answer was no, I'm not. If there was a specific piece of information the West Lindsey District Council would like us to provide or some detail that we can do, but that was the exercise that was undertaken.

00:52:52:01 - 00:53:14:02

And because there were no residual significant effects identified for a 40 hypothetical 40 year period, um, that was considered to be proportionate, um, approach to take. But obviously, if there's if there is a specific piece of information, um, then we would be happy to look at that and provide it. But it's quite vague what's being asked for at the moment.

00:53:15:00 - 00:53:52:07

Mr. Sheikh? These, these chapters that you've identified, noise and vibration glinting Glen air quality. It's the council suggesting that by extending that period by, for example, 20 years, you would expect there to be additional effects in terms of noise and vibration over and above what would happen. So at 40 years, there'd be no significant effect, but if it was there for 20 years, it would get louder. For example, Westminster District Council. No. So that's not always suggesting it's it's purely a request for clarification and more details. The methodology that's been applied, the more probably the more relevant chapter would be chapter 18, which is socioeconomics.

00:53:52:09 - 00:54:25:02

And the only methodology there is that review of the UK population projections has been undertaken. That is all we're told as far as the reviews, chapter 18 and the impact over an extended 20 year period for socio economic impact, um, and that there would be, as a result, no change. So it's, it's chapters like that that are more important. But it's a general point at this stage as to principle, which is that we would like more details so that we can properly assess whether or not we agree with the conclusions. I think this project's point is that that's quite vague in terms of what details you're actually looking for.

00:54:25:04 - 00:54:56:12

So you've mentioned the I take your point on the, um, on chapter 18. But then, Sir Gareth, the applicant investigators haven't finished yet, so I will come to you in a moment. Okay. Thank you. Um, but I think in terms of the noise and vibration glinting around air quality chapter, I'm not sure I see where West Lindsey is coming from. Somerset Western District Council. Yes, that's understood sir. I think the approach from us will probably be to take this away, identify exactly which chapters we would seek, more information for in relation to the methodology, and then perhaps respond in writing.

00:54:56:27 - 00:55:29:18

Okay. Thank you. Mr.. Mr.. Mr.. Phillips, uh, Gareth relates to the applicant. So if I could just understand what's just being requested. So we're asked for more information. But but council doesn't know what information they want us to provide. This is going around in circles a bit and being a bit pedantic. I think where we've got to is a position that one has to take the application as a whole. We've heard, sir, you say that the yes is the yes, but it is part of an application that's taking in a whole and makes very clear from the outset that there was no time limited consent applied.

00:55:29:20 - 00:55:31:14

So one has to review the both.

00:55:31:23 - 00:56:06:12

In this hearing, we've explained what we've now done or how the 40 year period was used as an indicative period, and that essentially the effects that were assessed to be the case at 40 years applied for every year that follows that. So we've heard the position from the council as they arrived at this hearing. But I think what we need to know, what they need to do is now take that away and apply their own professional judgement. What we have done in preparing the table is just that to say, well,

how did you get from 40 years to 60 years? It's essentially getting into the mind of the author of each chapter.

00:56:06:14 - 00:56:41:11

But essentially they've, with their experience of how they expect the effects to change or not over time, they've got to the 60 years. So I think now the professionals on the council side need to say, well, do we disagree? Do we disagree that there's going to be a change in effect every year after year 40, up to year 60, if they suspect there might, for example, your example of things get noisier or things get landscape grows, so the landscape effects reduce, etc. then then they should flag those and perhaps we can come back and say we agree, we disagree.

00:56:41:13 - 00:56:56:09

But to say we just want more information, but we don't know what information that is doesn't really help move the position forward. We need to have constructive feedback on what it is they disagree with and then we can reply to that. Thank you. Thank you, Mr. Phillipson.

00:56:56:12 - 00:57:16:17

I think Mr. Schaake has said that they are intending to do that exercise, if I understand you correctly. She said it was an individual council. Yes, yes. So I've already said we will do that exercise. I think the point is clear with respect to Mr. Phillips, the point is that insufficient information has been provided. Generally, if this is the applicant's assessment, so be it will take it.

00:57:16:19 - 00:57:17:11

Away and.

00:57:17:13 - 00:57:26:29

Respond. But in order for us to properly and professionals on our side to properly assess the extent to which they agree with the conclusions in this document, we do need more.

00:57:27:01 - 00:57:27:24

Information.

00:57:27:26 - 00:57:43:21

To work out exactly how that conclusion has been reached and with respect to things like under chapter 18, one sentence which says something about UK population projections that is not sufficient, and we'll appropriately address that in.

00:57:43:23 - 00:57:44:18

Writing.

00:57:44:25 - 00:58:15:02

And address to what extent we require further information. If the applicant's position is quite simply that is the assessment, then we can respond accordingly. But at this stage, the clarification, the request was if there is more information and this is a summary, but more information can be provided as the methodology, which we can then review, then that would be helpful to assist us. Yes, I do, I do take point, Mr. Cheek, but I think Mr. Phillips point is that you need to tell him what information he needs to provide, because if you don't tell him, he doesn't know. Yes. Understood. Yeah. Okay.

00:58:15:24 - 00:58:35:20

Mr. Phillips, just on a quick point, um, you said about, um, getting into the heads of the author. Isn't that the purpose of the environmental statements or the environmental statement? Up to 40 years sets out the thinking of the author in how they've reached those significant effects. So I don't think it's, um, a big ask them to explain it when they extend it by 20 years as well, at the same point.

00:58:37:05 - 00:59:10:23

Yeah. Yes, I agree with that. But I think there's an extent to which you can do that as a professional. At the end of the day, you can say I looked at this criteria, which is already in the yes, I can say I applied it over 40 years, which is in the. Yes. And then I looked at another 20 years and in my professional judgement, how did I think things would change? And I don't think they would be a reasonable conclusion to come to. Or they would in certain circumstances, like landscape, it grows, it provides more screening. But I don't necessarily think there's a scientific calculation that takes you from 40 to 60.

00:59:10:25 - 00:59:15:15

It's the application of professional judgement. That's what I meant by what's in the head.

00:59:15:17 - 00:59:26:16

Thank you. And I do see I think it's the point of if you just going to use noise and vibration to be touched on it. And I've made my point to Mr. Shaikh about that particular one, but it says here that the assessment was reviewed. Um.

00:59:28:04 - 00:59:52:00

To consider whether there would be any change, and no significant residual effects have been identified, but doesn't say why. I think Mr. Sheik's point is that the cause is missing. But perhaps putting that because in even if it's obvious, it perhaps addresses that point and makes it clear to them why you've reached that conclusion or the author has reached that conclusion. Would anyone else like to come in at this point? Mr. Pryor.

00:59:52:18 - 01:00:24:20

Yes. Mark Pryor, 7000 acres. Firstly, we agree with the points made by West Lindsey. Um, second point is, um, the applicant has chosen to apply a Rochdale envelope. Therefore, worst case should be applied. And that worst case is, um, 60 years. Um, the applicant mentioned, uh, chapter seven, which, um. That covers things like greenhouse gas emissions.

01:00:25:25 - 01:00:26:10

We?

01:00:26:16 - 01:00:49:05

We have challenged chapter seven. The first draft of it because we believe it's based on some, um, wishful thinking and doesn't, um, give a, a true, um, reflection of the greenhouse gases that will be expended in building this solar, uh, ski.

01:00:51:21 - 01:01:23:09

As part of that, the applicant assumes things like, um, there will be a failure rate of the panels of 0.04% per year. So if you stretch out that to 40 years, that assumes about 1.6% of the panels will have failed. If you then extend that to 60 years, there are no, no known, um, solar panel solar panels, which will last for 60 years. So all of the panels will have to be changed.

01:01:23:11 - 01:02:00:09

The batteries will have to be changed, um, several times. So what they are given is their greenhouse gas emissions are not valid because there will be a lot more expended shipping panels and batteries from China to keep the solar scheme working. Therefore, um, certainly chapter seven should cover the period of 60 years and not just not just, um, 40 and then say, well, let's extend this by 50% and it'll be fine.

01:02:01:02 - 01:02:25:06

You cannot apply the, um, um, professional judgment to that. It's maths. If you need to change out the panels, that will mean that you spend more more greenhouse gases. Those sums can be done and should should be done because the applicant should show a worst case.

01:02:29:09 - 01:02:31:04

Thank you, Mr. Pryor. This project.

01:02:32:25 - 01:03:18:27

My pleasure. Kent and the applicants obviously responded in writing to the previous comments that have been made by 7000 acres about their, uh. Uh, the points they've raised in terms of the calculations and the reasons why they disagree with it, but we obviously don't accept their position. Um. In terms of the, um, review, um, which I think was the point that the issue that we're talking about here, the author of chapter seven, in their explanation, um, obviously sets out the approach they've taken, um, in terms of considering whether the calculations that were undertaken needed to be, um, reviewed or whether the um, existing calculations could be used.

01:03:19:09 - 01:03:22:08

Um, and that was done on the basis that obviously.

01:03:24:16 - 01:03:59:00

The applicant's position is that there is a beneficial effect as a result of the scheme, and that that beneficial effect will will continue. Obviously, 10,000 acres are coming from a position where they don't agree with that conclusion from the outset. So obviously they're not going to agree that that beneficial effect will continue. Um, the point is taken about, um, the lifetime of the panels. Um, it's not yet known. And this is the point that the applicant, you know, it was started with. It's not it was not currently known how long the current technology panels will last for.

01:03:59:02 - 01:04:32:01

It's typically thought based on on experience, you know, based on current, um, technology that about 40 years would be, um, typical. But the projects have not lasted that period of time. My understanding is that those projects that were built some time ago and were anticipated to last for approximately 20 years are still operating. Um, and consents are having to be applied for to extend those town and country Planning Act applications. So it's conceivable that the panels will be able to operate for 40 longer than 40 years.

01:04:32:11 - 01:04:43:08

Um, and that's why the applicant has chosen a 60 year period as being the maximum. It's not saying that the panels will definitely be there for 60 years. And as we've said, if you link back.

01:04:43:10 - 01:04:44:19

To the date of.

01:04:44:21 - 01:05:16:00

Decommissioning, um, which we amended, um, as well in article two, um, of the draft DCO in the previous version, it says that the, the date of decommissioning, uh, means in respect of each part of the authorized development, the date that that part of the authorized development has permanently ceased to generate electricity on a commercial basis. So in the event that the panels ceased to generate, they would have to be decommissioned regardless. Um, under this DCO, it would have to be decommissioned.

01:05:16:08 - 01:05:16:23

Um.

01:05:17:05 - 01:05:21:18

Sorry, it's that project because the maintenance provisions in there allowed them to be replaced.

01:05:23:12 - 01:05:41:21

I'm curious if the panels stop. You say if they stop working, they'd have to be decommissioned. But couldn't you just replace. Isn't this a price point that you can replace those panels? And under the maintenance provisions? I think we discussed the last developer consent, or that you could potentially replace most of the elements of the scheme during the lifetime of the project.

01:05:43:01 - 01:05:47:11

A clever trick for the applicant. So this particular scheme has assessed sort of

01:05:49:00 - 01:06:01:11

the ad hoc maintenance of individual panels that might break, for example, have a fault in them, hasn't assessed the complete replacement of all of the panels over the lifetime scheme that hasn't been assessed.

01:06:01:13 - 01:06:11:23

But it's possible under the development consent order. I think we discussed this last time that it is possible for all of those panels to be replaced under maintenance provisions that are currently included in the development Consent Order.

01:06:14:23 - 01:06:21:28

That was the applicant. The definition of maintenance does say um, it doesn't mean that we can replace the whole of the authorized development.

01:06:22:06 - 01:06:38:13

Yeah, you could replace parts of it. You can replace it all at once, but you could replace. Parts of it had for all the periods of time, which would effectively result in the same thing. I'm sure we had this discussion last time. I might be mistaken, but I'm sure we did.

01:06:47:07 - 01:07:13:27

Thank the applicant. Yes that's right. So each any individual panel can be replaced under the terms of the draft DCA but not wholesale replacement. Um, obviously there are other parameters within the operational environmental management plan and assumptions that have been taken, um, uh, into account in terms of, say, traffic movements, for example, that are anticipated during operation and that.

01:07:15:16 - 01:07:20:21

That again constrains what can be done under. The definition of maintenance.

01:07:21:12 - 01:07:52:06

But you could replace ten panels in your one and £10 in year two, all the way up to whatever number of panels are there. Um, ten being a bad example because lots more. But but eventually you could get to your 40 and all of the panels could have been replaced at that point. I'm just trying to understand what you're saying, that you couldn't replace the whole replace all of the panels, that if they failed, is your point. If they fail, they could be. They would have to be decommissioned. And that's how I understood your point. And I don't think that's how I read the developer consent order.

01:07:59:21 - 01:08:05:00

I think my understanding is if the panel fails, panel can be replaced under the maintenance provisions.

01:08:07:01 - 01:08:14:18

And that isn't limited to any number of panels. If all of the panels fail, all of the panels can be replaced. You might right in thinking that's the case.

01:08:16:24 - 01:08:18:16

Yes that's correct.

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

You appear to be saying something else, but maybe I misunderstood.

01:08:23:15 - 01:08:47:28

My understanding was that Mr. Pryor was referring to more of a wholesale, um, repowering of the project in terms of, uh, this the point that he was getting to. Um, and that that therefore in that scenario. The climate change chapter hadn't assessed. The complete empowering of the project. Which is correct. It hasn't.

01:08:48:12 - 01:08:55:24

Done that. I'm not sure that was the point. That's not what I understood, Mr. Price. Point of view, Mr. Pro, was that your point? And it may well be that I misunderstand.

01:08:55:27 - 01:09:54:20

Mark II for several thousand acres. No, sir. It's, um, the, um, re placement of the panels could be done, um, piecemeal. So throughout the 60 years, every panel would need to be, um, replaced at least once. Now, whether you do it as a batch or one at a time, that, um, doesn't affect, uh, the overall issue, which is you still need to bring in those panels to the country, you still need to to change the batteries and, um, advice and notice nine, does, um, require the applicant to take a worst case approach? So that worst case approach should be the, um, technology we have in place at this time, which gives a typical life of a panel of about 35 years.

01:09:54:22 - 01:10:09:04

So if you did extend this project to 60, if every panel would need to be replaced at least once. Now that doesn't matter if it's done as one big batch or, um, one at a time.

01:10:10:11 - 01:10:37:26

Thank you. Yes, I did understand your point. I think what Mr. Price's aim is project is that on the basis of the original assessments 40 year period, there is a failure rate of X being applied. And. But by extending it to 60 years, based on what we know about current technology at the present time, that would require that would result in a failure rate of 100%. Is Mr. Price point. And how has that been assessed as part of this updated six year time limit?

01:10:39:12 - 01:10:43:15

So on page six of the review of likely significant effects at 60 years.

01:10:44:10 - 01:10:45:27

Can I have the reference for that?

01:10:46:15 - 01:11:18:24

So the review document was thank you. Rep to dash 058. Um, in the table. Um, it's on page six, but it's the table entry that relates to paragraph references, 5.8.53 and five. And that's around 7.8.54 in the climate change chapter and in the um column that says commentary on implications on the assessment or conclusions on a up to 60 year period. Um, there is text that, um. Sets out what has been taken into account.

01:11:18:26 - 01:11:58:26

So for the battery energy storage, the chapter, consider the replacement of the bears at least once during the operational scheme, and then says if there was a second further replacement after sixth after 40 years, um, it hadn't been considered in the. Yes. But that on their review, in the event that a second full replacement of the bears is required, their position is that it's unlikely to give rise to likely significant, um, GHG emissions. And then in respect of the panels they refer to, the percentage, um, and the percentage of panels based on, um, the, the, the rate over a 40 year period.

01:11:58:28 - 01:12:29:25

And then they've looked at what the percentage would be over a 60 year period. Um, and then their conclusions are, um, that they would not be significant and can be adequately managed through the EMP. Obviously, the chapter author isn't here at this development consent order, so I can't go into any detail, but that this particular point that is being raised has been considered, um, as part of the assessment. But if there's more detailed technical queries than we would need to deal with those in writing because the chapter author isn't here today.

01:12:29:27 - 01:12:30:12

Yes, I.

01:12:30:14 - 01:13:04:12

Think it probably does need to be dealt with in writing, because as I understand the calculation that you've just pointed me to, the 40 year period, 16% of the panels over 40 years, 24% over six years. But what the author appears to have done, and I'm not giving any view on whether or not that's correct or not, but what the author appears to have done is times the 4% or 0.4% by 40 years and then times the 0.4% by 60 years. But Mr. Price point is, does that how does that take account of complete failure? But yeah, it isn't suggesting at this point that any of the panels would last for 60 years.

01:13:04:27 - 01:13:10:25

I think you said a moment ago that the average lifespan was assumed to be around 40. In other parts of the. Yes.

01:13:12:21 - 01:13:19:23

I think that's Mr. Price Point, and that's probably what you as you said, you're expert in here. But that might be a point of clarification that you can come back on in writing after hearing.

01:13:22:12 - 01:13:45:19

The coverage is there? Yes. In terms of why they've considered that to be sufficient, then I'll need to get them to confirm the reasons for that. Thank you. Thank you. But yes, our position is that the environmental statement is still within the Rochdale envelope because there was a suggestion at the beginning of the submissions made by Mr. Pryor that, um, that we hadn't complied with the Rochdale envelope.

01:13:45:21 - 01:13:49:05

Approach, which is that would depend on whether that calculation has been done correctly.

01:13:51:07 - 01:14:24:14

Uh, thank you to Mark Pryor for 7000 acres. Uh, again, I get back to, to the point about, um, the Rochdale envelope. The applicant is required to take a worst case approach. And as this, um, this document is written here, it implies that 76% of the panels will last for 60 years. And there are no known, no known panels that will last for 60 years.

01:14:24:16 - 01:14:35:15

So this should be rewritten. And the whole, um, chapter seven reassessed to take into account the 60 year period.

01:14:36:15 - 01:15:09:18

Thank you. Thank you miss. I think Miss Broderick said she will take that point away and we'll see what the applicant comes back with. Does anyone else wish to come in? Miss project, I will give you an opportunity to come back to Mr. Pryor. But I think others may and might be easier to respond in Wango. Mr. white has gone on. So I'm assuming you want to speak. Thank you so much. With the district council, it's one point which is not, um, directly related, but is related to decommissioning generally. And it's the point about if the project ceases to generate energy.

01:15:09:29 - 01:15:10:23

Given that the dis.

01:15:10:25 - 01:15:47:04

Benefits of the project will remain, but there'll be no benefits associated with it, and we would just invite there to be some clarification as to whether the applicant proposes any sort of mechanism, um, by which decommissioning would then be triggered if energy cessation occurred across the whole project. And that might take a number of different forms. It may take a general triggering to decommissioning to decommission. It might take, um, a review which the local authority can undertake to assess why energy generation has ceased.

01:15:47:16 - 01:16:04:06

But it's a point of clarification at this stage. Thank you, miss. I don't know, you want to respond? I hadn't, I thought that you can come in to shake on a similar point on climate change, so we'll pause that for a moment, I don't know. Mr. Broderick, if you want to respond to Mr. Pryor first and then we'll move on to Mr. Craig's point.

01:16:05:18 - 01:16:37:08

That coupled with the applicant, um, just to confirm that obviously the Rochdale envelope is a reasonable worst case, not, you know, the the very worst case if the very worst set of circumstances happen to apply. Um, and so the applicants position is that we have done that, albeit that we've taken away the action to provide some more detail, um, to, um, justify the approach that's been taken. Um, I just wanted to be clear that it is a maximum limit.

01:16:37:10 - 01:17:09:06

It's not saying that this scheme will definitely or all of the scheme will definitely be there, uh, for 60 years. It's giving the applicant the opportunity that should the should the panel still be working, that there is no, uh, policy reason or, um, environmental impact reason to shut down, um, a generate renewable generating station that has some more, um, the panels have some more life in them. So and I would just reiterate that technology is continually evolving.

01:17:09:15 - 01:17:30:18

Um, and the, the type of panels that are available and in use on the market today are expected also to evolve before this scheme is constructed, should it get consent. So just because there isn't an example of an existing panel that's lasted beyond 40 years, doesn't mean that that that technology wouldn't be available when the scheme is constructed, if it's consented.

01:17:31:24 - 01:17:57:22

Presumably this project there. One of the reasons there isn't an example is because there haven't been any sort of funds in place for 40 years plus. Thank you. Um, in terms of Mr. Sheikh's point around what happens if. The proposal ceases to generate electricity. And where the trigger for decommissioning is in requirement 21 for the applicant to respond on that point.

01:18:04:06 - 01:18:37:24

A clever trick for the applicant. Um, so there is a positive obligation in requirement 21, um, for the undertaker to notify, um, the relevant planning authority of the intended date of decommissioning and then obviously provide the plan and comply with that. I mean, all I could say is that if West Lindsey District Council would like to propose any amendments to the drafting, then we'd be happily happy to consider them. At the moment, we're not. Which is receiving, um, comments that they're unhappy with it rather than a, an alternative set of wording to consider.

01:18:37:26 - 01:18:45:07

So we're more than happy to consider any, any drafting changes to the requirement if you would like to put those forward. Thank you.

01:18:45:18 - 01:19:16:27

Thank you. Any in terms of the principle and the point that Mr. Shaikh makes, if I understand what he's saying, it's that if trying to envisage some circumstances where it might happen, but let's assume it would if for one reason or another, the. Proposed generation stations ceased to generate, then they could sit there for perhaps 30 years. If after another 30 years and there wouldn't be a requirement to decommission after 30 years for whatever reason, um, they were no longer generating electricity.

01:19:16:29 - 01:19:25:23

They could still stay there for 30 years. While the applicant decides. But we're not to the commission. And I think that's Mr. Sheikh's point.

01:19:27:12 - 01:19:40:24

Now, for Mr. sake, I do take the point as well that if you are looking for changes to the drafting of the development Consent order, then the council should be proposing those rather than. Yes, sir. Yes, sir. At this stage, at the point.

01:19:40:26 - 01:19:41:15

Of clarification.

01:19:41:17 - 01:19:46:23

Will take it away. And if there are some form of wording we can suggest. I'm aware.

01:19:46:25 - 01:19:47:18

It's been raised.

01:19:47:20 - 01:19:56:09

In the Fen examination and it's also becoming an tcpa team. So if there's a form of wording we can suggest, then then we'll do so. Thank you. Mr..

01:19:58:00 - 01:20:12:25

Per the applicant. Yes, I'd be happy to consider that the intention is to decommission a scheme that's permanently ceased to generate electricity, so I'm happy to consider any tightening to the wording that might be required to achieve that. Thank you.

01:20:13:01 - 01:20:15:15

Anyone else on requirement 21, Mr. Hall?

01:20:16:12 - 01:20:48:20

Thank you. So, Stephanie Hall, Lancashire County Council Just a very small drafting point about timing of notification in the submission of a decommissioning strategy. So sub paras two and three, I think the intention is that um, subparagraph two provides a notification requirement 12 months out

from the intended date of decommissioning. And then subparagraph three provides that within that 12 month window, a strategy should be submitted for approval of the planning authority.

01:20:49:10 - 01:21:23:00

It's just a minor. I think it's a minor drafting point that the way that subparagraph three is worded within 12 months of the intended date actually could produce a situation whereby that is, that that plan is actually submitted at the back end of the 12 month period, hard up against the 60 year requirements decommissioned by that date, thereby sort of robbing anybody of any chance to actually, I can see a sort of point where we're all pushed for time right at the back end of the 60 year period, if we get a notice 12 months out and a separate two.

01:21:23:02 - 01:21:52:06

But so para three means we don't actually get the the plan until the back end of that 12 month period, and nobody has any time to consider it prior to the 60 year long stop date and sub paragraph one. So I think it's just a drafting point, but it's just about asking for a minimum amount of time within subparagraph. I think it's just about changing the wording within 12 months to, to replicate, um, something a bit more certain about when we get that plan.

01:21:54:04 - 01:21:56:16

So, for example, no later than three months.

01:21:57:03 - 01:21:58:25

Indeed, it's a yes or yes.

01:21:59:24 - 01:22:00:09

Miss product.

01:22:01:28 - 01:22:41:27

For the applicant. Um, obviously. So the time periods for um, discharging requirements are set out in, um. Schedule 17, I believe. Um, and so the applicant would to avoid being in breach of the requirement, um, which obviously it would not wish to do because that's automatically an offence. It would necessarily have to submit the plan far enough in advance for the process that set out in schedule 17 to be completed, otherwise it would find itself in breach of the requirement because the plan wouldn't be approved when it needed to do the works, and so it's not in the applicant's interest to submit it at the last minute, because it would then be in breach of the requirements.

01:22:41:29 - 01:23:12:00

So we would have to submit it to allow the, I think, ten weeks. That's what we've agreed to now, isn't it? The ten week process for approving, um, that plan, um, to be undertaken. And obviously there's a risk that, um, the plan could be refused or it might need to be appealed. And so the applicant, it would be on the applicant to make sure there is sufficient time that process to be undertaken before. And it wouldn't be able to carry out the decommissioning works.

01:23:12:19 - 01:23:34:26

This project I'm just going to go through this one clearly understand it. So in terms of 21 two. So no later than 12 months prior to the date the Undertaker intends to decommission. So that's you have to give them 12 months notice before decommissioning and then three within 12 months of the intended date. So you provide the date.

01:23:36:27 - 01:23:40:05

2023. And then within 12 months.

01:23:43:09 - 01:23:43:29

So the data.

01:23:45:21 - 01:23:51:14

Then 12 months of that date. So then there's a leading of 12 months. You have to provide.

01:23:53:28 - 01:24:16:16

The decommission plan, but then under 17. Schedule 17 you have. There is a ten week period for the council to approve or otherwise to reach a decision on that plan, and either rejected or deemed consent would fall. That would come into play under the provisions of schedule 17. So so this will.

01:24:19:05 - 01:24:23:15

This issue covered in that sense? Or is it just an issue of clarification so that it all aligns.

01:24:23:25 - 01:24:44:02

As you can see? I think it's that I think it's just clarification. It was just it's just a drafting point. I think obviously the intention for any operator acting reasonably would be to not put themselves in breach of requirements. It's more just a clarification that's in order for that all to work. Um, you know, the within 12 months is is not particularly happy drafting, but we can we can replace.

01:24:44:06 - 01:24:54:28

That introduces a bit of uncertainty as your point of understand correctly. I don't know whether the perhaps the council want to propose some additional wording for the applicant to look at. And then this project have a look at wording and um, if even you can address that point.

01:24:55:00 - 01:24:55:15

Yes.

01:24:55:17 - 01:25:00:26

I think we will see, um, understanding of how it operates and then let us know that we're useful.

01:25:07:28 - 01:25:11:03

Let me send and I will have a have a bit more of a look at that when we

01:25:12:23 - 01:25:17:09

outside here in this project, is there anything else you wanted to say on this point before we move on?

01:25:19:14 - 01:25:24:03

And I collaborate with the applicant. No, I don't think so. Will take the point. Bye bye, Miss Hall. And consider that as well.

01:25:24:21 - 01:25:26:21

Is there anything else from requirement 21?

01:25:29:09 - 01:25:33:01

Okay. Great. Thank you. Moving on then, to article 38.

01:25:39:07 - 01:25:47:17

It's just occurred to me that I put these in an order. Where. Perhaps we should have done the articles before the requirements, but I'm not sure it really matters. Um.

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

First thing to say is that the agenda refers to article 39, and I'm hoping that you've all read across to 38. That's the hedgerow article, as opposed to 39, which deals with a different point entirely.

01:26:03:02 - 01:26:40:06

I see that following our discussion at the previous issue here, and I think we discussed this previously in one of the earlier hearings, the week, the week, um, the draft development order was updated to include some additional wording. I think you did take us through it earlier in the week project. I'm going to ask you to take us through it again, just to make sure that everyone in the room understands how the applicant intends these provisions to operate. Before you do, um, I'm just going to remind everyone that we did have a discussion earlier in the week around the applicants intended approach. And so the discussion really is about the mechanism here rather than the intended approach that the applicant is proposing, which I think was explained clearly earlier in the week.

01:26:43:06 - 01:27:18:11

For the applicant. Um, yes. As we previously explained, all of the articles, um, in the DCO have to be read in conjunction with the limitations and restrictions imposed by the requirements. However, we were mindful of, um, concerns that had been raised by the local authorities and a number of interested parties, um, that the um, wide nature of the powers, um, was, was causing concern because it wasn't immediately obvious how that related on the face of the DCO to the, um.

01:27:19:21 - 01:27:53:00

Restrictions in the requirements. So in order to provide, um, a more clarity in terms of how these powers work in the DCO, we've amended article 38 to make it clear that it's only part of the hedgerow that will be removed and not the entirety, albeit the entirety of the hedgerow has to be referred to because we will need to microsite where the, um, removal locations for the purposes of construction of the cable route corridor and also accesses both temporarily and permanently.

01:27:53:09 - 01:28:34:00

Um, whilst we know the widths of those um accesses and indicative locations, um, some microsites will be required at the detailed design stage. Um, but to provide more detail now, um, we've, we've mentioned that it will only be part and similar amendment has been made to table and schedule 13 to make it clear that it's only part of the hedgerow that will be removed. And then, um, paragraph four of article 38 makes it clear that the part that is going to be removed has to be in accordance with the landscape and ecological management plan that's approved, um, pursuant to requirements seven.

01:28:34:17 - 01:28:59:01

Um, so the outline, um lamp includes some hedgerow plans where that indicative location is set out. And then the final lamp that will be approved by the relevant planning authorities will set out the exact location for hedgerow removal. Um, and then this power enables those hedgerows that are shown on the site and shown in the approved lamp to be removed.

01:29:00:18 - 01:29:13:14

That's the that's the process that we've put in place to try and give, um, those participating in the examination some more clarity as to how all of the various provisions in the DCO work together. Thank you.

01:29:15:11 - 01:29:15:26

Thank you. Mr..

01:29:19:25 - 01:29:56:01

Excuse me. Um, a couple of questions, if you don't mind. Firstly, you mentioned a moment ago that you know the widths of the accesses. And first thing that strikes me is if you know the widths, why can't we specify them? In the draft development consent order, even if there is a maximum. Even if

you add a little bit extra on just to make sure that you've got enough space. So I think the yes, I think it talks about a maximum width of 7.1m. And I think we heard earlier in the week 3 to 6.5 metres. And I the approach that and I understand the approach that the applicant has taken and I understand how it works.

01:29:56:03 - 01:30:10:01

But it does seem to leave a bit of ambiguity as to what parts of the hedgerow coming out, how much of it, and I'm not entirely sure. What the reasoning is. If you know the width, why you wouldn't include it.

01:30:12:05 - 01:30:37:21

Separately, the applicant, um, the applicants position is that it's more appropriate for that level of detail to go in the management plans that are to be secured, um, rather than um. Specifying. A potential maximum for every entry in the DCO, because that information is contained in a management plan that is secured by way of the DCO. So our view is that would just be a duplication.

01:30:37:29 - 01:30:39:10

But it's not in there now is it?

01:30:44:22 - 01:30:50:00

I think you've got indicative plans, but by their very title they are indicative.

01:30:58:22 - 01:31:19:08

Like the applicant. Um, yes. The my understanding, and we're just trying to find the reference, but the plan was updated to include the, um, maximum these sort of the indicative amounts, not for every hedgerow, but in terms of generally across the scheme. Um, if you're just.

01:31:19:10 - 01:31:21:10

Finding that reference, then that would be useful.

01:31:52:13 - 01:32:04:05

This article save you some time? I've found it myself. So, um, it's, um. Rep 2026. The track change version is rep 2027 if I'm going.

01:32:10:01 - 01:32:11:03

That coupled with the applicant.

01:32:11:05 - 01:32:11:20

Um.

01:32:12:04 - 01:32:32:13

Yeah. My understanding was that that reference to the, um, range of, um, widths have been included. If that hasn't been the case and I can't immediately find it, um, here, um, then that is an update that could be made to the outline lamp to give that clarity. Um.

01:32:47:06 - 01:32:56:27

Doesn't include the word widths anywhere in there, but that's. I may be searching on the wrong thing. We've got the plans at the end and that shows indicative locations.

01:32:58:21 - 01:33:29:29

Accept that and we'll take that point away and add it. And if it isn't in there, um, or in one of the other management plans. So we're just check across the suite of them. Um, but yes, our view is that that range of different widths, um, is appropriate to go in the outline plan. Um, and then obviously at

the detailed design stage, um, the exact widths and locations would be, um, uh, approved by the relevant planning authority at that point in time. But it's not what I'm saying is.

01:33:31:21 - 01:33:56:29

We need to say part of it because the design is not known at the moment. I don't think we can say for every individual hedgerow, the maximum would be 7.5m, for example, because it depends on the configurations of the hedgerows and where the access goes. So we would prefer that the detail is in the outline management plan, rather than specifying for every hedgerow particular.

01:33:57:11 - 01:34:13:29

Work in terms of the yes, because if I've read it correctly, then the ES assesses on the basis of a maximum of 7.1m. So if you were to go above 7.1m, then. Wouldn't that potentially trigger additional significant effect?

01:34:17:00 - 01:34:58:02

The coverage of the applicant. My understanding is that when obviously when the when the outline plans are discharged, it would be for the applicant to demonstrate the relevant planning authority that there are no additional significant effects as a result of what it's proposing in that plan. So if it was, I don't know, the detailed design identified that for particular ground condition because of something there, an access had to be 7.5m wide. For example, we would need to um, as part of the discharge of the final management plan, we would need to, um, persuade, uh, the discharging authority that there weren't any materially new or different, um, effects as a result of that minor change.

01:34:58:04 - 01:35:16:16

If we include that limit in the DCO, we would have to make a non-material change to the DCO to allow for that to take place, because there would be a strict parameter in the DCO. And what we're saying is that to allow for the flexibility of the detailed design, it is better to place that in the management plan.

01:35:17:03 - 01:35:19:19

What about concept design principles? Document.

01:35:23:21 - 01:35:25:26

Uh, the applicant.

01:35:27:13 - 01:35:32:00

We just need to check whether that's the appropriate place for it to be based on how.

01:35:33:22 - 01:35:45:03

How the various elements of the design of the schema being. I'm discharged. Yes. You can consider where best to place that information if it's not there somewhere already.

01:35:45:12 - 01:35:51:17

Okay. Thank you. Um, would anyone else like to come in on this point around hedgerows? This whole.

01:35:52:03 - 01:36:23:13

That's definitely for Lancashire County Council. I'm just to to flag say that we had a helpful discussion with the applicant following the previous hearing about hedgerows. Um, and there's a, there's just a drafting point that we, we're happy to take offline with the applicant, but just to, to raise it so with you is that um, we would appreciate some clarity from the applicants about how they see the

first part of this article working with the second, say, for example, the second part that we've just been discussing about hedgerows is limited.

01:36:23:15 - 01:36:53:20

It is a restricted power, really restricted by what goes into the approved length. And we're happy with how that should work. I'm happy with that as a mechanism. What I raised a query with Miss Broderick about was how that sits. Then, with the broader power in the first part of the article to deal with shrubs and trees, given that they're not mutually exclusive, that shrubs, trees and hedgerows or hedgerows are comprised of shrubs and trees. Okay.

01:36:53:22 - 01:37:23:01

And so that there was just perhaps some, um, additional definition that needed to be provided to say how those two parts of the article would work together, given the the Venn diagram of of shrubs, trees and hedgerows, that there's a lot of overlap there and that the first part of the article is a much broader power and how that would then sit with the restrictions in the second part. And but I think it's a matter where we're discussing with the applicants.

01:37:24:03 - 01:37:32:24

Lengthy discussions over what's a tree, what's a shrub and what's ahead for what you're getting at. Okay. I think if you just keep us updated on that point.

01:37:33:06 - 01:38:06:28

This project Clare project the applicant. Yes. We'll keep, um, updated. Obviously hedgerow has a specific definition by reference to the hedgerows regulations. So the application, um, of this article to hedgerows is necessarily limited to those hedgerows which um. Constitute a hedgerow for the purposes of the um. Hedgerow regulations, which has references in terms of length and how they intersect and those sorts of things. So it's not every hedges, specific hedgerows.

01:38:07:00 - 01:38:46:09

Um, however, all I would say, and we are looking into it further, is that the and it's the point I just to reiterate, the point I made earlier is that the requirements apply to all of the powers in this DCO. So in terms of how the applicant constructs, maintains and decommission, it has to comply with the requirements. So even though there is a broad power in relation to things that can be done to fell trees, for example, we have to comply with the landscape Environmental Management plan. And if that states that a tree must be protected and retained during construction, um, we can't then use this power to circumvent that restriction.

01:38:46:11 - 01:39:22:15

So. We don't want to be in a position where we have to clarify for every article that we've got to comply with the requirements, because there is a general provision, um, at the beginning of the DCO that states that the compliance we have to comply, you know, that the the ability to carry out the authorised development is dependent on the requirements that are listed in schedule two. So we don't feel there's a need necessarily to have to reiterate that point over. Again, we were making a concession for the hedgerow point because of the level of concern that had been raised, particularly in relation to hedgerows, to try and give some comfort.

01:39:22:17 - 01:39:29:10

But as a drafting point generally, it is always assumed that the powers are subject to compliance with the requirements.

01:39:29:22 - 01:39:48:14

Presumably we'd have to we'll the development consent order in otherwise because it would be so large. So I take that point. Um, this project in terms of the point you made around hedgerows and um,

the definition in the hedgerows Act, um, does that automatically get carried through into the DCO, or does it need a specific definition just to say that hedgerow means.

01:39:51:01 - 01:39:53:01

That whatever. It's defined us in that.

01:39:54:02 - 01:40:22:14

Project, the applicants. So the. Drafting, um, sort of protocols that we comply with is that where, where a term is defined in another piece of legislation, you don't then need to redefine it in the draft echo. So, um, paragraph six of article 38 states that in this article, hedgerow has the same meaning as in the hedgerow regulations, and it wouldn't be in compliance with statutory instrument drafting to then reset out what that definition is.

01:40:22:21 - 01:40:26:16

Thank you. Anyone else in terms of hedgerows? Mr. Skelton?

01:40:28:21 - 01:41:04:01

So I'm a skeleton affected person. Um, I apologize that I'll not in the latest, uh, version of the draft echo. Um, but when I did look at it, and as mentioned in my, uh, w.r, um, the hedgerows were titled hedgerows to be removed. Uh, and I know you addressed the terminology there, but as far as I could, uh, work out, it listed every hedge within the order limits and, and also stated their full length in meters, which I thought was a bit odd.

01:41:04:03 - 01:41:31:17

But, you know, I've been assured that that's been properly addressed. Um, to for more importantly, for me, um, there's two important hedgerows as the termed H154 and H155. Which are the boundary hedges to the south and west of my property. Um, and as far as I can see, that would not be required.

01:41:33:04 - 01:41:44:18

But they're not involved in the scheme, particularly in the sense that one need to have, uh, pieces cut out for cables or access or anything. So I just wondered why.

01:41:46:10 - 01:41:59:11

Because it appears to me every hedge is sort of listed, even though I can't see that it would ever need to be looked at. And like I say, it's an important screening hedge and must not be touched. Really.

01:42:01:18 - 01:42:02:03

Give.

01:42:04:15 - 01:42:05:24

He was helping this project.

01:42:07:15 - 01:42:40:25

A collaborative napkin. There are a variety of reasons why hedgerows have been listed. Some are required for, um, complete removal of sections for access and the cable recorder. Some have been included because part of that hedgerow may need to be, um, removed or cut back to allow for access. Um, for vehicles I've met, we've made a note of those particular hedgerows. Obviously the relevant consultant isn't here to be able to explain why in particular, those hedgerows are included. But we can do that as opposed to hearing note, um, as to the reason why.

01:42:40:27 - 01:42:55:00

But just to add that there are a variety of reasons why a hedgerow may be included. Um, not necessarily that it is. Um. Within the cable corridor or, um, proposed as an access.

01:42:55:27 - 01:42:58:16

And I can see my project. I well, I can see you.

01:43:04:08 - 01:43:15:13

This is the outline landscape management plan. Just for your information, does contain indicative um details of the hedgerows to be removed. And so that's rep.

01:43:17:13 - 01:43:18:04

Two.

01:43:19:27 - 01:43:25:24

5026. In the examination library. Just to give you.

01:43:27:18 - 01:43:49:06

Reference there. And towards the end of that, that does detail all of the proposed or the applicant's proposed actual removal. I'm not going to go through it now, but it might be something that you wish to look at. Um, in line with the posture. And note that this project has just indicated that will be provided to see whether or not that sheds some light on the the point that you're making.

01:43:52:14 - 01:43:58:03

I have one other point in this project in terms of hedgerows, and I think in the written summary of issue specific.

01:44:02:09 - 01:44:19:18

Sure I can see. No, no, no. That's fine. I should have looked over before I started. So it's my fault entirely. Um, in terms of specific hiring one, I noticed your written summary of that, that it confirms. And I think this might have been a point that was raised by, um.

01:44:23:04 - 01:44:42:05

Representative of the student body, still parish council, but it might have been someone else and it's in relation to hedgerows. 275, 278 and 280. I think your posturing note says that those will not be required. I think you confirm that, but I think they are still appearing in schedule 13.

01:44:44:05 - 01:44:47:06

So I just want to say not required whether or not they should be taken out.

01:44:55:23 - 01:44:58:21

Of course. I'm just going to double check that anyway. In summary.

01:46:09:00 - 01:46:17:10

I can't, um. I think we only just need to go away and consider that, um, point further as to whether.

01:46:18:29 - 01:46:21:01

They can be removed entirely.

01:46:21:03 - 01:46:52:06

I know he stated that it's not anticipated that any section those hedgerows would be required, but I believe it was in relation to, um, an act of making sure there was sufficient width for access for vehicles. Um, so it wasn't anticipated, but obviously something could change in relation to those hedgerows between now and we actually come to construct. Project. So. But I believe my understanding was proposing to remove hedgerows from the scheme, from the from the schedule.

01:46:52:08 - 01:47:00:10

But obviously we would need to justify the inclusion when we had the final lamp approved. But we'll take that point away and consider it. Thank you.

01:47:03:13 - 01:47:04:14

Thank you, Mr. Roderick. Um.

01:47:10:15 - 01:47:30:02

Not to talk. The post written summary to say, but you've clarified that point. But perhaps it's worth noting that there is a reasonable chance that the person involved may read a similar thing to what I have into your posterior notes. A bit of clarification on that would be useful.

01:47:33:21 - 01:47:36:01

Does anyone else have any comments on hedgerows?

01:47:38:04 - 01:48:00:15

Yeah. Okay. Thank you very much. I've just one final point on this part of the agenda, this project. And that's the marine licence. We've had some correspondence from the MMO and their position I think you're probably already aware of is that the deemed marine license shouldn't be included in the draft development consent order. I wonder if. Applicants position is altered in respect of that in light of the comments.

01:48:07:12 - 01:48:22:16

A clever trick. The applicant near the applicants position hasn't changed, and so the applicant still considers it's appropriate to include a marine license, um, to ensure that the works can be carried out should the MMO consider at that point in time a license is required.

01:48:27:10 - 01:48:27:25

Yes.

01:48:29:03 - 01:49:04:12

Thanks to the applicant, I can explain where things have got to or got to. Uh, towards the end of the, the, uh, gate Burton examination. So in submissions, the MMO have conceded that. Their position is that because there is an exemption that they believe applies now, there is no need for a marine license. Our position has been, well, not entirely clear from from the legislation that it does apply. But even if it does apply now, that exemption could be removed at any time without warning.

01:49:04:20 - 01:49:34:24

So essentially our preferred position and the our being this applicant, but also the applicant for the other solar projects that find themselves in this circumstance is to reduce that risk or eliminate it by having the consent on the face of the order. So that's been the two and froing in other examinations where we've got to the latest on gate burden was that the MMO did concede in submissions that, you know, it is entirely feasible that the exemption could be removed.

01:49:34:26 - 01:50:07:05

And in that scenario, there would need to be a marine license applied for and granted the examining authority. Reply to that say, well, doesn't that then introduce, you know, time and delay because you have to go through the process of applying for something further down the line that's being applied for now. And I'm not sure what the answer back on that one was, but that that's entirely our point being taken by the examining authority that, you know, we're we've assessed it. We're applying for the right consents. Now it's in the order. Why not, I guess, is the question.

01:50:07:19 - 01:50:15:08

Um, and because there is the risk of the exemption falling away, it makes perfect sense to me at least, that that we have it, have it in the order.

01:50:16:03 - 01:50:27:05

Mr. Phillips, in terms of how that's been managed in the other examinations on the MMO, engaging in the drafting of that marine license as they would in normal circumstances in terms of the conditions that are imposed on that.

01:50:27:07 - 01:50:54:22

Yes. So it's the applicant again. Um, throughout the other examinations, that's the position we've been asking for, uh, effectively saying to the MMO, without prejudice to your position, please, will you just, you know, mark up, track change, you know what it would be? Um, I don't think we have had that response from the MMO on gate burden yet. Um, but that's something we can we can come back to you on. Uh, but certainly that was that was one of the actions that was, was outstanding last time I recall.

01:50:55:23 - 01:51:12:03

I think they're quite close to closing their examination. So of course to try and get ahead of that on this one. Um, maybe I'll give some consideration to how best we deal with that, but it may be that we send a rule 17 letter out to try and get that issue resolved one way or another, soon as possible. Thank you. Thank you.

01:51:14:20 - 01:51:17:21

Does anyone else wish to comment on the license point?

01:51:20:00 - 01:51:48:00

Thank you. And that completes agenda item four, which are the main issues that were listed on the agenda. I am conscious now. I think I'm being told that we have gone over our 90 minutes that we indicated would be the point that we break, and it might be that the next part is quite short, but I'm going to suggest we take a ten minute break for a moment and we can all have a comfortable break, and then we'll come back at 12:00 and resume the hearing. So it's now 1151 and the hearing is adjourned.