



Hearing Transcript

Project:	Stonestreet Green Solar
Hearing:	Issue Specific Hearing 1 (ISH1) – Part 1
Date:	20 November 2024

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The video recording published on the Planning Inspectorate project page is the primary record of the hearing.

00:00:00:00 - 00:01:39:02

Unknown

But mine is now 10:00. And time for this hearing to begin. I'd like to welcome you all to the issue specific hearing on the draft development consent order. First on Street Green Solar Project. Can I confirm with the case team that live streaming and recording of the event has commenced? And can I also just confirm that everybody can hear me clearly, both in the room and online?

00:01:39:04 - 00:02:12:17

Unknown

So yes, my name is Graham Saad. I am a planning inspector and have been appointed by the Secretary of State to examine this application. I'll now deal with a few housekeeping matters for those attending in person today. Can everyone please all devices, including phones, smartwatches and what and laptops too silent if you need the toilets. These are to be found across the corridor to the left as you leave this room.

00:02:12:19 - 00:02:36:04

Unknown

There are no fire alarms due today, so if the alarm does go, we need to treat it as the real thing and live calmly and quickly. Higher exit can be found at the bottom of the corridor as you turn left out of this room. This meeting will follow the agenda published on the National Infrastructure Planning website on the 22nd of October 2020.

00:02:36:04 - 00:02:52:19

Unknown

So it would be helpful if you had a copy of this in front of you. I'm hopeful that the applicant can display this on screen. Also. Is that possible? Thank you.

00:02:52:21 - 00:03:16:15

Unknown

The agenda is for guidance only, and we may add other considerations or issues as we progress. We will conclude the hearing as soon as all relevant contributions have been made and all questions asked and responded to. If the discussions can be concluded, then it may be necessary for us to prioritize matters and defer other matters to written questions.

00:03:16:18 - 00:03:41:08

Unknown

Likewise, if you cannot answer the questions being asked or require time to get the information requested, and can you please indicate that you need to respond in writing? I also understand that the applicant will be keeping the note of action points arising from this hearing, and we will report these back towards the end of this session.

00:03:41:10 - 00:04:12:14

Unknown

Today's hearing has been undertaken in a blended way, meaning some of you are present with us at the hearing venue and some of you are joining us virtually using Microsoft teams. We will make sure that however you have decided to attend today, you will be given the opportunity to participate. The recording of today's hearing will also be made available on the Second and Street Green Solar section of the National Infrastructure Planning website as soon as practicable after the hearing has finished.

00:04:12:16 - 00:04:38:10

Unknown

A transcript will also be made available, which will utilize AI technology. With this in mind, please ensure that you speak clearly and to a microphone stating your name until you are representing each time. Before you speak, please. For those with a microphone, you need to press the button to work. The red light indicates that the microphone is live.

00:04:38:12 - 00:05:09:04

Unknown

If you are at a table with a microphone, there will be a roving mike available to play it for one of these to be brought to you before you speak. A link to the Planning Inspectorate Privacy Notice was provided in the notification for this hearing. We assume that everybody here today has familiarize themselves with this document, which establishes how the personal data of our customers is handled in accordance with principles set out in data protection laws.

00:05:09:06 - 00:05:44:19

Unknown

Please speak to Spencer. If you have any questions about this. No. Go ask those of you who are participating in today's meeting to do so. So when I say organizations, damn, could you just yourself state your name, who you represent, and which item you should? If you are not representing an organization, please confirm your name. Summarize your interest in the application and confirm the agenda item upon which you wish to speak.

00:05:44:21 - 00:06:12:10

Unknown

Please could also everybody state the title by which you wish to be addressed? Mr.. Mrs.. Ms.. Or Ms.. Can we start with the applicant, please? And any of the advisers? Good morning, sir. Thank you. My name is Hugh Flanagan, started by Herbert Smith Freehills. On behalf of the applicants and likely to be speaking in this hearing, I introduced two members of the team.

00:06:12:10 - 00:06:44:05

Unknown

Firstly, to my left, Mr. Matthew Sharp, Senior Director at Court planning Consultancy, and secondly penultimate on the line to my left and then frankly, Directorate Court of the same. Thank you. So come in now, move on. The organizations and individuals have given notice of their intention to speak. Can I start with Ashford Borough Council, please? Good morning, sir.

00:06:44:07 - 00:07:05:02

Unknown

Rowland Mills from Ashford Borough Council, Strategic Development and Delivery Manager, and here was my colleague Matthew Dowling, also from Ashford Borough Council Strategic Development. And we are interested in items four and five. Thank you.

00:07:05:04 - 00:07:42:26

Unknown

Kent Council, please. Good morning, sir. Francesca Porter, Principal Planning Officer, The County Council. And I'm joined on my left by my colleague Liam Koch, and we will also be speaking on points four and five. Thank you. So moving onto anyone else that would like to speak today. Morning, sir. Carson Linda Harman. I represent Saxon short as the elected member in Ashford Borough Council and was speaking in that regard today.

00:07:42:28 - 00:08:08:08

Unknown

I'm also the chair of Old into an important parish council. I wish to speak on items four and five. I can't place Alison Oakley representing Erdington and Bollington Parish Council and may wish to speak under item five. Thank you.

00:08:08:10 - 00:08:39:15

Unknown

Good morning, sir. Richard Thompson on behalf of CPR. Can we hear mainly listening mode that we may want to comment on Item five? Thank you. Thank you. Good morning, sir. Jonathan Tenant from the old England and Muslim Support Group and my colleague Simon Lunn. And we all representing the members of our group and will wish to speak perhaps on four and five, but we haven't anything prepared that we would like to have the opportunity to speak on both those at some point, please.

00:08:39:16 - 00:08:52:10

Unknown

Okay. Could you speak up, please? We would like the opportunity to speak on four and five. Okay. Thank you.

00:08:52:13 - 00:09:27:21

Unknown

So, anyone else in the room that would like to speak today? I'm moving across to Microsoft teams conducting, putting, put their hands up if they wish to speak to the. Thank you for that. So I believe that concludes the first agenda item. I'm going to move onto item to very briefly. So let me briefly explain the purpose of this issue specific hearing.

00:09:27:24 - 00:10:01:04

Unknown

Firstly, we will have the applicant present and explain the structure and purpose of the draft development consent order, and then I will ask questions on particular articles or restrictions proposed by the applicant. Does anyone have any questions about the purpose of today's hearing? Anybody on Microsoft teams? Okay. Thank you. I will now move on to item three. Can we ask the applicant explain this overall approach to the drafting of the consent order please?

00:10:01:07 - 00:10:30:16

Unknown

Clarify what matters are to be secured by alternative methods. I know that despite the National Planning policy statement, references to the potential use of planning applications, none appear to be proposed in a project of I could no handover to the applicant. Its overall approach and its approach to any planning applications. Thank you, sir. Thank you. Finally going on behalf of the applicant.

00:10:30:21 - 00:10:57:27

Unknown

So just to clarify, I think you were just referring to what I've got as item four on the agenda, which is preceded by item three project definition and limitations, which is to do with the environmental assessment of ruptured envelopes. I was I was planning to do that first, if I may. Okay. I thank you. So say on item three, say project definition of limitations.

00:10:57:27 - 00:11:36:10

Unknown

And just by way of introduction for all of this hearing, I'm going to lead and start off that I may try and bring in those to my left as appropriate. So the the question on the agenda asks about the Rochdale envelope. And it is correct that a as is very usual, the Rochdale envelope has been used in this case as described in the planning Inspectorate's advice Note nine Rochdale Envelope to assess the environmental effects of the proposal by reference to parameters and what can be done within those premises.

00:11:36:13 - 00:12:38:24

Unknown

So from a legal point of view, the Rochdale envelope to confirm that this environmental statement, an application comprises principally three things. Firstly, the authorized development for the project as set out in schedule one of the draft, the consent order that's asked for. Secondly, the works plans as W3 and thirdly, the Design Principles app. 150 It's notes that the legal outline of the rush that I'm making this case from a policy point of view as to why we've taken this approach, why very many other infrastructure developers take this approach is because of the need for flexibility in design, layout and technology, which is recognized in national policy in particular.

00:12:38:27 - 00:13:11:29

Unknown

And one that's section 4.3, and particularly in respect of solar development consent orders, there's recognition of the need for flexibility in design layouts, etc. And in three the references are section 2.6 and 2.10, and we'll obviously record this in my starting submissions. But one of the critical phrases in national policy is that in many cases, not all aspects of the proposal may have been settled in precise detail at the point of application.

00:13:12:01 - 00:13:40:13

Unknown

So that is why there is this outline approach to be filled in with detail at a later stage. The incorporating flexibility in this way, we say, is clearly a proportionate approach. The DCA provides a framework, enables the detail design to be taken place, to take place in the usual way after the grant of the DCA allows matters to move forward expeditiously.

00:13:40:15 - 00:14:38:12

Unknown

It's all subject to the detailed design to the approval of the local planning authority. So it's fully controlled in that way. Come to it in more detail under the next agenda item and drafting. But at the DCA. But just to confirm it is the relevant requirement is requirement number four in schedule two, which which requires the detailed design to be approved by the local planning authority, The need for flexibility arises particularly because of the need to accommodate and respond to any findings from any further detailed work, one example of which could be variances in ground conditions after further survey and also as was mentioned yesterday, completion of intrusive survey works pursuant to the archeological management

00:14:38:12 - 00:15:20:17

Unknown

strategy. Flexibility allows any findings to be responded to and accommodated by by detailed design. And in addition, and this is more distinct to solar projects, flexibility is necessary because technologies are rapidly evolving and incorporating flexibility allows the project to utilize the best available technology available at the time of delivery. And that is a worthwhile objective because it means that you can maximize the benefits the project will deliver in terms of renewable energy.

00:15:20:19 - 00:15:56:17

Unknown

I mean, to go into some detail on that, the exact number and arrangements of the panels in each what's called string to fill tank panels is dependent on a number of factors such as generation capacity and electro electrical characteristics of the panels. The capacity of that to the power output of the panels is increasing as technology improves and incorporating flexibility now allows you to enable any increases and improvements in technology to be incorporated as well.

00:15:56:20 - 00:16:35:13

Unknown

The same applies to the battery technology, which is understandably evolving, and flexibility allows you to make sure that you can maximize the benefits from that technology as well. So overall, I can confirm that the environmental statement accompanying the application has assessed the authorized element within the full envelope, and so the development within the envelope would not create new or different effects that would exceed the worst case scenario assessed and not therefore meets the legal and policy requirements.

00:16:35:16 - 00:16:58:04

Unknown

So so that's the overview. What I was going to do now is relatively briefly, there's been a and a note which no doubt you've seen produced by on behalf. I think if the Goldington and Bollington Parish Council at Procedural DEADLINE A it was a five pages or so, it was entitled Counsel's note, and it raised a number of points.

00:16:58:04 - 00:17:21:20

Unknown

Some of them are detailed DCI drafting points which you can come to, but some of them are points about the Rochdale environmental assessment and we are as on sand that Dorking has been accepted a procedural deadline and we will respond in writing. But I thought it would be useful now to to essentially ventilate our headline responses to that so it's clear what they are.

00:17:21:22 - 00:17:52:00

Unknown

So so taking those the issues raised in that note, in turn, first heading I want to just respond to briefly now is under the heading the topic of project description and the point raised in the notes which some relevance to agenda item three is it said that the applicant should provide a range of output output capacity in terms of generation capacity.

00:17:52:02 - 00:18:14:19

Unknown

And the premise of that that request I think is the suggestion that we haven't done so. And the short answer is that we have done so, and I just want to explain why that is and where you will find it. So they the position is that you've got the grid connection statement in the application documents that app one for Right.

00:18:14:22 - 00:18:53:24

Unknown

That explains that there's a grid connection agreement allowing the export of up to 99.9 megawatts to the grid. So that's the that's the export capacity. The note is talking about something slightly different, the total generating capacity in respect of that, that is set out in the application. You'll find it set out in some some detail in the climate change chapter and it's there because it's talking about the the benefits in terms of order avoiding decarbonization.

00:18:53:26 - 00:19:31:17

Unknown

And I'll explain what it says now, but the reference is app 039 and it's paragraph 15 613, which as I say, will put in writing. But what it says is that the project generating capacity, assuming panels of 655 watts and the illustrative design is at the moment around 144 megawatts taking account of potential and indeed likely improvements in technology.

00:19:31:19 - 00:20:07:10

Unknown

The generating capacity would increase to around 165 megawatts. So that is that is the range broadly, it's not precise necessarily that 140 to 160 potentially a bit more. So that that is the answer to the request in that note provide a range of out capacity. That's the range Y that exceeds the the 99.9 megawatt export capacity in the grid connection agreement.

00:20:07:12 - 00:20:41:08

Unknown

Well, that is it's entirely standard. The installed generating capacity of a solar generating station in almost all cases will be higher than the grid connection capacity. And in terms of the numbers, as I think I said yesterday evening, if battery storage is co-located, it's typically sized at a ratio of about 1.4 to 1.8 times the grid connection capacity dependent on various site specific factors.

00:20:41:10 - 00:21:10:01

Unknown

So in in our case, the numbers are happily fairly straightforward. So the grid connection capacity of 99.9 megawatts apply that sort of ratio 1.4 to 1.8 gets you to somewhere around 140 280 megawatts, which is in line with the figures I've just given from the climate change chapter. So that's the that's how you get there. And and why do you have this approach?

00:21:10:03 - 00:21:42:14

Unknown

Well, again, it goes back to the point that solar is an intermittent form of generation necessarily because of the course of the world we live in. As I said, the higher generating capacity is designed to maximize the renewable energy that can be generated and it also ensures that grid connection capacity is is optimized as no doubt you and others in this room will now grid connection capacity is in short supply.

00:21:42:14 - 00:22:11:10

Unknown

It's a court as a cause of concern in many areas and therefore utilizing your grid connection agreement to its to its maximum we say is extremely important to do that. That is what is achieved by having those sorts of ratios relevant to the grid connection capacity. So so that's that's the first item in the night regarding for running a range of capacity.

00:22:11:12 - 00:22:48:14

Unknown

The the second item still dealing with these Rochdale envelope type points just more straightforward want to answer the the note queries whether the application secures sufficient parameters in terms of the Rochdale envelope. And there's a suggestion in the note that it doesn't because it does not secure so it said things such as the height of development or the numbers of inverter stations or batteries.

00:22:48:16 - 00:23:16:17

Unknown

The simple answer is that is not correct. The document that does do that is the design principles with these documents are not to earlier, and it secures precisely those matters. So it has a specific height set out in the design principles beyond which the development cannot go. So it does secure that envelope, those parameters. And it also in terms of numbers of inverter stations or batteries, it also does that.

00:23:16:17 - 00:23:49:13

Unknown

So it it provides that we can have up to 32 inverter stations and it has that we can have up to four battery storage units per inverter state issued. So that gives you a, an envelope, a number limit on that. It's that the design principles AP 1/53 heading then from the note again is in relation to associated development.

00:23:49:16 - 00:24:26:12

Unknown

And so the concept of associated development that development consent orders can provide for associate development as well as the principal development and that associated development set out in the ACT Section 115. And the point raised in the note is, well, how is the battery storage element within the scope of associated development? And in reply we say it is very well established by precedent that battery storage is associated development with solar schemes.

00:24:26:14 - 00:25:04:21

Unknown

A number of Secretary of State decision letters which take that approach. And indeed it's essentially the approach across the industry as a whole. And it's entirely understandable because the battery and energy storage allows the project to maximize the usable output from the intermittency solar generation. So it is directly connected to the form of generation involved. It means that when there's a period of high generation, that generation can then be stored, the electricity generated can be stored in the batteries and export it.

00:25:04:21 - 00:25:41:10

Unknown

At times when there's lower generation, it maximizes the efficiency of the use of the land. Again, it maximizes the efficiency of the use of the grid capacity. So again, entirely in accordance with policy and tied up inherently with the principal development. So that's associated. And then the final matter is a point raised in the note from on behalf of the parish Council in respect of it's also to do with batteries.

00:25:41:10 - 00:26:17:02

Unknown

It's it's to do with work number two in schedule one of the draft development consent order. So that's the authorized development work. Number two is described as balance of system and battery energy storage system, including various elements, including inverter stations, battery energy storage system and various other ones. And the the point queried in the note essentially is to say, well, should the battery storage element there be a separate work number?

00:26:17:05 - 00:26:45:13

Unknown

So it's partly, I think at a drafting point, but it may reflect concern that there's a more substantive point as well. We say that there's no good reason to take any different approach and indeed there's a good reason to take the approach we have taken. In the present case. The battery energy storage system is located alongside the inverter stations in a dispersed arrangement across the site.

00:26:45:13 - 00:27:15:05

Unknown

So you have the inverter station, then you have up to four battery storage units alongside that inverter station. So they're packaged together essentially in various locations across the site. They are on that basis, they are clearly one grouping and it's entirely rational and indeed it would

be slightly confusing in our view, to separate the battery storage element off into a separate work number.

00:27:15:07 - 00:27:39:24

Unknown

So we think that the drafting of the DCO in that respect is entirely sensible. So we say that that is, those are the points I wanted to respond to from the councils. Note there's a few more, as I say, detailed drafting points in that councils note about the definition of commencement, the definition of maintain, etc. but they probably don't fall under this agenda item.

00:27:39:26 - 00:28:23:05

Unknown

And so those are my that's a sort of overall position on the Rochdale envelope and the environmental assessment. So in essence, any questions? And that's what happens now. Thank you. If I anticipated some of my questions I was going to ask, had I've just hot in the mind, fresh in the mind. Firstly on that energy, emerging energy technology, an obvious question is if capacity is increasing, will you require the full scope of the fields that have been submitted as part of the application?

00:28:23:05 - 00:29:08:07

Unknown

We heard yesterday a suggestion that three fields in particular could potentially be dropped to make it more acceptable in the eyes of some members of the community. Thank you. Yes, we've certainly anticipated that. QUESTION I'm Mr. Matthew Schulz. While I was going to feel that in the first instance, Matthew Sharpe from caught up on behalf of the applicant as efficiency of solar panels increases and that optimizes the ability to meet the grid connection and capacity.

00:29:08:07 - 00:30:01:12

Unknown

So that's increase in efficiency. I wouldn't change the size of the PV panels required. It would just make the site more efficient and allow us to increase the grid capacity as that more efficient. Right. So it makes the project more efficient rather than needing less land. Okay. And Mr. Flanagan, you mentioned requirement for in terms of detailed design, is it worth cross-referencing the design principles document and that requirement where you've highlighted the parameters?

00:30:01:14 - 00:30:33:02

Unknown

Yes. So you're quite rightly shaping it does in fact not in requirement for one. But if you go down further down and eight requirement for to anticipate that point. Subparagraph two there are the written details that are submitted for approval pursuant to subparagraph one must accord with the design principles so that that's how it's incorporated. I would say that that's needed.

00:30:33:04 - 00:31:32:03

Unknown

Okay. Thank you. That's all my questions on that agenda item. So anybody in the room would like to add anything. This is I'm thank you very much, sir. So we've had the response to some of the concerns that have been outlined by the community on the DCO. I'd like to ask firstly a lot. I mean, obviously we've read majority, I'd say, of the documentation that accompanies this DCO, so excuse my ignorance, but if there are parameters set out in a note in another document that is not the DCO are you.

00:31:32:03 - 00:32:03:20

Unknown

It is the applicant then confined to those parameters that are set out. As the barrister has just clearly stated, they are contained in all the documents, but they are not contained in the DCI. So if the DCO is granted and the detail is contained in another document, is that legally binding? That is my first question. My second question relates to your question, sir, which I don't think was answered.

00:32:03:22 - 00:32:40:05

Unknown

And the if technology improves, it generally becomes more efficient. If it becomes more efficient, then less land should be needed. Not current land is great. That means we can just generate more. Thank you, Tim. Thank you. I'm with the applicant. Like the. Yes. So he's looking for the applicant in respects of the first point. I can confirm they the parameters certainly are secured unenforceable.

00:32:40:08 - 00:33:24:06

Unknown

They in terms of reference to other documents that are not the DCI. The way that is achieved is by incorporation into the DCI. So the design principles, as was just mentioned, is expressly incorporated into requirement for that as as a binding requirement on the on the applicant in respect of the of the works that the other key elements of the parameters since they are defined

in schedule one, the authorized development for the DCI and they are also defined in and by reference to the works plans.

00:33:24:09 - 00:34:02:20

Unknown

I set up aa3. So in a normal way, indeed in a planning application generally that what is applied for is defined by the application, including the plans. That's the limit of what is what consent is granted for. No different in this case, those plans, the application documents so far as they are incorporated to the DCI, like the design principles, control what is applied for and what can be done in respect of the second question relating to generating capacity and sizing.

00:34:02:22 - 00:34:39:28

Unknown

I mean, Mr. Sharp has given an answer and I can't improve on it in a moment, see if he can improve on it. But it is that is the position that the the scheme has been size based on both what it current technology exist and also what see we haven't ignored what is possible the the sizing of the scheme accords with the sizing that you see generally for solar schemes indeed in national policy as well, which has some comments in respect of this which we can pick up in writing.

00:34:40:01 - 00:35:12:00

Unknown

The if technology as is anticipated does improve, that will improve efficiency. It means the grid connection agreement can be optimized for more of the time, so you will get closer to hitting your export capacity more of the time, which is, we say clearly a positive thing. It means there is more renewable energy and it means that grid connection capacity, which is in short supply, is optimized and not wasted.

00:35:12:03 - 00:35:45:04

Unknown

So we turn to Mr. Chambers. That's not strong enough to keep the thank you. So just to follow up to that particular point, how what's the rate of optimization for the grid connection capacity? How often do you expect to hit that target? I don't have a number off the top of my head. I can certainly take that away.

00:35:45:09 - 00:36:31:27

Unknown

And the question and either come back later today or if not in writing. Thank you for any other questions in the room on that particular item. On the hands up on Microsoft teams. So are you happy that you've completed the project definition and the limitations and structure of the DCO? So that yes, I think that those are my what I have to say on agenda item three, project definition limit, definition, definition and limitations.

00:36:32:00 - 00:37:01:17

Unknown

I then got some a similar sort of few remarks to say on the item four. So would it be appropriate to move on to that Now let's just please put it on. I think you say item four then overall structure of the draft development consent order. And so you've obviously asked us, as is usual, to explain the overall approach that we've taken, clarify what matters, be scared by alternative methods, etc..

00:37:01:20 - 00:37:38:03

Unknown

So I'll try and give a general overview to our approach. You've got that the key documents are for this item, the draft item consent order that SAS allows for and the explanatory memo memoranda which goes with that, which is as a six. And I do commend that document to all interested parties because it provides much more detail than I can feasibly do orally.

00:37:38:05 - 00:38:22:08

Unknown

But in terms of the overview then that the development consent order, the key parts for this part, for this discussion, Part two, Page ten of the draft order, Article three Center of the DCI. It grants development consent subject to the provisions of the order, including the requirements subject to those provisions. The order the undertaker is who is the applicant is granted develop the consent for the authorize development to be carried out within the order limits.

00:38:22:10 - 00:39:10:24

Unknown

The premises. The This is Article three is part of a suite of articles dealing with the principal powers. So Articles four and five need to be taken with Article three. Article four undertake them at any time. Maintain the authorized development that is in addition to constructing it, and then Article five undertakes authorized operation use the authorized development again some further limit what's been granted consent for the and then come to the turn to the schedule in the schedule one and to an amendment that Article six provides the benefit of the order.

00:39:10:27 - 00:39:45:20

Unknown

How the order solely has effect for the benefit of the applicant SPL one limited say for certain exceptions. So it is the benefit of the order specifically limited to the applicant worth flagging you have that goes with Article seven standard drafting consent to transfer the benefit of the order. So there is provision where it can be transferred to someone else, but subject to two clear controls.

00:39:45:22 - 00:40:52:06

Unknown

You have that in Article seven three you requires the prior written consent of the Secretary of State to do so, except in certain circumstances, such as when the time of compensation claims has just come to an end. So those are the principle powers I want to focus on and those need to be read ways and understood ways. A Schedule one which contains and itemized is in the works grouped into nine numbered works at the first eight works numbers specifically identified, and then the ninth is site wide works, additional works and the in terms of that subdivision work, number one, the principal work in many respects is the generating stage shooting station itself.

00:40:52:06 - 00:41:41:26

Unknown

So that's three panels and mounting strip mounting structures. And then work number two, as we just touched on, is the balance of system and battery and historic system. And then you get the the other works, the other components of the project. Can I just one point I wanted to highlights, which is work number four, which you may have flagged yourself, work full day is work to lay high voltage electrical cables and to extend the cell substation, facilitate the grid connection, including and then at day crossing of network rail infrastructure infrastructure, either by Raymond one using existing electrical docks or to through the installation of new cable dock.

00:41:41:26 - 00:42:16:14

Unknown

So there's obviously an element of optionality and flexibility. It's explained in the documents. But the reason for is, which is bespoke obviously to this, this project is that UK power networks have have told us that they will in due course confirm whether they there are existing ducts under the rail line through which they cables could go. They need to be checked to see that they are structurally sound and available.

00:42:16:14 - 00:42:45:10

Unknown

We have no reason to believe that they're not. But it is. It needs to be checked. That's set out in the grid connection statement app 148. If they're not, as I said, we don't anticipate they won't be. But if they're not, then you would be looking at for derailment to the installation of new cable docks and that provides for that scenario and to provide you with an update on that factually.

00:42:45:13 - 00:43:20:04

Unknown

The latest is that the new KPN are currently indeed we think that well we we we understand at this week at the moment doing the investigation work. So to be able to confirm, we hope in the near future that the docks can be used. So we hope to update you finally, that's a provisional update. So that's an element of flex, a specific element of flexibility in the order which it's worth highlighting going there.

00:43:20:05 - 00:43:56:22

Unknown

Going back to the main body of the order, they we were looking at part two, which were the principle powers. They say you then have three or four further parts obviously set out in some detail as is the as is standard drafting, but they deal with a number of matters. Part three is streets and closures of streets, private means of access and so forth.

00:43:56:24 - 00:44:36:24

Unknown

Part four is a related part. Public rights of way provides for diversion, extinguishment enhancement. Part five provides the number of supplemental powers in respect of water and seven investigating the land. Part six is a compulsory acquisition part of the developer consent order, which I was planning to go through in some detail this afternoon. So that follows requisition hearings, my work going into detail, Not now.

00:44:36:28 - 00:45:29:06

Unknown

The important part. And then finally part seven miscellaneous in general, dealing with a number of various miscellaneous matters being swept up. They're all fairly standard and found in conventional drafting, approved in a number of times by Secretaries of State. So that's the, the main body of the order and schedule one wanted to also have a look at schedule two, a is also a very important schedule, given that it provides controls for requirements akin to planning conditions in that non DCI context.

00:45:29:09 - 00:46:03:28

Unknown

So the requirements set out a number is the number of matters requirement to provide, say for the expiry of the consent time limit, essentially saying 40 years from the first export date. I have to say this generating electricity. So it's a it's a time limited consent and that is important a number of respects. So it's relevant to the agricultural land assessment because this is not permanent loss of land.

00:46:03:28 - 00:46:08:00

Unknown

This is this is temporary.

00:46:08:02 - 00:46:37:10

Unknown

The requirement for snow, which you highlighted, is again an important requirement given it provides for the date of design approval needed from the local planning authority in respect of those matters. And it means that the developed consent order has this approach of being a framework which can be filled in with detail to be approved by the by the local planning authority in due course.

00:46:37:12 - 00:47:17:19

Unknown

They then the next suite of requirements five, six, seven, eight, nine and ten. Indeed, carrying on events after that deal with a number of management plans, which is a very well-established and mechanism for controlling effects, and many of which have been raised by interested parties. So requirement five The Battery Safety Management Plan requires approval of the Battery Safety Management Plan to be in accordance with the Outline Battery Safety Management Plan.

00:47:17:19 - 00:47:52:16

Unknown

All such detail as the Undertaker and the changes are considered is required. Likewise, you've got the similar provisions for the Construction Environmental Management Plan, traffic management plan, etc. So there's a long suite of those which are all relevant to a number of your principal issues that you've identified. Then that Schedule two, you've then got a number of other schedules, which I won't go through now unless there's any specific questions.

00:47:52:16 - 00:48:20:15

Unknown

But they are all schedules which you simply say behind DCI is one of the one of them, which we may look at this afternoon, I suspect is the protected provision, Schedule 13 for protective provisions for the. So that's the outline of the DCI. I respect your your question, sir. I can confirm that there are intended to be no additional planning obligations or other forms of agreement.

00:48:20:17 - 00:49:00:28

Unknown

None of that is required. We consider in this case what you what's required as DCI that in terms of other consents in due course. Obviously, the DCI regime has the ability to ask potential to wrap some consents up into the planning consent order itself. Other consents may be left to future consenting regimes. So you'll find those listed in the schedule of consents, which is APP 018.

00:49:01:00 - 00:49:33:23

Unknown

That explains what the DCI does and doesn't do. It also explains, importantly, there is we consider no reason to think that those other consents, as are required, will not be granted. No evidence that there's going to be any insuperable hurdles in that respect. So those include things like permits for abnormal lights so far as that is required, detailed flood risk activity permits and so forth.

00:49:33:25 - 00:50:05:01

Unknown

So that's that's things outside sitting outside the DCI to be consented down the line for other regimes. So I say that then concludes what I wanted to say in terms of opening and outline. Matt is on the developer consent order. Okay, thank you. I'm just going back to the UK upon investigations, are we likely to have confirmation in writing by deadline one or two?

00:50:05:03 - 00:50:29:19

Unknown

The lights? Certainly the latest. My instructions were it could be, you know, we were hoping for weeks rather than anything longer, saying deadline one being the 10th of December. That seems possible. I don't want to give any guarantees because I can't speak for you can't pin directly. Perhaps we could provide an update updated deadline one regardless and hopefully the position will be ours.

00:50:29:21 - 00:50:41:10

Unknown

Even if we can't provide it, then we'd be looking at something in the near future. DEADLINE two or something like that. Okay, thank you. That would be helpful.

00:50:41:12 - 00:51:35:27

Unknown

Can I start with Ashford Borough Council first in terms of their comments? And I went around the table. Thank you, sir. Rhoda Mills for Ashford Borough Council necessarily, sir. The Borough Council's comments today are initial observations commenting on the draft DCO and responding to some of the points that have been made and obviously we will be commenting in further detail in accordance with the requirements of deadline one of the examination so treated as an overview, really the comments that I'm out to feedback, we've concentrated on schedule two, part one and requirements and in terms of schedule two requirements, Part one Article three one talks about the need for phases of development to be agreed which

00:51:35:27 - 00:52:22:19

Unknown

the Borough Council does consider is particularly important for clarity and community clarity too, in terms of the submissions that are being made. Equally important is how the project will be delivered. Clearly, something can be identified as being a phase and it can be referenced in a sequential manner but may not actually potentially be delivered on site sequentially, which from my experience can cause confusion when phase five, for example, is coming forward early on and phase two is lagging behind Phase five as an example.

00:52:22:21 - 00:53:10:23

Unknown

So I think it would assist all round clarity if the phasing information could include sequence of implementation, because I think that does give us that sort of route through the delivery of the project, particularly at the construction phase, and that will be welcome. So it's akin to working through again really to actually give us that additional clarity, clarity moving on to some things that were raised yesterday in the open floor hearing and have been alluded to today, particularly about battery safety management plan, which is schedule two requirements on Article five.

00:53:10:26 - 00:53:54:21

Unknown

We have as an authority some experience of battery storage very close to the site on Church Lane opposite the old Hinton converted station by a permission that was granted by the

authority and our liaison during that process with the relevant technical council teams, and in short, to ensure that there is no pollution from run off in relation to attending an incident, we would suggest that the proposed consultation be widened to automatically include the Environment Agency, Kent County Council and the River Stour Inland Drainage Board.

00:53:54:23 - 00:54:55:28

Unknown

And we would appreciate the applicant considering that I am conscious that the DCO does allow the Borough Council to widen consultation, but I think having that widened consultation at the outset would again give community clarity that all the appropriate technical consultees are being consulted at the outset. So I would suggest that we would like to encourage a discussion about widening in that sense because a number of other comments which perhaps flow in a similar vein in terms of some of the plans that have been referenced in schedule two requirements Part one Article six, seven, eight, ten, 11, etc. and those relate to, again, a widening of the consultation to include for construction environmental management plan,

00:54:56:01 - 00:55:40:29

Unknown

Kent County Council. At the outset, they will certainly be an important technical consultee and I would encourage their inclusion in the wording in the DCO from the outset. Again, this the case, same case for construction traffic management plan, same for landscape and biodiversity management plans, same for public rights of way. Moving on to the operational surface water drainage which is referenced in schedule two requirements.

00:55:40:29 - 00:56:11:29

Unknown

Part one Article 11 The Council's current view is that the submission to the wording as proposed suggests a submission on a prior to the operation basis for the authorized development. The Council has concerns about that and we will consider these further, but we feel that that's potentially too late in the process and we think that those should be submitted.

00:56:11:29 - 00:56:44:25

Unknown

At the same time as the detailed design approvals for the phases, which will necessarily include details of drainage alongside of above and below ground works. So that seems to us to be the better point where those details are worked through to ensure that there is a coherent holistic design taken to training. Strategy matters. Staying on the same Schedule two Requirements.

00:56:44:25 - 00:57:31:15

Unknown

Part one Article 11. Again, I'm going to suggest that we would suggest to the applicant that the DCI was widened in terms of consultation to include Kent County Council and any necessary consultation with the River Stour in land transport, who are certainly an important technical consultee from our perspective. So moving on to schedule two requirements. Part one Article 13, which is the operational Noise Mitigation and Monitoring Scheme, The trigger for submission of that is on a prior to operation basis as drafted in the draft DCO.

00:57:31:17 - 00:58:13:10

Unknown

Again, the council's concern at the moment is that may not be the best trigger point and we would like consideration given to that noise mitigation and monitoring scheme to be on a prior to the commencement of any of the identified phases that are defined in the DCO rather than prior to operation. I think that gives us more comfort that things are going to operate well early on in the process as is sensibly possible and realistic.

00:58:13:12 - 00:58:55:19

Unknown

Turning to schedule two requirements Part one Article 14, which concerns decommissioning and site restoration. Again, I'm going to suggests that we would like to see the widening of the consultation to directly include Kent County Council and the Environment Agency, which seem to the Council to be entirely appropriate. Schedule two Requirements. Part one Article 16 I noticed a reference to a phrase to the satisfied of the local authority, which I always thought would be outlawed a long time ago when dealing with normal planning conditions, etc..

00:58:55:22 - 00:59:09:22

Unknown

I know this is not a normal planning condition type process, but it is somewhat nebulous phrase, so perhaps that could be looked at.

00:59:09:24 - 00:59:53:05

Unknown

Sir, then we've had a brief counter through so far. Schedule two, part two, which is the procedure for discharge requirements and without taking up too much time, I guess it's just as a general comment on a lot of the time skills that are identified, they seem from the Borough Council's perspective to be slightly too tight. In some cases we're talking about seven days, i.e.

five working days or 14 days, ten working days, which is going to be very difficult for the Borough Council to turn those types of decisions around.

00:59:53:07 - 01:00:24:16

Unknown

So I think we would like to see a slightly longer period that may well be 14 days or 21 days. That would at least give us ten working days or 15 working days. And I'm happy to put those detailed points to the applicant for consideration. Obviously, we are wanting to work with the applicant if a development consent order is granted by the Secretary of State and we will play our part in doing that.

01:00:24:19 - 01:00:51:19

Unknown

But time is difficult for all local authorities and I feel that the timescales identified will be very difficult to achieve in some respects. So that's really just as a general overarching point at this moment in time, and I am happy to direct comments directly to the applicant in that regard for their consideration. I wish to Labor the point here this morning in the hearing on those matters.

01:00:51:21 - 01:01:29:09

Unknown

Thank you, sir. That concludes Ashford Power Council's adoption tation. Okay, thank you. And would the applicant like to briefly come back on on some of those issues? Phasing was something I was going to come to in my questions and that would be helpful if there was some form of phasing plan coming. Chart timetable. I could be a supplement to the application, but you, you come back on.

01:01:29:12 - 01:01:59:14

Unknown

Thank you. Thank you. So that's helpful to have that observation as well. We'll take that into account. Q Flanagan, for the applicant, the Council. So I'm going to pick up a couple of a few of those. Firstly, I'm obviously grateful to Mr. Mills for his acknowledgment that if consent were to be granted his acknowledgment and the Council's willingness to work towards delivery of the scheme and in respect of the specific points raised.

01:01:59:16 - 01:02:42:09

Unknown

Phasing. So we've got requirement three at the moment it is certainly intended that requirement three achieves what Mr. Mills referred to. So the objective of having a phased approach and a phased approach where it is sequential and it and it avoids phases collapsing into each other and given the requirement three requires a written scheme setting out the phasing to be approved by the LPA.

01:02:42:12 - 01:03:24:05

Unknown

We think that would can be that therefore controlled in that way. So take away your observation in respect of some sort of phasing panel gunshot and see we can do on that front. It's not phasing. There's a number of comments from Mr. Mills regarding widened consultation. And so it seems to us it's important to the consultation is important, but it's also important to bear in mind that the context of this, which is a recognized, urgent need in national policy for this sort of development to come forward.

01:03:24:08 - 01:03:58:16

Unknown

So timing is important and delay undermines that objective. So any additional consultation we say needs to be properly justified and shouldn't be a nice to have. It should be something that is properly required. So the current approach in respect of a number of these requirements is that the the primary consultee is the discharging authority is the is Ashford is the local planning authority.

01:03:58:16 - 01:04:26:08

Unknown

So for example, in respect of requirement six construction, environmental management plan that to be submitted to an approved by the local planning authority, but such approval to be in consultation with Kent County Council. So Kent County Councilor brought in in that respect rather than having them being directly involved. And similarly, if other parties need to be consulted, well, well, so be it.

01:04:26:11 - 01:05:03:26

Unknown

But we don't think that in respect of the requirements that arise, that it's necessary to to expressly require that at this stage. So for instance, that requirement seven the Construction Traffic Management plan, obviously Kent County Council have a direct interest in that. So the requirement provides for it to be in consultation with Kent County Council. And I think I can say now that National Highways have asked to be included as a consultant here as well, and the Vice Chair of Highways Authority.

01:05:03:26 - 01:06:05:18

Unknown

So we're content with that, but we don't see that any further. Parties need to be a direct consultee in that way, given the nature of the plan, the nature of their interest and the delay that including a further further consultations, further obligatory consultees could could result in the final matter I wanted to touch on is the requirement 60 requirement 16 paragraph two has the the phrase to the satisfaction of the local planning authority, and Mr. Mills commented on the appropriateness of that and it is recognized that conditions and indeed in the design context requirements shouldn't be totally open ended dates.

01:06:05:19 - 01:06:38:03

Unknown

They shouldn't allow for complete possibility. Lane and Tailpiece can potentially cause issues in that respect, but here say that that's not the case because what requirements 16 to says is that that is where the approval shall be given, where it's demonstrated to the satisfaction of the authority that it has. The extra that the subject matter of the approval sought is unlikely to give rise to any new material, new or different environmental effect.

01:06:38:03 - 01:07:13:28

Unknown

So although it does have that element of flexibility regarding the satisfaction of the local planning authority, it's then controlled by the fact you cannot go outside the and the rationale and the environmental assessment. So it is the the mischief is is directly addressed by those that final provision. So we think that that is acceptable for that reason. So that's why I have the sense intentions to shop for any further points of detail on that.

01:07:14:00 - 01:07:48:28

Unknown

The requirements are otherwise. Matthew Sharp On behalf of the applicant, just one further point, which is in relation to requirement 11. So that relates to the outline operational surface water drainage strategy. So as part of our conversations with Ken County Council, as part of the Statement of Common Ground, we've agreed to revise that requirement to bring bring it forward earlier as per the comment Mr. Mills made.

01:07:48:28 - 01:08:22:13

Unknown

So that requirement is being amended to reflect comments from the LFA in relation to that same point. So it's being updated to reflect that That's a consequence of the advance discussions we're having with KCC in relation to the Statement of Common Ground. And I suppose sort of at the point prior to submission, we shared two separate versions of the requirements with both KCC and Ashford for comments.

01:08:22:13 - 01:08:53:10

Unknown

And so we're very happy to sort of hear the comments and keen to sort of make sure that we've got an appropriate sort of position and agreed as part of the next version of the DCI. Thank you. Guess, Thank you for that. It's helpful. You will confirm in writing the code responses subsequently. We will see if I could ask the council to have anything to add.

01:08:53:13 - 01:09:27:28

Unknown

Thank you, sir. Francesca Potter from Kent County Council. As we've asked our council, which is providing some high level observations here, and we are working proactively with the applicant on the detail of your requirement and we'll respond in writing accordingly. But I mainly wanted to pick up here that we fully support being a technical consultee where appropriate, and we will also support proactive engagement with the applicant as these requirements should the application go through, should these requirements need discharge and will also proactively work with the local planning authority to ensure our comments are provided as required and keep.

01:09:28:00 - 01:09:29:21

Unknown

Thank you.