



Hearing Transcript

Project:	EN010148 - Tween Bridge Solar Farm
Hearing:	Open Floor Hearing 1 (OFH1)
Date:	14 April 2026

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AUDIO_TWEENBRIDGE_OFH1_SESSION1_140426

Tue, Apr 14, 2026 3:44PM • 58:46

00:05

Okay, good afternoon. It is now 2pm and the open floor hearing is now open.

00:13

I'd like to welcome you all to this open floor hearing for the tween bridge solar farm project. Can I just confirm that everybody can hear me clearly?

00:25

Yes, excellent. Can I also confirm with the case team that the live streaming and recording of this event has commenced? Yes,

00:36

okay. My name is Luke Simpson. I am a chartered town planner, and I have been appointed by the Secretary of State as the single appointed person, otherwise known as examining authority, or ex a to examine this application.

00:52

My professional background is in town planning, and I'm a chartered member of the royal Town Planning Institute.

01:00

If anyone had any issues with the notification of this hearing, or knows of anyone else who's had any issues with being notified of this hearing, then please, could you contact the case team at the back of the room at the end of this

01:14

event, and please bear in mind that there is scope for a further open floor hearing later on in the examination, as expressed in the draft timetable, and I'll liaise with the applicant to try to ensure that it's held in closer proximity to

01:32

the site where possible.

01:36

So I'll now deal with a few housekeeping matters for those attending in person, could you all please ensure that your devices and phones are set to silence such that we aren't disturbed during the hearing toilets are in the middle of the room to the right as you head out, there's tea and coffee facilities at the rear. I don't think we've got any fire drills planned today, but in the event of a fire, the fire escape is behind me, and if you exit the building and turn left, this roster point is at the tourist information center.

02:17

Okay, so this meeting will follow the agenda published on the national infrastructure planning website on seventh of April 2026

02:27

so the agenda is examination, Library Reference, EV two, double 01, and it would be helpful if you had a copy of this in front of you.

02:40

Okay, so today's hearing is being undertaken in a hybrid way, meaning some of you are present with me here at the hearing venue, and some of you are joining me virtually using Microsoft Teams. I'll make sure that however you have decided to attend today, you will be given a fair opportunity to participate. For those joining via Microsoft Teams, the chat function on Microsoft Teams will not be enabled or in use, so please don't try to use that for comments.

03:12

Also, I will only use the raise a hand function in Microsoft teams at specific points in the agenda when I invite general comments.

03:21

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

03:33

A recording of today's hearing will be made available on the tween bridge solar farm project section at the national infrastructure planning website, as soon as practical after the hearing has finished. With this in mind, please ensure that you speak clearly into the microphone, stating your name and who you are representing. Please also make sure the microphone is on and turn it off when you have finished speaking.

04:02

A link to the planning inspectorates privacy notice was provided in the notification for this hearing. I assume that everybody here today has familiarized themselves with this document. The document establishes how your personal data is handled in accordance with the principles set out in data protection laws, but please speak to the case team if you have any questions about this.

04:28

If you do participate in today's hearing, it's important that you understand that you'll be recorded, and that you therefore consent to the retention and publication of the digital recording. It will only be in the rarest of circumstances that I might ask you to provide personal information of the type that most of us would prefer to keep private or confidential. Please, therefore, try your best not to say or reveal anything that you would wish to be kept private

04:56

that is confidential or that is private information related.

05:00

Someone else.

05:03

If you want to tell me about where you live as it's relevant to what you want to say, then please try to just give a general location rather than a specific address.

05:12

Please speak to a member of the case team. If you have any questions about this,

05:17

the number of breaks will depend on how we progress, but I don't think we will have a break, because there aren't a great deal of

05:25

people wishing to speak today.

05:29

So item two is the purpose of the hearing.

05:35

It's the first open floor hearing. It should be noted that the draft timetable includes provision for a second hearing. Open floor hearings are your opportunity to raise anything that you consider important and relevant to my examination of this application.

05:50

This open floor hearing is not confined to a discussion about any particular topic, and it's an important opportunity for you to put forward your views that said, the purpose of this hearing is to assist my examination. This hearing is not to be used as a political platform, and any attempts to do so will not be tolerated.

06:11

Please try to keep your statements to 15 minutes. Once you have spoken, I may wish to ask questions, but typically, what will happen is I'll hear from

06:25

interested parties 15 minutes each, and then at the end, towards the end of the hearing, we'll have a right of reply for the applicant. So we won't be

06:36

playing back and forth.

06:39

It might be that it's conducive to the discussion to have a bit back and forth, but I'd prefer it if we heard the bulk of interested parties comments first and then we have a final right of reply from the

06:52

applicant.

06:54

Does anyone have anything to add on the purpose of the hearing before I move on to the next Agenda Item

07:02

No. Okay, all right, so oral submissions from interested parties, which is agenda item three, so I'm just going to refer to the list which I have

07:15
attendees. So we've got

07:18
Michael Brooke, is that right? Sir, would you like to introduce yourself and tell me how you'd like to be addressed using the microphone

07:34
down there, like that. Yeah. Is that all right? Local landowner from the

07:40
southwest corner of the

07:43
project, with landing right in the middle.

07:49
Pardon.

07:53
Michael Brooke, stupidgate Farm, Santa F Road, Hatfield

07:59
and my daughter will probably be arriving later on. Okay, okay. Do you know what time she's she's just delayed at doing some farm trials at the moment. It depends. Okay, she's got to go and pick me up anyway, right? Okay, I'm not sure. Well, it depends how long you last. Okay, fine, fine. And I've got a Mr. Paul Bert whistle,

08:25
good afternoon. Paul Bert whistle, I'm one of the farmers involved in this scheme

08:32
based at Thorn.

08:35
Okay. Thank you very much.

08:38
And I think online we have Sophie summers of the canal and river trust. Is that right?

08:49
That's right, yep, Sophie summers representing the canal and river trust.

08:55
And how would you like to be addressed? Sophie? Is it? Is it? Miss Mrs. Oh,

09:03

Mrs.

09:05

Thank you.

09:13

Okay, and do I have I have representatives from the Councils as well. Is that right? And Mr. Skelton, would you like to introduce yourself?

09:25

Thank you, Sir Paul Skelton, Mr.

09:29

Representing North Lincolnshire Council.

09:33

Okay, and is it your intention to speak? Are you wanting a slot to speak, or is it just No sir, just just participating. Okay, and Mr. Sierra cough, ski, would you like to introduce yourself? Yes. Thank you, sir. Yeah. Andrew sharikovsky for the city of Doncaster Council. Mr. Cos, fine. I've no particular intention to speak, but if there's a.

10:00

But any points that need addressing, happy to do.

10:03

So Okay. Thank you very much. And for the applicant,

10:09

thank you, sir. Tom McNamara, on behalf of the applicant,

10:15

I also have my colleague from the wider project team.

10:21

Hello, sir. I'm Paul hunt. I'm Senior Project Manager with an RWA representing RWE for this session.

10:39

Okay, thank you. Is there anyone else participating in person who wishes to speak today? I don't think so. Okay, and anyone else virtually who we haven't already introduced?

10:53

No, okay. Thank you.

10:57

So please. Could you keep your oral statements succinct and to the point limiting them to the time well, on the agenda, it's indicated 10 minute time slot. But given that there's only a few parties, 15 minutes is the allocated time slot,

11:15

please. Could you direct all comments through me,

11:18

rather than directly to any other party, I will give the applicant an opportunity to respond to all submissions towards the end of the hearing, as I've already said, I'll be taking notes, so please don't be put off. I'm not looking directly at you as you're speaking.

11:34

Yeah. Don't forget to turn your microphones on and off when you speak.

11:40

Briefly, explain what your interest in the application is, and then also confirm who you are speaking on behalf.

11:50

Okay, so I think we'll Firstly, we'll hear from Mr. Michael Brooke, so your 15 minutes begins now, sir,

12:02

right?

12:04

Michael Brook, local farmer, delegate for the local drainage board. I've been on the Trent board and the I'm on Doncaster east, formerly under Hatfield Chase,

12:18

for many years, so I know which way the water runs.

12:23

And

12:26

we've had two very interesting meetings over the last three years, one at the Rugby Club, where you want to know about that, yeah,

12:36

where I don't think tweenbridge knew which way the water ran. They thought it went into the Don all the water from here just outside Doncaster, goes to the Trent at kidbury, and

12:47

if it wasn't for that pump, we'd be under 15 foot of water.

12:54

At the meeting last year, the gentleman across was there.

13:00

We

13:01

met at Hatfield Woodhouse

13:03

for an hour and a half at a meeting there. And

13:10

tweening bridge people

13:13

started off by degrading the land. Degrading the land. This is some of the best land in bloom and Yorkshire, and some of the most productive, with 4000 acre, if you look on the Natural England website and such like that, with 4000 acres of in this scheme that are grade two the best land. Some of it's heavy. Heavy is clay. Some was in the Guinness Book of Records 50 years ago for the highest wheat yield in the country,

13:43

with probably 2000 acres of grade three A and the rest on the edge of the moors are the eastern end, the Sims Hill,

13:56

Belton Grange, and that is poor land there.

13:59

But in general, it's some of the best. It's why high yielding wheat land, from David Brooks's at levels farm to the old Bob Brown farm at midjoal, with some of the highest yielding productive land in Yorkshire

14:15

and so on, the lighter land to the south project, near my property, we can grow huge amounts of sugar beet this year we've added some crops. That's done 40 tons to the acre, which is as good as any going into Newark factory.

14:33

Food security. We only produce 60% in the country. And all this lands going out of production, probably 300,000 acres, if head gets his way,

14:44

and of the other 40% that we don't produce, we could produce 40% of that beef, imported cereals, maize and sugar. It's absolutely blooming crazy that we're going to lose a lot of land. So.

15:00

Moving down my list.

15:03

The colleagues said it was going to be the biggest sheep farm in the country, right? And we don't want more sheep meat. We have to export 4 million lambs to France. At the moment, we're overproduced with New Zealand and whatever others coming in.

15:20

And with regard to sheep and crime, we've had 30 we're the only sheep farmer more or less in the area. What's in this project? We're right in the center. We've suffered 30,000 pounds worth of damage through dogs in the last two years. Right?

15:40

And fly tipping. Fly tipping is going to increase down the likes of Green Bank and clay bank and off the Santos road

15:53

when you put the wind turbines up on poles, etc.

16:00

Some years ago, you used our picture of the sheet field down there, the grass field, as a main promotion. And I was talking to someone, you said that one turbine was the equivalent of 400 acres of solar.

16:17

That's what you said.

16:19

Going on noise. We're going to get noise from the turbines.

16:25

There's some turbines, not from the turbines, from the solar we're going to get noise

16:31

and some of our friends near Retford at the Hayton one says it's a particular concern to them the noise.

16:39

And my daughter, my oldest daughter suffers from a special disorder.

16:45

She

16:47

goes dizzy and such like that, and she's worried that it'll affect her later. We're going to get glare. I'm going to I don't have much land, but I'm going to have nearly five miles of panels south facing at me across my four blocks of land,

17:05

and at home, we're going to suffer greatly, like out of the farmhouse, and all we're going to see is panels

17:13

flooding. You told us it was going to be one in 1000 years flooding, looking back to 2007

17:22

in the summer, when toll by, got flooded. There was 1000s of acres. The water couldn't get away. We need the dikes doing out every year,

17:33

and we, we suffered them.

17:38

That's that

17:41

you put a CPO on some of my property on this grassland where the sheep are on high levels,

17:48

it's the only field that is London furrowed lowland meadow, ancient meadow that's left between The Don and The Trent. Everything else is arable, just about or temporary grassland

18:03

depreciation on property. You don't seem bothered about that.

18:08

And like I said, the view from the farmhouse will just be ridiculous.

18:13

How efficient is solar from the end of October to the beginning of March, we had very few days when they saw the sun

18:25

under your last I'll go into ecological now.

18:30

On some of the plans, you put large areas ecological areas down. Why do we need large areas of ecological when we've got Hatfield Moors to the south, 2000 and odd acres. We've got Thorn mowers to the north.

18:45

You said it was because of flooding to like Dale's mount farm. Dale's mount farm was the last to be drained by the coal board, and

18:54

it has its own pump on on high levels. You

18:59

didn't know much about the peat works, crossroads, down from me, it's the worst accident, black spot, probably in Yorkshire or Lincolnshire, and you're going to have panels on all four side corners. So how many people are you going to kill?

19:16

Flooding? I think you're going to deal with that probably tomorrow. But I mentioned it to NFU,

19:24

speaking to NFU headquarters this morning, the NFU don't want solar on grade two land.

19:32

And also Angela eagles, who was number two to add on the telly a few weeks ago, talking with generic before he jumped ship,

19:41

she said that no panels would be built on the best land, and that was from the commons. One night I heard it on the tele live.

19:50

My concerns are, who maintains the we've been on the drainage Board, who maintains the drain the land?

20:00

In between the drains and the fence, there's 30 odd, nearly 40 IDB drains, some of them need to be maintained on both sides.

20:10

Your colleagues from tween bridge solar said that they weren't going to maintain that area,

20:18

and I'm worried that

20:22

also,

20:24

with the plan, you're going to damage our our drainage system. You're going to drainage

20:33

the the 1000s of miles of pipes that's been put in over the years that drain the land.

20:39

They're going to be damaged, we're going to get a 25% faster runoff, probably, and that's come from the coal board, people who said they've got sites and the runoff is much quicker.

20:53

And we have areas of land to the west end of the area that suffered from subsidence, and

21:01

pumps have been put in in areas. Some of these pumps are going to be done away. With four pumps in this area alone are likely to be rationalized. The EA and coal board are looking into it, and that's going to mean that the left hand side of low levels and the left hand side of high levels is going to become very vulnerable to flooding in the future.

21:28

Will that do for me? For now,

21:32

you've got a bit longer if you want to carry

21:36

on, it's up to you. Sir, no, okay, well, that'll cover it. I get a bit mixed up, that'll do for now. Thank you very much for that and for your time. If we move on, we'll come back to the applicant at the end. Okay,

21:51

so if I can hear from Mr. Birtwistle, please, thank you

21:57

Good afternoon, sir. My name is Paul Birtwistle. I'm speaking today as one of the farmers who is allowed allowing a part of my farm to be included in the solar project, I also represent many of the other farmers in the same situation.

22:15

We will I'm sure here much said over the course of the planning process about why land suitable to grow crops should not be used in solar schemes. That said, I know of no farmer who has put 100% of their land in this scheme, and I can reassure everybody here today that every individual one will naturally have placed their poorest crop producing land

22:42

in leaving the best to continue producing food to feed the nation.

22:48

I will not bore you with explaining the detail of the dire financial position many farmers face find themselves in. Suffice to say that however much time and resources we put into increasing our efficiency, we cannot do enough to counteract the increase in input prices, mainly fuel, fertilizer, machinery and labor we have thrust upon us. On one hand, whilst combining

23:16

with the historical low grain and root crop prices we are forced to accept.

23:24

We are being told the answer is to diversify. And what better diversification project could we take on board than becoming involved in the tweenbridge solar farm?

23:36

I am involved as a landowner in the tweenbridge wind farm, and sat through a nine week public inquiry, listening to individuals trying to convince everybody present that the turbines would not only ruin their lives by spoiling the view, as well as many of the reasons why, in their opinion, it shouldn't be built. 15 years have now passed since his commissioning, and the turbines have like the old overhead power lines, which were built in the 50s, just blended into the countryside, whilst helping to give us all the uninterrupted electric supply we all have got used to and take for granted.

24:20

I will finish by thanking you for allowing me the time to express why I feel this marvelous solo farm, solar farm should be built. Thank you, sir.

24:31

Okay. Thank you very much. Mr. Burke whistle, if I could hear from

24:39

let's just check the list. Is it Sophie summers

24:45

attending virtually on behalf of the canal and river trust? I think that's correct. So

24:52

thank you, Sophie summers, canal and river trust.

24:56

I'm here on behalf of my colleague, Simon Tucker, who's the air.

25:00

Be a planner for the for the trust, but he's on a site visit today, so couldn't attend. I think it will be a very brief point I wish to meet make

25:10

it's just so the canal river trust is responsible for about 2000 miles of inland waterways,

25:19

including the keep being staying forth canal,

25:22

and that is where the applicant is proposing to install cables underneath. I think I'm right in saying it's quite unique as a statutory Undertaker, as it's a charity. And it's just to highlight

25:38

that the protective provisions for the trusts that are in the application draft, DCO are far from the trust standard form. They're not agreed.

25:50

And it's just to highlight that it was a slightly surprising

25:56

engagement with this NSIP, because the starting point was a form of protective provisions that were far from the trust standard form.

26:09

You will appreciate that

26:12

it's quite a lot of work looking into protected provisions for each and every exit that comes

26:21

past us and sort of a rough count since I started at the trust, there's been about 17 ncips that are looking like they need protective provisions since about January 2023,

26:36

and if everyone started on a Different

26:40

set, that would have quite a lot of resource implication.

26:46

The guidance government guidance seems to be clear that in adopting protected provisions, applicants should be looking to take into account the standard protected provisions of statutory undertakers and and there

27:05

doesn't seem to be any reason on this project why another starting point should be taken.

27:13

I've been led to believe that they are reasonable, protected provisions by other statutory undertakers promoting nsips and also by other solicitors that work for promoters. So again, no apparent reason to start from a different position. At the end of March, the applicant solicitors were in touch to almost

27:35

start negotiations again,

27:38

starting with something that's much more aligned with this trust and protected provisions. So I'm hopeful that

27:47

quite shortly and certainly by the end of examination, that protected provisions will be agreed.

27:54

But I just wanted to flag the

27:57

that the trust is not responsible for any delay in that in that position,

28:05

and that it's really important, I think, for promoters, to make sure that they start with the standard protective provisions for statutory undertakers, unless there's a very good reason not to.

28:20

Not only is it a resource implication at the consenting stage, but when boots get on the ground, and if consent is granted and being implemented, if the protective mechanisms are different for every ms that is crossing the trust's network, that could cause quite a lot of complication for

28:40

the engineers on the ground, working for the trust. And again, complexity adds to resource implications, and so I would

28:53

very much advocate we try and start with a standard set and tweak as necessary.

29:00

That's all I wish to say. So thank you. Yeah, so in your experience is that,

29:07

what approach do most solar developers take? Are they using this standard format or template? Do you have a template? Is that what you use in the time that I've been working at the trust, we have

29:24

adapted, yeah, adopted, essentially a template, I would say. They've been protected provisions that have been adopted on several solar projects, actually, and have themselves derived from protection provisions adopted and other granted DCOs, which were prior to

29:42

me working out of trust. So yes, I would say now it is pretty standard to at a pre application stage, send out with our pre application response the template protected provisions so that those drafting the DCO can.

30:00

And have them in front of them as they go. And most, most promoters that I've worked with have taken them as their starting point and work from them.

30:12

Okay, all right. Thank you very much. Thank you.

30:18

So yeah, just to the applicant, I've noticed a couple of

30:23

relevant reps saying the same thing, and I would appreciate it if, wherever possible,

30:30

you could use the standard

30:34

templates or wording for protective provisions.

30:39

There's no unless you've got a good reason to deviate from recently made solar, solar DCOs, the likelihood is you'll end up in that position anyway.

30:52

So yep, something to bear in mind. Okay, all right, well, you can come back on that at the end. Anyway.

31:00

Okay, I think

31:05

that's everyone.

31:07

Is

31:08

there anyone who is listed, or is there anyone who wanted to speak, who hasn't? I don't think your daughter's here. So

31:17

okay, well, we'll hear from the applicant, and then, if she arrives before a close, we can hear from her. And then give the applicant another right of reply. Okay, all right, so

31:30

is it, Mr. McNamara, for the applicant. Thank you, sir. Thank you. Yes, that's right.

31:36

Tom McNamara, on behalf of the applicant, just to start by thanking everyone for those submissions.

31:45

I will, I will deal with some of it today, but just to reassure you that we will, we will try to provide a written submission at deadline one,

31:56

with a written response to the points that have been made. But I will begin with Mr. Brooks submissions

32:05

before moving on. So I've got

32:10

a numbered list of about 1010, points. Some of them. I'll go through each each one, and I will say where I can substantively add something and where I would defer the response to written submissions. So Mr. Brooke discussed the flood profile of the sites,

32:32

and I can confirm that the flood risk has been assessed in a in a great level of detail

32:43

in the submitted application documents. And I would refer Mr. Brooker and others to environmental statement appendix 10.1, which is the flood risk assessment and the application, sorry, the examination library reference there is app 108

33:03

to 109

33:06

and

33:10

that document sets out in detail

33:15

how the scheme would impact on the flood Risk

33:19

of the site, and it establishes that there would be a negligible impact on floodplain storage and that the scheme would be safe and designed

33:31

to avoid risks flood flooding risks.

33:37

Moving on to point to Mr. Brook talked about the best and most versatile land and agricultural land. Mr. Brooke claimed that the applicant had degraded the land,

33:53

and I can categorically say that that is not the case. And

33:58

our the applicant's assessments demonstrate this. And the reference here is chapter 15 of the environmental statement that's application document 052,

34:13

and

34:15

having considered the profile of the sites from a BMV perspective and identified the various gradings of land within the sites. The chapter confirms that there will be no significant adverse effects from loss of best and most versatile soils for the duration of the scheme, and

34:35

that most areas would be fully restored upon decommissioning.

34:41

The third point that Mr. Brooke raised was in relation to fly tipping. And I, I don't have any immediate submissions on this point. Safe to say that I'm, I'm not aware, from my involvement in the scheme, at least, that the scheme would lead to greater or lower, or, you know, any change in in the.

35:00

Risk of fly tipping

35:03

but I can set out a more detailed response on that point in writing, sir,

35:13

Mr. Brooke also mentioned,

35:17

this is slightly this is away from the fly tipping point, but I think I wrote down the statistic one wind turbine equals 400 hectares of solar. And just just to confirm, I don't recognize that figure, that's not a figure that I'm aware of in certainly not in the application documents.

35:33

And I don't know the basis for that figure, so I can't comment on its veracity or otherwise.

35:41

Turning to the fourth point. Mr. Brooke mentioned the impact of noise of the scheme, and again, that point is assessed in detail in the

35:51

environmental impact assessment. And the noise chapter of the environmental statement concludes that during construction, operation and decommissioning, there would be no likely significant effects on the environment as a result of changes in the noise environment.

36:07

And that's, again, I should emphasize, that's a very detailed assessment

36:13

of noise.

36:16

Point five,

36:18

Mr. Brooke mentioned the potential impacts of Glint and glare as a result of the installation of solar panels. And once again, that topic has been assessed in detail in the submitted documents as part of a glint and glare assessment and the examination Library Reference, there is 053,

36:38

and

36:42

that considers the impact of Lincoln glare on

36:46

various receptors, including road users, residential residents

36:53

and others.

36:58

Point six, Mr. Brooke came back to discuss the the issue of flooding, and I wouldn't add any more to what I said under the heading of point one, which is that the flood risk profile of the site has been considered in detail,

37:14

and the effects are set out in the submitted application documents, including, most particularly the flood risk assessment.

37:24

Point seven,

37:28

Mr. Brooke referenced the CPO of a of a field, and I don't have the particulars of that, but we'd be glad to discuss this and

37:41

to understand which particular field Mr. Brooke is referring to, and we can

37:47

then hopefully provide clarity on what's proposed.

37:51

Point number eight, Mr. Brooke talked about

37:55

the need for, or lack of need for ecological mitigation areas.

38:02

Now the scheme does include a number of

38:06

ecological areas, and those form part of the

38:10

mitigation and enhancement profile of the scheme.

38:14

They have been integrated as part of the proposals recognizing potential impacts to

38:22

features of ecological interest, including

38:26

breeding and non breeding birds, and the reasons for the incorporation of those areas is firmly and emphatically set out In the submitted application documents, including,

38:40

most particularly the environmental statement and the biodiversity

38:46

chapter of the environmental statement.

38:50

Point number nine that Mr. Brooke referenced were transport impacts. And once again, all I can do here is to say to reassure Mr. Brooke that those impacts have been considered and assessed in detail

as part of the environmental statement submitted with the application. And there is a specific chapter dealing with transport impacts that forms part of the environmental statement.

39:17

And that chapter concludes that

39:21

the scheme would be safe during construction operation and decommissioning from a road transport perspective.

39:31

And finally,

39:35

Mr. Brook mentioned drainage and the potential impact of on drainage assets as a result of the construction of the scheme.

39:44

And what I can say there is that I can refer Mr. Brooke to the submitted mitigation plans, including the outline construction environmental management plan.

39:56

Forgive me, sir, I haven't got the examination line.

40:00

Be reference to hand for that one.

40:07

But I can, I can provide that reference in our written submission, and that talk that includes details of the sensitive construction methods that would be deployed to ensure that in situ drainage assets would not be

40:22

subject to to interference, and outlines measures to be taken in that regard,

40:29

Mr. Brooke also mentioned the potential for 25% faster runoff.

40:35

And again, I all I can say there is that that is not a figure that that I recognize from the

40:40

from the application documents.

40:44

And similarly, Mr. Brooke talked about the potential for four pumps to be decommissioned as a result of the scheme. And again, that that is not something that is proposed as a result of it. That's not an impact

40:56

of the scheme. And so I'm not, I'm not clear on where that references has arisen.

41:03

So those were the 10 points that I had noted down. And as I say, sir, that will form the basis of a of a written submission that deadline.

41:13

One, turning then, okay, sorry, should I pause there? Yeah, good, please. Thank you. So on the just to confirm the on the flood risk in terms of

41:25

the drainage, in terms of the pumping stations that that isn't part there's no proposal to reduce the number of pumping stations. Tom McNamara, on behalf of the applicant, that's correct, sir.

41:39

And on the subject of Clinton glare. So you are you aware specifically in relation to Mr. Brooks property, whether that has been assessed as part of the assessment Tom

41:54

McNamara on behalf of the applicant? So I'll have to take that one away and provide a written confirmation. I

42:03

instantly, I can't provide the answer to that. Yeah, that's fine, but yeah, if you could, perhaps in the

42:10

written summary of oral submissions, just direct me to

42:16

any such assessment. And the same applies to Mr. Brooks, comments in relation to that particular junction. I

42:25

don't know if you picked pick that

42:29

crow tree bank and santof Road, if you could direct me to the specific assessment of that within the transport documentation, that be useful Tom McNamara on behalf of the applicant? Yes. So those are road names that I recognize,

42:49

and therefore I'm almost 100% convinced that they are within the documents, but I will ensure that the specific references is included in our deadline one submission.

43:02

Okay, so

43:04

collision data in particular for that junction,

43:08

right? If you'd like to carry on.

43:14

Thank you, sir. Tom adamara, on behalf of the applicant, I wasn't going to say much else really, simply to note Mr. Burke's house submissions, and I didn't have any specific

43:26

further comments to make in relation to those,

43:29

and simply to thank Mr. Bessel for what he said.

43:35

Turning then finally, to Mrs. Summers on behalf of the canal and river trust, and so I know you wanted me to address the question of standard protective provisions as well.

43:47

Let me, let me address Mrs. Summers points, first as a specific issue, and then the more general point around protected provisions.

43:57

I can confirm that the applicant team is in discussions with the canal and river trust regarding protected provisions. I think Mrs. Summers confirmed that that was the case,

44:09

and I see no reason why

44:14

an agreement won't be reached on on the terms of those protected provisions within the timescales of this examination. And of course, we're the examinations only just started today, so there is ample time for that to happen.

44:30

So there's a there's a balancing act, and I'll take the general point here together, because they're related, but there is a general point here around

44:39

I can understand the drive for consistency in the terms of protected provisions, and I think that is important.

44:47

And obviously all statutory undertakers, or a good number of them, do have their standard template form.

44:57

But equally, it must be.

45:00

Remembered that we're dealing here with, in each case, bespoke Statutory Instruments. And there is a need for Statutory Instruments as well, to be fully reflective of the specific circumstances of each case.

45:14

And so

45:16

to reassure you, I can what I can say is that wherever we are pressing for a

45:23

a contractual term or a statutory term, which is different from from what a statutory Undertaker is generally seeking as part of its standard terms. There will be a good reason for that. It might be linked

45:36

to the profile of the site. It might be linked to the nature of the proposals and the way in which they interact with the statutory Undertaker concerned. But there will be a good reason for departing from from a from a standard. And

45:50

what I can therefore say is that to the extent that there is any difference of opinion between the applicant and the statutory body, and that might be this canal of river trust, or any other body as part of this process,

46:04

we will set out in detail at the relevant time what that difference of opinion is and what are,

46:12

what our cases for the for the approach to drafting that we are suggesting should be incorporated within The as made order, and we would expect any statutory Undertaker with whom we are engaging to set out their position equally, so that first, in the first instance, you know what the position is. You know what the two parties cases, and you can make your recommendation accordingly. And then the Secretary of State ultimately takes a view as to which

46:41

party's protected provisions should prevail. And this is not an unusual situation.

46:47

From personal experience, I've worked on any number of development, consent order application where going into, going beyond the the times, time scales for the examination, there are differences of opinion between parties as to

47:02

which terms should be included within the order. And the usual approach, in my experience, is that the party set out that position at a at a late deadline in the examination process. I say all of that as a matter of generality, because at this stage. I don't know if that will be the case for the canal river trust or any other party,

47:25

you see, but it does seem to me that at this at this stage in the process, there's no reason to suspect that we can't reach agreement with with the canal and river trust in particular, but any other parties as to a a set of protective provisions that should be included in the order.

47:43

So that was all I had to say in response to Mrs. Summers and just to reassure her that we will continue that engagement in the weeks ahead, and we look forward to doing that.

47:58

Okay. I mean, just to reiterate what I was saying earlier, any sort of difference in approach needs to be fully explained in terms of if you're comparing protected provisions with other recently made DCOs, if a completely different approach is the standard approach, you need to fully justify the different approach. And I think you're saying you will or have,

48:25

yeah, that was just a general point, really

48:28

not making things more difficult than they need to be in that regard. Because if those reasons aren't solid, then ultimately will,

48:38

it may be the case that you would end up with the standard approach anyway, so you would have gone through that whole process for no reason, but then

48:48

I'm sure that that's all part of being a solicitor and

48:52

negotiating From your client's position.

48:57

Okay, all right,

49:01

so did I think there

49:05

are so few people here, I am going to see if Mr. Brooke would like to come back on any of that, and then I'll give you one final right of reply, yeah, just because I think you've met, you've obviously made the effort to attend, and I do want to hear your point of view. So if you'd like another five minutes or so to respond, and then the applicant always has the final right of reply and they can come back again. All right.

49:34

Well, just to say that the other colleague next to you on the left over there, he was at the outfield Woodhouse meeting, and you did degrade the land your colleagues. Okay, if you could address your comments to me,

49:50

that's, that's what it

49:54

with regard to the

49:57

not risk of flooding and such like that.

50:00

The ear? Are you not talking to the EA or the coal authority? Because it's going to affect this area. They're doing away with Paul's main pump at Elmhurst. That's going to go Paul Bert whistles on the north side. We've got the one at the eastern end, the Sims hill or Belton Grange one. If that goes, that area is just gonna be flooded straight away because it's next to the torn

50:30

low level. The high level is one

50:34

that's a coal authority one,

50:37

and they've said that's going to go, it's all under the Isle of action strategy. And then on the south south block goes to low levels pumping station and says they said, that's going to be one of those that's going to go

50:54

so and I just can't understand why you haven't interacted with Lindsay Marsh, our drainage board engineers, they said, you've hardly contacted them at all and replied.

51:08

And they're dealing with the whole area,

51:12

so it's a matter of getting water to the pumps. Some of our water has to be pumped three times to get into the Trent because we've gone down with subsidence and other the peat shrinking and such like that. The land's still going down,

51:28

but it's a bloody good, good quality.

51:32

Why can't you not? You know, put in solar panels on the unproductive Land of the UK, there's millions of acres from John O' groats to Land's End.

51:42

They don't even want wind turbines on top of Pennines. It's crazy.

51:50

With the ecological I just can't accept that you want it for the birds and such like that. You're losing good land to ecological

51:59

when some of the farmers are putting wildlife strips and wild flowers in at the moment and being paid on on certain schemes.

52:11

You won't come back to me on depreciation of the rural properties. There's a few of us, and we're going to be surrounded, and our properties are going to go down. They're

52:21

going to go down hundreds of 1000s of pounds,

52:26

and there's no compensation at all.

52:34

I think that will about do from me for now.

52:37

Okay, thank you very much. Compensation is one thing that can't be discussed outside of an right compulsory acquisition hearing, and the actual compensation amounts can't be discussed at all. Okay,

52:53

would you like to come back? Thank you, sir. Tom McNamara, on behalf of the applicant, yeah, I can. I can answer each of those points, say, for the last one, for the reasons you've you've just mentioned, sir,

53:05

point number one, the the issue of degrading land was was raised. And I mean, my response to that is, I wasn't at the meeting, so I don't know what was said, but what I can say is that the there is no, there can be no suggestion of degrading land in the in the documents that been submitted, and I provided the the environmental statement references in my initial response,

53:28

which which make patently clear how we've gone about assessing the the

53:35

agricultural value of the land.

53:39

The point was then made about engagement that's taking place with the Environment Agency. So you'll know that those one of the bodies

53:48

that we are engaging with, and that a statement of common ground is being developed with with the EA, and is going to be submitted at deadline one. And

53:57

that's just one step in a long line of engagement that's been taking place with the with the EA. And in a similar vein, there are two internal drainage boards with whom we have also been engaging for many years, and we are in the process of entering into statements of common ground with both of those. So

that's Doncaster East internal drainage board. And forgive me, is, it's a long name. It's the Isle of access home and North Nottingham water level management board. We've been in discussions with them as well, and we'll be submitting a trust so CG statement of common ground that is, sorry,

54:37

deadline one, and that will will set out

54:41

the very detailed nature of the discussions that have taken place with all those regulators about the flood risk profile of the sites and the measures that are proposed to ensure that the scheme would not lead to an increased risk of flooding.

54:58

The third point that Mr. Booker.

55:00

This was around site selection and why this location,

55:04

and we have addressed that, that point in detail as part of the application. So I think a useful document there is Chapter Three of the environmental statement,

55:20

which carries the name site selection, and it considers the, beg your

55:27

pardon, sir, the examination Library Reference, there is app 040,

55:33

and that sets out in in detail why this site was selected. And it goes on to say

55:39

which alternatives were considered as part of the iterative design process.

55:46

So I won't say any more on that particular matter.

55:52

Point number four was around. Was questioning why

55:58

ecological areas had been proposed.

56:02

And again, I think it's just time posting back to what I said earlier, that the rationale for the selection of those sites is is clearly stated in the

56:14

in the environmental statement and associated documents.

56:19

And those proposals, I should say, have been the subject of

56:25

long standing engagement and consultation. They've been developed in in collaboration with statutory bodies and statutory and biases, including Natural England

56:37

and so they they reflect a a it

56:43

a long engagement process.

56:46

So the final point was around the depreciation of rural properties. And as I say, I can't, I can't speak to that, but that was everything I wanted to say in reply. So thank you.

56:59

Okay, thank you very much.

57:01

Is there anyone else in the room who would like to speak

57:05

before I move on to close the hearing? Is

57:09

there anyone online?

57:12

No, okay, I don't think your daughter has arrived, but there is enough open floor hearing,

57:20

but that's there's an issue specific hearing tomorrow, but there's another open floor hearing. If somebody requests an open floor hearing, there is provision for another one. So there will be an opportunity if your daughter wants to speak later in the examination. Okay,

57:38

right, moving on to the close of the hearing. So firstly, can I thank everyone who's spoken today for taking the time to attend and to speak to me. I'll take your views into consideration in making my recommendation to the Secretary of State, and the recording of the hearing will be published on the project web page as soon as is practicable,

58:04

please contact a member of the case team. If you don't know how to find a project web page.

58:10

My next action

58:13

will be to issue a rule eight letter towards the end of next week, which will confirm the examination timetable, and that will set out details of other likely hearings, including the open the open floor hearing,

58:30

okay, the time is now 258

58:34

and this open floor hearing is now closed. Thank you very much. You.