

Hearing Transcript

Project:	Springwell Solar Farm
Hearing:	Issue Specific Hearing 3 (ISH3) - Part 4
Date:	16 July 2025

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FULL TRANSCRIPT (with timecode)

00:00:17:08 - 00:00:55:24

Okay, it's now 330. So we will resume this issue specific hearing and we will pick up um on with agenda item eight uh, population, including health and well-being. And starting with item 8.1 look at tourism impacts. Um, so I would like to discuss the localized tourism impacts. I understand it's agreed between the applicant and local authorities that the landscape and visual impact on the public rights of way and stepping out in that work could result in fewer visitors to the area.

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Um, the applicant does make the point in that the is that, as other routes of the network may continue to be used, the residual impacts associated with loss of tourism, such as the potential loss of business, are not likely to be impact impacted. And then. Oh.

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And.

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Apologies. My screen messed up. Okay. And in in response to the deadline one submissions, the applicant states that four times the number of visitors to the Stepping Out network visited indoor leisure facilities and sports outreach services. And that's in rep 2023. However, my question to the applicant is, um, if would be. Visitors to the Stepping Out network instead visited other parts of Lincolnshire for other walking routes or indoor leisure facilities.

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Then it seems feasible that this reduction in visitors locally could have an impact on businesses in the immediate area. And has this been factored into the conclusions reached by the applicant?

00:02:10:16 - 00:02:22:08

Thank you sir. Rich Griffiths, on behalf of the applicant, um, I ask um, Mike Humphrey from quad, uh, who's carried out the assessment to answer that question.

00:02:25:05 - 00:02:59:19

Thank you. Uh, Mike Humphrey for the applicant. Um, with regard to the assessment, I think it's just to be clear on the the scale and scope of the assessment of tourism effects. Um, paragraph 13 .4.1 of the population s chapter sets out that the assessment of effects on tourism are considered across the district. Um, as is kind of standard practice based on the functional economic market area. Uh, that's uh, um, an approved, uh, approach to spatial scale assessment of socio economic impacts in planning practice.

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Guidance. What we have done also is therefore is then focus within the immediate study area at the three kilometres from the site to identify where there are sensitive receptors within the tourist

economy that attract or retain tourists in an area. So what we're saying that there is likely to be an effect in terms of visual amenity of the users of that network, but that element, that part of the stepping out network. And while we recognise that that's a high sensitivity receptor within the kind of the wider tourist economy in the area, we consider that that isn't the only element of the tourist economy.

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So while there may be a reduction in footfall, um, which itself is kind of a subjective and not necessarily evidence based on, um, the drivers of terrorism in the district, if that's displaced elsewhere in the district or even elsewhere in the county, there are numerous other tourist receptors that will stand to benefit from that in terms of direct economic spend on those facilities elsewhere. So while locally there might be a reduction in visitors, we don't consider it to be a significant effect at the wider tourist economy scale.

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Okay.

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Yeah, yeah I understand. I what I, what I want to understand is how,

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um, how that localized in impact has been, has been accounted for because if I, I understand that there are other other tourist facilities within the district, but locally there will be a decrease in visitors. And and I want to understand what the, what the impact on local businesses could be from that.

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I think I think we might come for the applicant. I think we're saying that there is potential for a decrease in the number of visitors, therefore a decrease in the footfall. Therefore, there may theoretically, hypothetically be a decrease in spend in some local facilities. But what we're saying is that there are many other local facilities and attractors to the area that wouldn't be affected, so the visitor draw could be unaffected, or it could be displaced, but not significantly displaced to the effect that it's going to change the kind of the business models of local businesses.

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Okay. And is it possible to quantify the potential reduction in visitors as a result of the landscape visual effects, for example?

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It's very difficult to be, uh, with certainty to quantify the change in the number of visitors. What we can do is set kind of a very high level Estimate in terms of the change in the number of visitors across the economy, which we've done in response to some of the questions and submissions from local authorities at deadline. One, where we've identified that if the total number of workers that are recognised to use the routes that are affected by the change in the visual environment, um, do displace them to other areas, then we have a number that would suggest in the context of the, the the huge scale of the visitor economy in the district, what that proportion would be.

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What it can't tell us is with any certainty that that would actually happen. So the the fact that the change might not necessitate harm to that area, the fact that the spending of visitors is split across travel, accommodation, recreation, and doesn't necessarily correlate to the use of public rights of way directly.

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Okay. So you you consider that the information you provide in rep to 023. Response to the deadline one submissions represents the then absolute worst case impact in terms of effects on tourism.

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Might come through for the applicant. Yes that's right. And it only represents that in terms of an absolute and proportional number of visitors, not necessarily the expenditure that supports local businesses.

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Okay. And so is it possible to.

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Extend that to include the, the the the worst case on expenditure of those.

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It might come if the applicant it builds in another extra layer of uncertainty around where and how visitors spend their money in the area.

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But if if a worst case scenario supported your position. Um, is that something that you could. Could you go through the exercise to demonstrate that even taking a worst case scenario of calculating the loss of expenditure associated with the loss, that worst case loss of visitors that you have provided. Would that support the conclusions that you've come to in the environmental statement.

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To Mike Humphrey for the for the applicant? Yes. You could. It would have to be very, very heavily caveat. And um, it would show, um, it would have to come up with a way of benchmarking, spend, um, both spatially and temporally for visitors to the area, much of which, uh, that's reported in terms of the headline, um, economic effect of tourism across the district isn't accounted for by spend in situ when walkers are walking routes that have attracted them to the area.

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So there would be there would be a lot of caveats to that. Um, three quarters of spend that tourists make in an area that's, that's, that's accounted for within, um, the headlines that you see reported, ah, in terms of accommodation or in travel, which wouldn't necessarily be, um, changed as a result of the of the, uh, dispersion of those users of those routes.

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Okay. Thank you, Mister Griffiths.

00:09:13:03 - 00:09:39:11

Thank you. Mister. Mister Humphrey may correct me, uh, or hopefully support me. Um, that, uh, I think, given what Mr. Humphreys just said as well, highlighting the inherent uncertainty surrounding any form of assessment, um, that the guidance of how you carry out the tourism impacts doesn't support, um, that type of assessment at that level. Um, but I'm sure Mr.. Hopefully could confirm that.

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Yes. That's right. Thank you.

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Okay. Thank you. Um, and is there anything that the local authorities would like to comment on this matter? I know it was raised as a concern. Um, yeah. A district council, shall we say, for the district council? Um, yes.

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So we have on line joining us. Harry Acho, who's the council's economic development officer. So I think he has some comments on this topic. Thank you.

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Well, yes. Um, I hopefully might touch on some of the matters that were just raised, uh, in terms of, um, direct impacts on and wider impacts on stepping out walks at bike, knee and Scott work, which also form part of the spars and steeples trails. Uh, we welcome the mitigations proposed, but the question or concern is whether or not they will be sufficient. The landscape. Visual Impact Assessment identifies several significant adverse visual effects for users of public rights of way at all phases of the development.

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Um, and uh, users of public rights of way are classified as some of the most susceptible to changes in their views. I think we've already heard, um.

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Paragraph 155 of the, uh, assessment goes on to classify the criteria used to assess susceptibility. Um, and the highest susceptibility changes is in view being users of outdoor recreation focused on the appreciation of views including footpaths, beauty spots and picnic areas, and people experiencing views to or from important features of physical, visual, cultural or historic interest. And this is a perfect description of the stepping out network.

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The two routes within the development and its users. The council has wider concerns about the potential cumulative impacts of a number of developments of this scale across the district

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and on, particularly on people's experience of the countryside and the relative attractiveness of North Kesteven as a tourist destination for walking or other outdoor recreational activities, and therefore the visitor economy. Um proposed solar farms currently live or in the planning system, running roughly

west to east across the district, from Foss Green to Loda to Spring Well to Beacon Fen and Hechingen Fen.

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Now approved, could amount to 4500 hectares of development, which is 5% of the district. It is going to be difficult to quantify what impacts the development that developments of this scale might have on the visitor economy. It's important to note, however, that the enjoyment of the countryside for recreational purposes or well-being is just as important to residents as it is to visitors and many who live in the district. Treasure the amenities on their doorstep, including stepping out.

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So it's not just about the use of stepping out. And the walks is not just about tourism. There's an extent, I suppose, to which the council and the applicant are dealing with unknowns. Here are developments of this scale individually or cumulatively in the countryside are, as has been said several times today, unprecedented. We have no comparable experience on which to draw. It is possible, as the applicant suggests, that the adverse impacts on local stepping out routes and other public rights of way may be moderate or minor.

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It is possible that some of those affected will simply choose a different route, or find somewhere else in the district to go for a walk, and it is even possible that for some, and that we recognise that eco tourism is definitely a thing, that the arrays may prove to be an attraction in their own right. It may be that over time, solar arrays become part of the fabric of the countryside, and people simply no longer notice them. It is possible, however, that the Council is right in its concerns that the Elvia is right and that the impact will be more significant than the applicant is currently suggesting.

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The good news is that we can measure the direct impacts on the Blanca and Scott routes and the wider stepping out network. We have data, robust baseline data collected regularly by Hill Hollywood, which we can use to measure the impact of spring wells, solar farm and others on the routes in question. We will also be able to determine if users migrate to other stepping out routes or in the worst case scenario. Literally vote with their feet and choose to visit other destinations, possibly outside North Kesteven.

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We also have independent steam data on visitor numbers, spend and value, which is collected and reviewed annually.

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Okay. Thank you. So, um,

00:15:12:21 - 00:15:38:06

could the information do you do you believe that the information, um, that is available could be used to determine, um, or to, to measure the the impact on business is locally due to reduction in people using the stepping out What? Or do you think this is something that needs to be monitored going forward.

00:15:39:01 - 00:16:08:06

I think. Yeah, I think the answer is both. Harry. Sorry, DC. I think the answer is both. It's certainly possible to monitor going forward. The real impact on both the two individual walks and the wider network. And obviously going forward, also on visitor numbers, um, how much they spend and where they go and what they do. So yes, we can do that and we have uh, uh, measures in place to enable us to do that.

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And in terms of measures that you would wish to see the applicant put in place to monitor and respond to to that, um, would you be able to set that out?

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Um, yes.

00:16:22:14 - 00:16:25:00

Yes. But for deadline three.

00:16:25:14 - 00:16:26:04

Yes.

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Okay.

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Thank you.

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Is there anything that the applicant would like to say in response to that

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which.

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Was part of the applicant.

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Yes. I think Mr. Humphrey has a response to the comments I just heard.

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Thanks, Mike Humphrey for the applicant. I can work from the evidence from North Kesteven. So thank thank you for that. And I think it would be the best course of action would be to respond to the response in writing. I would just caution that, um, monitoring tourism impacts is, um, is riddled with with uncertainty and a hugely difficult thing to quantify and to link back to a single intervention. So it's inherently flexible.

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The tourist economy in any way, any way to monitor it, will have to take into account that there is annual and seasonal and other external variations to, um, what's causing the change in the number of visitors. Um, a museum might close that's completely unrelated to either the project or the attraction of walking in the area, we might have a particularly bad season of weather. We might have local tourist occupiers who have closed for completely different reasons than are related to the project, and monitoring and data wouldn't pick that up.

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I would also be a little bit cautious about drawing together multiple data sets and drawing conclusions from them. So it's been mentioned to use the steam data, which is is is a standard and fairly well publicized use of tourist information. It's not collected at the granularity that would, for our project, give us the certainty that the project is causing the effect.

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Okay.

00:18:11:20 - 00:18:36:07

And so as well as receiving from the district council, um, their proposals on how this could be monitored at 93, I think it would be efficient as well if there could be discussions going on between the Atkins team and the district council. So on to see if. See if any agreement or coming together can be can be had on on this matter.

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Which is on. Yes. We'll carry on those conversations. I'll also be examining close attention to in three paragraphs, 2.1.40 through to 2.1.44, that talks about public rights of way and where the NPS acknowledges that there may be effects on the provision of public rights of way, and um advises applicants to keep, as far as practicable, those public rights of way, um, safe, uh, and open during construction, which obviously therefore means the NPS acknowledges there would be impacts, um, from experience, from the experience of using those open public rights of way.

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We do that. Um, the, uh, NPS then goes on to encourage good design to ensure continued recreational use of the public rights of way. We're not closing any of these public rights away. We are keeping them open. Weave in the design and approach documents. We are committing to offsets. So, um, there will be they will be kept open. Uh, uh, an operation, uh, possible to minimize the visual impacts. Uh, again, the design access statement has looked at that and, and, um, shows where we've removed parcels of lands.

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Uh, as a result of a public right of way. And then finally 10.1, 2.10 .44. We should consider opportunities to facilitate enhancements to public rights of way. And the applicant has done that through, uh, provision of three new public rights of way enhancements and of course, permission paths. So I think when you work through those tests, uh, you can see how the applicant has responded to that.

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Okay. Thank you. Um, if we Move on to agenda item 8.2. Health and wellbeing. Um, and my question on this, uh, kind of picks up from what you're just saying. Um, so how can the,

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uh, so how can the provision of new public rights of way be considered an enhancement in relation to access for recreation when there is an adverse effect on the public right of way network due to landscape and visual effects. And um, which, as it has been agreed, could reduce the use of the public right of way network.

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Uh, Mike Humphrey, the applicant. Um, so I think it's kind of worth saying, and we draw this out in the health and wellbeing summary statement that was submitted deadline one that There's public rights of way are special in that they're a single receptor that has into a project in combination effects on them during the construction and the operational phase. And they're different. Um, in most cases, the effects are in terms of, uh, connectivity and accessibility, uh, fear and intimidation, um, user amenity, um, noise and air quality effects experienced by users of public rights of way we've reported as either being negligible or less than significant.

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And the only area where we do have a significant effect is on, um, landscape and visual effects. And that's, that's kind of drawn together and set out in that, in that summary statement. What we consider when we're talking about improvements or enhancements to the network is that we've designed, um, new routes that are specific in their nature and their requirements and their user groups. So, for example, there's a new group that is to the significant benefit of providing access to specific facilities and members of the community so that the Heath farm, for example, the route that serves that which is explained and described in the Health and Wellbeing summary Statement.

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So I would be cautious about conflating the single environmental significant effect reported in terms of landscape and visual effects on public rights of way, with the wider effect on the connectivity and and accessibility and length of the network.

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So I understand, um, I understand the points in relation to enhancements of the public right of way network. But my question is whether it can be considered an enhancement to health and wellbeing through access to recreation when there's an adverse effect on the public right of way. Network.

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Work.

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As a whole. So and if we look at the permissive parts as well, a large portion of the proposed permissive paths in Springfield Central and West, um, run right up against the solar panels without

visual screening proprieties. Um, and I appreciate that these are additional pathways that were not there before, but I can these be considered beneficial to health and wellbeing and.

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Uh.

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Access for recreation if the experience is walking alongside the directly alongside the solar development.

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Uh, like Humphrey for the applicant, uh, our position is that that they are, um, because, uh,

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The assumption that you've kind of set out has, has required that there's a specific link between the significance assessment of Libya and the significance assessment of of health and well-being. And we don't think there necessarily is for all users of those public rights of way. So some users might continue to use or use new and enhanced routes, regardless of the the significance of the effect on their visual amenity.

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Okay. Is there anything that that the local authorities would like to say on this matter?

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Steven. District council. Not at this stage, sir. There is anything we'd like to say that we're in writing.

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Okay. Thank you.

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Okay. So I do then have a question for the county council. Um, whether it can expand on what it means in paragraph 17.1 of its Local Impact report. When it says in in relation to enhancing mental and physical health and well-being that there could be significantly more community gain. Um, could you expand on what commitments or enhancement you'd like to see from the applicant?

00:25:38:24 - 00:26:14:23

Justine Foster for Lincolnshire County Council. And of course, I don't have my public health colleagues with us today, but I'm happy to take this point away. But in just in brief, um, the the paragraph 17.1, um, which you've referred to, um, I think the general feeling is that, um, the development whilst it is, it is, it is the applicant is providing um community growing space, public right of way, um, enhancements which are I would say are largely, um, they're improvements to the strategic network.

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So they are fixing gaps, missing links and creating a more holistic network in that area. So it is a benefit to the public right of way network, but not necessarily it may not follow through in terms of

public health and particularly mental health benefits. The um, the comments that we've made is that we felt that there could be there could be more gain delivered and that the, the the following the comment after that we made that we would like to that um, have some influence perhaps on the community benefit fund which I appreciate is uh, not necessarily a matter for the examining authority, but there is an opportunity through the Community Fund for, um, mental health and Physical health considered to be considered and to for more gain to be provided um, through that route.

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Okay.

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So it is part of that, that you acknowledge that that more pathways are being provided, but perhaps the quality of the experience of using those new permissive paths could be improved upon what's shown in the application documents.

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Um, no, that's not necessarily what I'm saying. I think the the improvements I've been put forward for the public rights of way are a benefit and enhancement to the public right of way strategic network. But we have what we do. Um, we do also state that that's notwithstanding the fact that there is that visual impact. Um, but as a whole that that is a benefit to the network.

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Yeah. Understood. Okay. Thank you. Is there anything that the applicant would like to comment on?

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Thank you so much. I think

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I think what you're hearing is how difficult this is to, um, quantify and indeed, um, the secretary of state or the examining authority in the Secretary of State agreed. In the East Yorkshire solar farm decision, um, where the Secretary of State said that, um, uh, I agree that access to the countryside is a contributor to good physical and mental health. These concerns, while generally held, are difficult to quantify. Um, and I think the assessment that any expert can do is based on professional judgment.

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And I would also say, uh, that, uh, whilst some people might find walking through the permissive paths through the solar project, um, um, unappealing, there may be a proportion of people who find it interesting and that I say that because, um, people find all things interesting. And so this is how it becomes quite difficult to quantify. And that was recognised by the Secretary of State.

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Okay. Thank you. Um, so those are all the questions that I had in relation to population. So I'd like to invite interested parties to make any comments. So if we could have the roving microphone brought to the front, and if we go from left to right, starting with Mr. Frost. Um, and as with, as with other agenda items, um, I'll allow all interested parties to make any representations they want to, um, and then the applicant respond.

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But we won't have a a back and forth. Thank you, Mr. Frost.

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Yeah, okay. I would just like to dispute the fact that it's difficult. Uh, so people who want to continue to go for walks from the local villages will have no choice but to use the footpaths. Um, and therefore will be affected by the detrimental effect on the views. Yeah, that's not difficult. That's just a plain fact. So having a better surface to walk on or having a different path added, that means you can go round the edge of a field, um, where the view will be the same or worse.

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It is absolutely no improvement whatsoever. So? So I dispute the fact that it's difficult. It's it's plainly obvious that it is much worse.

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Thank you.

00:30:27:04 - 00:31:02:23

Mark Williams, representing Scott Parish Council as chair of the parish council. I have to deal with a significant number of people who have issues with this application. A number of people who've who have come to me greatly disturbed by it and are very concerned about their own mental wellbeing. It's really hard to reassure them that this will not impact them. Um, clearly there will be a significant impact. So from a mental wellbeing perspective, I am really concerned for people.

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The applicant's representative representation there talks about the displacement of um

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of of spend dollars. We all have choices where we spend our money, um, and we make our choices of where we go from a tourist perspective on, on various, um, parameters. Um, if you go to the country side, it's because you want to see countryside. It's not because you want to see fields of glass. I didn't travel around Africa to look at solar panels. I went to Africa to look at elephants and cheetahs and lions. If, if, if the Tourist Board for South Africa said you might see an elephant, but actually the vast majority of what you're going to see a solar panels, I wouldn't have gone there.

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So that's the reality. And so if you were a B&B, a restaurant, a pub, a tea shop in Navan, B stop Work mothering him. Your income will be affected because tourists will say, I've got a choice. Shall I go to Navan? Or should I go to Woodhall Spa? Well, I'll go to Woodhall Spa. I'm not going to be surrounded by glass panels for now anyway. Because, you know, reality is there could be many more coming.

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Um, so we need to be very cognizant of that. People have choices and this will impact people's choices. Um.

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The applicant's representative representatives stated that it's really hard to quantify. Or maybe. Maybe I'd suggest that, uh, the applicant or the county council should go round all the pubs, restaurants, etc. and ask them for their turnover in the last 2 or 3 years and create a baseline, and then maybe in 12 months time, 24 months time, if the turnover has declined, then the applicant should reimburse some of that decline in turnover, because if the applicant is so convinced there won't be an impact, they shouldn't be concerned about signing a piece of paper to say they will remedy some of these issues.

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Okay, so I think, you know, again, it's very disingenuous to say there won't be an impact and there will be a serious impact on people's well-being. We saw that yesterday, and I can guarantee there will be a significant impact on people's wellbeing.

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Thank you, Miss Overton.

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Thank you very much. Um, I would like to completely disassociate myself with, uh, Harriet Shaw's comment. Sorry about that. Um, as a councillor, as a district and a district councillor as well. Um, the points I would like to pick up the point about the value of tourism to Lincolnshire, which I raised before, but also the value of the countryside to tourism. I've just had a quick look at our visit. Lincolnshire. How do we promote Lincolnshire if we want tourism? And our council spends a lot of money encouraging people to come.

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It says city, Countryside and coast discover a host of exciting things to do in Lincolnshire, from rolling countryside to historic villages and award winning coastline, it starts with rolling countryside. That is the point of coming to Lincolnshire. If you go on the website of different properties as well, and I confess I have an interest because we do have a holiday cottage in Lincolnshire in this area and we sell it on space and countryside.

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That's why people come here. That is what we market and that is what works. So I think the the suggestion that people might instead come to look at an industrial solar panel area is absurd. If we're trying to, if you want. I mean, I find it interesting to go and look around an industrial site. Certainly. I don't want that here. We can't have it everywhere. You know, you've got industrial places and you've got rural countryside places. This is a rural countryside place.

00:35:22:05 - 00:35:58:08

And that is the whole point of planning, is that it should be, you know, areas are allocated if you like. And in that way we can have some control so that everywhere doesn't turn into an industrialised place. Um, the benefit to the network was raised, which I, you know, I support, but what is the point of a network that goes through one industrial area to another? It's not attractive. We had some visitors who actually went on the Viking way. They were really disappointed. They said it seemed to be quite, you

know, a lot of it was near Lincoln and, you know, where were they? You know, not enough countryside.

00:35:58:11 - 00:36:34:06

That's what they come for. So they were like more, not less, in other words. And this the the council has done some work on why people come to Lincolnshire and what they value about Lincolnshire. There has been some work done on that, and that may be worth just digging out and having a look at, but certainly, um, they call it big skies. Open countryside is a key reason why people come here. The impact on property value and think is probably not relevant here, I suppose, but it does have an impact on tourism.

00:36:34:08 - 00:37:05:17

If you've got a property in industrial area, it'll be worth less and therefore the amount of money you can get is less. So I think it's a it's it undermines the economy in that way as well. And I think we talked before about the agricultural impact on the economy, the agriculture, the impact on the agricultural economy. So I won't go back to that again. So we're keeping to the footpaths here and the and the tourism. So all in all, the key points about our area is the rolling countryside. And that's what we need to preserve.

00:37:05:19 - 00:37:06:11

Thank you.

00:37:08:10 - 00:37:09:02

Mr. Herd.

00:37:10:07 - 00:37:30:20

Sir Philip heard of me? Um, just a very, very brief comment, I'm afraid to say. And it's difficult to know how to say this, but to suggest that, um, the solar panels will be interesting is completely belittling our current landscape. It is almost an insult. In fact, it probably is.

00:37:33:13 - 00:37:47:10

Hey. Thank you. Are there any other interested parties who'd like to make a comment? Okay. And anybody on virtually. I'm not seeing anyone's hands. So in which case I'll ask the applicant if they wish to respond.

00:37:49:02 - 00:37:50:18

Thank you sir. Richard Griffiths, on behalf.

00:37:50:20 - 00:37:51:10

Of the.

00:37:51:12 - 00:38:24:16

Applicant, um, in respect of, uh, Mr. Frost and Mr. Williams, um, saying, uh, people will have no choice but to use these footpaths and people. Um, the footpaths are important for mental health and well-being, and that it's wrong with the applicant to say that there'll be no impact. We have not said there'll be no impact. We recognise there will be a change in the landscape that has been discussed,

but the there will be a change. And the applicant, in accordance with the MPs policy test I read out earlier, have sought, we've sought to minimise that change.

00:38:25:03 - 00:38:56:13

Um, on, on the local community, uh, as best we can through the design process that we've undertaken in respect of, um, uh, the socio economic assessments that's been carried out in accordance with the relevant guidance, uh, that we've also discussed, um, in respect of Councillor Overton's point on why people come to Lincolnshire. Um, uh, and that it will this application and others will industrialize it.

00:38:56:15 - 00:39:27:02

We heard evidence yesterday in the Libya section where, um, our, our our case to you, um, to examining authority, is that the countryside, the arable nature of the countryside will still remain the dominant character, um, of the um, of the area. And uh, uh, in respect of, um, uh, property value, uh, it's not a land use point, so it's not a material, um, uh, planning consideration, um, in the hearings. But I'll see if Mr.

00:39:27:04 - 00:39:30:23

Humphrey has anything further to add in respect of those of points raised.

00:39:33:22 - 00:40:24:03

Uh, thank you, Mike Humphrey, for the applicant, I think I think in response to most of the comments raised, we've we've either provided a response or we've provided a response in writing. Um, uh, one that we have responded to in writing, but is probably very deep within the, um, our deadline. One response is that it's worth just pulling out. Is that we've reviewed all of the public information available to us on the the scope and scale and features of the terrorist economy in the area, and represented that fully in the population assessment of the is some of the, um, information that comes out of that in terms of the kind of the promotional activities of the tourism offer in the area are quite relevant to the discussions, not meaning to belittle, um, or kind of underplay, uh, the value of the natural environment and the public rights of way network.

00:40:24:11 - 00:40:57:23

But the vast majority of socio economic benefit accrued from terrorism is related to visitors coming to the area for other factors. Um, so we know that three and a half times as many people use, uh, indoor recreational facilities as used the stepping out network, for example, uh, we know that there's a significant promotion of aviation heritage and other cultural heritage that is kind of separate to, um, public rights of way use and then kind of the offer for walkers. Um, that's all set out in the assessments that we've undertaken.

00:40:58:00 - 00:41:02:09

Uh, as Mister Griffith said, in accordance with the, um, the required guidance.

00:41:05:01 - 00:41:24:23

Okay. Thank you. Um, I propose we move on to agenda item nine now, which is other matters. Um, so we'll start with item 9.1, uh, which relates to waste and the, uh, it's a question for the applicant. Um,

00:41:26:16 - 00:41:44:20

and whether the applicant can explain what they propose to do if the anticipated development of private sector PV panel recycling facilities, um, does not occur in time to process the quantities of waste generated by the proposed development.

00:41:55:09 - 00:42:27:08

Thank you, sir, which give us on behalf of the applicants. I mean, that is, um, a very hypothetical question. Um, and, um, I think, uh, I've touched on this earlier in the hearing that our position is the same position as, uh, um, the secretary of state, uh, in, uh, both West Burton and East Yorkshire. Uh, and I'll just read out the Secretary of state's, um, sentence on this point.

00:42:27:22 - 00:42:59:04

Um, so the examining authority's, uh, point, uh, um, position that the Secretary of State agree to and that Order of East Yorkshire was made in May of this year. Paragraph 3.13 .50 of that report says, I see no reason to disagree with the applicant's view that the system will respond to demand over time. There's nothing to suggest that the type of number of panels involved in the application scheme would lead to particular difficulties in this regard. That's a very precise section taken out of this, this this topic.

00:42:59:13 - 00:43:21:22

That is our point that we've seen in other emerging technologies as they become mature. So markets are created that we use and recycling at scale and the industry responds. And there's no evidence that this wouldn't happen again for uh, for, um, for solar. And that's what we have submitted to the examining authority at web two hyphen 02223.

00:43:22:05 - 00:43:28:18

Okay. Thank you. And and the local authorities want to say anything on this matter?

00:43:33:23 - 00:43:34:23

County council.

00:43:35:07 - 00:44:22:11

Justin Foster for Lincolnshire county council. Um, I think the the main point that I'd probably like to make is, um, around the cumulative issue of waste horizons. Um, as I mentioned a number of times already today, we are seeing very large numbers of large scale solar schemes in Lincolnshire and in the region as well in in neighbouring counties such as Nottinghamshire. Um, not just any scale schemes, but also a lot of town and country planning at schemes that just fall under the threshold. Um, as a council, we are very concerned about the cumulative or the potential for cumulative quantities of solar waste that will need to be, um, recycled is obviously the the primary aim is to recycle, and obviously there'll be some elements that perhaps can't and maybe have to dispose off through another route.

00:44:23:01 - 00:45:04:22

Um, we have sort of started sort of try and quantify what that means and what that might be. We are always planning authorities. So as part of our minerals and waste plan, we will have to to look at this. Um, but what we need is, is from the industries that are coming forward, is those figures to, to be able

to, to do that of what it might look like. Um, at this point, I suppose people would have mentioned today, I'm not going to repeat there isn't the facilities, um, currently in existence, and that that is our main concern that the substantial quantities of, um, solar material waste, um, there may not be sufficient facilities to recycle it, certainly within um, in the, in a, in a close proximity.

00:45:04:24 - 00:45:08:07

Thinking about the proximity principle in terms of waste recycling.

00:45:09:01 - 00:45:27:19

And, um, are you satisfied with the applicant's position that those facilities will be available when they're required, that that that public private sector development will occur in or or.

00:45:29:18 - 00:46:03:04

Justine Foster for Lincolnshire County Council I think that's a very difficult question to answer, I think. Um, we would hope that the market will will respond to the demand, but I'm sure everybody in the room will remember the fridge mountains that we had a number of years ago and Thai mountains. Um, and I certainly wouldn't want to be in that position with with solar waste. Um, I think the pace at which solar development is being progressed, um, to, to meet the, um, the climate change agenda, um, may introduce, um, an issue around getting those facilities up and running quick enough.

00:46:03:06 - 00:46:27:24

I appreciate that some of those have a very long lifetime in terms of decommissioning, sort of 40 to 60 years. So obviously that is quite a considerable period of time for those, um, those facilities to come online. But we also we will be dealing with construction breakages, um, and um, operational, um, repairs etc., during that period, which also is it would be a reasonably substantial amount of waste quite early on in the development.

00:46:29:04 - 00:46:47:14

Can I just jump in there in terms of, um, just asking the question about the role that maybe future iterations of the Lincolnshire Waste Local plan would have in terms of helping to address potential future waste management needs. Um, and what factor that would play in this consideration?

00:46:48:24 - 00:47:21:04

Justine Foster for Lancashire County Council. Um, well, as the waste planning authority, there's a statutory duty, obviously, to produce that minerals and waste plan, um, to ensure that, you know, that that there is sustainable waste management within, within the plan area. Um, and as part of that process, we do have to assess current and future waste arising. And and the plan will also identify suitable sites. Um, for the infrastructure that's identified for the waste streams that are identified as being required. Um, to, you know, to ensure there is that sufficient capacity.

00:47:21:18 - 00:47:57:22

Um, but that process also involves setting out, you know, the policies and lots of engagement with stakeholders and the public as part of that process. And it has to align with national policy as well. Um, the issue at the moment is, is we we don't have the the data. The complete set of data regarding what that waste stream is likely to look like. And whilst we can include those statistics within our

local plan and um, where possible, identify sites or areas where facilities might be located, it will still then fall to the market to come forward and deliver those developments.

00:47:59:18 - 00:48:00:15

So thank you.

00:48:01:09 - 00:48:35:18

John, on behalf of the County Council. I might just add, I mean, a lot is being asked to be taken on, on faith here that the market will deliver. And there's a lot amongst the uncertainties. One that hasn't been mentioned is even on the assumption the market does, um, deal with this, where, where, where will the market be that deals with it? For example, solar panels are produced at lower cost in China at the moment. Who knows who will be the primary, uh, uh, location for the delivery of recycling services? The evidence is just not before the examining authority.

00:48:39:00 - 00:48:39:16

Thank you.

00:48:42:14 - 00:48:46:03

Thank you. Okay, so we'll move on to. Oh, sorry. Yeah.

00:48:46:24 - 00:48:47:14

Thank you so.

00:48:47:16 - 00:48:48:06

Much.

00:48:49:01 - 00:49:20:00

Um, I mean, and just to build on the minerals plan, uh, point. That is why this morning, I mentioned that we will make it clearer in the site. Um, the site waste management plan for operation, um, a mechanism that we will report, um, uh, regularly discuss how regularly that is. But I mentioned, I think, 18 months. That's just me with a figure, um, 18 months in advance of what our maintenance regime is looking like over that next period.

00:49:20:11 - 00:49:51:21

Um, uh, so, uh, in terms of, um, so to give and, and share that with the authorities so you can see the, that program in advance. Uh, look, throughout the life of the Project that is something similar to, and something the authority agreed to on West Burton. As reported in the examining authority's um report and and the examining authority concluded in West Burton that um, the potential for significant cumulative decommissioning effects was a little against the proposed development.

00:49:52:05 - 00:50:08:11

Um, in this regard, should these developments proceed, the solar industry and local minerals and waste planning authorities should continue to engage on this point. I will carry on reading the sentence, and we don't disagree with that. Um, and that's why we'll put that wording into the site site waste management plan to keep that dialogue going.

00:50:09:21 - 00:50:10:13

Thank you.

00:50:12:01 - 00:50:35:23

Okay. We'll move on to agenda item 9.2. Um, so a question for Lancashire County Council following the response from the applicant. Deadline one submissions in rep 2-023 uh, can County Council comments on whether it has any outstanding concerns relating to mineral resource safeguarding.

00:50:37:21 - 00:51:08:23

Justine Foster for Lincolnshire County Council. Um, we have um, considered the information that the applicant has provided um in its response um at deadline to the deadline one submissions. Um and we are broadly um, um, happy with the content that's been put, the information that's been provided and feel that there's sufficient information now for us to, um, consider it in terms of the policies within the Minerals and Waste Local plan.

00:51:09:08 - 00:51:14:12

Um, and we will confirm in our submission at deadline three that, um, we are broadly happy with the submission.

00:51:14:24 - 00:51:19:06

Okay. Thank you. Anything that the applicant would like to add to that?

00:51:20:08 - 00:51:27:23

No no, no. Thank the county council for that. Um, response and if there's any further clarifications in writing will respond then.

00:51:28:02 - 00:51:30:12

Okay. Thank Okay. I'll pass over to Mr. Manning.

00:51:30:19 - 00:52:05:09

Thank you. So I'm just going to cover the last bit on decommissioning. Um, there's been lots of concern about decommissioning from, um, interested parties in terms of, um, how it's secured and financially, um, matters associated with and whether a bond is potentially necessary. Um, I just wanted to start off by asking the views of the local planning authorities, uh, in terms of whether you're content or not, that decommissioning is suitably secured, um, in all aspects within the draft, uh, developed consent order as it stands.

00:52:11:18 - 00:53:03:03

In district council. And so there are probably two points. The first is the mechanism for actually secure and decommissioning. So firstly we're content and we're grateful for the applicant's update to the Outline Operational Environment Environmental Plan, which has added a section dealing with in the event of a period of extended outage. So one of our previous concerns was if there was cessation of energy generation and whether that would trigger early decommissioning, we are content with the addition that's been provided in that outlined plan. Um, and that along with the requirement in the draft DCO, we are content and happy with in terms of the drafting and the second point about funding, we would we would obviously support, um, in principle, some sort of provision to secure

funding for decommissioning, whether that's at an earlier stage or after the 40 year period, depending on when that's triggered.

00:53:03:11 - 00:53:50:08

Um, there is there is some precedent for that in the currently examined in the currently examined draft DCO, the Helios renewable energy project. Um, and that's requirement five. And the other point we just note is that the funding statement is in its current form and doesn't appear to estimate the cost of decommissioning works. It covers construction up to the point of exporting power. And so as it currently stands, there's not evidence before this examination for funding to cover decommissioning to um, so we would we would support in principle requirement but also put aside what the mechanism might be at this stage is for the applicant, but requirement that would secure that funding of the decommissioning as well.

00:53:50:23 - 00:53:53:06

Okay. Thank you. Anything from the county council?

00:53:56:00 - 00:53:57:19

Nothing to add to that. We support that.

00:53:57:21 - 00:54:00:13

Okay. Thank you. Over to the applicant. Thank you.

00:54:00:22 - 00:54:32:12

Thank you sir. Richard Griffiths on the applicant. I thank the council on their first point as being helpful. Um, regarding the funding, um, comment, um, request. Um, the applicant's position is that, uh, a funding, uh, bond, um, is, uh, is not required. Um, the following reasons. Um, and primarily because policy does not require it. Um, the applicant is aware of, um, its obligations under the draft, under the development consent order.

00:54:32:14 - 00:55:02:17

Should it be made with regarding decommissioning? Um, it will need to plan for decommissioning over the life of the of the of the, um, operations. And any undertaker would simply plan, um, to comply with those obligations in the future. Um, the requirement itself is enforceable against anyone who holds the benefit of that order. Uh, and should, um, anyone not comply with that requirement? It is a criminal offence.

00:55:02:19 - 00:55:39:16

Under the Planning Act 2008, the Proceeds of Crime Act would also act as a further deterrent of to such a breach, given the, um, uh, the solar, um, uh, infrastructure would represent a valuable asset for the applicant. Um, and in the event I know some people raised that there is a liquidation. Well, again, the assets would be sold off because of the continuing breach. Should they not do that under decommission? Under the development consent order? Um, in terms of the policy point that I mentioned, um, 2.1.146 um, of Ian.

00:55:40:17 - 00:55:41:17

Uh, Ian.

00:55:43:12 - 00:56:17:01

Three um, uh, I think just double checking that. Yes. Um, uh, project lifetime decommissioning, um, requires, uh, on decommissioning requires an applicant to put forward outline plans for decommissioning, which we've done paragraph 2.1.147 where time limit is proposed imposed requirement. That's what we've done. And 2.10 .149 the requirements secure the actual decommissioning itself. That is done. And that position was upheld by the Secretary of State in the recent Oaklands development consent order.

00:56:17:14 - 00:56:59:19

Um where um at paragraphs 4.44 to 4.45. The Secretary's Secretary of State notes there is no policy requirement for decommissioning funds to be imposed. As paragraph 2.10 .14 6 to 2.10 .15, one of MPs in three sets out the considerations for the Secretary of State in relation to the project. Lifetime and decommissioning of solar developments. In light of all these considerations, the Secretary of State does not consider, and imposing a decommissioning fund requirement is necessary. This is consistent with paragraph 4.1.16 of M one, which stipulates that the Secretary of State should only impose requirements that are, amongst other things, necessary, and the requirements in paragraph 4.1.

00:56:59:21 - 00:57:36:07

16 of MPs and one only relevant requirements should be imposed. Um, so we have followed the policy tests and therefore that's why we say no. Um, for a solar farm? No, um, no. Um, uh, bond is required in respect of the funding statement points. Um, a funding statement is required under regulation five of the Infrastructure Planning Applications, Prescribed Forms and Procedure Acts. Um when seeking authorisation for the compulsory acquisition of land and is required to show how the applicant, um, proposed to fund that acquisition.

00:57:36:18 - 00:57:44:22

It's not required for decommissioning. And that's why the funding statement doesn't refer to the decommissioning. So that's our position.

00:57:45:14 - 00:57:53:15

Okay. Thank you. In relation to the potential precedents point. Um, sorry, I slightly missed the name of the case, if you could repeat it.

00:57:55:10 - 00:58:07:10

Steven. District council. So it's one that's currently being examined. Um, so it's still an examination process, but it's a Helios renewable energy project. So currently still in draft form. Um, I do have a comment on Oaklands if it would help.

00:58:07:12 - 00:58:08:02

This.

00:58:08:04 - 00:58:40:03

Stage two. Um, note the applicant response on Oaklands and DCO. The Secretary of State in a decision letter at 4.22, however, does note that the applicant for that project had demonstrated sufficient funds to construct, operate, and decommission the proposed development. And that's why I

referenced the fact that funding statement in this instance doesn't have any reference to decommissioning. Whereas for that project there was a funding statement which also covered decommissioning. So it's not a it's not necessarily a legal point I'm making.

00:58:40:05 - 00:58:48:09

It's the adequacy of the funding statement. It's a point about decommissioning and whether or not there is evidence of funding for decommissioning. So that's that's the difference.

00:58:49:23 - 00:58:51:04

Okay. Maybe to the.

00:58:51:06 - 00:58:52:03

Applicant my.

00:58:52:05 - 00:58:53:01

Time at county council.

00:58:53:03 - 00:59:30:24

First. Thank you. Um, John Hunter, on behalf of the county council, um, I understand the points that are made in relation to the enforcement provisions available under the act and the provisions, but there was reference to the situation at a liquidation. And I suppose the the chief concern that springs to my mind. Well, how how are the public protected in the event of a liquidation. Are they? I don't know. I wonder if the applicant provides some details of that, or equally simply, in the position where the person with control is in charge at the time is impecunious, because, I mean, that is a situation which arises in relation to waste examples from that amount.

00:59:31:01 - 00:59:44:21

One might get someone sent to prison, but that doesn't necessarily help clean up the problem. So I just wasn't clear how it was said the public were protected in those kind of situations when there is no money to be got to carry out the decommissioning.

00:59:48:24 - 00:59:49:14

Richard.

00:59:49:21 - 01:00:22:08

The applicant on the funding statement point, I'm aware that the Secretary of State referred to in the Oaklands decision. However, I've made the point about when a funding statement is actually required. If the funding statement is required to demonstrate decommissioning, the regulations should make that clear. It doesn't do that. Um, I didn't quite hear the question. Sorry is quite difficult to hear. Um, but in terms of, um, uh, if a, if, um, the assets are a valuable, um, part of the end operation of a of a project. Uh, I think figures are about 90% of the kit.

01:00:22:10 - 01:00:59:22

Could be could be reused. So there is value in that. Um, and so they could be sold off to fund the decommissioning, um, of the farm. But I think if we can understand the point in writing will be helpful. But I don't quite here. But the solar farm assets are valuable in themselves, and so that would

help fund the, um, decommissioning. But I go back to my main point that, uh, an operator of this farm of the solar farm would have to make provision for the decommissioning if if a project over the life of 40 years has changed hands, a future buyer would want to see that provision, um, being made for an allowed for each year of that project.

01:00:59:24 - 01:01:26:19

That is good management of a project like this. Um, and thirdly, I just, um, I go back to policy tests, go back to what the Secretary of state said that the M3 does not require, um, uh, a bond. And it's not just Oaklands. Cleeve Hill. Um, the Seneca decision. Mallard pass. All in all of those, the Secretary of State said a bond was not required under policy.

01:01:29:03 - 01:01:34:15

Okay. Thank you. We will mull over those points and we can follow anything up in our written questions.

01:01:34:24 - 01:01:52:13

So I didn't mention I didn't, um, the Helios DCO course, so I didn't have that. But that's obviously not a secretary state decision. Um, we can't actually find. Um, my team are looking at it now. Can't find the requirements. So if you can send us over the requirement, that'd be very helpful. But it's obviously a draft order.

01:01:53:18 - 01:01:54:24

Okay. Thank you.

01:01:58:08 - 01:02:05:10

That's all the questions I have on decommissioning. Um, I'll hand over back to Mr. North over to conclude this item.

01:02:13:08 - 01:02:30:09

So we'll just open up to comments from interested parties on any matters. We stand up for other matters. So that's a waste minerals or the decommissioning? Um, if we go from left to right again, starting with Mr. Frost. Thank you.

01:02:33:06 - 01:03:08:02

Thank you, Paul Frost. Um, I'd just like to point out that we spent significantly longer, uh, discussing the health and well-being of, um, birds, bats and flowers than we did on the health and wellbeing of humans, which I think was not a good use of our time. Uh, second point. The applicant, again, is just kicking the can down the road on waste, giving the same answer of sort it out later. This is the time to do it, in my view. What better time than in an examination, um, Process,

01:03:09:16 - 01:03:44:22

along with other things like deciding on the batteries and writing the emergency response plan. We'll do it later is just not a good enough answer. So. So just listened to a long and detailed explanation given about decommissioning, which is pretty difficult to follow. Um, so so we can simplify it. You know, solar companies are often sold on how is the obligation to decommission passed on? And what

happens if that obligation is just walked away from or the company fails? So I know that you've just explained that, but I didn't understand it.

01:03:44:24 - 01:04:03:21

So can you again explain it? But in simple language you talk about provision should be made. Would this be a proper accounting provision that people can see in the annual accounts of the company or subsequent companies that it sold on to?

01:04:07:02 - 01:04:10:12

Could you explain? Like I'm five. Please?

01:04:15:08 - 01:04:51:22

Mark Williams, Springhill Action Group reiterating some of what Mr. Frost has just said. I go back to some of the points the applicant has made. First of all, the applicant talks about a 40 year life of the panels. No needs to change the panels. But then he talks about there being a huge amount of value in those panels in 40 years time. Let's be fair, it's scrap. In 40 years time, those panels will be pretty useless in 20 years time, so there'll be very little resale value.

01:04:52:04 - 01:05:22:11

So if we look at Hechingen Fen, that was granted less than a year ago, it's already I think it's been sold or it's up for sale. One of the ones in Gainsborough consented less than a year ago, has already changed hands. Okay, so I also note that the applicant's, um, representation. He seems to be a huge fan of the Secretary of State. I'm glad the Secretary of State has got one fan. Um.

01:05:25:03 - 01:05:53:16

There needs to be real accountability. I work in an industry which follows how companies fail. I also understand how companies are structured to avoid liabilities. So spring well, Solar Farm Limited is already structured in such a way that EDF avoid liabilities.

01:05:57:14 - 01:06:36:19

There's a good chance that spring will Solar Farm Limited will be sold on In a few years time, clearly Springhill Solar Farm and its various owners at the current time will want to reap some of the benefit of this application. But as those solar panels I take on, boy, that they're going to be the best solar panels that EDF can acquire. So these are not panels that degrade or anything over the 40 year period. But let's assume these panels are the same panels that the vast majority of other solar farms use, and they will start to degrade and will start to capture less power.

01:06:37:02 - 01:07:11:14

At some point, it's very likely that spring will Solar Farm Limited will be sold. A few years later it'll be sold. And the very likelihood is it'll end up in the hands of possibly a foreign organization who again will reap the rewards, diminishing rewards, but will also understand that at some point they're going to be left with a load of scrap. At which point they liquidate that company.

01:07:12:00 - 01:07:43:19

There are a bunch of foreign nationals. So you going you can't chase them. There's no there's no accountability. And that's how businesses work. And there's plenty of examples of that. We just have

to look at what was British Steel in Scunthorpe. A Chinese owner essentially walked away, leaving a plant that has huge liabilities and has now had to be picked up by the British state. There are plenty of other examples.

01:07:43:21 - 01:07:56:17

There's an example in North Wales of a of a of a factory that has a huge amount of asbestos. It has been left empty for the best part of 30 years because no one wants to touch it.

01:07:58:00 - 01:08:01:14

So Can you please direct your comments at me?

01:08:01:20 - 01:08:14:13

Sorry. Sorry, Inspector. So the applicant cannot sit there being so disingenuous to say that, you know, all will be rosy in the garden in 40 years time. Thank you.

01:08:20:08 - 01:08:22:23

Thank you. Uh, Mr..

01:08:23:15 - 01:08:56:14

Thank you. Um, I am a retired accountant, and the comments I want to make actually relate to accountancy and the economics of big energy businesses. I agree with what's been said, and I really do share the concerns that have been articulated by NCDs in Lancashire County Council. Big energy businesses work on a model. If it's got a 40 year lifespan, they start selling out from ten years left to go. That's very evident in, for example, things like the North Sea, where initially the development was undertaken by multinationals like BP and shell.

01:08:56:21 - 01:09:27:16

It's all cascaded downwards towards the end of the lifespan. I won't go into the reasons why, but I think more relevant and immediate uh, analogy is what has happened recently, in the last week or so at the Lindsay Oil refinery in North Lincolnshire, North East Lincolnshire, that was originally developed and owned by total, one of the big multinationals. Five years ago, it was sold to a company which has got two directors who are based in Abu Dhabi.

01:09:27:23 - 01:10:01:13

Uh, it has now become insolvent. Again, the scenario there is there's no way that the assets of the company will actually cover the costs of remediation of the demolition, etc., of that refinery. The bill is going to be picked up by the UK state. Um, so I think it is a very real problem. I think the government's very alert to this. Um, the there are precedents, for example, uh, in terms of piano Ferries which committed corporate offences, but no individual was prosecuted because of weaknesses in the law.

01:10:02:00 - 01:10:36:02

So, um, I think, uh, the, the policy direction has got to be to protect the public. The public good. Um, and I think the, um, uh, explanations that the applicant gave perhaps needs to be tested somewhat further. Uh, in terms of they were saying, you know, there were legal protections to legal action,

criminal action be taken and whether the those would be effective or not. At the first point, I think the the applicant made, uh, was there's no requirement for this, uh, a bond or similar mechanism to exist.

01:10:36:06 - 01:10:52:14

And I accept that. But if there is none is offered, then I think that should be that should be given weighed in the balancing of the benefits and risks associated with this project. So I would hope the examining authority would give consideration to that. Thank you.

01:10:53:10 - 01:10:54:18

Thank you, Mr. Overton.

01:10:54:20 - 01:11:25:05

Thank you. Marianne Overton, chair of the village's solar action group. Um, just very quickly. Small points. An example of where we do use bonds on the county council is where there is a housing estate with maybe a thousand houses or a smaller one, even with a few houses. But we do ask for a bond for the roads, because quite often the profit is in the houses. They sell off the houses and then they don't want to finish the road.

01:11:25:14 - 01:12:01:00

So it is there is a precedent for this, and it does seem to work. And often the developers don't necessarily like it, but they do it and it works. It makes sure that the development will be complete and people won't be left high and dry. So I think there is good precedent and we should have a bond. I am also concerned that we did do. One of our team did a really big piece of work on all of these companies in the area looked at their backgrounds in the history and who were the directors and all of that, and the capital value of those companies.

01:12:01:06 - 01:12:10:10

It is tiny. The risks, therefore, on the public are very high and the bond is essential. Thanks.

01:12:11:20 - 01:12:27:12

Thank you. Are there any other interested parties who wish to have a say? No, I'm not seeing anyone in the room or online. Um, in which case, um, we'll just.

01:12:29:10 - 01:12:34:00

Apologies. Um, just had the applicant respond to those points that were made.

01:12:34:09 - 01:13:07:01

Thank thank you, sir. Uh, which group is on the applicant to put all of those together? Um, all covering the same point. Um, I'm just going to start there with, um, the basic, uh, the first point of what a requirement is test, a requirement is. Is stronger than a planning condition. I know the word. It's akin to a planning condition on a TCP planning application, but it's and it does secure things to operate the how the development should be operated or constructed.

01:13:07:03 - 01:13:45:02

But requirement is different to a planning condition on a planning permission. And the fundamental difference is that from day one, should you breach that then it is a criminal offence, as set out in

section 161 of the Planning Act 2008. So the reference to the counselor Overton mentioned on housing developments and the bonds, they are under a Town and Country Planning Act permission with a and therefore do not have that um level of breach and uh, that to a it's like the consent order um will as it's a piece of legislation.

01:13:45:04 - 01:14:24:01

So it's not a good precedent referred to by Councillor Overton. Often the precedents are equivalent. Orders equivalent. Uh uh. Piece of legislation. Development consent. Order. Um, in terms of. Then what happens should a project under a DCO be sold? Are they under the same obligations going forward? The answer to that is yes. Um, an operator of a National Significant infrastructure project that is consented under a development consent order can only construct or operate that nationally significant infrastructure project by having the benefit of the development consent order that has to be transferred to that new operator.

01:14:24:14 - 01:14:57:18

Um, and by becoming then the new undertaker, um, under that development consent order, they have to comply with all the articles and all the requirements. Um, uh, under that, uh, order. So should a project be sold, then? That new undertaker, that new that new company, um, has to follow the same restrictions, same reporting mechanisms, etc. as the original applicant. So the decommissioning requirement on this order would absolutely.

01:14:58:01 - 01:15:32:23

Um, um, uh, be uh, something that any, um, the operator of the solar farm would have to comply with. Um, this is a this is a project that the applicant intends to construct and, and operate going forward. But should that situation arise, any new body would have to comply with the decommissioning requirement. And then in terms of the decommissioning requirement itself, um, as I've said, uh, it is there, it's a criminal offence is going to have to be planned for in the maintenance. We've also got land agreements with our landowners on the future restoration of the site to pass it back to them.

01:15:33:00 - 01:16:03:02

So there's the land element to I know they're not before the examining authority because they're private commercial agreements. Um, but there is that land element where we have, uh, we have contractual obligations with the landowners to restore the land to them. That has to be weighed in to the considerations, but ultimately the decommissioning requirement is there. We have to plan to deliver it, and it's a criminal offence if we breach it and it will follow any, um, any operator of the spring. Spring. Well, solar farm going forward.

01:16:03:15 - 01:16:07:13

Um, I think that's a very high level summary of how it would operate.

01:16:08:15 - 01:16:36:17

Thank you. Um, so the next agenda item is procedural decisions, review of actions, next steps. I propose we just take a brief adjournment to before the examining authority to discuss the action points before we come back and, um, list those out and close the hearing. Okay. So if we if we come back at, uh, five, two, five, um, the hearings adjourned.

01:18:01:14 - 01:18:39:23

Okay. The time is now 5 to 5 and we will resume this issue specific hearing. So we now turn to item ten on the agenda procedural decisions review of actions and next steps. And now take us through the action points. These action points will be published on the project web page of the Planning Inspectorate website as soon as possible after this hearing. Uh, so we have 14 action points. Action point one for the applicant to update, update to interrelationship report and discussions to take place with the local authorities during a drafting.

01:18:40:11 - 01:18:41:23

at deadline three.

01:18:44:02 - 01:19:12:24

Action point two for the applicant. Undertake a further plume assessment to include air dispersion modeling and particulate matter, and that's as soon as possible rather than tied to a deadline. Action point three for the applicant, um, for North Kesteven District Council to be added as a consultant to requirements. Seven of the draft DCI for deadline three.

01:19:15:06 - 01:19:49:12

Action point four for the applicant provides legal view on its position that it would not be reasonable to include a requirement in the draft DCO to restrict the replacement of panels to that assumed in the. Yes, that's the deadline three. Action point five is for both the district council and the county council to provide comment on whether it is reasonable to include a requirement in the draft DCO to restrict the replacement of panels to that assumed in the yes.

01:19:49:15 - 01:19:52:16

And if you could do that for deadline three

01:19:54:10 - 01:20:11:10

action point six for North Kesteven District Council, uh confirm whether the applicant's technical note on climate change at deadline two overcomes its concerns regarding the baseline comparison against other technologies. That's for deadline three.

01:20:13:21 - 01:20:28:18

Action point seven for the district council and the county council to confirm whether the Secretary of State's consideration of combined cycle gas turbine in the East Yorkshire solar farm project. Um

01:20:30:13 - 01:20:39:12

9th of May 2025. Alter the views of North Kesteven District Council and Lincolnshire County Council. That's for deadline three.

01:20:41:09 - 01:20:59:05

Action point eight for the applicant. Applicant to confirm total carbon savings figure based on comparison with the UK grid electricity 2024 figure of 252.9. Um.

01:21:00:18 - 01:21:03:09

That's it. Line three.

01:21:05:16 - 01:21:21:17

Action point nine for North Kesteven District Council to provide details of the other solar developments where the examining authorities have found that sealed over land has been considered a permanent impact. Deadline three.

01:21:23:19 - 01:21:33:01

Action point ten for the applicant and EA to have further discussions on wording relating to an expected contamination. That's deadline three

01:21:34:19 - 01:22:00:03

Action point 11 for the applicants. This is related to scarce arable flora. To confirm whether the green infrastructure margins Enfield, BC 115 shown on the green infrastructure being parameters, should extend to the northeast corner of the field to include target note location nine, and also whether the proposed strategic tree belt clashes with target note location ten.

01:22:02:23 - 01:22:39:17

And that's for deadline three. Action point 12 for the applicant to provide a map or figure showing a showing the location of proposed mitigation works for ground nesting birds. That's deadline three. Action point 13 for the applicant provides revised draft Eco, including anticipated BMG figures in requirement eight. That's deadline three and a final action point for applicants and North Kesteven District Council.

01:22:40:11 - 01:23:00:12

For further discussions to take place in relation to the data used to assess tourism effects and the monitoring measures that could be put in place to understand the impact on tourism, related to the use of the public rights of way and stepping out network. And that's um, so for those discussions and an update to be provided at line three.

01:23:03:09 - 01:23:06:03

Are there any questions on those action points?

01:23:15:13 - 01:23:48:16

Applicant which is on behalf of the applicant. It was just a clarification that action point one um, we said, um, we were going to update the interrelationship support for D3. But in terms of how the hearing went, there was say a request for us to engage with the authorities on that tribe as productive as possible. So, uh, it may be that it, um, is submitted later than D3. We're aiming for D3, but in terms of conversation with the authorities, that was an action we also took away to do that.

01:23:48:18 - 01:23:51:19

So we said D3 or D or D4.

01:23:54:11 - 01:24:04:14

Okay. Thank you. Yeah. Any other comments? Questions? No. Uh, Miss Overton, can we have roving microphone brought forward?

01:24:17:06 - 01:24:29:15

Thank you very much. They seem like very good questions. Can I just ask about the bond, whether there's any thought, consideration, whether we should look into that, whether it is possible. Um, I understand there was a difference of opinion. Thanks.

01:24:29:19 - 01:24:36:23

Yeah. I did say we would mull over what we had heard, and, uh, we can follow anything up in written questions. Okay, fine. Should we feel the need? Thank you.

01:24:38:12 - 01:24:41:11

Thank you. If there's no

01:24:43:05 - 01:24:59:19

further questions or comments, I'll move on to agenda item 11. Closing remarks. So may I remind everyone that post hearing notes, documents and answers prepared in response to these post hearing actions should be provided by deadline three, which is uh or

01:25:01:09 - 01:25:22:02

uh or um at other deadlines or dates as discussed. But deadline three is the 12th of August, 2025. I now proceed to close this issue specific hearing. Thank you all for participating. Participating today. The time is now 502 and I close this issue specific hearing.