



Hearing Transcript

Project:	East Park Energy
Hearing:	Issue Specific Hearing 1 (ISH1) - Part 1
Date:	18 March 2026

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Wed, Mar 18, 2026 11:42AM • 1:23:53

00:05

Good morning. It is now 10 o'clock and time for this hearing to begin. I would like to welcome you all to this issue specific hearing on the draft development consent order for the East Park energy project. Can I confirm with the case team that live streaming and recording of this event has commenced. Thank you. Can I also just confirm that everybody can hear me clearly, both in the room and online? Thank you. My name is Graham sword. 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 set all devices, including phones, smart watches, to silent, please, and laptops. For those of you in the room, I understand that no fire alarm test is planned for today. However, should an alarm sound and please leave using the fire exits, one of which is to the rear of the room, facing the car park to my left, or alternatively, opposite the entrance door to this room, across the hall. Please go to the fire assembly points to the edge of car parking areas, all which have signed green signs and identifying them. Should you require the toilet, and there is signage directing you to them in the main hall. Outside of this room, the meeting will follow the agenda published on the national infrastructure planning website on the 10th of March. Reference, dv, two, dash, double 01, on the examination library. It would be helpful if you had a copy in front of you. However, could I also ask the applicant to display a copy of the agenda on screen, please.

02:09

Thank you. 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, but if the discussions can't be concluded, then it may be necessary for us to prioritize matters and defer other matters, such as my questions later on in the agenda to written questions. If you can't answer the questions being asked or require time to get information, then, please, can you indicate that you need time to respond in writing? I also understand that the applicant will be keeping a note of action points arising from this hearing, and we will report these back towards the end of the session. I today's hearing has been undertaken in a blended way, meaning some of 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 a fair opportunity to participate. A recording of today's hearing will be made available on the east Park energy section of the national infrastructure planning website. Soon as possible, after the hearing is finished, a transcript will also be made available, which will utilize AI technology. With this in mind, please ensure that you speak clearly into a microphone, stating your name and who you are representing each time before you speak. For those with a microphone, you need to press the button to work. The red light will come on, indicating the microphone is live. If you're not at a table with a microphone, there is a roving microphone, so please wait for one of these to be brought to you before you speak. A link to the planning and inspector privacy notice was provided in the notification for this hearing. We assume that everybody here today has familiarized themselves with this document which establishes how the personal data of our customers is handled in accordance with the principles set out in data protection laws. Please speak to the case team. If you have any questions about this, I'm now going to ask those of you who are participating in today's meeting to introduce yourselves when I state your organization's

name. Could you introduce yourself, stating your name, who you're representing, and which agenda item you wish to speak on, if you are not representing. An organization, please confirm your name and summarize your interest in the application. Confirm the agenda item which upon which you wish to speak. And could also please everybody state the title by wish by which you wish to be addressed, ie Mr. Mrs. Miss or Ms. Can we start with the applicant and any of their advisors? Please?

05:28

Good morning, sir. My name is Julian Boswell. Mr. Julian Boswell, I'm a solicitor and partner with Burges salmon. LLP, we are representing the applicant, I think, in terms of our team for this hearing, most of the speaking is likes to be done by Miss Mandra to my right, who will introduce herself, but also potentially Mr. James to my left. Others are sitting at the table, but we'll see how it goes as to whether they need to speak or not. So for this moment, I'm only proposing that the three of us introduce ourselves.

06:04

Thank you. Mr. Pastor. Good morning. I'm Miss Leticia Mandra. I will be speaking on behalf of the applicant. I'm a solicitor at Burges salmon. Thank you. Thank you, Mr.

06:17

Mayor James solicitor at Burges salmon and representing the applicant today.

06:23

Thank you. Moving across to the local authorities.

06:30

Thank you, sir. Good morning. I'm Daniel Stedman Jones of Council, representing the three host authorities. And for this morning's purposes, there are two colleagues sitting either side of me who may also speak. So I will let them introduce themselves.

06:53

Moni said, David Carter's representing Cambridge county council.

07:01

Good morning. Peter Day case, Mr. Peter Day case, lead officer for Bedford Borough Council. Thank you. Okay, thank you.

07:11

And do we have anyone from any of the agencies, national highways or Environment Agency, who wish to introduce themselves and speak today?

07:24

Yes, online here, Jerry, I shouldn't be. Can you hear me now? Yes, okay, sorry. Thank you, sir. Jeremy bloom, national highways, I'm the DCO lead in the east region for third party DCOs. I don't have specific points to raise, but maybe we'll see, see what what comes up, and I'm available to answer any questions you have. I can be referred to as Mr. Thank you. Thank you. Mr.

08:03

Bloom, anyone from the Environment Agency?

08:07

Oh yes. Ryan Smitherman, from the Environment Agency, I'm the Planning Specialist for the EA that's handling the response to each park for us. Yeah, same as Mr. Bloom, I'm I'm online, and if any questions pop up, or if there's anything that you want answered, feel free to reach out.

08:32

Thank you. Mr. Smitherland, any other agencies or organizations who wish to speak in the room or online. If I could, then move on to other interested parties who would like to speak. I understand there's a number of interested parties in the room. If you'd like to raise your hand if you wish to speak at today's session.

09:06

Good morning, sir. Andy Pike, I'm a resident of Hale Weston, and I'm the nominated spokesperson of stop East Park energy. Would like to speak today on various matters in relation to the DCO. Thank you.

09:20

Okay. Thank you, Mr. Pike,

09:25

good morning. I'm Christopher Lacey, and I live close to the project also may be relevant to some of this. I was worked for a number of international fund managers over the years, and have allocated capital to private markets and to infrastructure

09:43

Thank you, Mr. Lacy,

09:45

Mrs. Tracy Stokes, I'm a resident of great Staughton. Might like to speak on general matters relating to the CCO, sorry, I didn't quite catch your names. Mrs. Tracy Stokes, do.

10:02

Thank you. Mrs. Stokes, anyone else who would like to speak in the room today? Okay, anyone online who would like to speak during this meeting?

10:19

Hi. This is Richard finston. I'm a resident of pitten Hall. I've got no intention of speaking, but if there's matters that crop up, I'd like to have myself if that's that's allowable and I'm fine being referred to as Mr. Or rich, whatever works for you.

10:39

Okay, thank you. Anyone else is there a representative of Richard Fuller, MP who wishes to speak today online?

10:53

Yes, Kate Hartman, representing Richard fuller. We don't plan to speak. He'll submit a representation.

11:02

Okay? Thank you very much.

11:09

So if there's no one else that wishes to speak, that concludes the first item on the agenda, and I'll move on to item two now, which is purpose of the issue of specific hearing. But this very briefly, we want to allow the applicant present to explain the structure and purpose of the draft DCO, and then I will ask questions on particular articles or requirements proposed by the applicant. Under Item number four. So does anyone have any questions about the purpose of today's meeting? No one online has any questions. I will then proceed to Item three So can I ask the applicant to explain the overall approach to the drafting of the draft development consent order clarify what matters are to be secured by alternative methods? I do know that despite NPS policy references to the potential use of planning obligations, none appear to be proposed in this project. I do note, however, that the ambulance service have suggested the possibility of a section 106 agreement to help mitigate the potential impacts that they identify. So if you could pick that up as part of the overall presentation, please. And now hand over to the applicant to present its approach.

12:50

Leticia Mandra, on behalf of the applicant, should I start with the planning obligations? I think that's the shortest answer, and then we can talk through the structure of the order so we the applicant, doesn't envision, envisage that there's a need for a planning obligation. At this stage, we have seen NHS Trust relevant representations, and we are still considering whether they meet the still regulation tests as to whether these should be framed as a planning obligation. It's still very early stages, and at this stage, it's not clear that we could frame that as a planning obligation, and it's not clear that the impacts are directly related and necessary to mitigate this scheme. So no planning obligations as of yet. Of course, we are open to discussions with any interested party that think that planning obligations will be required and will meet the relevant statutory test. That's out of the way. Now also we're not covering highways agreement, that whole new topic. It's just planning obligations in terms of the overall structure of the order I prepared something I'm probably going to be reading from this document. Happy to stop and expand. I appreciate that. Item two goes into a bit more detail on specific articles, so I'm just going to present an overview approach. I will be speaking about the draft DCO and the expenditure memorandum submitted in response to the section 51 advice. So the reference are for the draft DCO as 008 and for the expenditure memorandum as 01 10. So if anyone wants to follow that, there's a further submission done at deadline eight, but it doesn't change in any way what we're presenting here. So. Um. The first main consideration is that both these documents should be read together. A development consent order is a statutory instrument. There's no informative informatives, as you would have on a turning Country Planning Act, planning permission. So the explanatory memorandum is the document that explains what each of these articles are trying to achieve. The DCO we have prepared for this specific scheme is following a very well precedented format. We took into account the model provisions. Even though these have been repelled, they're still relevant and useful and have been cited in pretty much every DCO as of today, we also took into account comparable development consent orders, mainly for solar schemes, so that there is a reason behind each inclusion. We used Sonica as a reference Oakland's farm bioscale, Helios Mara pass hackington fanning fan and some others that are specifically referred to in the experimental memorandum for each article. We also follow planning Inspectorate guidance, advice no 15 and advices in relation on how to draft and structure development consent orders. And to some extent, we use the National Archives, statutory instrument, instrument practice in terms of drafting, and the best way to present this in terms of the overall approach the applicant has aimed to ensure that the matters which must be authorized as a matter of statue are secured, secured on the face of the draft order, whilst matters more appropriately dealt in a detail or implementation stage are secure through requirements, protected provisions and other agreements contemplated in the schedules of the order. So when I, when I refer, refer to the face of the order. I'm talking about the article section the draft order comprises 48 articles and 15 schedules. The front end of the DCO includes the operative articles and is split into seven parts. These articles within the front end define the scope of powers available to the applicant, which will become the undertaker if this order is granted, and the schedules provide the detail and to some extent, limits to the powers within the

articles. Now part one deals with commencement and interpretation. The article one refers to how the order will be cited once it's made, and articles two has a long list of key terms defined which are used throughout the order these these definitions include project specific drafting appropriate to solar generation, generation station best or battery, energy storage system on subsidized substation and grid connection and cables. I'm not proposing to explore this definition now, because we have Article Two listed in item four of this agenda, so I'm not going to go into any detail. Part Two is the most important part, because includes the principal powers. These are the principal powers needed to construct, operate and maintain the authorized development. Article Three grants development consent under the Planning Act 2008 to construct and operate the authorized development subject to the requirements in schedule two. Article four provides the power to maintain the authorized development subject to provisions within the order. This is a power that is defined, and we can again explore the definition of maintain later on. Article Five authorizes the transfer of the benefit of the order to third parties. Is this article is set out in two parts. One is the general power to transfer the benefit of the order to third parties, and the second part is the transfer of the benefit of the order to specifically named persons or statutory undertakers for the purpose of carrying out specific works. This is again very standard, and in some instances the Secretary of State require consent will be required, not when it's for named parties. Article Six allows certain development authorized by a planning permission within the order limits to be carried out without breaching the terms of this order where this development is not itself, an N SIP or required to enable the authorized development. Article Seven is read together with requirement three of the schedule two any goes to the heart of providing. A degree of flexibility at the point of detailed design. This article provides for limits of deviations and states that the development must be carried out within these limits of deviations unless there is no materially different or materially new environmental effect from those reported within the ES the limits of deviations are defined by reference to the work plans. So it's clear to what extent the the applicant can go. Article eight is again standard provision. It this applies and modifies certain legislative provisions, including flat risk activity permitting, land drainage, consent, hedgerows, controls, community infrastructure, Levy, neighborhood act, 2017 and it links to a longer list of local legislation and bylaws that is included in schedule three. This is to ensure that the scheme can be delivered within the proposed timescales, and all of these articles are subject to agreement with specific bodies such as the Environment Agency and the local authorities. When it comes to local legislation, Article Nine, not much to say about this is very standard. It provides a defense to proceedings in respect of statutory nuisance, addressing a recognized gap in Section 158, of the Planning Act, 2008 and it's limited to the statutory nuisance identified in the statutory nuisance statement submitted by the applicant. That's all for part two, which is the principal powers and the heart of the order, to some extent. Then part three deals with streets. This part includes provisions relating to streets, public rights of way, access and traffic regulations, and must be read alongside schedules four to eight which include details of the relevant street works. Works to public rights of way. Works to accesses change in the use of public rights of way and traffic regulation orders that the applicant intends to implement during the construction and operation of the scheme and decommissioning as well. In summary, the articles of these part allow the applicant to carry out certain street works which would otherwise require a separate consent under the new roads and street Works Act 1991 these powers, all of them, are subject to agreement with a relevant highway and street authorities as defined in each act

22:42

the following part is part four, and these are supplemental powers. Includes powers which are standard in DCOs, and include article 18, discharge of water to enable the applicant discharge water in water courses, public sewers, drainage subject to provisions of the article always with agreement. Article Nine team includes the power to carry out protective works to buildings, if necessary. Article 20 follows the drafting of the housing and Planning Act 2016 and is the authority to survey and investigate land important to understand before implementation the conditions of the site. These powers are subject to notice, consent and compensation provisions, and are required to ensure that the authorized

development can be delivered without unnecessary delays or obstacles to the scheme was also protecting third parties. Part five deals with compulsory acquisition, or powers of acquisition. It sets out the extent of compulsory acquisition powers associated compensation provisions available to the applicant the these these powers should be read together with this, not read together, but the justification for these powers is set out in more detail in the statement of reasons. The reference to statement of reasons is a P, P, zero, 19. That's the submission statement of reasons. There were further amendments that deadline, one, deadline A that are not relevant. And the statement of recently explained that the applicant seeks to acquire land and rights by agreement as a priority and as far as possible. However, compulsory acquisition powers are included to ensure deliverability of the authorized development where agreement has not been completed at the point of grant of the order, the statement of reasons also sets out the applicant case and justifies the need for these powers in the public interest. These part of the draft order provides for the compulsory acquisition of line land in. It sets out that the applicant will have a five year time limit for exercising these powers. Provides for the powers for the acquisition of rights and imposition of restricted covenants, temporary possession for construction and maintenance of the authorized development and also suggest the need for application and modification of the compensation code. This is not trying to remove powers from any authority. Is just making specific compulsory acquisition acts appropriate for the DCO process. The final articles in this section, in this part, are article 32 and 33 which deal with statutory undertakers land and apparatus, and provides the power the right, the power to extinct, provides the applicant the power to extinct, extinguish rights and remove and reposition apparatus. All of these subject to the protective provisions within schedule 13, Part Six relates to operations. This is a an article, so it's just a single article 36 which clarifies that the DCO authorizes the applicant to operate and use the solar generating station as well as the construction of the authorized development, but it makes it clear that other consent may be required, such as consent under the Electricity Act 1989 the final part is part seven, and includes miscellaneous and general provisions. Is very standard, well precedented, includes articles dealing with the removal of human remains, the status of Operational Land of the order limits in in the sense of the Town and Country Planning Act. This is to ensure that all planning rights attached to the applicant under the Town and Country Planning Act can be available under a DCO includes an article that provides for the certification of documents by the Secretary of State. And this is linked to schedule 15, where we list all documents that will will seek to be certified by Secretary of State. Provides for service of notices, tree and hetero removal, arbitration. Again, linked to schedule 14, where this is set out in way more detail, requirements and appeals and what to do if requirements are not discharged, protected provisions, which brings in schedule 13 of the act, ground rights, because there are two, two or three plots that are Crown land within the order limits and funding and compensation security. We move on to the schedules. Now. The schedules that we have proposed so far are 15 schedules. Schedule one is key to the order it sets out and describes the authorized development by reference to numbered works includes the principal development, which is work one, and it's the solar generating station and associated development, which are all other works, which include the battery, energy storage system, substation, I mean on site, substation, grid connection, access, work, green infrastructure and agri, solar research facilities. There is a list following the end of these 10 works. That is, we name it further associated development, and it's a list of activities that can be carried out in relation to the principal development and can still be consented. Schedule two are the requirements, which are the same thing as conditions in a Town and Country Planning Act permission. We have included as many requirements as we thought necessary to ensure that all mitigation, including the environmental statement and other environmental documents, are secured. These requirements also ensure that detailed design is controlled and authorized by the relevant parties. So we have requirements dealing with facing and command commencement. We have a requirement dealing with the approval of detailed design. This is by reference to the design parameters and principle statement and with agreement with the local authority, meaning the local planning authority, meaning the relevant local planning authority, we have included requirements to ensure that all proposed management plans are implemented in the same or substantially The same way as submitted in an outline form. We have

operational noise, noise controls, surface water management, archeology and heritage, mediation and enhancement, construction hours, decommissioning and restoration, skills and supply chain and employment and commitments. So this, as I said already, these requirements secure environmental mitigation and management by reference back to the environmental statement and all certified plans. Schedule three has a list of local legislation that the applicant seeks to D supply. It should be read together with Article four of the order this this list? Well, it's linked to paragraph 1f of Article eight. And this applies legislation which we believe could be relevant to the our scheme. It was extracted from the Seneca energy farm, order 2024 which is in the same area, shed walls four to eight provide detail in relation to street works, alterations, stopping up, access and traffic regulations and the applicant, all the applicants, seeks to carry out to enable the implementation of the scheme. Schedule nine list the plots of land which the undertaker may only or the applicant may only acquire rights and cannot acquire freehold ownership. This schedule is set out in two columns, well three columns. Column one is the plots. Column two sets out the works the applicant seeks to carry out, and column three details the rights the applicant may acquire. This is to ensure that all these rights are quite prescriptive, so the applicant the the rights are divided into categories, and these categories are all defined within the same schedule, so that is clear that we have a limited right over those plots. Schedule 10 is a standard schedule which deals with the modification of the compulsory acquisition legislation to make it relevant to the development consent regime. Schedule 11 lists the plots of land over which the applicant only seeks to acquire temporary possession and no other rights. Schedule 11 identifies heteros to be removed. Schedule 13 contains protective provisions for statutory undertakers, drainage authority and other body bodies, and this is divided into more general protected provisions and bespoke protective provisions. Since this is quite early in the examination. We have included general protective provisions. We have included some bespoke protective provisions where we are confident with that drafting. But that doesn't mean there will not be more coming in. We are in ongoing and active discussions with statutory undertakers. We can talk about that in more detail in the next item, so more, more will be added.

32:46

Section 14 sets out the arbitration rules, very standard. And section 15 has a list of documents that we seek the applicant, the Secretary of State will certify. This list will probably change as we move along. So yeah, that's That's the summary of what we're proposing. We are confident that this is proportionate and has been very well established as an approach to drafting, and that it covers all matters that the applicant has referred to in other environmental documents, such as the environmental statement, and secures the relevant mediation. That's it.

33:26

Thank you very much. Turn to the have any comments on the general presentation the order

33:41

Daniel Steadman Jones, on behalf of the host authorities. Nothing to add at this stage. Thank you, sir.

33:51

Terms of individual requirements or concerns about,

33:57

sorry sir, there are, there are potential issues. Obviously, we've laid those out in our relevant presentations in some detail

34:05

to that

34:07

we have, there are two, I think there are. There are two points on which we thought we should make further comment today. I wasn't sure whether to address them now, or whether to come to them when we're dealing with specific provisions that you'd listed in your questions, sir, but quite happy to introduce the points now, if that's better, thank you. So first of all, that just the headline point to make is obviously the host authorities in general are pleased with the progress that's been made so far. And there's no in principle objection here taken on behalf of any of the host authorities that That being said, there are some some sort of headline concerns, I suppose, is the best way of putting them in relation. To some of the powers that are being sought in relation to highways and rights of way, in particular, the powers that are being sought under Articles 1215, and, to some extent, article 30 as well, for example. And the approach that's that's taken within this, within the draft, as it is currently, the preference of the host authorities would be for there to be a slightly different approach taken, whereby highways powers in particular, could be safeguarded. If I can put it that way for the host authorities under protective provisions, as opposed to the current approach, which is more of a sweeping compulsory, compulsory purchase or compulsory acquisition type approach, as is reflected in the current drafting. On that point, it might be helpful just to bring in Mr. Carford, who has specific experience in relation to certain other DCAs, and in particular in the way that section 278 agreements can be used by way of protective provisions. So I'll ask Mr. Carford to speak to that issue, if I may.

36:16

Thank you. Yeah.

36:19

David carford, Cambridge county council with nsips DCOs we've had in our county of recent we found that the protective provisions for local highway authority better defines the process to be implemented. And on that regard, what we do try and do is align it with our section 278, process that we have for normal developments. We have a very robust system there. We're used to large scale developments in Cambridgeshire, so the processes are appropriate for this scale of development. And we have recently, or not recently, a couple of years ago, with Cambridge Wastewater Treatment Plant DCO, we secured, in essence, the 278, process that all our highways colleagues are very used to and can process very quickly into the protective provisions. And that was, that's the ideal approach that we would seek. It gives us oversight, both in the design process to authorize that, and then oversight during the delivery of any changes on our highways, and indeed the sign off at the end to complete the work. So it gives us sufficient provides sufficient details for both parties to be working together and to have oversight over the highway to make sure that the standards that are applied across our highways network is applied in this instance as well. Thank you.

37:56

Just ask, in case Mr. Datehouse wants to add anything to that.

38:01

Sir Peter Day case, Bedford Borough Council, our two highways teams from Bedford and from Cambridgeshire are currently in discussion about creating one section 278, agreement so we don't effectively have two to work with in the principle that would prefer to go down that route rather than CPO powers. Thank you.

38:28

Thank you, sir. Just there are two Daniel Steadman Jones on behalf of the host authorities. There are two further points just, I think, to flag at this stage. One is the matter that we alluded to yesterday in the

preliminary meeting, which is the lack currently. I mean, this is a matter for more detailed discussion, potentially in future hearings, obviously, but the lack currently of explicit provision either in the DCO order schedules one and one in particular, and potentially in the management plans attaching to the order of what we consider to be a replacement phase, if we can use that summary term for the moment, in terms of potential replacement, significant replacements, and the impacts of those so that's just, that's one is one issue to flag, and the other issue to flag, in general terms, would be to mention that the host authorities are currently in discussions. That hasn't yet been confirmed. But the the idea, I think, is to have a is to instruct separate legal advisors for a comprehensive review of the of the draft DCA. That hasn't, as I say, yet, been confirmed, but that process is, is in train. If I can put it that

39:51

way, is that likely to be instructed in Lindley

39:54

I can bring in again, Mr. Daycas on that

39:58

Peter Day case, be. For Borough Council, as you may know, Inspector, we have a PPA agreement with the applicant. The discussion on the DCO agreement would have been stage five. We feel it prudent to bring that forward as part of this examination. Then, rather than post examination, we have put a proposal out to the applicant in terms of funding that cost, we're just waiting clarity and confirmation of that discussion. Thank you. Thank you.

40:35

Would the applicant like to respond to those points, starting with the protective provisions aspect.

40:45

Leticia mandar, on behalf of the applicant, we have had discussions directly with the highways authority in relation to this, whilst we would be welcome to understanding which form of protective provision would be appropriate for this specific order. Few points we're open to discussion is the underlying topic or headline. The second point is we want protective provisions for the highways authority to be necessary and relevant by these I mean to cover anything that is not already covered within the order and relevant. I mean in terms of proportionality, we have seen the protective provisions for Cambridge Wastewater Management Plan and the extent of the highway works proposed under that specific scheme. And the the highway works are much larger than what we're proposing. So whilst we're open to discussion, we we want to keep this in mind as we progress along discussions. Is it with already within the order? Is the other mechanism to protect this? Can this be done under Section 278, separately, without including it by way of protective versions are the highway works we're proposing meriting this level of detail. So with that in mind, we will move forward and continue discussion. We have a good relationship with the highways authority, and they are very reasonable. So I'm confident we can can find a solution around this in terms of compulsory acquisition sought for highway works, there is a degree of overlap to some extent, because in some instances, the compulsory acquisition powers we are seeking on a highway section is because we're also laying cables underneath. Sometimes those cables go way below the highway strata. So we need to understand to what extent we can actually remove the powers or the plots for which we're seeking powers right now, in which plots we're only needing for signage or other, strictly speaking, highway works in which other plots are actually coexisting with the laying of cables. So again, open discussion. We can go plot by plot separately with the highways authority and see the applicant is very keen to reduce the land we're seeking under compulsory acquisition. So that is definitely appetite for that in terms of the replacement phase is, I'm not sure what the issue is, whether it is that we haven't assessed that, or whether the

powers we have included in the order are not satisfactory. So I seek clarification on the replacement phase commentary.

43:49

I come back on that

43:51

I will hand Mr. Mr. Day,

43:55

Peter Day case, Bedford Borough Council, just, just a comment. I think when we talk about public highways, I think we need to broaden it out to also agree that it's public rights of way within that discussion, because there are different requirements or asks you have of the public rights of way in terms of the replacement phase, while you mention the fact that in your assessment, you make the comment that the replacement phase will be no worse than the construction phase to date, we haven't we do not have clarity on the impact and the nature of that replacement phase, in terms of potentially 20 years hence, when You Your instated landscape will yet again, be under change and creating new haulage routes. We do not have enough clarity on that replacement stage and the harm and effectively, how that is managed. Through some of your management plans, you make a comment that there is a management plan in terms of the construction phase and there's a management plan in terms. Of the decommissioning stage, but there is construction occurring during the operational stage, which is not defined by either those two management plans, and the very nature of that activity could be different to the construction phase. So we would prefer to see some clarity and treat that replacement when it were to occur as an identified phase within the delivery of this project. Thank you.

45:28

Thank you. Can I just ask how many replacement phases are envisaged throughout the lifetime of the proposed development?

45:39

Can I take two minutes to

45:55

Morning Sir Tom rose blade on behalf of the applicant, so the approach to replacements through the scheme would be periodic in terms of sort of general maintenance of the scheme. We're not envisaging. There's going to be a single point of time in 20 years where we go out, or the applicant goes out and replaces everything in one go. It's going to be a rolling program of maintenance as panels fail, if they fail, and as degradation of the panels requires, they could be a requirement to replace them. We have the outline Operational Environmental Management Plan, which is document, reference a, PP, 157,

46:48

within that document. Paragraphs two point 4.7, to 2.4 point 10,

46:59

describe the approach to periodic replacements. Should there be a need or desire from the applicant to change panels? I suppose, in a broader sense, the works for replacements would principally be replacement of panels, or if required, replacement of the inverters and transformers using the access tracks laid out in the construction phase. So we wouldn't be there wouldn't be a need to create new haulage routes during that phase, or take out planting implemented at the construction phase. What is

set out in the outline Operational Environmental Management Plan at paragraph 2.4, point 10, is that should the applicant, I suppose, desire to replace more than 20% of the solar panels in the scheme, there'd be a requirement to notify the relevant local planning authority for approval with details of the management measures that are to be put in place for those replacement activities, and that those should be consistent with the principles of the construction environmental management plan, the public rights of way management plan, construction Traffic Management Plan and the Operational Environmental Management Plan that will have been approved for the construction phase previously, but those those management operations should also be commensurate to the scale of the replacement activity proposed. So there are measures there. We are also aware that these comments have been raised in the host, authorities, relevant representation, and we are in the process of drafting responses to those which will be submitted at deadline one.

48:56

Thank you. Thank you for that. Thank nothing more to add from local authorities.

49:07

Daniel Stedman Jones on behalf of the host authorities, so I don't think that there's anything useful to add at this point. Obviously, we'll wait and get the responses, and if necessary, we can put our further comments in.

49:20

Okay, great, thank you.

49:23

Okay, so I'll move on. Is there anything from Highways Agency, sorry, national highways, or the Environment Agency at this point,

49:37

Jeremy bloom for national highways The only issue that I would raise, and it's in our relevant representation, is in relation to the requirements, and specifically requirement 18, which refers to a consultation with local highway authority. See, I we are seeking a change to refer to any relevant highway authorities, because we think that there are potential impacts on the strategic road network at the A one, at the nearest junction, at the a one, and just want to make sure that national highway is included in any discussions that may affect the SRN as well as the local highway network.

50:29

Okay? Thank you. Thank you. Assume you're picking that up as part of the Yes. Thank you. Thanks. Anything from the Environment Agency at this stage.

50:46

Ryan Smitherman from the Environment Agency, we met with the applicant last week just for a catch up ahead of deadline one, and they gave us a bit of an update in terms of their response to our relevant reps, we've also had some pre some engagement with them regarding the disapplication of our Fraps process, which would mean that they put our protective provisions, protected provisions within the DCO. We previously thought that it might come down to an exemption, but we understood now that it probably won't, so we're currently undergoing a process of reviewing that information, and we'll hopefully come to an agreement through the examination period to get that issue resolved and make sure that the protected provisions can be included within the DCO at present, we're just waiting to start those conversation up to see what's sent a deadline one, and then I will see where we go from there.

With regards to most of our issues, we're pretty happy and content with the way that the draft DCO looks at the moment.

51:58

Thanks for the update. Mr. Smitherland, anything to add on that from the applicant? Happy with that?

52:10

Nothing to hope into

52:15

other interested parties around the room. Is anything you would like to add on this particular item,

52:21

if I may, Mr. Sword, I have a general statement on the draft development consent order, if I can,

52:30

yes, if you go ahead, if you could introduce yourself again. Sorry.

52:33

Thank you. Good morning. My name is Andy pike. I speak as a resident of Hale Weston and as a nominated spokesperson on behalf of stop East Park energy today on the adequacy of the draft development consent order as the legal mechanism securing the scheme assessed in the environmental statement, our principal concern is that many of the environmental effects assessed in the environmental statement rely on mitigation, methods, methods, operational controls or design assumptions that are not secured through clear, enforceable requirements in the order itself. In several critical areas, essential detail is deferred to future plans, approvals or management documents without defining the standards those documents must meet, the outcomes they must achieve or the criteria against which they will be judged, nor the consequences if those outcomes are not delivered for a project that would operate for decades and exercise compulsory acquisition powers and over extensive land, that lack of detail materially reduces confidence that impacts will be acceptably controlled in practice, the examination is therefore being asked to rely on mitigation that is described but not yet secured within the legally binding instrument that would authorize the development by way of brief examples and apothegms. If I have requirement numbers wrong, I think it's requirement 18, decommissioning and restoration. This defers the decommissioning plan until the end of the project life, and secures neither funding restoration standards nor independent verification. The examination is therefore asked to assume successful restoration without a secured funding mechanism, to find performance criteria and without assurance that that land can be returned to its current condition after decades of industrial use. Requirement 10, the battery safety management plan, the proposed best is a substantial industrial installation with well recognized fire and environmental risks. The requirement relies primarily on submission of a future management plan, without specifying the analysis required or the safety outcomes to be achieved. There's no explicit requirement for quantified risk assessment, thermal runaway modeling, toxic plume analysis, defined safety distances or enforceable design parameters for control. Payment fire response or pollution control statements of common ground with emergency services if in place, Do not substitute for binding provisions in the order itself and cannot compel future operators to maintain equivalent standards in relation to work. Number four, the grid connection. This authorizes a 400 kV transmission connection capable of bi directional operation without defining the operational envelope. If import from the transmission network to charge the battery is possible, that would represent a materially different scheme from a solar led export project. It's not clear from this scenario that this scenario has been constrained or fully assessed on the face of the order, and that order would prevent it from occurring in practice. Taken together, these matters raise

serious questions as to whether the draft order provides sufficient safeguards for affected communities. There is a border broader point of principle, a development consent order authorizes infrastructure for several decades and may be implemented by parties other than those currently promoting it consented projects are frequently transferred, refinanced or sold once permission is secured, and may ultimately be constructed and operated by entities with no involvement in the examination. In those circumstances, the order itself becomes the governing framework for construction and operation. The commercial value of a consent can be influenced by the extent of obligations and controls. It contains a lightly conditioned order is inherently more attractive to investors and purchases than one that implies detailed, enforceable safeguards. Despite having had ample opportunity to reflect recent DCO precedent, the applicant has not proposed detailed requirements in several key areas. Instead, essential matters are deferred to future plans or approvals that will not be subject to the same level of scrutiny as this examination, many affected residents will understandably not have the legal expertise to scrutinize the drafting of a statutory instrument. Yet it is that drafting, not the narrative, the environmental statement, that will ultimately govern this development. If safeguards are not secured in the order itself, they may simply not exist in practice, particularly if the project is transferred to a different entity after consent. In effect, the examination is being asked to assess impacts on the basis of mitigation that is not yet bedded embedded in the legal framework that would authorize the development and may never be tested again in public forum. The examination is therefore asked to consider whether the present drafting reflects the needs of long term public protection or primarily the commercial flexibility of the applicant. Thank you.

57:54

Thank you, Mr. Pike, obviously quite a lot to go out there,

58:02

not necessarily asking you to have a detailed response to everything you want to do it in writing, but if you could respond on the key points and any negotiation agreement that you've had with key parties in terms of some of the mitigation measures.

58:26

Leticia Mandra, on behalf of the applicant, yeah, we will keep the response very much a high level. We appreciate the relevant representation has been submitted, and we will be provide further detail in the relevant presentation. The main comment we want to put forward is that the DCO doesn't just secure high level commitments to mediation, it secures a very detailed system, which has been tested on many other DCOs for nsips, there are outline management plans that are outlined, but are indeed very detailed. Most requirements specifically set out that the final management plan must be done in substantially accordance with the outline plans, the detailed design that will be submitted later on at the point of implementation as required for under requirement three, has to be done in agreement with the relevant planning authorities. Has to be done within the design parameters, certified and committed at this stage by the applicant, and the applicant is not allowed to deviate any further, especially if there are any materially new or materially different environmental effects. So the commitment is there that the scrutiny is happening now, and the level of commitment that will happen at a later stage will be in accordance with what is agreed at this stage. And. The lack of compliance with the term of the terms of the order will result in a criminal offense, and that is why we seek development consent. Otherwise we will not be going through this process. So we can expand in way more detail at a late stage, but we are comfortable that this is the way development consent secure mitigation and that the commitments are accurate and relevant and will remain relevant at the point of implementation. Thank you. Anything?

1:00:31

A short summary of your position in terms of Mr. Pike's comment on funding being established to secure the decommissioning.

1:00:50

Julian Boswell for the applicant, the the applicant's current position has been the standard position on most schemes. There has been some recent movement on a couple of recent DCO decisions, which we are reflecting on. And it may be that the market is moving in a different direction, but our current position is that, as Ms Mandra has just said, we will be obliged to submit a decommissioning plan in, you know, at the appropriate time in the future that will obviously reflect standards and so on at that time, and we will have a clear legal obligation to discharge that plan, and it will be a criminal offense if we don't discharge it.

1:01:34

Thank you, Mister Botswana, any other interested parties that would like to speak at present time on this agenda item.

1:01:46

Christopher Lacey, local, local resident. I was just checking that there will be an opportunity to make more general high level points later on. Or would you like me to make those now, it's not in terms of the detail of the the order, but some points of

1:02:04

principle, if you want to make them now that that's fine, okay,

1:02:08

that's that's good. I will do. Thank you. So my name is Christopher Lacy. I live close to the project, and I object to the proposal and the request of the DCO, and recommend the inspector to request the respect to request the inspector to recommend refusal. Firstly, a request for from a commercial organization looking to make a profit at the taxpayer and Bill payers expense, rather than a public body looking to develop public goods for for which DCO powers were designed, seems to be the case that we're dealing with, in my opinion, here. So my representation would touch on two points where I believe the DCO application fails. These are fundamental points. First one is the applicants fail to demonstrate that the project is in the public interest, so absolutely fundamental, the substantial harm that this project will cause, the loss of best and most versatile farmland, impacting food security, impacts on heritage, countryside, landscape, biodiversity, traffic problems during construction, the flooding risk from the increased runoff. And we heard about the mold draining issues yesterday, you know, serious, serious flooding challenges and the low efficiency combined with the low efficiency of mega scale PV solar is exacerbated by the spread out nature of this individual project, which is over a Six Mile site. So the harms are combined with an incomplete and inaccurate, understated assessment of the scope one, two and three lifetime carbon emissions for the assessment for the project, it should consider the manufacture and the shipping of the components, as well as the building operation, refurbishing, as we discussed earlier, and decommissioning of the project, the analysis should include the best and that it will be used to store energy generated from higher carbon emission generating sources such as gas fired power and exchange with the grid, as well as from the solar it has not been demonstrated this Project will be in the public interest. Secondly, the applicant's funding statement, which we just touched on, I think, here. So really looking at the applicant's funding statement and whether it can meet the obligations granted under the compulsory purchase powers that will be sought under the DCO, if we look at the applicant, which produces short form accounts under Section 477 of the Companies Act 2006 and is exempt from from audit the latest publicly available accounts for the entity and the intervening holding companies above it in the group structure, including the ultimate parent, lantern. Co

do not demonstrate sufficient strength, financial strength in themselves to make it clear that the applicant will be able to finance the construction, operation, maintenance and subsequently decommissioning the project without legally binding support from its principal shareholder or obtaining external funding. The point is the applicant's funding statement, Epe four or 4.2 sorry states that the long term funding is not currently in place. It produces some words that try to give comfort the likelihood of obtaining long term fund, long term finance developed, this project could be affected by the political risks around the continuation of the direct and indirect subsidy from the UK taxpayer and Bill Pay for large scale solar in the event of a change of government. The next UK General Election is likely on or before half 120 29 but before the project completion date, I believe there is a serious risk that if the DCA were to be granted, this project could end up as a stranded asset. This is a failure to provide an adequate funding statement under Regulation five, 2h of the infrastructure planning applications, prescribes, forms, procedures, regs, 2009 a PFP and the DC, LG guidance, data, 2010 that constitutes on what constitutes a statutory funding statement. For this reason, I request that the DCO is turned down. There are two fundamental reasons.

1:06:42

Yeah, thank you, Mr. Lacy. Before I hand over to the applicant, just a point on the ethical procurement aspect that you referenced, I've already made a statement in my rule six, the other government regulations that look at this control that, and that's not something that will be part of my assessment for this examination. Could we

1:07:08

request, sorry, could we request that the applicant carries out an analysis, a revised analysis, really, with the latest position, you know, in terms of the best the exchange of power, really looking at those scope three emissions. Because really the key thing here is, I do not believe this scheme is in the public interest, this particular scheme, because of the factors around it, and I think that they should be looked at. And I think that's a fundamental concern.

1:07:40

In essence, that's the whole examination and recommendation period is to look at public interest and if the proposed development is appropriate or not so. Thank you. But if I could hand over to the applicant,

1:08:01

Julian Boswell for the applicant. I guess I want to raise a procedural point, because this is a DCO hearing. And the the purpose of a DCO hearing is to look at the detailed drafting of the DCO which we were doing until Mr. Lacy's submissions. So everything he said, he's perfectly entitled to say into the process as a whole, but this hearing right now is not to discuss those issues. And so the first section was sort of policy type arguments, and the second section was about the funding statement. This is not which is something that would normally be considered in a compulsory acquisition hearing. And this isn't a compulsory acquisition hearing, and we haven't advertised it as a compulsory acquisition hearing.

1:08:50

I always like to say Mr. Boswell, but I wanted to give Mr. Lacy a chance to fully deliver his points. Note that specifically there wasn't any draft development consent order questions, but I think it covers the whole of the concern about the development consent order. But as I say, acknowledge your point. Thank you. Thank any other IPs that would interested parties that would like to make a comment at this stage on the draft of family consent order,

1:09:30

yes, please. Mrs. Tracy Stokes, as I already said, I'm a resident of great Stoughton, and I've already stated yesterday that I object to the application and request that it is rejected, I'd like to talk about the human implications of this potential DCO, the sorry,

1:09:52

just take Mr. Boswell's point earlier. Are there specific articles or requirements that you. Going to refer to.

1:10:01

I wanted to just talk about something that has already been raised. I believe. I'm sorry. I believe your name is Miss Mandra. I don't have it written in front of me. You said that the the draft DCO is a detailed system which has been tested on other n sit projects, nationally significant infrastructure projects, and the experience that has been taken on other projects is that these DCOs have not, in fact, been sufficiently comprehensive and enforceable in practice for those who have to live with the consequences day to day. So that would be the overall point that I would make, particularly with regard to things like the management of constructive construction traffic and workers transport. I know this afternoon there's a specific hearing about construction traffic, which I'd like to speak about, and various other issues that go with that, like accident prevention, flood prevention, ensuring that the relevant authorities have the requisite skills and experience to deal with any issues that ensue, like connection with the best, who talked about an agreement with Cambridgeshire Fire and Rescue yesterday, and that's Something that perhaps needs to be explored little further. But there has been an experience at Cleve Hill in Kent where the DCO was not complied with, and it resulted in an awful experience for a very long period of time for the local residents, where embargoes were required at specific times of the day to allow school children to get to school, people to get to work, and this will be a very serious consideration if implemented during rush hour, because there are a number of schools trying to get children to school within this particular scheme area, and obviously people trying to commute to work, including on these small b and c roads, joining the A one, there's already a very bad accident, fatal accident, black spot on the B, 645, which I intend to come on talk about this afternoon. But these are practical issues that I think are going to need quite a lot of consideration in detail. And the other experience of others who've suffered these NCIP schemes is that the local authorities actually are not empowered to enforce them in a way that's meaningful for residents, mainly because they don't have the manpower and they don't have the resources, so that's something that, excuse me, that really needs to be considered in relation to this scheme in this situation.

1:12:54

Okay, thank you. Okay, thank you. Yeah, hand over to the applicant you've already referenced about potential criminal liability attached to combine with requirements and whatnot, but help

1:13:11

respond yes. Julian Boswell, for the applicant, obviously, it's always difficult when other schemes are referenced because one doesn't know the detail. So if there are aspects of what's happened at Cleve hill that are that amount to a potential, you know, lesson to be learned as to how our documentation is specifically being proposed, then if that's explained, we would consider it. The reality is that for every scheme going forward, it is, you know, it's the developer's job to comply with the relevant consent, whether it's a planning permission or a DCO and they are Haven't they will have a close relationship with the planning authority and the Highway Authority who have enforcement powers. The fact is that it's very it's unusual, and in some ways it's surprising that the DCA regime has made itself a criminal offense regime in the way that it has, because the normal planning regime, as you all know, is, you know you're only committing in a criminal defense if you don't comply with an enforcement order. But for whatever reason, Parliament did set it up on that basis. And that does you know, in our experience

as advisers to developers, we are pointing that out to our clients on a regular basis, and that does have a real effect. So as I say, this is a DCO hearing about the detail of the DCO drafting and how it operates with linked plans. And if there are points that are specific to that it then we're open, you know, open to considering that otherwise, the points that Mrs. Stokes has made are clearly relevant. To potentially this afternoon's hearing cheer.

1:15:05

Thank you. Yes, I'm sure we'll discuss the outline construction traffic management plan in a bit more detail later on today. Are there any other questions comments at the stage on this particular agenda item, Mr.

1:15:24

Sword, if I can have a moment of your time. Richard Vincent, resident, Burton Hall, thank you very much for granting Stokes and Mr. Lacy and me the latitude to speak. I hope this is germane to the agenda, but it's, as I said to you yesterday, it's quite hard for for a civilian to follow exactly what what isn't, isn't, under this, this Aegis. I have a number of concerns around the CCO. For example, the soil sampling that was done at half the recommended density, the percentage of BNB, which is at least two and a half times. I think

1:16:10

we will cover this this afternoon, and just on the

1:16:13

point Mr. Boswell raised about criminal liability and decommissioning, there is no there's no comfort that the entity will still be here, the Commissioner, the developer, will still be here in 40 years time, or be anything other than the shell company. And I think it's what Mr. Boswell said to me yesterday, was that the landowner in 40 years time, would probably want to remediate the land that gives me zero comfort that there is anything in his scheme that anticipates the clear up of the of the industrial wasteland will be left in 40 years time. And I would, I would feel much more comfort if the developer would put aside money now to fund the remediation, although such a provision is made more difficult by their admission that they have absolutely no idea what the cost of such remediation would be. That's that's my that's my. Okay.

1:17:18

Great. Thank you, Mr. Finston, so principally, yeah, the funding aspect, again, which we've covered previously.

1:17:28

Julian Boswell, the applicant. I don't have anything to add to what I said earlier on that, so I haven't I

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so I haven't caught the gentleman's surname properly, Mr.

1:17:47

Finston Vincent.

1:17:52

So I had a brief conversation, because he approached me yesterday on this questioning of decommissioning. And just to be clear, the point that I made that he's just referenced about landowners, was I that the regime, you know, the the position in relation to decommissioning is, is

guided by, was driven, is governed by the DCO, and so that that is that. But the I just made an additional side point, which was that in these situations, potentially and obviously, he disagreed that there was comfort to be taken from the fact that the landowners would want their land, you know, to be restored, and that there was an independent there was another party in play that would have a clear interest in, in wanting the land to be usable after the end of the scheme. Obviously, if you want to, you know, if you want to say that, you know, the developers going to break the law, landowners aren't going to care, and all the rest of it. Then if you want to look at it through that lens, then I you know, then that lens is available. We're looking at it through the lens of the developer and the operator at that time complying with the law

1:19:09

that being the case. Mr. Boswell, why do you say don't worry about it? Probably okay, because the lander will want to clear it up. That suggests you are trying to offload the or comfort me that the remediation will be paid for by the land and not by the developer, which suggests to me, the developer has at best, no current plans, and considerably, no intention to pay for the remediation. So if you're saying a third party you can't identify today, it's going to is going to probably want to make things good. It's not that third party responsibility. It's your responsibility as a developer to to avoid your criminal liability by doing what the law says you have to do. But you offer me no comfort that you have any funds in place, or indeed any idea of the costs and associated with the. Doing what the law says you have to do. Nor do you offer me any comfort that in 40 years time, the developer will exist as a meaningful entity, rather than, at best, a corporate shell or a man of straw.

1:20:12

So can I just ask a question that might close this point off? Are you aware of any precedent in a made DCO that requires funding to be provided for decommissioning and either in an article or in a requirement,

1:20:33

is that a question for me? Mr. Straw, Mr. Sword,

1:20:35

oh, it's sorry. Mr. Vincent question. Mr.

1:20:38

Boswell. Oh, thank goodness for that.

1:20:42

So on a procedural point, Mr. Finson has just jumped in and asked me a question directly, which is not as you know supposed to do, because you're in your your questions are any questions are through you, sir, so I'm always waiting to see how you wanted me to deal with that. The the that the the also, since he has said what he said, I will respond to it, which is, I was actually agreeing with him. I'm saying I'm not trying to resolve from the notion that the developer has to discharge the obligations under the DCO at all. I was simply making an additional point, which is because this is not a new issue. This is cropped up in an onshore wind context, for example, over many years that that there is some you know, if you choose to take it, you may choose not to take it. There is some comfort most people, I would suggest, would say, from the fact that the landowner will normally want to have that land to be usable. So this is an informal conversation taking place yesterday for about two minutes, which I wasn't expecting to be brought in to the to the examination. I was just trying to be helpful, because Mr. Vinston had approached me and asked me a specific question about what the decommissioning obligations were. So to answer your specific question, I believe that there is one example, but we can confirm this in

writing, which is a recent example of the Helios DCO, where I think the developer put forward a proposal which did end up in the in the in the DCO, the Helios solar DCO, but we'll, we can deal with that more comprehensively in in writing.

1:22:30

Okay, thank you for that. Mr. Lacy said point about the consent order.

1:22:40

Just Just a quick point on that, just on the landowner. The enormous cost of decommissioning is highly unlikely the landowners bear in mind that Mason with farmers would have the capital resources to be able to clear that up. I just made that point.

1:22:59

Conclude it there any other people online who wish to make a comment in this agenda item? No one in the room. So what I propose to do now, I'll adjourn for a short break, we'll reconfigure. We commence at 1135 when I'll move on to my questions on the draft development consent order. If you're watching the live stream, then please be aware that this will now stop and you may have to restart the meeting or refresh your browser when we restart. Okay, thank you. Now adjourned. You.