

Hearing Transcript

Project:	Springwell Solar Farm
Hearing:	Issue Specific Hearing 4 (ISH4) - Part 2
Date:	17 July 2025

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File Length: 00:49:14

FULL TRANSCRIPT (with timecode)

00:00:05:24 - 00:00:15:15

Okay. Its court is a 12, so we will resume. Please, um, so we can have the roving mike come forward. And any interested parties who wish to say something about transport.

00:00:23:00 - 00:00:24:09

Okay, Mr. Williams, thank you.

00:00:26:05 - 00:00:58:14

Mark Williams, representing Springville Solar Action Group. I've got real concerns about everything to do with traffic. I have no idea how you identify all the private vehicles, the pickups, the motorbikes, HGVs, leaves that are associated with this development. What are the penalties? Travel plans are not worth the paper they are written on. I've spoken to many planners who've basically said that they're always disregarded.

00:01:02:00 - 00:01:25:01

Are there any? Will there be any penalties? I doubt it. The applicant expresses. Sorry. The applicant's expert has mentioned workers being bussed in and billeted in certain areas. This puts into real question. One of the things that the applicant quotes will be a benefit to this development employment for local people.

00:01:26:02 - 00:01:28:18

Okay. So in relation to transport.

00:01:29:20 - 00:02:00:10

The we we also heard from the applicant's expert on modelling, the applicant model has modelled all the way through this process. There are plenty of there would have been plenty of opportunity to model the impact of Nathan B Colby, the substation and loader. There are plenty of examples of new substations and buses and other solar farms being built. So there is no excuse for this deadline for that data not to have been present.

00:02:00:12 - 00:02:01:02

Thank you.

00:02:02:22 - 00:02:04:04

Thank you, Mr. Frost.

00:02:06:16 - 00:02:40:06

Yeah. Thank you, Paul Frost. Uh, many points have already been made by, uh, me and other interested parties against the sheer volume of construction traffic on small, rural roads and the inappropriateness of this. Uh, so I'm not going to go through those in detail, but I do ask that they really are given due

consideration in deliberations. As a new point, I think there should be a requirement for the traffic management plan to be amended to avoid HGV traffic through the village of Scott.

00:02:40:17 - 00:03:20:01

During the period, young people are catching buses and taxis to and from educational facilities. In addition, pedestrian crossings should be provided at appropriate locations to reduce risks from any continuing movement of non HGV traffic. If staff or contractors do not adhere to the traffic management plan, how will this be identified and what action is possible to be taken if they do? It's my understanding there are no ramifications and in practice many similar traffic management plans are simply disregarded.

00:03:20:23 - 00:03:30:24

I did hear that it would be a criminal offence, but who would be prosecuted? Who would be fined? Who would be imprisoned? Thank you.

00:03:32:20 - 00:03:39:11

Okay. Thank you, Mr. Frost. I think I could move the roving across to the other side. Mrs. Parker, thank you.

00:03:39:17 - 00:04:25:16

Thank you. Elizabeth Parker, resident of Avon Bay. Yeah. Similar concerns for Nathan B, because although, um, I understand that the majority of the traffic will be along the A15, but there are there is the best site and the substation site very, very, very close to Niven Bay and so easy to use our village roads in 607 at Green Man Road, East Road and Chapel Lane for accessing these sites. I have, um, a lot of feeling for the Scottish people, and I would suggest that, um, the applicant provides no construction traffic and no support traffic notices on these small roads because our roads just cannot take it.

00:04:25:23 - 00:04:58:09

I use the A15 quite regularly. It is a very dangerous road. All of the junctions are dangerous. The A15 and the 1202 is a crossroads. It is shocking. People take risks there. There have been deaths. Um, also on the monitoring, I understand that the HGVs do have trackers, but who's going to monitor those trackers? Uh, where is it going to happen? And and again, of course, with the, uh, staff going to and from these, um, these sites.

00:04:58:14 - 00:04:59:07

Thank you.

00:05:00:12 - 00:05:05:06

Okay. Thank you very much for your contribution. Uh. Next, please. Mr. Gallagher.

00:05:06:12 - 00:05:07:05

Thank you.

00:05:08:08 - 00:05:49:12

Um, I made representations to the previous, uh, hearing regarding specific locations such as Church Lane, and I'm not going to address those today, nor am I going to talk about the scoping of what should be within the cumulative effects. But I want to elaborate on, uh, why I think the, uh, lack of information on the cumulative effects on the schemes which have been already accepted should be considered by the applicant. Uh, the aspects the consequence of not considering that at the moment, I think, invalidates all the discussions that are taking place between the applicant and LTC highways about whether or not the road network is actually adequate.

00:05:49:14 - 00:06:21:04

And I suspect that, um, when the cumulative effects information is available, it will be necessary for El-Sisi to consider supplementary evidence in relation to their local impact reports specifically regarding the highways. And I'd like to illustrate the point by just one specific example. Um, the A15, um, is a relatively straight road, and it has joined at one particular, uh, point by the, uh, Green Man Road into a T-junction.

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Uh, and as I understand, it's not been considered at all by the applicant in its, uh, traffic assessment. And I think there is an impression around that. The spring. Well, traffic will have no impact at that particular point on the A15. That junction has a bad traffic record over the last three years. Which data was publicly available to been seven, uh, injury collisions there, plus numerous other non injury collisions. So the injury collisions are running at the rate of one every five months, which is quite significant in my opinion.

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Um, this there will be additional traffic going up and down the A15. I assume the reason the applicant's not included it is because they don't intend to route any traffic down Greenman Road itself, but the traffic along the A15 is what generates the crashes. All those collisions have involved vehicles transiting along the A15 north south or south north. Uh, so, uh, I believe that they should be included. Um, the effect of, uh, of the substation should also be included in that assessment.

00:07:33:17 - 00:08:06:24

It would be inappropriate just to look at spring zone traffic at that particular point on the A15, because a significant volume of traffic from the uh substation would also be transiting through that particular point. Um, more pertinently as well. Um, there is information available about the routing now for the best that's proposed at Nathan B, and all that traffic is expected to, uh, uh, arrive and depart through the Green Man Road onto the A15 at that point.

00:08:07:05 - 00:08:51:23

That's a significant, very significant, in my opinion, cumulative effect on that one particular junction and which is not even been mentioned today by the applicant. So, um, I think we we, uh, there needs to be an assessment about what the impact of that additional traffic would be in certain situations, like in a built up area. It can be the additional traffic actually makes the road safer because it reduces the speed of the traffic. So it's not a linear relationship. But I would suggest to you at this particular point on the A15 that I'm talking about, uh, a particular increase in traffic will have a disproportionately significantly larger impact on collisions that would cause injury.

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I therefore think it's crucial that we take a proper cumulative impact assessment on each of the identified locations where we believe the traffic is a problem. Um, so, um, I think that is the first point that I wanted to make. The second point is regarding the impact of disruption. Um, it was interesting to hear, uh, the, the applicants saying they were not able to get information about the plans of the other entities.

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I mean, I, for example, have had significant discussion with National Grid at their public consultation event about what their routing would be. And they, for example, proposed that on Heath Lane, um, they will be they will be, uh, building, uh, passing places during that period of time, the road will need to be closed. Uh, the, um, for the whole period of their construction, the road speed limit will be reduced from 60 down to 30 mile an hour. So that's when I asked similar questions of the spring.

00:09:58:10 - 00:10:31:24

Well, representatives of that public consultation event. They were unable to give me any information about how there would be road closures or anything of that nature diversions. Um, I think this is something that should be considered as well, because the cumulative impact on local residents of all these road closures, diversions, etc. is going to increase the mileage that they have to make to avoid these. Um, it's going to have a cost in terms of time, sitting at, uh, one way, um, traffic lights, temporary traffic lights, etc.

00:10:32:07 - 00:11:03:02

um, these can all be costed. I'm not aware that that economic impact has been identified by the applicants. I would think it is a relevant consideration for the examining authority. Um, and I would hope that the applicant will be able to to cost that up and indicate what it is. Uh, I think my third point, uh, touches upon, uh, some of the issues that the inspector has already alluded to. Uh, the restriction on the B1.

00:11:03:05 - 00:11:38:05

202 at peak times. Um, I was very pleased the inspector identified what is the potential displacement impact? And if, again, I can bring in, um, our local knowledge, the increasing likelihood of having a collision of the B-1 202, uh, A15 junction has led to a lot of traffic no longer transiting, uh, along the Boothby to, uh, A15 section of that road. They now divert down Greenman Road, uh, to avoid the that accident hotspot.

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Um, if, uh, the, uh, restrictions are placed on the traffic of the B-1 202 during those peak hours, it is reasonable to assume that that will further increase the traffic on down Greenland Road. So I was very pleased that the displacement aspect was raised by the inspector. Um, I think the definition of peak is quite interesting. Um, I, I've not I'm not aware of the information about the traffic counts at that particular time, but what I can say is by observation, in neighbouring village, the peak is somewhat earlier than 4:00 because there is a significant amount of school traffic.

00:12:16:13 - 00:12:52:17

Um, so, um, I would be interested to understand why 4:00 what, rather than 3:00 was selected at the cut off point? Um, I think it's very important, the point that the inspector made about the LGV traffic as well. Um, what is the mechanism for it to follow prescribed routes? There isn't any mechanism described at the moment. And I think the final, uh, aspect on this section is what is the enforcement mechanism? Um, the, the applicant has talked about, uh, this, and saying that there will be requirements, etc.

00:12:52:20 - 00:13:27:17

but the evidence and if I can cite it does not support that as has already been indicated. And thanks. Um, reference one precedent. Uh, through Harmston village. Um, there was a problem with HGVs taking refuge from transfer station in the Boston area to the incinerator, uh, in North Hykeham. Uh, a contractual requirement that was entered into that prohibited that use, uh, but is continually flouted because there's no enforcement mechanism.

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Um, it's the, the the local residents are being, uh, fobbed off effectively by saying, oh, well, we've no evidence of that, etc., you know, that that particular vehicle was actually going to the transfer station, etc.. So I'd be really interested in the enforcement mechanism is proposed. There are enforcement solutions available. For example, each of the compounds could have a camera and were there was at the junctions. If there was, for example, restriction on traffic from 7:00 to 9:00, that could similarly be a camera there.

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And it'd be a simple matter for saying this particular vehicle, um, went through that junction at 817 and arrived at the compound at 819. Therefore, we have the evidence that, uh, is now will trigger a penalty mechanism, which is defined. So there are mechanisms, but none of this has been considered whatsoever by the applicant. So on highways grounds, I would argue that the whole of the discussion today has been invalidated by, um, the lack of data about the cumulative effects.

00:14:33:00 - 00:14:33:15

Thank you.

00:14:36:00 - 00:14:42:20

Thank you. Um, come to the applicant now, please, if you wish to say anything in response to all of the interested parties.

00:14:42:22 - 00:15:18:11

Thank you. Sir. Miss common for the applicant. Um, I will just cover firstly myself the enforcement provisions in place. And then I'll pass to Mr. Buchan to pick up any of the comments that he's able to pick up and otherwise we'll respond in writing. But just to be clear about the enforcement provisions, there's a DCO. There would be a DCO requirement which would require us to have the construction traffic management plan approved by the relevant planning authority. And there's also a requirement that we then need to comply with that approved plan. And KDC has enforcement powers against the undertaker under the Planning Act for a breach of the requirement.

00:15:18:18 - 00:15:51:19

So there's monitoring provisions in the CMP and a requirement for us to record any ongoing compliance and non-compliance. And KDC can always ask us to confirm or demonstrate compliance if they have concerns or if people are raising concerns. Um, if NK wants to take more formal action, um, it has powers under Planning Act in order to do that under section 167, it can serve an information notice on us to give information on the area where they think we are in breach, and that's our opportunity to demonstrate compliance or otherwise.

00:15:52:04 - 00:16:24:01

Um, they then have the ability to serve an enforcement notice on us to stop the breach. And if we fail to comply with that notice asking us to stop the breach, which is an offence under section 168, then they can seek an injunction to make us stop working until we can comply with the enforcement notice. Um, I'd also just note the CNP at 8.4.2 references having a hotline for local residents to use to report concerns with compliance to the developer so that we can address these. Which you would do, not least because of the enforcement powers that the council has if we fail to do so.

00:16:24:11 - 00:16:30:23

Um, I'm just going to hand over to Mr. Buchan now to pick up any of the more specific, um, traffic and assessment points.

00:16:34:18 - 00:17:19:01

Thank you. Gordon Buchan, on behalf of the, uh, the applicant. Uh, just taking up on the CMP measures. These have been used to great effect on a variety of renewable and energy projects, and have been successful in controlling traffic and ensuring that traffic stays on the routes that have been agreed with the highway and road authorities. Um, there are um, details, as Miss Collins alluded to, the chapter eight of the CMP, uh, details, the um, monitoring and enforcement regime that will be further expanded on in detail, uh, at the final CMP report that will be, um, agreed and approved by uh, Lincolnshire County Council as the appropriate highway authority for the area.

00:17:19:13 - 00:17:59:04

In terms of other comments that were made, um, the study area and um, the um junctions within the assessment were all agreed in advance with Lincolnshire County Council. Um, so, um, they have reviewed the road network and those are the junctions that they have requested assessments, uh, undertaken. And in terms of the cumulative elements, as we've stated earlier, a revised cumulative assessment will be provided to the hearing and to the inquiry at deadline for um that will provide full details of all the schemes that are coming up with the additional details from those applicants.

00:17:59:16 - 00:18:08:06

Um, that will illustrate any cumulative issues and effects within the road network to the satisfaction, hopefully, of the examining authority. Thank you.

00:18:10:13 - 00:18:25:18

Okay. Thank you for your response. Okay. We'll move on to our fifth agenda item, which is the water environment. And I'd first like to touch on the sequential test please. Do you need to swap around any team members.

00:18:26:23 - 00:18:28:22

No I think both the experts are on line.

00:18:28:24 - 00:18:50:05

Thank you. Okay. Okay. In terms of the sequential test, um, when compulsory acquisition, uh, is being used or and is a potential option to the applicant, um, for the proposed development is using the unavailability of land to rule out flood zone one land surrounding the order limits as an alternative justified.

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It is common for the applicant. I think the first point to note here is that our approach to the sequential test, um, doesn't. Hasn't identified any sites within solely within flood zone one which are suitable and appropriate for solar, but which we've discounted purely on the basis that they're not reasonably available. So that's the first point to make the the inability to find sites within flood zone one is actually based more on their inappropriateness or unsuitability for solar in terms of that. Second, the sequential test being reasonably available and also suitable and appropriate for solar.

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So that's the first point to make, I think in terms of the use of compulsory acquisition powers. Um, I would we would say that that doesn't amount to, um, reasonably the land being reasonably available and there being a reasonable prospect of acquiring that land because of the ability to acquire compulsory acquisition powers. I think there is that ability and that would feed into the that the land could be available. It's probably the reasonableness that I would look at. Firstly, the guidance around that and the PG does reference timescales around that, and there are longer timescales involved in the compulsory acquisition, both at the pre-application stage in terms of when you have agreement with the landowner that can save significant amounts of time in terms of access for surveys and working with that landowner to pull together an application, there's a lot of benefits of that, including time saving.

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And then at the other end, in terms of, um, land assembly, um, if you have an option that you've entered into that's exercisable and you could draw down that lease, that is a quicker process than having to go through the general vesting declaration process. But I also just think in terms of the reasonable point, um, that's a situation where you need to satisfy specific tests are apt to be able to obtain the compulsory acquisition powers which rely upon you, demonstrating that there is no reasonable alternatives to using those powers, and that they're very much a last resort.

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So that's a situation where you have in one hand a site with a willing landowner with, in this case, about ten hectares of flood zone two and three, which can be made acceptable and not have any planning risk associated with it, which I appreciate for the sequential test is not relevant, but in terms of your ability to obtain CA powers and on the other hand, looking at a site presumably in flood zone one with an unwilling landowner who you're then proposing to, you know, impact on their private rights by compulsorily acquiring that land, whether that is actually a reasonable that those powers are reasonably available to you, because in practice, I think that'd be quite difficult to satisfy the compulsory acquisition tests in order to obtain the powers.

00:21:33:22 - 00:21:50:08

Um, so we don't I don't think that purely the ability to obtain impulse acquisition powers means that all land is reasonably available to us, and there's a reasonable prospect of, um, obtaining that land in the timeframe that's required.

00:21:50:22 - 00:22:12:12

Okay. At the very start, I think you referenced that you haven't ruled out any land purely on an availability issues. Is that correct? Because reading the material that was provided, which was very useful, by the way, um, but it did say, I think land to the north of the order limits. The planning estates wanted to keep that for farming. So therefore any land to the north of the Ord limits was ruled out on that sole basis.

00:22:12:14 - 00:22:40:22

Sorry. No, you're right. I suppose I'm starting at the more macro level in before we get to, like you said, in terms of the identification of those five areas that we've said are suitable or appropriate for solar. Um, all of those have been in bloodlines one, two and three. So it's not a situation where there was a whole site within flood zone one that was appropriate and suitable for solar, but that was that we've discounted because it wasn't available to us.

00:22:42:15 - 00:23:12:23

I appreciate that in our. I think you're referencing in our planning addendum that we submitted in response to the questions at the last issue specific hearing. We then set out um, uh, land that was available as was available to us from the new state. Um, in terms of land that's either within or adjoining the old limits. And then we have addressed sort of on a field by field basis why some of that land isn't included. Um, and that was reasonably available but not suitable, appropriate for, um, solar.

00:23:13:13 - 00:23:28:04

Yeah, absolutely. So it's my question was more about the land to the north, which the landowner said wasn't available and why they're giving you a compulsory purchase in other areas of land, whether that's sufficient to outweigh the sequential tests in terms of putting solar panels in flood zones.

00:23:28:20 - 00:23:41:02

Um, yeah. So I addressed you in terms of the compulsory acquisition point. I do also have Mrs. Sarah Price to the director at DWP online, who might be able to just expand more in terms of that specific, Um, area, and I'll just pass over to her now.

00:23:41:04 - 00:23:41:19

Thank you.

00:23:43:00 - 00:24:18:23

Thank you, Sarah Price, for the applicant. I think the additional point that I'd like to raise against those questions. And so is that the reason that the state didn't identify that land as being potentially available was because they wish to continue farming that land? Um, it's it's good farmland. And clearly, uh, planning balance needs to take into account a range of different considerations when deciding what's a suitable use for the land.

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So the applicant did have regard to the estate's wishes as to which land was, um, potentially available or that they would put forward as available for solar. And in looking at that availability, um, test, I think it's important to have regard to what the current use of the land is and whether its fulfilling an appropriate planning purpose. You know, for instance, if we were looking at this in the context of a large housing scheme, for instance, land that was already being used for alternative employment purposes, for instance, wouldn't be considered as available for the purpose of the sequential tests.

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And, you know, I appreciate that's not in a DCO context, but I think it's reasonable to consider what the current use of the land is as well and whether it's its satisfying and appropriate use.

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Okay. Thank you. Um, we'll continue to mull over those points. Thank you. Um, turning to the related matter about operational reasons for having, um, panels in flood zone three B uh, and obviously the, the what? Paragraph 5.8.14 says of mpac m one uh, the applicant is of the view uh, that, uh, Utility scale solar farms can only be located where they can connect to the national grid, and ultimately, that represents an operational reason.

00:25:47:13 - 00:26:00:02

Um, is that what is envisaged by paragraph 5.8.41 of the MPAC m one? Or should operational reason mean something to do with the proposed development itself? For example, its required layout?

00:26:02:13 - 00:26:36:00

Is common for the applicant. Um, we, uh, I think it probably could be either. But in this case, we say that, um, we've set out the reason to be in this location. I think part of that operational reason as well. And, and the need, um, in this location is to maximise use of that grid connection and maximise the benefits of the scheme in terms of um generation, um, and to make an efficient use of land, particularly in a case where we're talking about very small areas of flood zone three, be around the edges of fields which otherwise would not have any other use.

00:26:36:10 - 00:26:58:02

It represents an efficient use of land and as I've said, maximizing the benefits of that land and the generation capacity, which we say is an operational reason, particularly in the context of there being an urgent need for that type of infrastructure and and a need to maximise the use of the grid grid infrastructure and the capacity in that respect.

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Okay. I think in terms of making best use of land, I think that's probably a relevant matter for the sequential test. I'm not sure it factors into operational reasons. Um,

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so on that basis, in the theoretical scenario that we took a much narrower view of what operational reasons mean and assumed that it would be the proposed development in itself and its layout

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with the applicant, except that there are no operational reasons in terms of the proposed development itself, in the narrow sense.

00:27:34:02 - 00:28:03:00

Of the applicant. I think that assumes that it means that there that this aspect is absolutely essential to the operation of the solar farm, which is not the test. So it's I mean, so I think we'd accept accept that these parts aren't absolutely essential to the whole solar farm, but that isn't the test. The test is that there's an operational reason. And the operational reason here is to maximise the generation capacity of the whole solar farm, in line with government policy and the urgent need.

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But if simply providing renewable energy infrastructure was an operational reason, it wouldn't need to be in the paragraph, would it?

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It wouldn't be set out in the MPs if all renewable energy infrastructure was justified as an operational reason to put infrastructure in flood zone three big.

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Well, I think the test is there then to then go on to satisfy the rest of that paragraph in terms of um,

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should only then be consented, doesn't result in net loss of floodplain storage, and doesn't impede water flows.

00:28:45:18 - 00:28:53:11

But that's only if there is an operational reason. Its extra caveats for it to be acceptable, isn't it? I think my interpretation of that is. Anyway.

00:28:54:01 - 00:28:59:18

I'm sorry, I've just been alerted to Mrs. Price having, um, indicated she would like to speak, so I might just pass over to her.

00:28:59:23 - 00:29:00:13

Um, okay.

00:29:00:15 - 00:29:02:03

Thank you. In case she wants to expand on this.

00:29:03:09 - 00:29:36:17

Thank you, Sarah Price for the applicant. Um, the couple of points that I wanted to raise was that, um, obviously, these this paragraph that we're considering is in eon one and applies to all energy infrastructure and operational reasons. You know, I think the reason that we're grappling with this is because it isn't defined and clearly could have a very wide interpretation, um, for a wide variety of energy infrastructure as well.

00:29:37:06 - 00:30:12:06

And as we noted in the written submission at deadline one, in relation to the solar panel siting assessment, which we've been referring to. But just for the record is Rep 1069. And that also draws attention to annex three of the NPF, which clearly is a different policy document, but I think is helpful in talking about what operational reasons means in the context of the sequential test as defined by the NPF as well.

00:30:12:15 - 00:30:51:01

And that, as Miss Coleman has been referring to earlier, notes that electricity supply and generation in itself is an operational reason for location in higher flood risk areas and also in the context of the NPF. Whilst there are types of energy Infrastructure that do need to demonstrate operational reasons. Solar and wind farms, for instance, are not listed as requiring. To demonstrate that to appreciate that's a different policy document, but I think is helpful in perhaps understanding what those operational reasons, or rather, what is meant by that term operational reasons.

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Okay. Is that actually what annex three of the NPF says though, or is it actually just trying to clarify what is considered to be essential utility infrastructure?

00:31:04:11 - 00:31:37:12

So sorry, says Sarah Price for the applicant. Um, so the annex three is, as you said, lists out, um, what's regarded to be essential infrastructure. But then there's against each type of technology. Um, there's further consideration of why those might be essential infrastructure within the floodplain. And I appreciate sir. It is a different context, but other types of energy generation and transmission.

00:31:37:24 - 00:32:08:05

There's a specific text afterwards which afterwards which clarifies the operational which might have operational reasons. Solar and wind I'm simply noting doesn't have that afterwards. And so sort of in the absence of extreme clarity, I suppose, as to what is meant by operational reasons in the context of the NPS, which, as I said, could be quite wide ranging in the range of of technology it's intended to apply to.

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We would say the applicant's position is that, um, the need to maximise the use of the

00:32:20:04 - 00:32:26:13

the amount of electricity that can be generated here and maximise the grid connection is an operational reason in itself.

00:32:29:22 - 00:33:11:19

Okay. Thank you again. I'll mull over what we've heard today and follow anything up in writing everything. Questions if I feel necessary. Okay. Um, we'll move on to matters associated with the Environment Agency. Um, so if they could be ready to jump in shortly. Thank you. Um, part two of, uh, Principal Powers, article six of the draft of the development consent order. Uh, the applicant has had discussions with the environmental agency in relation to subparagraph D, uh, and the

Environment Agency has agreed to expand upon its reasoning for, uh, its request, um, for the applicant to better understand its position.

00:33:12:01 - 00:33:20:12

Um, has there been any updated discussions on that particular point? Either the applicant or the Environment Agency could, uh, update us on please.

00:33:21:03 - 00:33:39:10

Miss the applicant. Thank you. Yes. We've have had further discussions on that, um, with the Environment Agency and we've have agreed to remove that, um, this application from the development consent order at deadline three. And, um, we've shared that with the Environment Agency. And was Hewitson on a call earlier in the week?

00:33:40:15 - 00:34:09:04

Okay. Thank you very much. Um, okay. Moving on to our water disposal. Um, the connection to a public sewer. Um, the applicant considers it's not feasible due to the distance of approximately three kilometres. Um, is that now accepted by the Environment Agency? I know you did raise concerns. Uh, or you stated a preference, rather that, uh, a sewer connection was the preferred option for you. Is that move forward at all? Thank you.

00:34:09:06 - 00:34:28:09

Annette Hewitson for the Environment Agency. Um, yes. So that that is now except that it's it's not feasible. Um, so we're satisfied that we're now just to consult t to the, um, non mains file system. Um, during the detailed design stage. So we'll still be able to comment on that. But yes it's accepted.

00:34:28:11 - 00:34:51:04

Thank you. Okay. Thank you. Um, and also, I noted the statement of common ground between the applicant and Environment Agency has quite a lot of matters still under discussion. However, based on the deadline, two submissions that didn't appear to be really many areas of disagreement left. I just wondered if if that would be updated at deadline three to reflect the actual current position.

00:34:52:22 - 00:35:08:15

Of the applicant. Yes, I understand that is the intention of deadline three. Um, unless I'm mistaken, I think the only point outstanding is the one we discussed yesterday about the unexpected contamination and and how that, um, where that sits in terms of the DCO or the, um, camp.

00:35:09:16 - 00:35:40:23

Okay. Thank you. Okay. Have you noticed my last question? Um, concern was raised by justice parties on Tuesday about land drainage being damaged during construction. Uh, and whilst it was understood that sort of drainage pipes could be replaced if encountered during, for example, open cut cable installation, where it would be obvious that damage had taken place. How would it be known if drainage pipes had been damaged through things like vibration from piling? Is one example. Could the applicant.

00:35:41:03 - 00:35:45:22

Um, we did reference it at the time. I think you would, uh, provide a response today.

00:35:47:14 - 00:36:18:02

For the applicant. Um, I think probably with my groundwater expert yesterday, it probably would have been, um, that would have been more helpful. And perhaps I should have remembered to raise it then. But, um, I'm told that firstly, um, just in terms of the and part of the approach in this respect is really the level of due diligence done in advance to make sure that we're aware, as best we can, of existing utilities, including drainage. So we undertake, um, various searches based on commercially available databases.

00:36:18:04 - 00:36:21:10

But then we have also engaged with land.

00:37:35:01 - 00:37:45:09

Okay. It's 1230, so we will resume, please. Um, apologies for that. Um, we were sort of halfway through the applicants response, so I don't know whether you want to start again.

00:37:46:14 - 00:38:17:07

Thank you. Yes, I can do that. So, um, as I was saying, the the key sort of, I suppose mitigation in terms of the impact on drainage is the, the process and the due diligence process that we've, we've gone through in order to identify the existing utilities as best we can. Um, so I'll just run through that. And I was halfway through that before, I think. But um, so during early design searches are conducted with commercially available databases and verified through discussions with utility owners and statutory consultees.

00:38:17:18 - 00:38:50:21

This includes discussions with stakeholders, such as landowners, to incorporate their records of features that are not commercially available pipework related to blank new states has been received and also incorporated. The design is then amalgamated into a single CAD model that can be coordinated with the solar PV and Best Design, to ensure that all appropriate measures and mitigations are carried out. Um, then we also conduct geophysical surveys, which confirms where the actual features are physically. So we're not just relying on what is shown on, on drawings.

00:38:51:14 - 00:39:24:01

Um, and so that will basically that's the process we go through to try and make sure that we've, we've aware as best as we can of the existing features. Um, we've mentioned earlier in the week, um, the measures in place, there's commitments in both the soil management plan at 7.5.2 and in the Outline construction Environmental Management plan, table eight, um, which are commitments to remediate and, and basically replace any drainage that is impacted by the development and that recognises that there is.

00:39:24:07 - 00:39:55:23

And we do appreciate there is some difficulty in being able to identify all features. And and there is the potential, despite all those measures and the care that we've taken, that there is some, um, ability for, for damage, um, in the outline construction environmental management plan, we have um, provisions in there and obligations on the environmental manager in terms of site walkovers and

monitoring of the site. Um, and so any breakage that is noticed will then be fixed as, as committed to under both the soil management plan and the outline construction environmental management plan.

00:39:57:03 - 00:39:57:19

Thank you.

00:39:58:18 - 00:40:10:00

Okay. Thank you. Okay. We'll come to, uh, interested parties now in relation to the water environment. Uh, if we could have a Robin microphone, please.

00:40:11:21 - 00:40:12:11

Yeah.

00:40:14:08 - 00:40:16:22

So I think it's on its way. The microphone.

00:40:23:02 - 00:40:26:04

Okay. Thank you, Mr. Money. I thank.

00:40:26:14 - 00:40:27:07

You very much.

00:40:28:21 - 00:40:31:07

To respond to what the applicant is.

00:40:31:11 - 00:40:33:02

I can do this talking to the microphone.

00:40:33:06 - 00:41:13:19

So to respond to what the applicant has been saying this morning. About the sequential test, first, I'm going to have to do this for memory for clarification. I am a retired chartered surveyor who was the estate manager for Blakeney Estates until 15 years ago. And I have got a pretty good memory, I think, um, with regard to the land that is east of the B11 88 that is under drained, it is four miles away from the substation, and Blakeney Estates own and farm roughly 11,000 acres on the Lincoln Heath.

00:41:14:02 - 00:42:00:18

There is possibly 3000 acres that would be available quite close to the Naval Power Station naval substation, and it is obvious that the applicant doesn't want to release this land. And of course, the land that I have talked about and we are talking about below the B11 88, um, has already got the benefit of the planning and planning consent for solar development. But of course, the applicant could not get a good connection into the 132 line that comes across the Lincoln Heath and goes into the, um, go go south to burn it much as little.

00:42:01:05 - 00:42:39:14

Um, so that is possibly one of the reasons why they have allocated this development. On top of this, what I would call put better farmland than the heath. So there is, there is, as the applicant says, they

want to to remain farming on the Lincoln Heath, but they could swap it for better land. That is below the bill of an eight eight. I hope I'm making myself reasonably clear if the applicant is going to cancel the plans that Blakeney Estates have regarding regarding land drainage.

00:42:40:03 - 00:43:23:09

I used to do all those and give them to the contractor. The contractor didn't come back with with as install drawings. So they are a guide. You will be within 2 or 3m possibly of where these drains are actually or actually where they actually are. And some of these plans are 70, 80 years old. Certainly where we're talking where I'm talking about the fragile clay land tile drainage that is below the B11 88 and north of the village of Scott Way Um, so that deals with the sequential test.

00:43:23:11 - 00:44:06:18

I just wanted to make one other point. Um, regarding watercourse, um, the inspector knows full well my opinion on the damage percussion piling will do to the existing land drainage infrastructure when development begins east of the B11 RTA and north of the settlement has got we. It's not really an opinion. It's an engineering fact. As these waters flow downhill towards the settlement of Scott weak, and it will encounter the existing ditches and it will flow into a watercourse which is 700m long, that is defective.

00:44:07:03 - 00:44:41:20

Lincolnshire County Council know well about this watercourse. It is culverted for about 500m and this culvert is is beyond redemption. It's been the cause of local flooding in Scotland. Now, for 3 or 4 years. County council have cleared it and it is there by a wing and a prayer. They have agreed to replace it. But that was supposed to be done last year. I it was took me three years to get them to take responsibility.

00:44:42:02 - 00:45:01:01

So my point is, is that I would like to think that no development is commenced on, on this land below the B11 88 until that covenant culvert is fully operational and been replaced. Thank you very much.

00:45:02:17 - 00:45:08:09

Okay. Thank you. We'll come to Mr. Feroz. Sorry, Mr. Williams, you're right next to us. All right.

00:45:10:00 - 00:45:11:08

Okay. Thank you, Mr. Frost.

00:45:13:15 - 00:45:46:22

Thank you. Paul, for asked. Yeah. I just wonder if the applicant would confirm or undertake to check all of the underground drainage by some method of, um, camera through, uh, through it. After the all the piling work is done to prove to everybody that it is still, uh, in good working order. Um, so so I think that would be a good requirement and give people confidence that they will put it back to the state that it should be.

00:45:47:09 - 00:45:47:24

Thank you.

00:45:48:20 - 00:45:51:00

Okay. Thank you, Mr. Williams.

00:45:51:24 - 00:46:23:05

Mark Williams representing Spring Well Action Group. Um, yeah. I mean, first of all, I'd really like to thank Mr. Money, who is what I class is a real expert and actually has real experience of that land. Um, quite clearly, one of the things that we are aware of is the clay under drainage on that land. There is no way the applicant will know if they've damaged that, I'll refrain. Actually, on the open ditches that are dug for cabling, they will.

00:46:23:07 - 00:46:54:02

They will know if they've gone through the the clay drainage, but through piling they won't know. Guess who will know the village of when it floods. But at that point. Who do you blame? We know who we'll blame. But the applicant will turn around and say nothing to do, nothing to do with us. You know, because they'll say, well, what? We've not damaged any drains because they don't know where they are and they don't know the impact of their piling. So that is a real concern.

00:46:54:09 - 00:47:24:24

You know, a year's worth of piling on that land or however long it takes them to do all their piling will have serious consequences on that clay drainage. As Mr. Murray has said, some of that clay drainage is 70 to 80 years old. It's extremely fragile. It serves a purpose. It's not modern plastic piping, which I think the applicant may think it is. This is old clay drainage and it serves a purpose, and it protects the village of Scotland from flooding.

00:47:25:17 - 00:47:30:10

Any damage to it will be catastrophic to Skopje village. Thank you.

00:47:33:19 - 00:47:38:20

Okay. Thank you. Anything from the applicant in reply, please?

00:47:40:02 - 00:48:19:05

The applicant? Um, I think just in terms of the point about the lake estate, Mrs. Price has already explained how the discussions with the Black New State has fed into the land that was, in fact, reasonably available to us. It's not the case that we were just able to that all the whole estate was available to us. It's informed by discussions and and as Mrs. Price has explained, um, in terms of the drainage, I mean, I've set out the measures that are in place. I would just also note that, um, in terms of our we have our own drainage design associated with the Development that is set out in the drainage strategy and secured through the DCI requirement.

00:48:19:15 - 00:48:21:23

The E is happy in terms of, um, that

00:48:23:16 - 00:48:40:06

there isn't any impact in terms of flood risk. Um, sufficient drainage is included within the scheme to deal with surface water runoff, and existing land drainage is not relied on to adequately drain the proposed development. Um, and that's the points that I, that I would add.

00:48:41:17 - 00:49:08:08

Okay. Thank you, everyone, for your contributions on the water environment. Um, okay. I think it's probably coming to a neutral point before we go on to, uh, agenda item number six, in terms of the draft development consent order, uh, to have our hours lunch break. Uh, I think I could do some food, but, uh, before we go on to the rather dry subject of the development consent order, but, um, we'll adjourn to, uh, 20 to 2, please. Thank you.