

# TEXT\_LittleCrow\_ISH2\_Part2\_Session1\_3006 2021

Wed, 6/30 11:28AM • 1:20:37

00:06

Good morning everyone. It's now 10am 10am and issue specific hearing to in relation to the application made by Al n. RG solar little crow limited.

00:20

For the proposed little crow solar Park is now resumed

00:25

Mishaal, can you please confirm that the live streaming and recording for the hearing has commenced. And that you can hear and see me? Yes, Mr. Gold, I can confirm I can hear and see you fine. And the live stream and recording is started. Thank you very much. And I'll just check in with

00:45

Mr. McNeil. Can you hear and see me?

00:49

Yes. Good morning, sir. Everything's fine. Excellent. And Mr. Law, likewise. Can you hear and see me?

00:56

Yes, sir. Coming through loud and clear. Thank you. Good. Thank you very much.

01:03

I've just got a few brief

01:05

introductory remarks to make on resumption before we actually get to the agenda items.

01:12

For anyone that is watching the live stream, I would advise that if at any point, this morning, we need to take an adjournment, the live stream will stop.

01:24

And it will then be resumed. When the hearing resumes and there is therefore necessary, there is a need to restart

01:33

the live stream in your browser page. I will try and remind anyone should that have been trained it arise.

01:42

And

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my name is Graham gold and I constitute the examining authority for this nationally significant infrastructure prop project

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and examination.

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I would remind everybody that the general data protection regulations continue to apply to this session of the hearing.

02:05

I would ask that on each occasion

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someone speaks that you give your name and the party that you're representing for the benefit of those who may be viewing the live stream and or the recording of this hearing at a later date.

02:24

Yesterday, we discussed agenda items three and four. And today we will cover items five, which are matters, read into the draft, develop consent order.

02:37

Agenda item six, which is any other business. And then

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agenda item seven, which will be a review of the issues and actions arising from this hearing. And before we start looking at agenda item five, are there any

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matters of a procedural procedural nature that either the applicant or the council wish to raise with me at this point? Mr. Male? No, nothing from my side. Thank you. Mr. Lowe? Nothing from me, sir. Thank you. Okay. You might as well both keep the cameras and mics on as we get ahead into the discussion on the agenda. Mr. Male, I presume that you may will lead on a lot of this session, but bring in colleagues as necessary

03:28

to deal with

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particular aspects that may be

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more appropriate to them than yourself. There's one quick item I'd like to just pick up on before we actually start

03:42

looking at agenda item five. And that was a matter really,

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that I should have mentioned yesterday under agenda item three. And it's just clarification.

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In amongst the various application documents, when I see a reference to

04:02

m two I meet

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Well, I'm not sure whether that's metres squared or square metres, as compared to when I see squared metres square metres is obvious.

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And yesterday when Mr. Teller Edge gave the quick run through of the CAD drawing, drawing heat clearly referred to square metres and Hector's

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so I think in terms of all the work

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that Mr. Roberts and his colleagues Pegasus are doing, they're clearly referring to square metres

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and Hector's in in the same way. But when I see any references to em to should I be treating that also as squared metres rather than metres squared because there is there is a subtle difference between the two.

04:57

Mr. Male Is that something that you can assist with always

05:00

Maybe something from Mr. Roberts.

05:02

Well, I noticed you you have raised the question on this in in your second round of questions.

05:08

The the preliminary answers to that, if I can give it as such is that it is a reference to square metres, but we will confirm

05:18

definitively within our within our responses to that second round of questions. I think everybody that works in the planning arena uses square metres, and that includes includes mhclg, in any orders that they're responsible for.

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But I have picked up certainly I think there was a report from Bayes that's referred to when the dot and they use m two, and it's a little bit unclear as to whether they're

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working in the same way that other government departments do, because it can cause a bit of confusion.

05:53

But yeah, certainly, if you can clarify that in the sector in answer the second question.

06:01

And that might also help to sort out the issue about the the area of solar panels that's referred to

06:09

in the various documents. Okay. I just thought I ought to raise that because I didn't mean to yesterday and didn't.

06:21

Okay, then if we can please look at

06:26

agenda item five, a, I should check first. Does everybody have ready access to the agenda? And to a version of the draft of a consent order?

06:40

Possibly the expanding explanatory memorandum.

06:47

Mr. Law, have you got really access to the various documents? Yes, sir. I do. Thank you. And I no doubt,

06:56

right, and presume that Mr. Male and his colleagues have all got access to the various documents. So I don't think for this session, we're going to need to display anything on screen.

07:06

Okay, we're able to do so. So obviously, if it becomes necessary, but let's let's work on that basis.

07:13

So, looking at item five, a, and this is just a question for the applicant.

07:21

And really, it's me asking whether or not you made sense of my second written question 216 17,

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which is set out in document PD hyphen, 010, where I was asking about consistency

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in the explanatory memorandum, because it appeared that in the latest version submitted the deadline three, some changes that had been made in earlier versions hadn't been picked up,

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which might be an issue possibly with a way the tracking had been handled.

08:00

I think, I think we do understand it. So and apologies for, for any inconsistency. I think it arose because of a comparison being done against a previous version instead of the previous version.

08:13

It's already an earlier version than the previous version. If I could say like that.

08:17

All of us have worked with track changes, there is always a difficulty. When you start taking tracking off. Have you have you done it the way you meant to do it, just because of the way that software works? Okay, well, as long as

08:33

when we get to the final memorandum, that it's fully consistent with the final version of the order. I'm I'm almost loath to say to you that at the next deadline deadline for that I should see another version, the memorandum. I almost think the memorandum should now

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be held off until you get to the final version, so that we don't potentially encounter this sort of issue again.

09:00

I mean, I generally understand

09:02

the explanations for articles and requirements you've laid out in the memorandum up to this point.

09:11

So I think that might be a sensible way to proceed unless you disagree. No, I'm quite happy to do that. So I am just checking what was required at the next deadline.

09:25

I don't think there was a specific reference to the explanatory memo. So I think that that works. No, but you in responding to the secretary in question that might have triggered an absolutely yeah, we will hold fire.

09:41

Mr. Lord, I presume you wouldn't feel prejudice if if you didn't see another version of the memorandum until we get towards the conclusion of the examination.

09:52

No, sir. I'd have no objection to that. That's fine.

09:59

Okay,

10:00

If we can then move on to agenda item five B, which is the definition of generating capacity within the, for the proposed development within the draft order.

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Really, my query here is the inclusion of peak

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within

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schedule one of the draft order, and how that sits where the wording

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in Section

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15, to see of the Planning Act 2008. If I just read what that part of the Act says, a generating station is within this seps, subsection, if its capacity is more than 50 megawatts.

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And now, the reference to peak,

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given everything that I've seen heard so far, in effect is to a theoretical or potential level of generation.

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And I think if peak is used, there is a risk

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that the authorised development might be implemented and could be at a scale ultimately, that was not a nationally significant infrastructure project. And they feel fed outside the legislation, because there seems there is a number between 50 megawatt P and some other number

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where actually the generating level would not be an answer.

11:48

And I don't know whether Mr. Harlow might be able to assist where that that band between 50 and some other number is where you fall below the insert versus where you are above the insert in terms of 50 megawatt generating capacity.

12:09

Well, we I'm quite happy to introduce Mr. Harlow if necessary, sir. But I mean, in terms of responding to your question, the applicants perfectly content for the order to be amended to remove the reference to peak so that it follows other

12:27

other recently made orders and refers to, I think, a gross electrical output of over 50 megawatts and leave it at that.

12:51

Thank you, sir.

12:53

I mean, you've almost answered what was going to be the next question. I think.

12:59

So the cliff Hill, there is no reference to pink. And that certainly, I think, avoids this potential problem

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that an order could be made. And actually, inadvertently,

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you end up with a donor that might be implemented, that actually wasn't an insert an N sip.

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That's useful clarification. Thank you.

13:34

Right, I think that then takes us to agenda item five C,

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which is sort of various matters arising from articles and requirements.

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And the The first area I'd like to look at there are what I've referred to as archaeological commitments that relate to requirement 13 in the draft order,

14:01

and how they've been handled.

14:10

Now, I've put down the examination reference documents here, but I haven't given what they actually are a double piece 06 fibre connection member, measly what that is to have? Let me just quickly look at the library.

14:27

Oh, yes, sorry. It's the cultural heritage chapter in the environmental statement, chapter eight. And then Rep. 314 is the applicants response to the council's local impact report.

14:47

And in certainly rep 314, various, as I say, for what of a better phrase commitments will be made as to

14:57

certain matters that the African expects

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would be dealt with

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in a submission under requirement 13.

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But



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I suggested as a second written question, would there be in effect as scope? Or would it be useful

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in effective some sort of outline

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of what those commitments are,

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was in effect made an application document, which would then be capable of being certified amongst the various documents, so that there could be no ambiguity when a submission was made to discharge requirements 13 as to what the applicant thought it was going to be, including that submission, and what the council thought it was expecting to see.

15:49

In that submission. Mr. Mayor, any thoughts from the applicants perspective? And the thoughts that I asked whether the letters that were raised in the in the local impact report,

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as the applicant read them, were largely requests to see or comments which indicated that

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certain matters relating to archaeological mitigation were not included within either the camp for the lamp.

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And that could be made more expressed. And so at deadline three, the applicant submitted updated lamps and camps, and also updated requirement 13 to incorporate what

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the issues that

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the council had raised in its in its local impact report.

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What I wasn't sure of from your question, and also the position of the council was

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whether Firstly, all of those issues hadn't had now been effectively addressed within those updated documents. And whether what you were envisaging was simply ripping out sections of the of the camp

of the outline camp in the outline lamp and putting it in a separate standalone document or whether you're envisaging something else at this stage.

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Thank you, Mr. Rip, I'll turn to Mr. Law, because

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it's he and his colleagues that are going to be looking at the discharge a requirement 13 I suppose it's really what is going to make most sense to them, and

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I suppose assist that process.

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Mr. Hill?

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Thank you, sir. Yeah, I think in terms of the actual content of the archaeological mitigation, yeah, the original concern was that some of the documents didn't really talk to each other. As Mr. manleigh said, the updated sort of outline, lamp camp and decommissioning strategy have now been provided with those archaeological measures detailed within them. I think the suggestion by ourselves was that it would be beneficial to have an outline document that pulled together the archaeological mitigation in one,

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one document to make it easier for the applicants when they do make this submission, but also for ourselves. And I suppose to put it in a nice way to stop people having to dip in and out of multiple different documents to

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to check that, that everything is correct. I think it was a case of pulling those those different strands together into into one document, really.

18:52

Yeah, thank you.

19:05

Mr. Mayor, any observations on what Mr. Law has indicated, which is the council's preference, really to have a free standing document that deals with all the archaeological mitigation, take it out of the lamp and the camp and just have it as a free standing entity?

19:24

Well, I think on on that basis, so I mean, I mean, effectively, your hands on that if you think it's something that would usefully assist in the order, then that's something obviously that that that that can be produced. I think actually, in a practical sense, it might because archaeology is something once

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the contractors are on the ground and things start developing. It's something that might change and a quick amendment might be required and possibly easier to deal with in a standalone document.

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The maybe having to do bits and pieces in a camp and or a limp.

20:07

Just Yeah, just thinking about that in the field practicality type sort of scenario. I don't disagree. So I mean, the important, the important aspect, from my point of view was to establish that what is being requested is not new information, or further detail, it is simply taking those elements that were in the camp and the lamp and putting them into a standalone document, because obviously, that's something that can be done

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relatively quickly. Whereas if it was something else, that would, of course, need to be drafted. And there'd be a process of further agreement with with the council, but in anticipating and hearing what Mr. law said it is it is simply a rearranging of existing information, then, then that shouldn't be a problem. Yeah, I wonder whether presumably, there's still ongoing discussions between the applicant and the council in terms of the conclusion of the statement of common ground between the two parties, whether in those discussions, it's almost worth

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compiling the draft, archaeological document,

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that going being seen by the Council as part of the work to conclude the activity to conclude the statement of common ground? And that should I presume, find that no, ensure that all the issues that the council has raised on archaeology are picked up? And there are there are, as you say, No, no emissions that the council

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thinks exists at this time. Would that be a reasonable way to proceed?

21:52

Well, certainly, we can do that. So I think I think

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I'm speaking generically here, in my experience is when you tend to do these kinds of things, often, you you then get into a discussion around actually matters of detail that should be properly dealt with during

the discharge of the requirement itself, rather than the rather than the outline statements. So again, if we can be sure that the focus is simply on consolidating all of the existing information into a new document, then that's perfectly fine. And we can deal with it in that way.

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Mr. Mr. Roy, are you happy to proceed on that basis? Yes, I'm perfectly content to deal with on that basis. Thank you.

22:41

Then I'd like to have a look. I'll just let Mr. mill complete his note,

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actually.

22:48

Okay.

22:51

Yeah, I'd like to have a look at article 18, which is the one that deals with requirements and appeals. And then part two of schedule two, which is the procedure for the discharge of requirements. And I gave a little bit of a heads up last night of where I might be

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sort of taking this discussion this morning, Mr. Mayo overnight, were you able to have a look at

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your client's draft order versus the made order for Cleve hill? And the structure for particularly schedule?

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Two in the draft order for little crow versus?

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Well, it's part two and three of schedule one of

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the cave Hill order?

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Yes, I did. I think I think that your your query can probably most easily be answered by acknowledging that all the references to part two,

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of sheduled. Two, within part two of sheduled, two of the draft VCO here should actually be references to part one, which of course is where the requirements are set out. So that's that's how I think that needs to be amended. There's also another

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amendment that this that's very similar to that in Article 18, too, that needs to be picked up so that it's clear that the requirements were referring to are those in sheduled. Two, part one.

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I did note in one of your second round of questions, so you you queried whether

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that change that I've just outlined is the appropriate one to be made or whether this procedure in essence should be moved into a separate shedule.

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From the applicants perspective, it would be preferable to retain it as part two of sheduled two, simply because if we move it to

25:00

When you scheduled on its own, then a whole load of other cross referencing issues need to be considered. So it's it, I think it's simpler to leave it as part two of sheduled. Two. Yeah, I mean,

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the reason for the potential suggestion of a separate schedule really sort of revolves around the appeal mechanism. If, if the appeal makers nism, that's been referred to, is intended to pick up and in particular think, having looked through the articles.

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The appeal mechanism might also apply to Article nine, which is discharge of water in shorthand. And article 10, which is the authority to survey because both of those articles have in effect to consent or permitting

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requirements in them, or beer, those permitting or consenting

26:03

mechanisms, they, they're based on decisions being made within 28 days. If no decision is made within 28 days, then there's a deemed permission.

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But if a decision is made within 28 days, and it's a decision that the applicant doesn't like,

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for want of a better way of describing it, then I think from the discussion that we had issue specific hearing one, then your view at that, certainly that stage was there any appeal will be picked up, or sorry, an appeal could be made, and would be under the regime referred to in schedule two of the order.

26:52

Now, if that's the case,

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then I think articles nine and 10 would need to cite

27:03

part two of schedule two to make it clear that if there were to be an appeal, that's where you actually find the appeal mechanism. And everybody knows what it is that they're following. Because as it is at the moment, I think it's unclear.

27:22

Understood. I mean, I'll take that away. And I'll clarify,

27:28

in our next deadline submissions. I think there's also a bit of overlap here between this issue and also the question revolving around the arbitration provisions that you've also, you've also raised in your second round of questions. So we'll deal with those two things together, if if we may, and, and provide an overarching commentary on how those how those things operate. And I acknowledge and will bear in mind exactly what you said there. Yeah. And I suppose the only the only thing you you'd have to watch for if the appeal mechanism, and safer articles nine and 10 are coming into

28:08

part two of schedule two, you just need to watch what the subheadings of Part Two are so that it will become open embracing.

28:30

Mr. Orr, from what what you've heard, is there anything in there that raises a concern from your perspective?

28:37

No, sir. I mean, obviously, our interest will be with regards to the requirements. And I think altering that reference from from Part Two to Part one is suggested would

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would tie that part of it up neatly for ourselves and be clear, and be clear that take your point with regards to and the other sort of consenting sort of mechanisms within the with the order and whether they come into this appeals process. But what I mean, it, it's possible that the matters covered by

Article 10, would also be of interest to the council. Because if surveying had to take place on on the highway, say that that would bring the council into that that regime.

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But

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I think there's what Mr. Miles is indicating that he and his colleagues will go away look at the drafting and

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if there needs to be clarity and signposting that will be done. So again, there'll be no ambiguity. Really, what I'm trying to make sure is if if

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there was a dispute arise, and it looks like it's articles nine and 10, in particular,

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that everybody knew what they were supposed to be doing and this wasn't then a matter that ended up in

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Same thing with litigation, where a court was being asked to interpret how the audit should operate.

30:06

Yes, thank you. So I think Yeah, for ourselves that clear with a better. So

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as long as you know, any any suggested sort of alterations make, make it explicit, exactly, you know, and signpost us to the relevant sections. And I think we'll, we'll be happy with that. But obviously, we'll wait to see what what comes back from the applicants.

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That's exchange helpfully dealt with, I think, three, three questions in one.

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Now, like to look at the issue, particularly of

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house

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any Well, how

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any application and then possibly an appeal under Section 61 of the controller Pollution Act 1974, might be dealt with.

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Because certainly, as the, as we discussed, issue specific hearing one, and as the order is currently drafted, as I understand it, what the applicant is seeking is that if application under Section 61, of the total petition act, was made,

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and was then in effect refused, any appeal would be dealt with, and

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an appeal mechanism within

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scheduled to have a made order.

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The difficulty that I think the council has raised with that. And I have to say, I think I share the same view, which is part the reason why I raised it

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at the first hearing is that the actual application procedure and all the consenting

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process for Section 61 is not or has not actually been brought within

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the draft order.

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Which then leaves a slight difficulty how you do deal with an appeal for something that actually is not governed by the order. In the first instance. Mr. Mail any observations?

32:44

Well, firstly, say it's I'd say, it's not actually a matter I, I feel particularly strongly about in terms of whether whether it's ultimately retained within within part two of sheduled. Two, but perhaps

33:01

I'll outline a few points, which is firstly, the order does not seek to disapply.

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The



33:13

statutory mechanism under the control of Pollution Act, it simply provides for an alternative process by which a final and binding

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decision effectively can be reached on on related issues. Now, the reason the reason potentially why it might be beneficial for it to be included within part two, the part two process is that, for example, a notice under Section 60 can specify requirements relating to noise, including conditions relating to the way in which works must be carried out. And for example, there are there's clearly a potential overlap there with issues that would be addressed in the camp secured under under requirement eight.

34:07

And so

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the thinking behind the inclusion of Section 60 within

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effectively the order appeal process, if I can call it that is that it would allow for those sort of issues to be wrapped up in a single process. So you wouldn't have a magistrate's court process running separately, potentially to an appeal related to the camp. wells were the same issue was was was being discussed and debated.

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might only observation was before I asked this to law. What is that the Kemp

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As I read it in the draft order, it should be finalised for a particular phase before any works within that phase could commence.

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And therefore, potentially

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section 60, or a notice under Section 60 would not have to be or shouldn't have to be issued.

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And really, as in my opening my, my concern here was more to do with section 61. We could, which of course, is an application made to another branch of the local authority.

35:48

Unless so with section 60, which of course is a enforcement route?

36:01

Sorry, you're looking for me or Mr. Lord to come back.

36:06

Mr. Or do you? Do you want to comment first before Mr. Mail comes back? Yes, thank you, sir. I think,

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you know, that our preference will be

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will be that this wasn't included,

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in their part to a schedule to the authorities view is that there's, there's no need for this alternative process. I think, as you stated, The

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it's quite a common sort of situation, and the camp would be agreed before the works on that phase were undertaken. And, you know, that in respect of the sort of enforcement process, it's then unlikely

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that we will be taken action unless that the, you know, the agreed details were being breached. And I think from discussions with our environmental health department, they feel that this sort of an unnecessary duplication and potentially cause confusion and delay

37:06

where it's not necessary.

37:08

I think our view is that the, you know, the current sort of regulatory regime is works appropriately as it should, and when we don't need to bring it into into the, into the desea.

37:22

You still Mr. Male? Well, as I said, I don't think it's something that I particularly feel strongly about in the in the context of this particular development. So

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if it makes everybody happy, then it's something that I think we can probably remove from

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the sheduled. To process.

37:47

Thank you, Mr. Mayor.

37:50

I'm in a slightly difficult situation, because this has arisen in another examination.

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Where I was part of a panel, we have made a recommendation to a secretary of state about this issue.

38:07

But that, in that case, a decision has not yet been made. And therefore we it's not in the public domain as to what the Central State might do. It is not the same secretary of state as for this case.

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But it it does involve

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a situation where various orders have been made by the other Secretary of State.

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I think where

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section 61 has been dealt with

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where the appeal route has been included.

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I'm talking about transport case where I'm talking about highways games in particular. But there there is a slightly different way about going about discharge of requirements and other matters, in that a lot of the discharge is being dealt with by the Secretary of State,

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rather than local authorities, we've created a slightly different set of circumstances.

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I said look, I think

39:23

I would anticipate that it pays to come in and he will say that it were related to a highway scheme because I could see how in in in the context of those schemes it might be particularly beneficial to have such a procedure. I go back to the point I think, looking at the context of this particular scheme, and the way in which it will come forward. It is not a necessity

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for this particular project. And so I think I'm I'm quite happy to remove it from

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from from from that part of the draft order.

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I think that might be an appropriate course of action, I think is all I can really say

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on on that matter,

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but I think it's

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in this instance, it's an appropriate way to go forward.

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This is not like, say one of the big power station schemes where there are lots of consenting authorities involved, lots of crossover.

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And we don't have a very large local resident population. Were on the site that different bits of works could be affecting

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different groups and be causing an issue.

40:49

Yeah. Okay. I think we can we can move on from that. Thank you.

40:56

And I just quickly like to look at requirement 11, which is the requirement that deals with construction hours, and the council has expressed a view that he would prefer works Monday to Friday to commence eight in the morning rather than seven in the morning. And really, my question is to the applicant.

41:21

What implications might that have for the construction timetable? Which

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if I recall correctly,

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for the solar array

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is expected to be around 11 months. And if the battery storage system was separately constructed, that might be another three months or so.

41:49

Mister man merrilees? Is that something that you can assist with? Or is that maybe something for Mr. Roberts or Mr. Harlow?

42:01

Certainly, I've, I've had a message from from Mr. Harlow, which indicates that it would extend it slightly and probably by probably by a few weeks.

42:13

I mean, if you if you would like sort of further information, we can provide data at our

42:20

deadline, deadline for submission, because I noticed Yeah, I've got a question in relation to that as well. Yeah.

42:27

If I recall correctly, the question that I asked, asked about the sorts of activities that might take place in that hour? If yes, yeah.

42:42

I think yet, if you could respond in a second written question that will then give the council the opportunity to respond to that.

42:52

It's always a little bit of a sort of weigh up exercise as to whether or not there's a potential you, you have a shorter construction period with a little bit more disturbance, possibly, versus elongating the construction period and

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stretching the possible period when there is disturbance.

43:18

And sometimes it just has to be what's the happy medium between those two possible extremities?

43:25

I mean, in terms of that first hour, is it

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likely to be the sort of startup activities

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rather than the main construction activities? I've certainly seen that before the

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promoters and then their contractors, they usually use that first hour, really to get ready for the day, rather than actually bashing on with work in the field.

43:54

Yeah, I think I think that that's that's likely to be the reality of it. So that it is those sort of startup operations that so so effectively, everyone's ready to get going. Yeah. In this case, that that might be unpacking panels, so that they can then be hauled out to site

44:15

ready to be put on the racks and wired up?

44:18

Absolutely. And you can do things like safety, inductions, and things like that as well. So obviously, that needs to happen.

44:27

Those earliest stages, and there is also considerations around around traffic where

44:35

potentially if you can bring items onto site slightly earlier, you avoid the peak hours. And so from a timetabling point of view, on deliveries and things like that. It's potentially beneficial to have that earliest start time. Yeah.

44:55

Mr. Rowe, any observations to make at this stage on that or do you want to

45:00

waiting to see what the counsellor that what the applicant prefers. Will says in response to the second written question. Yeah, thank you. So I think we will wait to see what the applicant says. I think you've, you've outlined sort of the dilemma there really, and that it's a bit of a balancing exercise, I think we really need to understand what the implications are in terms of

45:23

potentially elongating the construction period.

45:26

And potential sort of impacts, as Mr. Male has just stated around sort of deliveries and,

45:32

and timing. So I think it's probably best for me to hold my tongue for now wait to see you see what comes back, and we can respond accordingly.

45:57

Right, looking at requirement 17, which is

46:02

the written approval

46:06

requirement.

46:09

within you, there are references to the Secretary of State and another person.

46:14

And I'm just wondering whether actually, the Secretary and another person need to be referred to given the way and particularly Now, the way it's, it's sounding looks

46:31

scary scheduled to it is going to be really worked.

46:40

Well, I think I will check that. So, what I what I would also say is that we must consider how various approvals might work under the requirements. So, for example, there may be

47:01

just use use this as an example, there may be a requirement for details or for works to be done to a standard, say approved by natural England, or a standard approved by some third party body

47:17

and under a particular document or requirement. So it's

47:23

all the requirements are concerned, they are all for the local authority to consider and discharge, there is a requirement to consult with other bodies, but those other bodies do not have the authority to in effect issue aka

47:43

an authorization.

47:46

Now, if anybody

47:49

in drafting this wallet had been looking at the hongji, three order, which is in red 1008.

48:00

There within the requirements for that scheme, there are multiple organisations named in the requirements who are who have separately got responsibility for safety requirements 17 in that world, 19.

48:17

I think natural England certainly for one of the requirements are the discharging body.

48:23

And I think there might be one for the Environment Agency. So yeah, I can understand in that scenario, why the wording that you've got in the draft order for little crow would mention other bodies, but I'm not sure it actually

48:39

is applicable in, in this instance, given the structure

48:45

of all of the requirements, in part one of I completely agree and weigh in respect to the way that the requirements are drafted. But my thinking was,

48:58

for example, let's let's consider that. In the case of the outline camp, for example, it envisaged the requirement envisages a detailed camp.

49:10

And

49:12

what if, within that detailed camp, there was an obligation to obtain the approval of a third party body, for example, to the way URL to the standard in which works had had been undertaken. Now, I can't give a specific example. Because obviously, we haven't got to that stage, but simply that that requirement is there to cover that eventuality. And, and similarly, that's the purpose of the the wide ranging

49:48

definition of discharging authority, potentially in

49:55

require in part two of sheduled two



50:01

It's simply to make sure we don't miss anyone.

50:04

I think I would therefore ask in

50:08

either as this post your post hearing submission or in responding,

50:14

I'm not sure whether I pick this up in a written question or not.

50:18

If you can try and give an example or two where you think this might, okay, might bite.

50:26

My other query with requirement 17 is whether actually it should sit within

50:34

part one, or whether it actually should sit within part two.

50:38

Because it's more about a mechanism rather than

50:43

actually

50:45

fulfilling the requirements of a particular requirement that needs details to be approved,

50:53

are considered as part two deals more with the mechanics rather than

51:01

the actual

51:03

body of the requirement to do something.

51:09

And really In a similar vein, requirement 80, which deals with amendments to approve details

51:17

that refers to another person

51:21

and also the same query whether that should sit within Part Two rather than part without one.

51:39

Thank you, sir. I'll consider that and

51:42

included in our response. Okay. That then I think, actually

51:49

took me through the questions that I had a bit quicker than I thought was going to be the case.

51:57

So in terms of the drafting of the order, is there anything, Mr. law that you want to draw to my attention and the applicant at this point, having had the opportunity maybe to look at it in more detail in preparation for this hearing? Is there anything that is of a concern that you think that the applicant could usefully hear about now and go and have a think about?

52:26

No, sir, I've got no, no further comments made with regards to the drafting of the order.

52:31

Thank you, Mr. Lowe. Is there anything from the applicant side that you've thought about as suddenly sort of come to mind that you want to draw to my attention at this point? No, sir, I don't think so. Thank you.

52:52

Then I think that concludes everything under agenda item five. That then takes us on to agenda item six, which is any

53:02

other business in general?

53:10

And Mr. or anything from you in that regard?

53:16

No, sir. No, I've gone over that earlier.

53:20

Mr. Mayor, anything? No, sir. Thank you. No, I've just got one query and arises out of

53:32

the, my request for the submission of the the

53:37

background information for the conisbee solar farm.

53:42

Which the council did.

53:46

commissioned for that is is

53:49

document rep one hyphen 14. And I have raised a secondary question, which is to 110. And it's really what connection if anything, the applicant

54:06

or the parent company

54:09

has or has had with the Cosby solar farm.

54:14

Mr. mellott you able to assist with that or was that something maybe from Harlow? I can I can explain I can explain that. I NRG solar conisbee limited was the applicant for the conisbee solar farm and that was previously owned by iron RG so Ltd, which is the owner of the applicant in this case.

54:47

And then

54:49

I NRG solar conisbee limited

54:52

was

54:55

sold effectively to a third party

54:59

by energy

55:15

Thank you that just clarifies, although

55:22

it was something I'd raised in a question, so no doubt, there will be an explanation to that.

55:30

That then I think, takes us on to agenda item seven,

55:36

which is just a quick run through of action points. Fortunately,

55:43

I don't think from this morning's discussion, there's anything that arises that isn't in effect covered, either by responses to second written questions, or the applicant, in effect doing it is ongoing review of the draft order.

56:04

So if I then have a look at the list of action points from yesterday that I've noted down, if I run through, this will, of course, be published.

56:19

But I just want to make sure that I've picked up everything and that I haven't missed anything. In particular, because no doubt

56:27

the applicant, you you were keeping

56:31

a running score of the actions, and possibly Mr. law in terms of what what he in effect on behalf of the council is expecting to do.

56:45

And I'm going to do it in the order that we actually went through the agenda yesterday, not the actual agenda order, just easier because of the way my my notes have come together. And so as far I think the first action revolves around the lapwing points about assemblage qualification.

57:06

And, Mr. Melvin, you're going to prepare a note

57:11

to explain

57:16

how assemblage qualification species sit within

57:20

what might need to be done under a habit? What what the implications are for the habitat regulations?  
Yes, sir.

57:30

Then the second action points related to the outline, landscape and ecological management plan,

57:42

current version of which is red three, hyphens zero 11. And that's sort of in effect, revising it to take on a situation where if there were no sheep grazing,

57:55

how the biodiversity gains within the lamp would otherwise be delivered.

58:18

Systematic is that a reasonable summary of essays.

58:28

And then the action three could be three power station and application, which was submit was he was accepted for examination. On the 28th of June, I Monday, just gone.

58:45

And I indicated I felt there was a need to review that projects application documentation

58:53

to see if there are any implications with with respect to the consideration of cumulative and in combination effects.

59:04

In terms of the way things have been done up to this point for little crow.

59:10

And

59:12

in terms of conducting the exercise, either at deadline for there'll be a note that says, Well, we've we completed it, and this is what we think, or there will be, in effect, an update note that says we think it's going to take

59:33

a period of time.

59:36

And it'll come somewhere later down the examination timetable.

59:42

Is that a fair summary of what we discussed yesterday? Mr. Man? Yes, sir. Okay.

1:00:00

Then, with respect to the outline construction and environmental management plan, the outline landscape and each ecological management plan and the outline a decommissioned decommissioning strategy

1:00:17

that would in effect be a rebadging of those documents when they have reached their final stage within the examination to clearly flag up that they form part or they are appendices to the environmental statement. And given the diversion Scimitar that deadline three aren't so bad.

1:00:39

And so that's a matter that doesn't need to be done at deadline for but will have to be done.

1:00:46

Before the examination closes.

1:00:52

Mr. Merrill, is that a reasonable outline for action? point for

1:00:57

it is can I

1:01:01

potentially, should we identify a deadline by when that will be expected to be done? Simply because then I can add it, add it to the note and make sure that it's picked up at that inappropriate trigger points in in the diary systems that we run? Yeah. Have you got a suggested date?

1:01:27

It would seem to me that the final deadline

1:01:35

would be the most appropriate. So that will be the first of October, I think it's either either one of those two final deadlines, the deadlines seven or deadline eight.

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It would make sense

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for it to be the same deadline for the submission of the final version of the draft order,

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which deadlines seven, to seven.

1:02:28

And then for action five. And this arises out of the discussion that we had under agenda item three, a the

1:02:42

solar energy generation technology series of questions.

1:02:51

In effect, either there's a supplement to or a new version of the technical Guide,

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which currently is document rep one, hyphens 011.

1:03:10

And I haven't been too specific about

1:03:13

what that actually includes. But I think Mr. Harlow has probably got quite a good idea.

1:03:20

Some of which overlaps anyway, with questions that were raised in the second written questions. And from what Mr. Harlow explained yesterday. in responding to those questions, some number crunching has already been done. And I think what he was suggesting was would, at the very least there would be an appendix for two Rep. One, hyphen 11 introduced.

1:03:48

Is that enough to be going on with in terms of action? point five? Mr. Man?

1:03:56

I think that's fair. I think what we offered to do was to effectively provide a walkthrough guide of of, of the of the simulations to clarify what those were. Well, those were. So we've got a note of all those things that were discussed yesterday, and we'll we'll either pick them up in that in that

1:04:17

in that addendum or in response to the questions, as we discussed yesterday, but won't you won't duplicate? Yeah. Well, if it happens, it happens. But

1:04:30

yeah, you duplicating avoiding duplication at the applicants end, no doubt system as well, because it means that two people or one person isn't having to do twice the amount of work. The only thing in that that I would just highlight

1:04:48

was I think there was an issue of arithmetic that I raised yesterday

1:04:53

in the table. that's included in appendix two of red one, yes. The table that deals with the proof

1:05:00

ratio just to see whether that's right or not.

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And then the six action point

1:05:15

is looking at the quality and carbon assessment, which currently is document, wrapped two hyphens zero 12. And that was really to review it and make sure that it's consistent with the design parameters

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that have been used in the technical guide.

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And potentially, that means a resubmission of

1:05:42

that document.

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Just so that the the calculation of the carbon footprint is consistent with

1:05:54

the simulations that have been running the technical guide, because there was a bit of a discrepancy.

1:06:02

So we discussed yesterday, I think that that was something that will be undertaken in relation to simulation one, which is the 420. The candidates on Yeah, that that that that that particular candidate panel design. So that's that's what we will run it in respect of.

1:06:22

And when, when that document is really submitted, could I ask that it is

1:06:31

really written rewritten so that it's fully paragraph numbered? At the moment, all it has is sections, and then you get maybe five or six paragraphs within the section. But there's no numbering, which makes it a bit difficult to cross refer to?



1:06:46

Certainly.

1:07:03

Right, we that was then the matter that was raised yesterday in terms of,

1:07:10

in effect, background policy documents that are that are of a bit of an age.

1:07:17

And this was something that Mr. Roberts indicated, he would go away and have a look at. And then if there were updated documents that in effect,

1:07:28

in terms of the background information that's referred to in the planning statement,

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then newer documents would be submitted. Now, what I'm going to suggest there is actually the documents are not submitted

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at this point, or that I set a deadline for it. I think the way I will deal with this particular matter is actually I will create a will make a procedural decision, potentially make it a timetable change that will allow for it. I think that might be an easier way of doing it, rather than

1:08:09

just leaving is an action point. But what I would ask is if in responding well, in preparing the written note, in response to this hearing, if if it's at all possible to at least lists the sort of documents that it's thought that might

1:08:29

be though the new source for consideration in that regard.

1:08:43

The mail just does that seem a reasonable way to proceed rather than making it an a formal action of this hearing?

1:08:51

but but but but to handle it that way? And ultimately,

1:08:58

this is a I'll deal with it as a procedural decision with an amendment to the timetable to allow that document, whatever the documentation might be, to come into the examination.

1:09:11

That sounds fine, sir. Yeah.

1:09:16

Okay, well, that I think is the run of the actions for the applicant. Unless Mr. Mallya you've picked up anything or anybody else in the rest of your teams picked out anything that I've missed?

1:09:32

Don't think so. So I think that was my last

1:09:36

highlighted point.

1:09:42

No, so that's all I've got as well.

1:09:45

Thank you. So then then turning

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to the counsellors to law.

1:09:53

I've got and in effect, what is action point seven

1:09:59

this

1:10:00

submission of policy CS three from the core strategy. And that will be the policy wording plus the explanatory text for that policy.

1:10:11

And then

1:10:13

there's some preamble text to be submitted, which the African referred to when he was talking about paragraph, sorry, in paragraph four point 58 of its planning statement.

1:10:28

It talks about some text that I think we went with policy CSA team. But I think you explained yesterday that that text is quite a way back from the actual policy, I'll leave it to you to decide from that part of the core strategy, just how much you think I might need to see. Because Because I don't know how long

that preamble is, and how easy it might be for you did to in effect, chop it out. Or if it's just easier, because you contain the whole section,

1:11:01

just to submit the whole section.

1:11:05

It might be easier just to submit the whole section circus

1:11:11

to proceed CSAT in about quite short policies, the preamble itself is quite a lengthy part of that sections, it might just be easier to give you the whole of chapter seven of the core strategy, which which then you would have everything.

1:11:26

Yeah, and I think as far as the court strategy was concerned that those were the only two points that came out in discussion yesterday.

1:11:34

And then I've got for the eighth action points,

1:11:40

confirmation of the status of the council's supplementary planning documents, planning for renewable energy, which was

1:11:52

adopted in November 2011.

1:11:58

And then the supplementary planning guidance planning for solar photo voltaic development, which was adopted in January 2016. I think you indicated yesterday, that you weren't quite sure whether those two documents were still extant.

1:12:17

If they are, to that extent, then I'd ask that they be submitted as examination documents, because they are referred to in the applicants planning statement. So I probably ought to have site on

1:12:31

Yes, sir. Yep.

1:12:34

And Mr. Law arising out of yesterday's discussion, have I missed anything?

1:12:41

that to you, in effect, had your name down to do?

1:12:46

They were the only things that I had written down. So I don't think you've missed anything there. Thank you, Mr. Male from from your perspective, in terms of the actions of the Council.

1:12:58

Does that tally with your recollections of what was said? Yes, it does.

1:13:20

back covers the action, but I would

1:13:28

just remind everybody of a couple of procedural decisions that I made on the 29th of May.

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And they're contained in

1:13:40

examination document PD hyphen, 009.

1:13:45

And the first is a remind the applicant and this relates to what was procedural decision three at that point,

1:13:54

that if you're submitting any documents that have got a pin disease, I think in this context, I'm thinking particularly of this post any post hearing submission that's made

1:14:08

the

1:14:11

a an appendix content, she is included in

1:14:16

that document, if I recall, correctly, and this is why it's a reason

1:14:22

when rep 1008 was submitted, which was the note from that followed issue specific hearing one.

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That documents got about 700 pages in it with a number of appendices in it, and it's quite difficult to actually follow and find the dependencies. So company she would help

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and, ideally, if at all possible, if a fly sheet for each appendix could also be included.

1:15:00

So it's clear when you're going through that document where the breaks are

1:15:04

between each of the dependencies. It can get difficult when you've got very little big dependencies, and they've got

1:15:13

dependencies within dependencies to actually follow where you are in a running order.

1:15:22

Sir, apologies. That's fine.

1:15:26

And secondly, as a general point for both the applicant and

1:15:32

all interested parties, and this was the fourth procedural decision that I made on 28th of May, just to try and make sure that all documents are paginated. Again, to make it easier to navigate, and also particularly reporting stage for me that I can make easy cross references.

1:16:07

As I'm sure the secret state won't want to sit for hours on end to trawling through documents.

1:16:27

So I'm just looking at a note that Miss Mrs. Hanlon sent to me to make sure that we've covered a matter as a procedural point. Sorry. I'm just looking at another screen.

1:17:05

Mrs. Hanlon, I can see on would you just like to explain the point, I think it's gonna be easy for me to read it. And then we recount it to everybody. Would you mind? Yeah, that's fine. So it's just a quick one on the action point for the applicant by the ravelin. guidance. And that Mr. Gould said he won't issue a rule 17. Under that, and the mentioned that we'll be issuing and timetable amendments are all eight, three, we won't be issuing a rule eight, three timetable amendment for that request, because it's already captured in an existing deadline. So when Mr. Gould issued his rule 17 request and we'll attach it attach that to an existing deadline date already given in the current timetable,

1:17:49

search, there, just the one document being published.

1:17:54

Unless I decide, depending on the timing of when the availability of these documents arise, I might have to make a timetable amendment

1:18:04

to make it fit.

1:18:07

And in that regard, depending on where particularly the consultation goes with the reviewing of the national policy statements that might not quite fit with the timetable that we've got at the moment.

1:18:28

I think one way or another, it will,

1:18:32

it can be accommodated, either as an existing deadline or the creation of a new deadline.

1:18:42

That Yeah, Thank you Mrs. hadden.

1:18:45

drawing it to everybody's attention.

1:18:56

That then having sort of dealt with the action points brings me to the close of the hearing.

1:19:06

There is no other business that anybody's drawn to my attention. I'd remind everybody that the timetable for this examination requires parties to provide the board to submit their post hearing documents on or before deadline for which is Wednesday, the seventh of July.

1:19:27

And the recording for both parts of this hearing will be placed on the inspectors website for this

1:19:36

application as soon as it's possible following the close of the meeting.

1:19:42

I'd like to thank everybody for your attendance both yesterday and today.

1:19:48

And the responses that you've provided will inform my decisions about what further written questions I may need to need mainly to ask in the third round.

1:20:00

And also assist

1:20:02

my consideration of whether or not any further specific issue specific hearing may be necessary utilising the reserve date within the examination timetable. So, without much more ado, thank you everybody. The time is now 1120 and this hearing is now closed. Thank you