



# The Planning Inspectorate

## Application by Tillbridge Solar Limited for an Order Granting Development Consent for the Tillbridge Solar Project

### Agenda for Issue Specific Hearing 1 (ISH1):

Notification of the date, time, and venue for Issue Specific Hearing 1 (ISH1) on 15 October 2024 was provided in Annex E to the Examining Authority's (ExAs) [Rule 6 letter](#) dated 17 September 2024

Hearing	Date and Time	Location
Issue Specific Hearing 1 (ISH1)	<b>Tuesday 15 October 2024</b> <b>Hearing Starts at 14.00hrs</b> Registration and seating available at venue from 13.30hrs and virtual Registration Process from 13.45hrs	Thonock Park, The Belt Road, Thonock, Gainsborough, Lincolnshire, DN21 1PZ and By virtual means using Microsoft Teams

### Attendees

The Examining Authority (ExA) would be assisted by attendance of representatives of the following parties:

- **The Applicant • Lincolnshire County Council • Nottinghamshire County Council • West Lindsey District Council • Bassetlaw District Council • Canal and River Trust • Environment Agency • Marine Management Organisation • Historic England • Statutory Undertakers**

In addition, all Interested Parties (IP) are welcome to attend and make oral representations on the matters set out in the agenda, subject to the ExA's ability to control the Hearing. Confirmation of your wish to attend this hearing was required to be provided by **Procedural Deadline A – 01 October 2024**.

Anyone wishing to attend the Hearing in person, who has not already advised the Case Team of this, should do so as soon as possible. The event will be livestreamed and a link for watching the livestream will be posted on the [project webpage](#) of the National Infrastructure Planning website closer to the Hearing date. IPs and

members of the public who wish to observe the Hearing can therefore view and listen to the Hearing using the livestream, or view and listen to the recording, after it has concluded.

## Agenda items

### 1. Welcome, introductions, arrangements for the Hearing

### 2. Purpose of the Issue Specific Hearing

The ExA will explain the purpose of the hearing, during which it will seek responses from the Applicant and IPs. IPs will also be invited to ask questions of clarification in relation to the draft Development Consent Order (dDCO) Articles and Schedules.

### 3. General introduction to dDCO

The Applicant will be asked to provide a very brief overview of each part of the dDCO and the Schedules. To set the scene and describe what the dDCO is seeking to provide for.

### 4. Scope of the proposed development

The ExA will ask questions to understand the nature and scope of the proposed development for which consent is sought and the general parameters included within the provisions of the dDCO.

<b>4.1</b>	<b>Generating capacity</b>
	<p>The Applicant will be invited to explain the generating capacity of the proposed generating station including:</p> <ul style="list-style-type: none"> <li>• The lower and upper limits of output</li> <li>• The potential fluctuation of these outputs seasonally and over the planned life of the development</li> <li>• Any limitations imposed by grid connection agreements</li> </ul>
<b>4.2</b>	<b>Associated Development – Battery Energy Storage System (BESS)</b>
	<p>The Applicant will be asked to explain how it is considered that the BESS is necessary associated development. In particular commenting on:</p> <ul style="list-style-type: none"> <li>• The storage capacity of the BESS and its relationship to the generating station.</li> <li>• The time duration for storage.</li> <li>• The link to the grid (any grid connection limits)</li> <li>• The importation of electricity from the Grid and not solely charging from the Generating station (for grid balancing purposes).</li> </ul>

<b>4.3</b>	<b>Operational lifetime of the Proposed Development</b>
	<p>The Applicant will be asked to comment on the proposed 60 year life span of the proposed development.</p> <ul style="list-style-type: none"> <li>• The potential for repowering of the development throughout its life and subsequent changes to the requirements or order limits as technology improves in the future.</li> </ul>
<b>4.4</b>	<b>Decommissioning</b>
	How would decommissioning of the site be undertaken and funded should the Applicant or its operating company cease to exist.

**Notes on Item 4:**

- Whilst this item is principally directed to the Applicant, other participants may also raise any relevant matters through the ExA.

**5. Draft Development Consent Order**

The ExA will ask questions regarding the powers in the dDCO relating to the following matters:

<b>5.1</b>	<b>Articles of the dDCO</b>
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The ExA will ask questions in respect of the Articles of the dDCO. Interested Parties will also be invited to raise any matters in relation to the draft Articles. Discussion will include (but not be limited to) the following matters.

**Article 6 – Application and modification of statutory provisions**

To explore the Statutory provisions that the Applicant is seeking to disapply including:

- 6 (1) (a, b, c & d) with regards to the Land Drainage Act 1991 and Water Resources Act 1991
- 6 (1)(e) regulation 12 (requirement for environmental permit) of the Environmental Permitting (England and Wales) Regulations 2016
- the legislation listed in Schedule 3 (legislation to be disapplied)
- the provisions of the Neighbourhood Planning Act 2017(

**Article 18 – Removal of human remains**

To explore the necessity of this provision that the Applicant is seeking.

**Article 19 – Protective works to buildings**

To explore what buildings within the order limits might potentially require this provision.

**Article 26 – Acquisition of subsoil or airspace only**

To explore the distinction, and requirement for, expressed by this provision.

**Article 36 – Consent to transfer the benefit of the Order**

To explore the potential scenarios and outcomes should the need to exercise this provision arise.

**Articles 38 and 39 Felling or lopping of trees and removal of hedgerows and trees subject to tree preservation orders**

To explore the necessity of this provision that the Applicant is seeking and the likely locations of protected trees that may be impacted.

**Article 50 – Crown Rights**

	<p>The ExA will seek to understand and obtain an update on progress towards obtaining the appropriate consent from the Crown Estate and an understanding of timescales.</p>
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<b>5.2</b>	<b>Schedules of the dDCO</b>
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	<p>The ExA will ask questions in respect of the Schedules of the dDCO. IPs will also be invited to raise any matters in relation to the draft Schedules. Discussion will include (but not be limited to) the following Schedules.</p> <p><b>Schedule 2 - Requirements</b> The Applicant will be asked to provide an overview of the Requirements.</p> <p>The ExA will then ask questions including on matters such as:</p> <ul style="list-style-type: none"> <li>• Requirement 4 the likely nature, frequency and means of communication of the community liaison group.</li> <li>• Requirement 6 the status of the battery safety management plan and the local authority fire services views</li> <li>• Requirement 8 the biodiversity net gain strategy and the relevant statutory consultees views on this</li> <li>• Requirement 11 the status of the archaeological mitigation strategy and the statutory consultees views on this</li> </ul> <p><b>Schedule 3 – Legislation to be disapplied</b> To explore the reasons and consequences for the disapplication of the listed legislation</p> <p><b>Schedule 15 – Protective Provisions</b> The ExA will seek to understand and obtain an update on progress between parties regarding protective provisions; an explanation of any important differences of view and a timescale for resolution.</p>
	<p><b>Schedule 16 – Deemed Marine License</b> The ExA will seek to understand and obtain an update on progress and opinion of the Marine Management Organisation (MMO) with regards to the deemed marine license.</p>

**Note on Item 5:**

- IPs will be given an opportunity to ask questions and/or comment on the above.

**6. Review of issues and actions arising**

**7. Any other business**

**8. Close**

## **Purpose of ISH**

This early hearing on the scope of the Proposed Development is being held to address matters and questions identified by the ExA through its reading and site inspections to date, and during the formulation of the Initial Assessment of Principal Issues as set out in Annex D of the [Rule 6 letter](#) [PD-005]. The ExA considers that it would be expedient to examine these matters orally at the outset of the Examination in order to ensure that the nature and scope of the Proposed Development is understood as early as possible.

The main purpose of the first dDCO hearing is to undertake an examination of the dDCO articles and schedules. In particular, to consider:

- issues around how the dDCO is intended to work – what would be consented,
- the extent of the powers and what requirements and agreements are proposed;
- any possible issues of prevention, mitigation or compensation which are not covered by the dDCO as currently drafted;
- the justification for any changes from established practice;
- the need for changes to other legislative provisions;
- the need for protective provisions and their scope; and
- the initial views of other IPs as to the appropriateness, proportionality or efficacy of the proposals.

Discussion at the hearing will be held without prejudice to the ExA's final recommendation about whether or not the dDCO should be made. In addition to the DCO matters requiring oral examination above, further matters pertaining to the dDCO will be the subject of written questions from the ExA.

This hearing will not examine the detailed content of provisions relating to the Compulsory Acquisition of land or rights or Temporary Possession of land. The draft Examination Timetable proposes separate Compulsory Acquisition Hearing(s) on these topics and they may also be returned to in subsequent DCO ISHs.

As a general rule, the ExA will seek to issue hearing agendas at least one week prior to hearings take place. The agenda provided above is indicative and may be subject to change on the day.

Discussion at the hearing may refer to the following documents, amongst others, an electronic or hard copy of which participants should have to hand:

- [draft Development Consent Order](#) [APP-014];
- [Explanatory Memorandum](#) [APP-015];
- [Outline Design Principles Statement](#) [APP-213]; and
- [Works Plan](#) [APP-007]

The ExA has sought to provide sufficient detail to assist the parties to prepare for the Hearing. The details set out above are indicative and the ExA may find it necessary to

include additional Agenda items or to amend the order in which the items are dealt with.

The event will be livestreamed and a link for watching the livestream will be posted on the [project webpage](#) of the National Infrastructure Planning website closer to the Hearing date. IPs and members of the public who wish to observe the Hearing can therefore view and listen to the Hearing using the livestream, or view and listen to the recording, after it has concluded.

### **Registration Process**

Parties who have registered to speak (both in person and virtually) will receive a Joining Instruction email shortly before the Hearing which will include a link to the virtual event on Microsoft Teams, and a telephone number should they need to participate by telephone. To enable the Hearing to start on time at 10.00am those attending virtually should join promptly at 9.45am to ensure that all virtual attendees can complete the Registration Process in good time.

### **Procedure at ISH**

Guidance under the Planning Act 2008 and the Infrastructure Planning (Examination Procedure) Rules 2010 provides that it is for the ExA to probe, test and assess the evidence through direct questions of persons making oral representations at Hearings. Questioning at the Hearing will be led by the ExA. Cross questioning of a person giving evidence by another person will only be permitted if the ExA decides it is necessary to ensure representations are adequately tested or that an IP has had a fair chance to put its case.

The hearing will finish as soon as the ExA deems that all those present have had their say and that all matters have been covered. If there are additional matters to be dealt with, it may be necessary to defer some matters to written questions. The evidence presented orally at ISH1 should be included in post-hearing submissions and submitted by **Deadline 1 (Tuesday 29 October 2024)**.