

Hearing Transcript

Project:	Fenwick Solar Farm
Hearing:	Issue Specific Hearing 1 (ISH1) – Part 1
Date:	20 March 2025

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FULL TRANSCRIPT (with timecode)

00:00:05:05 - 00:00:10:25

Just check. You can all hear me. And can I also confirm that the live stream is now started and we're recording?

00:00:13:15 - 00:00:30:25

Thank you. Um, well, it's 10:00. I'd like to start off by welcoming you all to this. The first issue specific hearing into the Phoenix solar farm project. My name is Rory Cridland. I'm the lead member of the panel of examining inspectors, appointed by the Secretary of State to examine the application and report back with the recommendation.

00:00:31:29 - 00:00:35:03

And good morning. My name is Samantha Murphy, and I am the other panel member.

00:00:35:24 - 00:01:11:26

Thank you, Mr. Murphy. Um, as ever, I have a few general housekeeping matters before we start. As I mentioned a moment ago, we are recording this meeting and it is being live streamed on the internet. Can I ask you all if you could please clearly identify yourselves before you speak? A copy of the recording will be retained and published on the project page of the international of the Planning Inspectorate. Sorry, I got stuck with my words there on the planning Inspectorate's website for a period of five years following the Secretary of State's decision on the application. And so can I ask you all, as ever, to try and avoid mentioning anything that you consider to be private and confidential? It is important that you understand.

00:01:11:28 - 00:01:43:21

If you participate in today's meeting, you will be recorded and that recording will be placed on the internet. We're not expecting a fire drill this morning, but if the alarm does go off, we should assume it's the real thing. There are exits to either end of the room and the meeting point is on the racecourse at the front near the pavilion. Can I ask you all to switch off your mobile phones or turn them on to silent? And those of you joining us on Microsoft Teams? I'd be grateful if you could try to minimise any background noise. The hearing today is a blended event, which means some of you are joining us in person and some are joining us on Microsoft Teams.

00:01:43:23 - 00:02:17:06

However you're joining us. We aim to make sure that you all have an opportunity to put forward your points of view. Um, just a couple of other things. For those of you joining us on Microsoft Teams, the chat function has been disabled, so please don't use that to try to get our attention. but the raise hand

function is working, and Mrs. Murphy and I can see the screens in front of us. If you do need to come in on a particular item, you can use the raise hand function and we will bring you in at an appropriate time. If you're watching on the live stream, um, please be aware that it will be stopped during any breaks or adjournments, and then you may need to refresh your browser to view the restarted meeting.

00:02:17:28 - 00:02:49:11

You'll also find it useful to have a copy of the agenda before you. And, um, for ease of reference, that is available on the project page if you need to access it. Next up, I'm going to ask certain parties to introduce themselves. Can I ask you all to remember to unmute your microphones when you speak? And if you're joining us on Microsoft Teams, if you could turn your camera on and then switch it off again when we move on to the next speaker. It is important that all contributions are made using the microphone, and that you introduce yourselves each time you speak, so that we can capture it all for the formal record.

00:02:49:24 - 00:02:53:00

So firstly, the lead speaker for the applicant will be today.

00:02:54:15 - 00:03:03:10

Good morning. at Taylor Power. I'll be the lead speaker for the applicant today, but, um, Alex and to my left will also be speaking to some of the items.

00:03:04:17 - 00:03:09:12

Good morning. Thank you, thank you. And do we have someone present from the City of Doncaster Council?

00:03:12:02 - 00:03:19:06

Morning, sir. Uh, my name is Emma Thomas, and I'm here on behalf of the City of Doncaster Council.

00:03:23:18 - 00:03:34:07

Good morning, Mr. Thomas. I'm sorry, I for a moment I thought your voice was coming from over in the room with your colleagues, and I was surprised to see you on the screen, but. Yes. Good morning. Thank you very much. Thank you. And any other local authorities present

00:03:35:24 - 00:03:37:08

any statutory bodies.

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

Um, we do have a request from a number of interested parties. Mr. Walker, are you with us today?

00:03:47:26 - 00:03:57:20

I am, good morning sir. Madam, my name is Angus Walker from Broadfield Law Solicitors and representing able UK and Elder Securities.

00:04:00:13 - 00:04:14:16

Good morning Mr. Walker. Thank you. And is Mr. File present this morning. I'm not sure if Mr. Fowler is joining us. No. Okay. Thank you. Is there anyone else present who would like to introduce themselves who hasn't done so already?

00:04:17:26 - 00:04:24:15

No. Well, in that case, I'm going to hand over to my colleague, Mrs. Murphy, who will take us through agenda items two and three. Mr. Murphy.

00:04:27:21 - 00:05:00:28

The purpose of the issue specific hearing is for us to examine the draft development consent order and related matters, and invite parties to make all representations about it. The Development Consent Order, or DCO, is the order which the Secretary of State would make if they decided to grant consent for the application. It is a critical document. If consent is given, the DCO will govern how the development takes place and will be controlled. This hearing is of a technical nature and is based on the specific wording of the draft DCO and the explanatory memorandum.

00:05:02:00 - 00:05:34:10

We are considering the technical drafting considerations relating to the poultry acquisition and the temporary possession of land today. However, individual affected persons concerns about land and rights will be addressed later in the examination in a compulsory acquisition hearing. The draft DCO is currently the applicant's document, and the version that we will be referring to during this hearing is revision one, which is reference app 220. This was published on our web page and a link is provided in the agenda.

00:05:35:02 - 00:06:06:22

The examination timetable provides the applicant to submit updates to the draft DCO. The examination timetable also identifies the date by which we may issue a schedule of changes to the applicant's draft DCO for comment. Both the applicant and interested parties will be given the opportunity to comment on any proposed changes. We will send our recommended DCO to the Secretary of State with our recommendation report, whatever our ultimate recommendation is. We must make sure that the draft DCO is fit for purpose.

00:06:06:24 - 00:06:43:15

If the Secretary of State decides to grant consent, as any consent will be subject to requirements, i.e. conditions set out in the DCO. We have structured the hearing today so that you will have an opportunity to raise anything relevant when we invite you to speak. Each time you speak, please give your name and any organisation you are representing so that it is picked up for the formal record. Please direct all comments, questions and answers through us rather than directly to any other party. And one final point under this agenda item, subject to progress, we intend to take some short comfort breaks at intervals around 90 minutes or so.

00:06:43:24 - 00:07:24:03

We may take a longer break for lunch if the hearing extends into the afternoon. Depending on progress, we may ask for responses to some questions in the agenda to be provided in writing rather than during the hearing. However, that is subject to change depending on progress. We will shortly go into the main part of the hearing when we will go through each item in turn. So I will now invite the

applicant to provide a so I can the applicant provide a written summary of all its responses to deadline one on the 30th of April, 2025, and other parties who wish to speak today should also provide a written summary of the points that they wish to make also at that deadline.

00:07:24:23 - 00:07:28:03

So I will now move on to agenda item three.

00:07:30:24 - 00:07:49:24

Which is the purpose and overall structure. So I will I will now ask someone from the applicant's team to provide an overview of the overall approach to the draft DCO, including a brief description of its structure and schedules, as well as the role of the explanatory memorandum and any novel provisions.

00:07:51:20 - 00:07:54:27

Thank you very much. Taylor Powell for the applicant.

00:07:55:24 - 00:08:31:28

Um, I'll try to run through this relatively briefly. Um, and give some options as I go as to the level of detail you want me to provide. Um, but in short, the order has been drafted. Having regard to pens guidance, best practice and precedents established and other may DCS, in particular, the applicant's recent solar DCO, the East Yorkshire solar farm, which concluded examination last year and for which a decision is due within the next few months, as well as recently made other solar scopes, including the Gate Bird and Energy Park Order, the Cottam Solar Project Order and the West Bird and Solar Project Order.

00:08:32:24 - 00:09:03:04

The DCO includes 47 articles divided into six parts, and then 15 schedules, which are given effect by or tie into the articles within the main body of the DCO. So the draft DCO is proposed to be called the Phoenix Solar Solar Farm Order and is drafted to consent. The construction operation, including maintenance and decommissioning of the authorised development as described in schedule one. Article two of the order sets out the definitions of terms used within the order.

00:09:03:28 - 00:09:48:04

So the in part two of the order sets out the principal powers, um, including granting the undertaker consent for the authorised development as constrained by the order limits and numbered areas shown on the works. Plans in this part of the order also authorizes the maintenance and operation of the authorised development. Part three of the order provides a suite of powers in relation to street works, including carrying out street works within streets, altering the layout of streets, creating accesses, temporarily prohibiting or restricting use of streets and public rights of way um, and permanently, uh, diverting public rights of way where we're appropriate, um, entering into agreements with street authority authorities and traffic regulation measures.

00:09:48:06 - 00:09:51:27

So these provisions give effect to schedules 4 to 8.

00:09:54:00 - 00:10:33:00

Part four contains supplemental powers relating to the discharge of water, protective works to buildings, and the authority to survey and investigate the order. Land. Five of the order sets out the powers of acquisition or temporary position, so these include powers to compulsorily acquire rights and land, to extinguish rights inland, or to take temporary position of land. These articles relate only to the order land as shown on the Land and Crown Land and Crown Land plans, and there are also standard provisions relating to compensation payable to affected persons and powers in relation to land and apparatus of statutory undertakers.

00:10:33:09 - 00:11:25:13

So these articles give effect to schedules 9 to 11 of the order and then part six, which is the final part, includes various miscellaneous or general provisions. These cover, within articles 34 and 35, give benefit of the order to Phoenix Solar Project Limited, and also to National Grid in respect of the particular work number for B, which is the connection and to the substation, and set out provisions relating to the transfer of the benefit of the order. Articles 36 and 37 provide for how landlord and tenant law apply in relation to the order, and that the order land will be operational land for the purposes of the Tcpa 1993, articles 38 and 39 set out powers and restrictions that apply in respect of the lopping of trees, shrubs or hedgerows and the management of protected trees.

00:11:26:21 - 00:12:02:24

Article 43 provides protection for statutory undertakers through the protective provisions, which are then set out within schedule 15 and About schedule 12 apologies, and then articles 40 to 42 and 44 to 47 include provisions relating to the certification of plans and documents. Service of notices under the order procedure in relation to approvals required under the order. Arbitration guarantees and respective payment of compensation and corporation of the Mineral Code to the compulsory acquisition of land and Crown rights.

00:12:04:17 - 00:12:39:15

The order then has a series of schedules one through 15, and I'll briefly run through the the general content of those schedules. Um, so schedule one sets out the authorised development and includes work numbers that align with the numbered areas on the work plans. Um, I can run through each of those work numbers if that would help, but. Okay, great. Um, and then schedule two other requirements which relate to the construction, operation and decommissioning of the scheme. Again, I don't propose to run through those requirements. Um, and I understand we'll be discussing several of them in the next item on the agenda.

00:12:40:09 - 00:13:14:20

Schedule three sets out legislation to be applied. So, um, if it would be helpful, we can provide further information. Explaining this and writing the explanatory memorandum already does explain the basis for that legislation, but generally that reflects historical legislation within the area. Um, and it just just applies that legislation only to the extent it would conflict with the order. So otherwise that legislation remains in force. Schedule four, um, sets out the streets that are to be subject to street works by reference to the access and rights of way plans.

00:13:15:06 - 00:13:47:08

Uh, the schedule relates to article eight within the main body. Schedule five sets out the streets that are to be permanently altered in part one and temporarily altered in part two, again by reference to the

access and rights of way plans. So the schedule relates to articles nine and ten of the main In DCO schedule six sets out the locations of the streets and public right-of-way, which will be temporarily managed or closed and diverted, used by vehicles temporarily or permanently or permanently closed and diverted.

00:13:47:10 - 00:14:06:06

So again, that references the access and rights of way plans. The schedule relates to articles 11 and 12. Schedule seven sets out the permanent means of access to the works and temporary means of access to the works. Again, references. The accesses and rights of way plans and relates to article 14,

00:14:07:23 - 00:14:42:09

schedule eight. The Traffic Regulations measures sets out the locations and extents of temporary traffic signal and banks and control areas, or changes to traffic regulation. It references the traffic regulation measures plans and it relates to article 16. Schedule nine sets out the areas of land over which only new rights may be acquired by the Undertaker and the nature of the rights that may be acquired. So the plot numbers and column one of that table correlate with the relevant plot reference numbers on the Land and Crown land plans and the nature of the rights.

00:14:42:11 - 00:14:51:18

And column two explains the purposes for which rights of a land may be acquired and the restrictive covenants imposed, so that relates to article 22 within the order.

00:14:53:24 - 00:15:39:04

Schedule ten modifies existing compensation legislation, including the Land Compensation Act 1973 and the Compulsory Purchase Act 1965. Schedule 11 sets out the land of which only temporary position may be taken pursuant to article 29. So the plot numbers in column one of that table correlate with the relevant plot reference numbers in the Land and Crown land plans, and the column two explains the purposes for which temporary position may be taken. Schedule 12 lists the documents that the Undertaker must have certified as true copies by the Secretary of State, Pursuant to article 40, schedule 13 sets out the procedures for arbitration in accordance with article 42 that are referenced throughout the order.

00:15:39:23 - 00:16:23:06

Um. Schedule 14 sets out protective provisions for the benefit of statutory undertakers whose equipment may be affected by the authorized development, so the schedule contains protective provisions for the benefit of defined classes of service. Undertaker. Um. Electricity. Gas. Water and sewerage. Undertakers at part one. Electronic communications Code Operators at part two and Drainage Authorities at part three, and currently parts four and five contained bespoke provisions for the benefit of particular statutory undertakers, and we anticipate that we'll be adding more parts to this over the course of the examination as further, uh, protective provisions are agreed with statutory undertakers.

00:16:25:18 - 00:16:34:19

Um will also provide an update in that respect as part of agenda item five. And then schedule 15 sets out the procedure for discharge of requirements.

00:16:38:02 - 00:17:05:08

Thank you very much, Miss Power. That's a very clear and concise thank you. Thank you. Um, yes, I was going to say the same thing about protective provisions later in the agenda. So thank you for confirming that as well. Um, so before we, um, move on to anything else, does anyone else in the room wish to comment on anything that Miss Powers said or, uh, this agenda item? No. Anyone on teams that I can see?

00:17:06:27 - 00:17:07:13

Yeah, sure.

00:17:10:21 - 00:17:21:14

Thank you, Mr. Murphy. Miss Powell, I just wanted to pick up on 1 or 2 points that you mentioned. You made few references to Crown land and Crown land plans. I don't think we've got any Crown land here. Is that right or correct?

00:17:21:16 - 00:17:26:22

Sorry. That is, um, that is an oversight on my part, on filling to get on my nerves.

00:17:26:29 - 00:17:27:14

I did think.

00:17:27:16 - 00:17:28:01

From.

00:17:28:15 - 00:17:29:21

Crown Land. I haven't spotted it.

00:17:29:23 - 00:17:30:11

Yeah. No.

00:17:30:28 - 00:17:39:18

I might need to look at that. So that's useful. Thank you. And I think you made some references to schedule 15 and then 12 in terms of protected provisions. But it is 14 minutes.

00:17:39:20 - 00:17:41:01

14. Yes. Sorry.

00:17:41:03 - 00:17:58:13

And then I just wondered, perhaps for the benefit of anyone watching on the live stream who's not familiar with the purpose of the requirements and how they're intended to control development and mitigate. I wondered if you could perhaps just go through so that others are familiar with the role of the requirements within the development consent order?

00:17:58:16 - 00:18:41:23

Yes, of course. So did you want me to run? Yeah. Briefly. Okay. Um, so I won't run through all of the requirements, but in short, the requirements act, um, effectively as consent conditions would act in a

town and country planning act. Um, planning permission. Uh, so they they set out various controls within which the construction and operation of the order must occur. Um, and a lot of those controls relate to management plans for which the applicant has put in framework management plans within the application, which set out particular controls relating to, say, battery safety management or landscape matters or the construction period.

00:18:41:25 - 00:19:20:24

So those framework documents need to be and they'll be updated after consent to take into account any minor changes to relate to detailed design. But they must be substantially in accordance with the framework versions that we've put forward in application. So we appreciate comments that we've been receiving from interested parties and, um, and City of Doncaster Council so far in respect of those management plans and, and are able to continue to consider the details of those throughout examination. Um, but generally as well, to the extent that of course, there are any comments on the particular requirements, we're very happy to discuss those, including in the next agenda item.

00:19:22:18 - 00:19:24:24

Thank you, Mr. Powell. That was comprehensive. Thank you very much.

00:19:28:09 - 00:19:35:11

Um, so, yes, I believe that that now completes agenda item three. So hand over to Mr. Cridland for gender at four.

00:19:35:21 - 00:19:46:14

Thank you. Um, so before we move on, uh, Mr. Walker, I just had a quick query for you. I think you requested to speak on this agenda item, but in relation to schedule one, is that correct?

00:19:47:18 - 00:20:15:04

Um, yeah. Yes. Particularly in schedule one. I've got 1 or 2 other points. I was sorry Angus Walker for able and. Yes. Sorry. Um, I was going to, um, ask if when we go through this agenda, do you want me to make my points at the end or put my hand up so that, you know, if you're about to go past one of the articles that I'm wish to make a point on, should I put my hand up at the appropriate time?

00:20:15:25 - 00:20:48:21

That's probably the best way to deal with it. Um, my, in terms of the point that you wanted to raise around schedule one and the works numbers and now wording after um, work number nine interacts with work number four. I think that might be better left until item six, because it's not on the agenda for this item, but any of the other agenda items or discussion points. If you want to come in on anyone, I'll give you an opportunity. Um, as with everybody else at the end of each specific point that we discussed, and if you want to come in, then I'll give you the opportunity to do so as we move through agenda item four.

00:20:49:13 - 00:21:02:26

Okay. And thank you, sir. And is that exactly. Yes. That's fine. Yes. If I have a question about a schedule, should I raise that when it's the article that introduces the schedule or after all the articles?

00:21:03:23 - 00:21:22:04

Um, well, if it's schedule two or schedule 12, which I think are the two that are up for discussion, then please do so when we get to those particular schedules. But if it's anything that's not listed in agenda item four, but the article is being discussed and do raise it at that point.

00:21:22:06 - 00:21:23:11

Okay. Thank you sir.

00:21:23:27 - 00:21:27:22

Thank you. And then the same as well for, um,

00:21:29:18 - 00:21:37:21

Mr. Thomas from the council, if you want to come in on any of those particular points as we move through, then just use the raise hand function and we'll come. We'll come to you in due course.

00:21:38:10 - 00:21:38:27

Thank you sir.

00:21:40:12 - 00:22:13:17

Um, in which case, in terms of item four, as we've set out a number of the questions on the drafting of the DCO here. Um, I'd just like to make clear that these are not a full, comprehensive list of our questions. There will be others coming to you as part of our first and possibly second set of written questions as well. But these are really just some of the issues that we think would be useful for us to understand at this early stage of the examination. Um, so with that in mind, the first few discussion points I am hoping we can get through relatively quickly. I think you probably had a look at the recitals and no doubt, um, updated section 104.

00:22:14:27 - 00:22:30:01

Yes. Correct, sir. So Taylor Powell for the applicant. Um, we've had a look in respect of. Yeah, the recitals at the beginning of the order. I think that was the only place in which section 105 was referred to. So we're making an update to the draft DCO deadline, one to correct that to 104.

00:22:30:03 - 00:23:02:13

Yes. I suspect that it was just a typo. So yeah, I'm fine. Um, and then in terms of the interpretation in article two, um, now the first one, authorized development, I think this has been discussed on a number of occasions in various examinations, and I think the Secretary of State has made clear that they want it narrowed to the development within schedule one, in some of the previous made echoes in terms of the drafting of this. I understand what it's trying to say, but the word end in there is problematic.

00:23:02:15 - 00:23:18:02

And I just wondered whether or not you can just review that and change it. So it aligns either with some of the recently made DCS in Lincolnshire, um, or, or some of the earlier ones, for example, long field and um, I think cleavage was even tighter and it just refers to schedule one.

00:23:18:27 - 00:23:50:23

Tailored for the applicant. Um, yes. So the applicant adopted and our definition the same drafting as is used in the gate Burton Energy Park order. But having looked at it with the comments received from yourself, sir. Um, we do acknowledge that the definition is slightly unclear as to whether it's enabling both the section 32 like general powers and schedule one, so we could adopt the slightly different drafting that's in Cottam Solar project order, um, which just avoids that ambiguity.

00:23:50:25 - 00:23:55:03

So we can do that in the deadline. One version of the DCO, if that would address that.

00:23:55:05 - 00:24:26:23

Thank you. And I think the courtroom, um, drafting was inserted by the Secretary of state. So it's their formal building as well. So that would be useful. Thank you. The next tool on this agenda item or and under this point, the overarching written scheme of investigation and the draft ecological archaeological Ecological strategy. I'm going to suggest that we hold off on those for a moment until we get to requirement ten, because there's a bit of an interlink between them. And so let's move straight on to the working day definition. Article two doesn't include Saturday's the planning statement.

00:24:26:25 - 00:24:38:04

And I think the construction environmental management plan does include working, uh, working hours up until a working days on a Saturday up until 1 p.m.. I just wanted to make sure which one you wanted.

00:24:38:27 - 00:25:16:16

Uh, Taylor power for the applicant. Um, so I had a look at this. In the term working day as defined with an article two is only utilised within the draft DCO within two places. So with an article 35 which relates to the consent to transfer the benefit of the order and timeframes for that. Okay. And in schedule 15, which is the procedure for the discharge of the requirements. So the references within those two sections of the DCO are in respect of timeframes for approvals or actions by the Undertaker and the relevant planning authority, rather than the working days for the scheme.

00:25:16:20 - 00:25:42:17

And because. Yeah. Agreed. The the construction will be occurring in part on Saturdays and in fact the operation will be 24 seven. So working days and the operational period would be every day. Um, so I think I think the definition does work as it currently stands, because it only relates to timeframes for actions when it comes to the discharge of requirements or, um, transferring the benefit of the order.

00:25:43:17 - 00:25:55:26

Thank you, Mr. Powell. I take that point. Um, and if we were to change it, then the, um, consent bodies don't operate on a Saturday anyway, so it would probably be quite uncomfortable or difficult for them. So I take that point. So thank you very much for that clarification.

00:25:57:14 - 00:26:00:12

Moving on then to our oh I'm sorry, Mr. Thomas.

00:26:01:27 - 00:26:35:16

So just just a tiny point there on working day, sir. Um, and this point was raised, um, In the main body of the order, working days is only in that only used in that provision, namely article 35 six. Elsewhere in the main body of the order I in the articles. The way for measuring time is in normal days. And so it seemed to me it would be tidier if, um, if the time period for working days in 35 six was changed from ten working days to 14 days.

00:26:35:18 - 00:26:43:18

So then we have a consistency in the use of days throughout the order. Turning then to schedule 15, which.

00:26:44:00 - 00:26:47:14

I'm sorry, Miss Thomas, let me just get to 35. Six.

00:26:47:16 - 00:26:48:01

Yeah.

00:26:48:23 - 00:26:51:15

I can see make sure I understand the point.

00:27:05:04 - 00:27:06:23

So that's consent to transfer?

00:27:08:02 - 00:27:08:17

Yes.

00:27:09:00 - 00:27:16:00

Yes. And sorry. Your point is that you want that to be changed from you suggesting that it's changed from ten days to 14.

00:27:16:27 - 00:27:34:28

From ten working to ten days, because throughout the day we don't refer to working days, we only refer to days, which is slightly different from the position in schedule 15 where, say, for one instance, working days is the measurement of time.

00:27:36:06 - 00:27:43:02

Now in 35 six, that is something that's a notification for the Secretary of State, isn't it?

00:27:43:24 - 00:27:44:09

Yes.

00:27:45:04 - 00:27:56:26

They specified months, not the earlier an expiry of ten working days. I think the Secretary of State would want the ten working days rather than the ten days in that scenario, because that would give longer rather than shorter.

00:27:57:09 - 00:28:06:10

I wasn't suggesting ten days. I was suggesting 14 days, which is the same amount of time, but we've just got a consistency of measurement throughout the order.

00:28:06:12 - 00:28:15:19

Yes. I'm sorry, I did. I thought the first time you said 14 days, but then when I asked you, you did say ten, so I wasn't sure which one. Yes you are. You're saying 14 days? Okay.

00:28:15:21 - 00:28:16:26

Yes. You give me. Yes.

00:28:17:06 - 00:28:20:29

Yes. Okay. So change suggested changes to 14 days,

00:28:22:20 - 00:28:23:29

not ten. Working.

00:28:28:00 - 00:28:29:05

Yes I see. Thank you.

00:28:30:03 - 00:29:05:29

And then, um, the applicant mentioned schedule for. Sorry. Schedule 15. We're working days is used throughout schedule 15. Save in one instance, which is paragraph uh, four to a where 42 days is used. So again, for consistency, if most references in schedule 15 are already to working days, then cancel suggests that the reference in paragraph for two way should also be to working days. And so they would suggest 35 working days instead of 42 days, just at this consistency throughout the schedule.

00:29:16:15 - 00:29:18:07

Thank you, Mr. Thomas. Mr. power. Would you like.

00:29:19:03 - 00:29:50:11

Taylor Power for the applicant? Um, what I suggest is perhaps we for deadline one, go through the order and and reflect the periods in which Mr. Thomas was was mentioning where we refer to either days or working days. Um, where I don't think the applicant has any issues with, um, using a consistent approach throughout the order and throughout schedule 15. Um, I do not, of course, the benefit of the working days, um, definition is that public holidays are also captured within that.

00:29:50:13 - 00:30:14:08

And while obviously the applicant wouldn't intend to discharge requirements right before Christmas or Easter, um, the, uh, you know, the the working days definition does provide the that further time frame if holidays do interrupt. So, um, yeah, like I said, we can go through, um, and speak directly to Mr. Thomas and present something at deadline, one that's consistent throughout the order, if that would suit.

00:30:14:23 - 00:30:24:16

I think Mr. Thomas's point is, is the consistency point necessarily, as opposed to the actual number of days? It's just, um, consistency. Is that correct, Mr. Thomas?

00:30:26:21 - 00:30:34:15

Uh, that's right. But nonetheless, under one regime that would be provided under the other, if that would make sense. There's already proposed.

00:30:35:03 - 00:30:47:24

Yes. If you have a discussion with Mr. Power outside the hearing, and then if you can let us know if there's any further, um, if you can't agree, then let us know and we'll pick it up at the next DCO hearing or in written questions.

00:30:48:11 - 00:30:57:13

Yes, of course. And on that point, a meeting is proposed to take place over the next week or so to discuss several points of the council has. So they will all be captured after that meeting.

00:30:58:04 - 00:31:00:07

Oh, that's that's very helpful. Thank you, Mr. Thomas.

00:31:01:26 - 00:31:07:17

Would anyone else like to come in on this, on this particular point or any of the definitions?

00:31:09:25 - 00:31:30:19

No. In that case, we can go on to article 61F as part of this article two applies the requirement to obtain an environmental permit. Is that correct? Um, based on the Environment Agency is relevant then? Um, it seems they're not in agreement for the dis application of that. And I'm just wondering how you envisage this would be resolved during the course of the examination.

00:31:31:12 - 00:32:02:27

Taylor power for the applicant. Um, yes. So in short, the applicant is in discussions with the EEA and has been before their relevant rep and and post their relevant rep. Um, based on those discussions, we understand that once protected provisions are in place and are agreed between the applicant and the EEA, um, then the parties would be in a position where this application could also be agreed, um, essentially to provide that certainty to the EA, um, in lieu of a permit being sought.

00:32:02:29 - 00:32:19:23

So, um, we continue discussions on those and, um, my colleague Mr. Tristan will provide an update on those discussions and a later agenda item today. Um, but we essentially think that this will be able to be resolved through the agreement of protective provisions.

00:32:20:03 - 00:32:30:16

Thank you, Miss Powell. So, um, if we understand correctly, you're in the applicant view. This isn't an in principle objection from the Environment Agency. It's more of a, um, an issue that needs to be resolved under the protected provisions.

00:32:30:18 - 00:32:31:03

Yes.

00:32:31:05 - 00:32:31:20

That's correct.

00:32:31:22 - 00:32:32:07

So helpful.

00:32:35:02 - 00:32:37:04

Any other comments on 61F?

00:32:38:24 - 00:33:03:18

Okay. Um, moving on then. Article 12 permanent closure of public right-of-way is probably we did ask you to have a look at the drafting of this. I do have a couple of questions on it. But before we get started, I wonder if you could just briefly explain to me the purpose of this, this provision. It seems like a bit of a novel provision. I haven't seen provision in this form in any of the medicos, but if you do have examples and you could identify them for me, that would be useful.

00:33:04:19 - 00:33:38:13

Taylor power for the applicant. Um, yes. So in short, uh, permanent closure of public rights of way hasn't come through in other solar made discos previously, and that's because of any changes or diversions to public rights of way. And those solar made discos have only been temporary during construction. And then they've reverted back to the original, um, kind of route of the public rights of way. Um, the understanding that I have is that in respect to the public rights of way for this site, there are a few which will have permanent rerouting as against what's currently in the definitive map.

00:33:38:18 - 00:34:23:17

Um, for the most part, these align with routes which are already used by the community, rather than entirely new routes that have been made up by the applicant. Um, and article 12 provides that these routes can be undertaken by the statutory undertaker. Um, so while we've tried to we've, we've used other made discos and a non solar context. So we looked at the Drax Power Generating Stations Order 2019 um, the A66 Northern Trends, Pennine Development Consent Order 2024 and the Sizewell C, um order 2022, all of which included permanent closures and diversions of public rights of way as starting points.

00:34:23:19 - 00:34:54:12

But I do acknowledge that the drafting is somewhat novel, because they used a slightly different form in respect of how they set out those permanent closures. And instead, what we've tried to do is align the form of this article with the other street works and public rights of way articles that sit within this order, and which generally otherwise align with the rest of the solar made DCO. So that that's kind of generally why the form of it might not look exactly like other orders. Um, so I suppose that's an overview.

00:34:54:14 - 00:35:01:13

And then I can, I can run through the particular sub clauses. Or if you had questions on particular ones, then I can, um, speak to those.

00:35:01:15 - 00:35:19:13

I think I'll just go with questions and then we can we'll be able to focus it. So the first one is what's the justification for both the general and the specific power in 12 one. I think the way it operates is you list them in schedule six, the ones that you know, then it also includes a general power to be able to divert and close any others within the order limits.

00:35:20:09 - 00:36:06:02

Uh, Taylor power for the applicant? Yes. So that's correct. So the the general power is retained in addition to those within schedule six, although I would note the general power is constrained by the requirements for any closure to be in connection to the construction of the authorized development and also the requirements in paragraph two for any closure to be met with suitable new, temporary or permanent route, and to the satisfaction of the street authority. Um, so this is similar to the the way the article nine, for example, as set out, where you have the broader general power for street works, and then you have the listed areas of street works, which are in the schedules and then which are subject to approval by the relevant street authority, rather than just being able to be done as of right by the undertaker.

00:36:06:15 - 00:36:30:08

Um, I would also note that subparagraph three also provides that the Undertaker can't use the land under which the public right of way is extinguished underneath this power, unless the undertaker owns the land bounding on either side. So it wouldn't just be able to, you know, close public rights of way generally throughout the district and then use it for the order unless it actually owned the land. Um.

00:36:31:13 - 00:37:02:21

And yeah, I'm just going to pick up on that once it's on my list. And now you've raised it. So I'm going to jump ahead. But in terms of 1203, is that what it says. Because I'm not sure that's how I read it. It says that we're a public library has been closed under this article all rights are so extinguished. And we'll come back to that point in a moment. But then the Undertaker may appropriate and use for the purposes of the authorized development, so much of the site of the street or private means of access. I am taking it that the street or private means of access.

00:37:02:26 - 00:37:04:17

You actually should be referring to the public.

00:37:04:27 - 00:37:05:16

Right of way.

00:37:05:18 - 00:37:11:12

Yeah. Um, is bounded as is bounded on both sides by land owned by the undertaker.

00:37:11:24 - 00:37:33:03

Yes. So the the area of the public rights of way that can be used by the undertaker must be, as is bounded on both sides by land owned by the Undertaker. So it has the Undertaker has to have the, the

rights that sit underneath that public right of way, as is bounded by the, you know, land parcels on either side of it.

00:37:41:05 - 00:38:00:16

Yes, I think I understand. I'm not sure that the drafting of that is as clear as it could be. And I wonder if perhaps you could have another look at that before the next iteration of the draft development consent order, and see if we could make that clearer. I think the the wording site of the street and private means of access does cause a bit of confusion there, and I wasn't sure when I first read it what what it was getting at.

00:38:02:03 - 00:38:04:22

It might come back to 12 three in a moment, but um.

00:38:08:18 - 00:38:12:14

Actually, no, it was 12 3BI wanted to discuss. So I think we've dealt with that issue.

00:38:14:18 - 00:38:37:02

Uh, also tailored for the applicant, just to note and respect to the reference to street or private means of access that relates to the fact that public rights of way are legally streets, um, which is how that wording has come in. But to the extent we've used public rights of way within the rest of the article, we could change that. Just to make that particularly clear, what we're referring to in this article.

00:38:37:09 - 00:38:49:28

Yes, I think that would definitely add some further clarity to it. So thank you very much. Um, and back, in terms of the general and the specific power. If you know what rights of way you're planning to divert, what would the general power be used for?

00:38:50:11 - 00:39:27:21

Yes. So, uh, apologies. I, um, I was about to get on to this after the details. No, no, it's, um. That. No, it's a it's a very fair question. So essentially the reasoning for this inclusion relates to a particular, um, a particular closure which has come up after application and discussions, but well, prior to application, but after Secretary Con consultation and discussions between the applicant and the City of Doncaster Council. So there's a particular public right of way within the site, and it might actually be helpful if we share up the streets rights of way and access plans.

00:39:27:23 - 00:39:39:28

Um, and I'll, I'll just get my colleague medallion to share them. Yeah. So if you could just, um, within those plans, let me just find the correct area.

00:39:43:01 - 00:39:44:24

I think it's sheet number four.

00:39:46:04 - 00:39:54:01

And just for the benefit of those watching on the live stream or trying to access those documents today, I'll just find the examination library reference.

00:39:58:21 - 00:40:02:27

AP 008. I was just about to thank you very much myself.

00:40:06:00 - 00:40:07:02

Is that Mr. Walker?

00:40:09:21 - 00:40:11:03

Yes. It was. Thank you, Mr. Walker.

00:40:11:15 - 00:40:12:17

Thank you very much, Mr. Walker.

00:40:19:09 - 00:40:21:08

And we're going to sheet number.

00:40:21:10 - 00:40:22:09

Sheet number for.

00:40:22:11 - 00:40:23:06

Sheet number four.

00:40:39:07 - 00:40:41:08

I yeah. Sorry. It would. Just up one.

00:40:42:07 - 00:40:42:28

Down one.

00:40:46:23 - 00:41:05:17

Yeah. There we go. That's it. Um, so I appreciate these plans are very detailed. And perhaps if we just zoom in, um, on the kind of. Yeah. Yeah. Perfect. Um, sorry. That should show up on the screen shortly. Hopefully. Is there?

00:41:07:09 - 00:41:48:04

Yeah. There we go. So, um, this relates to cycles 29, which is if you can see the pink line that kind of crosses directly across the middle of the sheet that we're looking at here and partially crosses outside of the order limits through that, the yellow section. Yes. So the applicant, uh, let me just pull out my notes and not the plan. Um, the applicant is proposing to redirect that route along the kind of if you can see the dotted line that then kind of cuts down from the bottom left corner of that yellow section and then runs along the edge of the order limits,

00:41:49:25 - 00:41:55:06

kind of to where the the pink line starts, if that, if you can see that.

00:41:55:08 - 00:42:03:09

So that may just the pink line is the line that's cutting straight across above. 05405.

00:42:03:11 - 00:42:36:26

Yeah. So it's it's running from if you can see. Yeah. Perfect. If we zoom in slightly. So PRROW405PROW uh 404 and 408. So the pink line kind of crosses through across the middle there and through that, that yellow part. And then if you look at the kind of dotted line that runs from four zero 8 to 405, that's the diversion route for That public right of way.

00:42:37:05 - 00:43:21:17

Okay. So the diversion in terms of where the you know, where the pink line gets to and from is entirely within the order limits. So where 405 is, is kind of the end of the pink line. And we have 408, as is the beginning of the pink line. And the new diversion completely diverts that route through the order limits. And I understand that that generally aligns with current routes used by local communities as well. The small area within the yellow is outside of the order limits, and the reason why that area is outside of the order limits is there is an ancient woodland there referred to as Banfield Shore, and the applicant didn't want to include that area within the order limits.

00:43:21:19 - 00:43:52:21

Because we have no intention of compulsory acquiring that area, we have no intention of doing any works within that area given the value of that ancient woodland. But there is that tiny dog leg of the original public right of way that falls outside of the of the order limits there. So, um, while the diversion that is proposed by the applicant does completely revert the public right of way. And so while the the section of the pink line that's within the order limits would be closed under schedule six of the order.

00:43:52:23 - 00:44:22:21

So it would be it's one of the kind of specified areas of public rights of way to be closed. We haven't specified it within the schedule because that the dogleg within the schedule, because it falls outside of the order limits. But with the discussions between City of Doncaster Council and the applicant, um, it's the understanding is that it's a preference from the council that that could also be formally that the dogleg could be removed from the definitive map because it would essentially be useless. It would take you up to the edge of the order limits and then no further.

00:44:23:08 - 00:45:06:27

Um, but the because of the way that we've set up schedule six, we, we retain that as a general power, which would essentially, purely on paper, extinguish those legal rights and respect of that dogleg within the woodland. But there would be no physical works required. The land wouldn't be acquired at all, which is why we have an inclusion in the in the order limits. But we've essentially rearranged that that power within the order so that it can, with agreement of the Council given it's by the request of the council, the applicant will be able to legally close that small dogleg while still undertaking its own version works throughout the rest of the order.

00:45:07:25 - 00:45:35:12

So that's essentially the reason why we have the general power. I mean, if the if there's a preference from the examining authority as to another way that we could prescribe it, even if we just specify that the only reason we need it is for that small section, um, and finding we can find another way of

drafting it into the order, perhaps in discussion with with City of Doncaster Council. But, um, that's the the basis for the drafting of, of that particular clause.

00:45:35:26 - 00:46:06:18

Thank you, Mr. Powell. That that does explain why it's there. So my initial concern was why did you want the general power. And I can see why. I'm not sure if it's granting the general power for that particular purpose is is justified. We'll have to look at that a bit further. And the reason I say that is the council do have separate powers of their own to remove that dogleg outside this examination and outside the terms of the order. Whereas by granting that general power, while I understand that the purpose is for this, it does allow it to be used for other purposes as well, if those circumstances arise.

00:46:06:20 - 00:46:14:27

So, um, that would be my my current comment on that, that if you can find a way of limiting it further, that would be, um, certainly encouraged by us.

00:46:16:06 - 00:46:25:15

Uh, Taylor Power for the applicant. Yes. So we'll take that away. Um, discuss further with the council, um, and present any suggested changes at deadline one if that would.

00:46:25:17 - 00:46:27:14

So that's really helpful. Thank you.

00:46:30:02 - 00:47:05:15

So my next point is on 12. Two and three. And how these are intended to operate. My reading of it, Mr. Power, is that when I read two and three together, it appears to allow for a public right of way to be extinguished before a new permanent route has been put in place. And then it doesn't seem that there's any obligation either for a new route to be put in place. So how that that could operate is that you could close a right of way, create a temporary route, then the right of way is extinguished because you've created the temporary route, but there's no obligation for it to become permanent.

00:47:08:20 - 00:47:43:01

Tyler Powell for the applicant. Um, I suppose that is not my understanding of the drafting, but I do. I can see how perhaps you could read it in that way. I would suggest that the reference to temporary alternative route Indicates that you can't just set up a temporary route and then and not replace it with a final route. And also the the requirement for it to be constructed and substituted in the ways which are set out within schedule six and part six.

00:47:43:16 - 00:47:44:01

Um.

00:47:44:13 - 00:48:16:00

So in terms of if we, if we take a look at um subsection three there where so sorry, subsection two gives the power to close a right of way either temporarily sorry, permanently closed a right of way by substitute in either a permanent route or a temporary route. And then we go on to three and you say, well, where where an art where a public roadway has been closed under this article, all rights over that

route are so extinguished. And my reading of that is the moment that you either provide a permanent or temporary route.

00:48:16:02 - 00:48:33:14

The original route will be extinguished at that point. So if that's happening, then there needs to be something in there that says the temporary route will either become permanent at that point in time, or some mechanism for when it will become permanent, or an obligation on the undertaking to make it permanent. And I'm not seeing that in there.

00:48:34:10 - 00:49:15:23

Caleb, however, that applicant. Yes, sir, I, I take your point and suggest. Yeah they could there could be some tightening of wording in there so that perhaps it's made clear that to be as kind of a precedent, you know, can only be undertaken for a certain period of time, in which case following which to a must be implemented before see that before three can, you know, mean that public rights of way can be closed or extinguished under the article? So I, I take your point, and I think we can take that away and suggest some tightened wording to make sure that three couldn't be triggered by Toby, which I think is your concern, is that, yes, it is.

00:49:15:25 - 00:49:24:07

And I think the alternative way of doing it is to have a look at three and to say that they're only extinguished once the permanent route has been put in place, and that might tie that up as well.

00:49:24:12 - 00:49:25:23

To to a yes. Great.

00:49:30:28 - 00:49:52:05

And on a similar point, I think throughout this section there are terms used like closure extinguishment and diversion. These are, as I'm sure you're aware, legal terms from a high waste perspective. And I think sometimes they're either used incorrectly or interchangeably. So if you could just while you're looking at that article, have a look at the drafting and just make sure that the wording used is intentional.

00:49:53:22 - 00:50:02:08

Tailored for the applicant. Yes. Thank you sir. Um, will will take a close look at how those words are used throughout and adjust if necessary.

00:50:03:20 - 00:50:22:29

And then my next question is on 12 for um, and I just wanted to check with you that the intention of this and I think I know the answer. Now, I haven't had your earlier explanation on the general power, but the intention here is for it to apply to both the public right of way and schedule six and any others closed under the general power as well.

00:50:23:10 - 00:50:25:21

At Taylor Power for the applicant? Yes that's correct.

00:50:29:01 - 00:50:39:29

And staying with 12, four and five. You um, I think these mentioned the form plans and statements of modification to the definitive map.

00:50:44:10 - 00:50:56:14

I think it gives you the ability to create or to provide the council with the definitive modification order so that they can update their definitive map. I just wonder here whether or not they should be in the prescribed forms as well.

00:51:00:08 - 00:51:00:27

Uh.

00:51:01:23 - 00:51:18:15

Wildlife and countryside definitive map does. Uh, regulations. I think that the 93 ones they do set out a particular form of legal event modification order in order to update the definitive map, and I just wonder whether we put something in there should be in a form substantially the same as what's put down in those regulations.

00:51:19:12 - 00:51:29:12

Tailored for the applicant? Yes, sir. That's fine. We can work in reference to that form to make sure that essentially the council can take whatever we're given and put it straight into the map and statement.

00:51:29:14 - 00:51:38:12

Yes, that's that's useful. Thank you. Does anyone else have any comments they'd like to raise in terms of article 12? Mr. Thomas?

00:51:39:27 - 00:52:11:21

Thank you very much, Sir Thomas Sharpe. Richard, on behalf of the City of Doncaster Council. So, um, the council does have several comments in respect of article 12. And I think the best thing to do, and a lot of them are similar to the points that have been raised, would be either to share them with Miss Power, um, after this hearing or to await the next draft of article 12 from Miss Powell. We can comment on that. Um, regarding, um, paragraphs four and five.

00:52:12:00 - 00:52:47:27

Um, I think there might be a practical point here that will need to be discussed between council officers and the applicants team because, as I understand it, some paths affected to the DCO have been subject to previous legal orders, such as a diversion. And, um, I'm not sure. In every case, a legal event modification order for these legal events has been made yet, so there's going to need to be some coordination between the parties. And again, that's something that can be discussed between, um, the applicant and the council's team shortly.

00:52:50:28 - 00:52:56:24

So a tiny point. Um, article 12 five

00:52:58:09 - 00:53:08:10

um, penultimate line is a typo. It's it should be continuous review rather than continuous review. I think after the reference to section 53, the tiny point I think.

00:53:08:24 - 00:53:11:23

I think you're right, Mr. Thomas. I think you're right. It should be continuous.

00:53:13:25 - 00:53:14:12

Thank you sir.

00:53:15:07 - 00:53:36:10

Mr. Thomas, I just want to make sure I understand that. So your are some of those diversions that you're referring to that have already been subject to legal event orders? Are they on routes that the applicant proposes to divert? And the reason I ask is because I'm wondering whether the plans that we've been given in terms of where the current route is, are actually correct.

00:53:36:23 - 00:53:45:03

If I understand that. I understand that might well be the case, sir. Um, but I will clarify that after this hearing.

00:53:45:24 - 00:53:55:23

Thank you. Um, in which case, Mr. Power, if you could liaise with the council on that point and if need be, update the rights of way plans and any of the other plans where this is going to have an impact.

00:53:56:03 - 00:54:10:09

Taylor. Power for that? Yes. Um, I think the best next course is that we set up that or we have the meeting that we've already set up for next week and, and run through these topics and, and come to a agreed drafting for the for this provision and any changes to the maps.

00:54:10:27 - 00:54:14:21

Thank you. And if you can just keep us updated with any changes at the deadline, one by one.

00:54:14:23 - 00:54:15:18

Yes, of course sir.

00:54:17:12 - 00:54:26:18

Is there anyone else who would like to come in? Mr. Thomas, you still have your hand up. I don't know if that's intentional or. No it's not. Um, anyone else like to come in on article 12?

00:54:28:19 - 00:54:44:23

No. Okay, in that case, we'll move on to article 13. It's power. This is quite a broad power again. I'm just wondering if there's any way that you could perhaps limit this power. So rather than all the private roads within the order limits, whether there are specific private roads that you can identify now, um, and then put down as a schedule.

00:54:46:20 - 00:55:20:21

For the applicant. Um, yes. So I think it might be helpful again, if we share up the streets rights away access plans, because those plans show the private roads within the schedule. Um, and then within the order limits. And then I can speak to those in terms of kind of the extent of how this article would apply. Um, I would note that this article has been used, and the draft echoes for both the solar and East Yorkshire solar farms, and it was also in the final drafting of the Cottam Solar Project order.

00:55:20:23 - 00:55:34:16

So it does have precedents in terms of, I suppose, its wording on paper, um, and hopefully referring to the, the plans provides that comfort in terms of how broad the power is or not.

00:55:40:22 - 00:55:42:26

So I think starting on sheet three. Yeah.

00:55:44:26 - 00:55:52:12

So that's app 008 for anyone accessing it online. And we're starting I think on sheet three Mr. Power.

00:55:52:14 - 00:55:53:17

Yes that's correct.

00:55:55:08 - 00:56:31:28

So the first private road is actually and I um, as a reference point throughout the streets of rights of way and access plans that the black dashed line shows private roads within the outer limits. So the first private road is titled Banfield Shore Lane, or as kind of known as Banfield Shore Lane, and it extends from Lawn Lane, which is not a private road. It's a, you know, road managed by the Street Authority through starting on sheet three here, which you can see at kind of 301.

00:56:32:00 - 00:56:38:25

Yes. Um, and it carries over to sheet four if we scroll across or scroll down to the next sheet.

00:56:40:22 - 00:57:17:25

Yeah. Perfect. And then you can see just below the, the yellow there at Dot's across. And it actually follows that diverted public right of way route. We were just talking about in respect of the permanent diversion. And then it exits the site via Fleshly Car Lane at the east of the site. Um, and it aligns with footpath number 12, Finnick, which is the diverted route. So that's the that's the only I would know. There is another, uh, private road showing currently within the principal site or within the solar PV site on sheet five.

00:57:17:27 - 00:57:51:28

But I would note that, um, essentially the plans are being updated at deadline one to remove that dotted line. So, so that it wouldn't be captured within the scope of this power. And that's this small area that runs along the edge of the water limits here. Um, essentially it's just a farm track and it's not we wouldn't need to treat it as a public rights of way for the purposes of this provision. So we're going to remove that from the streets of street and rights of way access plans, so that it's clear that this provision doesn't apply to that track.

00:57:52:26 - 00:57:58:12

And then scrolling down to sheet nine, which is now within the grid connection corridor.

00:58:10:02 - 00:58:47:26

There's two small sections of public rights of way, um, and private roads, which align here. And so those are again are currently used as access routes through this area. Um, and would only be used during the construction of the scheme as part of access to, to the areas of, of construction for the cable route corridor. So and given they align with public rights of way unexpected to, you know, intrude in a in a particular additional way to the existing use of those public rights of way that are retained on underneath the order powers.

00:58:47:29 - 00:59:28:20

And then finally on sheet ten, um, you can see a small network of, of private roads within the Thorpe Marsh substation site. And these essentially are roads which service a substation. Um includes Ashfield Road, Ash Road with Circuit West, Service Road and South Road, and so those would only be used to the extent that they were needed when that cable was coming in to attach them to the the substation area. Um, and I would just note in respect of how this power is intended to work, um, it creates a power to use the private road for a temporary period that's proportionate to the limited nature of use.

00:59:28:22 - 00:59:59:06

And I think that's particularly important for the private roads within the grid connection corridor, which are only really going to need to be used during the construction period, perhaps very occasionally, if there was any maintenance required to the cabling. Um, rather than the Undertaker needing to use its acquisition powers to extinguish or suspend or permanently interfere with private rights of the landowner in respect of these roads. So the article is necessary because we might need to use them during construction or in some cases during operation of the scheme.

00:59:59:08 - 01:00:37:05

And I would say that the private roads within the main solar PV site, so that one road that extends across through the middle of the site. Um, the Banfield Shore Lane, I think it is called um, would be used during operation of the scheme as well. Um, and essentially the power enables that use while avoiding interference with the private property rights held by the landowners owners over that road. And that's considered to be less invasive than directly enquiring acquiring those rights. Um, so it's kind of work similar, I suppose, in practice, to the rights to use certain public rights of way for construction or operational reasons.

01:00:37:18 - 01:01:01:06

Um, and if it would assist the examining authority, we could adjust the article to refer to the private roads as a specified on these streets and rights of way access plans. So it's very clear which roads the article refers to. Um, given the intention of the of the applicant as is for the article to only apply to these roads, because these are the only ones we've identified. Um.

01:01:02:01 - 01:01:16:24

As you've anticipated, my next suggestion. So. Yes, if you could limit it in that way, that would be useful. Mr. Walker, I can see you'd like to come in on this point, and I think. Can we keep the, um, the plan up on the sheet that it's on? Because I suspect Mr. Walker will talk to that particular point.

01:01:17:00 - 01:01:49:17

Angus Walker, um, for Abel and Elba. Um, yes. As you might imagine, our client owning the land on this sheet and that network of roads. We are a bit uncomfortable with a general power to just drive along them for the purposes of the project. And I was also going to add that just removing them from this plan doesn't legally interfere, doesn't mean article 13 wouldn't apply to them. So your point just now about tying it to the what's shown on the plan would be very useful.

01:01:50:11 - 01:02:13:23

Um, I mean, perhaps we could just leave one, um, passage from is that south road in the bottom left. If that was needed to the to Thorpe Bank, not the whole network. Something like that um, would be more acceptable if it was needed at all.

01:02:14:09 - 01:02:19:05

I'm sorry, Mr. Walker. Could you run me through that point again? Just so I'm clear? The south road point?

01:02:19:11 - 01:02:36:00

Yeah. So the only justification for using these roads on this, um, plan, I imagine, would be from the public right of way, the public road that you can just see the word south and in the bottom left.

01:02:36:02 - 01:02:39:06

Yes, yes, yes, yes. Um, hatched in green, isn't it?

01:02:39:08 - 01:03:00:22

Yes. That's right. So the applicant might want to go from there across to the Thorpe Bank, where they will probably be putting this cable. Okay. Um, so I don't think they need all that network of roads to be used for that purpose, and maybe they don't even need that either.

01:03:02:09 - 01:03:08:00

So we would like it limited to one at most, and possibly zero of these dashed roads if possible.

01:03:19:03 - 01:03:21:06

This is my point on this article. Thank you.

01:03:21:20 - 01:03:33:06

Thank you, Mr. Walker. And, um, am I correct in thinking that there will be discussions between you and the applicant around number of these points, um, as the examination moves forward? I think you mentioned yesterday you'll be seeking protected provisions.

01:03:34:14 - 01:03:44:09

Yes, that is correct, sir. Um, I miss Walker again. Um, indeed. We have been contacted by the applicant since the preliminary meeting yesterday, so that is promising.

01:03:46:22 - 01:03:55:05

And if you can just keep us updated, we'll keep an eye on on what's happening on this particular article and on, um, any discussions between you around the use of these roads.

01:03:55:25 - 01:03:57:15

We will. Thank you, sir.

01:03:58:09 - 01:04:00:10

Thank you, Miss Bauer. Do you have anything on this?

01:04:01:05 - 01:04:36:26

Taylor power for the applicant. Um, yes. So the the applicant team has been reaching out over the past several months in respect of how exactly we can manage the particular interests in this area. I agree, I think this is best dealt with and direct discussions between my client and Mr. Walker's client. Um, and I can't commit at this stage to being able to remove any of those roads from the extent of the power. And I think it would need a kind of comprehensive, holistic discussion around the particular rights over this section and the particular needs of my client before we could make those amendments.

01:04:39:28 - 01:05:08:25

Thank you very much, Mr. Power. I think what we're interested in really is, um, understanding what issues are unlikely to be resolved between you and any of the other interested parties, including Mr. Walker, as soon as possible, so that we can give them some thought during the examination and that they're not left until the end. So if there are any sticking points between you, I'd just ask both parties if you could raise them with us at the earliest opportunity. Either deadline one or deadline two. And then if we have to have another hearing on it where we discuss it in more detail, we can factor that in for the June hearings.

01:05:09:24 - 01:05:20:26

It'll allow for that. And, um, yes, of course I, I think, um, it's it's great to hear that Mr. Walker's client's ready to discuss these points now, and we should be able to provide that detail for the examining authority.

01:05:22:06 - 01:05:25:24

Thank you. Anyone else would like to come in on this particular article?

01:05:29:00 - 01:05:46:29

Okay. Thank you. In that case, we can move on to article 21. Ms.. Power, I can see you've added some additional wording here that hasn't featured in some of the other slideshows. I think I understand the purpose for it, but I wonder if you could just run us through to make sure that we understand correctly what the purpose of it is and the intention behind it.

01:05:48:12 - 01:06:26:13

But thank you, sir. Taylor Powell for the applicant. Um, so there are essentially two different themes of changes to this article. So the first is some minor changes to the first compared to other made solar discos. The first is some minor changes to um clause one and two which relate um to it, you know, minor amendments to align with the Levelling Up and Regeneration Act 2023 and the changes that the act made to the referred to acts within this article. And I would note that there are some similar

changes that were made, I think, by the Secretary of State on the West Bird and Solar Project Order 2024.

01:06:26:15 - 01:06:59:22

So, um, we consider this generally aligns with those changes. Um, and then the the new wording which you have identified relates to um, sub clauses 3 to 5. And essentially the purpose of this wording is to account for a delay that might be caused to the progress of compulsory acquisition of land for the end generally to unauthorised development by a judicial review undertaken underneath um section 118 of the 2008 act.

01:06:59:24 - 01:07:52:01

And so then what the the that would extend the applicable period, which is referred to in subclause one of this article by either a period equivalent to the beginning, the period beginning on the day the application is made and ending on the day it's withdrawn or finally determined. And I note that subclause for explains what is meant by finally determined um in terms of additional appeal risk and that that sort of thing. Um, or if shorter one year and essentially be as intended to capture the scenario where, say, just judicial review is brought against a decision for the development consent, um, and for whatever reasons, perhaps that is withdrawn or, um, it's, you know, agreed between the parties within a period shorter than a year.

01:07:52:06 - 01:08:28:27

Um, essentially acknowledging that a judicial review of that kind would be a disruption to the project and perhaps to timelines and agreed positions with investors or the like. Um, and so the, the be captures the kind of general disruption of a judicial review, even if it concluded shorter than a year, that it would be extended by a year just to account for that general disruption. But if a judicial review extended for a period much longer than a year, then it would just be the period of the judicial review up until the point on which it the it's withdrawn or finally determined.

01:08:28:29 - 01:08:41:23

So it's essentially just saying at minimum, the extension will be a year and it maximum it will be however many years it takes for a longer period of of um, challenge to be resolved.

01:08:42:29 - 01:09:18:13

Thank you, Mr. I suspected that's what you were intending. I was a bit confused with the drafting on that second point, because I thought you could read it in two ways, and you could. I wasn't sure whether the intention was to limit it to a maximum of a year, irrespective of how long the judicial review process takes, which didn't really make sense to me. But I thought, well, that's how I read it, or whether it was a maximum of two a maximum, or was it a minimum of one year in any situation. And so you might just want to have a quick look at that, just to make sure you're happy with the drafting of that particular point, because I think it could be read two ways.

01:09:18:15 - 01:09:46:27

And then the other issue I wanted to pick up on is subsection three talks about the authority conferred by article 29. But my understanding of what you've just discussed is that it's, um, article 21, it's referring to, not article 29, because 29 is just temporary use of land. So if I read that correctly, it

would say the provisions that you've included in three. The time period extension only applies to article 29.

01:09:48:02 - 01:10:06:29

Yes. Sorry, I'll. I will just probably take that point away and writing and double check and respect of the article reference there. And whether we also want to capture 21. Yes. Yeah. Yes. So and I'll clarify that to you in writing after the, after the fact if that's okay.

01:10:07:01 - 01:10:08:14

Because I think otherwise the way it would.

01:10:08:16 - 01:10:10:29

It would just be for the temporary use of land.

01:10:11:05 - 01:10:14:12

Compulsory acquisition timescale for the permanent use would.

01:10:14:19 - 01:10:15:24

Continue. Yeah.

01:10:17:15 - 01:10:22:16

That's, that's that's useful clarification. Thank you. Anyone else like to come in on article 21

01:10:24:08 - 01:10:25:03

Mr. Thomas?

01:10:25:29 - 01:11:04:24

Sir Thomas, chapter two solicitors on behalf of the City of Doncaster council. So the council's also um confused by the need for article 21 um three be note the position has been confirmed. I'll obviously take instructions from officers. Um, on the point, although we did anticipate it might be something to do with the reason just given by Miss Powell. And in those circumstances, we didn't think it was. It was necessary. I think similar drafting, i.e. A and B, was proposed during the recent Gatwick DCO uh examination and that B fell away during that.

01:11:04:29 - 01:11:18:22

Um, during that examination. And the final version recommended by the Exa in that DCO just went as far as although the drafting is slightly different, but we'll have a look into that and we'll come back on that point if we need to. So.

01:11:22:14 - 01:11:34:06

Thank you, Mr. Thomas. That's really useful. And we'll take a look after the meeting at the drafting of the final order of the Gatwick and see what the differences are. That's useful. Would anyone else would like to come in on this particular article?

01:11:36:23 - 01:11:50:03

No. Okay. Thank you. Um, in that case, we can move on now to schedule two requirements. It's probably the first one. I think we can just skip through quite quickly. I think it's just a terminology. Um, begins not defined for me. Oh, I'm sorry, Mr. Walker.

01:11:50:29 - 01:12:02:28

May I interrupt Angus Walker for able and ill? But I have 1 or 2 points on a couple of articles between article 21 and schedule two. If now would be an appropriate point to.

01:12:03:13 - 01:12:10:27

I think it's probably it may be easier if we deal with those under item six where we deal with things outside. Item four, if that, if that's all right.

01:12:11:07 - 01:12:13:11

Sure. All right. Thank you. Thank you.

01:12:14:20 - 01:12:23:25

Um, and then in which case, requirement one, I'm assuming that you'll be relatively content to change the word begin to commence. Miss Powell.

01:12:24:08 - 01:12:29:08

Taylor Powell for the applicant. Yes. We can change that to commence to tie to the definition. That's fine.

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

Thank you. And then requirement seven which is biodiversity net gain I have a hand up.

01:12:36:24 - 01:12:54:03

No. Okay. Um. Biodiversity net gain. I just wonder if you could explain how that requirement relates to requirements six, the landscape and ecological management plan, and why it doesn't specify the expected biodiversity net gain that you've identified in the biodiversity net gain report.

01:12:54:27 - 01:13:35:01

Thank you, sir. Taylor Powell for the applicant. Um, so requirement eight provides the construction can't commence into a strategy has been submitted and approved by the relevant planning authority. And that must be substantially in accordance with what's in the framework lamp. Um, which is what's which is generally controlled by requirement six. Um, and within the framework is submitted within the application, um, which I think the reference number is EP 203. Um states at paragraph 2.1.3 that the applicant is committed to achieving a minimum of 10% biodiversity net gain in accordance with the terms of the Biodiversity net gain assessment.

01:13:35:15 - 01:14:14:11

So then, based on the current plans for the site, as reflected in the Biodiversity Net Gain assessment, which is a document reference app 200. The scheme is predicted to result in a net gain of currently of 36.46% for Area habitat units, 62.75% for hedgerow units and 24.97% for watercourse units. So that assessment and those percentages is therefore considered to evidence that the application is currently proposed would exceed the biodiversity net target, which is set out within the framework lamp.

01:14:14:19 - 01:14:15:04

Um,

01:14:16:25 - 01:15:06:12

in respect of. Well, so the the legal biodiversity net target which is there is none forward for insects currently, but the applicant is committed. It would show that the applicant has committed to at least 10% biodiversity net gain. So the reason why the applicants committed to 10%, rather than the specific percentages within that assessment are essentially because, as I understand from our biodiversity net gain experts. And, um, to this extent, there are further questions on this. I'd suggest perhaps it's picked up with those experts at a further issue specific hearing, but generally it's that the the biodiversity net gain metric, um, may change as a result of minor amendments and layout that might happen during detailed design, or they might change in respect of the baseline habitat values that are currently recorded.

01:15:06:14 - 01:15:41:06

Now, those might change in the period of time between now and construction commencing, and the final kind of B and G metric being applied, which means that those percentages might go up a little bit or go down a little bit. Um, with that kind of passage of time and final detailed design. So the applicant's committing and you know, what should be taken into account. And the planning balance is that the applicants committing to minimum those changes would always ensure that at least 10% B and G as being met across those habitat, across those different units.

01:15:41:16 - 01:16:14:14

Um, but acknowledges that the final percentages may be slightly above or below the exact numbers that are set out in the bag assessment. And then the further reason as to why we haven't pulled that percentage into the requirement itself. Essentially, we've taken the same approach as was undertaken in the Gate Bird and Energy Park order, which is to use the management plan as the appropriate place to reference those percentages so that it can pick up on those nuances and respect of how the metrics apply. Um, and that approach was confirmed as appropriate.

01:16:14:16 - 01:16:46:27

And the Secretary of State's decision letter for Gate Burton and in the examining authority's recommendation report. Um, I would note that that's different. I'm aware that some other solar schemes have chosen to include the exact percentages. That's not the advice that's been given to my client on this project. And, um, we consider that it's a valid position to take given other solar schemes like Cape Burden. And I understand others under examination, like the Bridge solar project, are also taking the same approach. Um, as has the East Yorkshire solar farm, which is the other, um, in.

01:16:47:11 - 01:17:22:18

The same approach to the one you're proposing? Yes. Yeah. Thank you, Miss Power. Um, yes. I suppose I understand the approach and I understand there are different ways of doing it, and different orders have done it slightly differently. Um, the key point for us is the planning balance, which you've already touched on. If you're saying that you're only securing a minimum of 10%, then that needs that would be reflected in the weight that we afford to that benefit in the planning balance. And some of

the reasons the others have included the percentages is to, um, in order for that benefit to be afforded perhaps greater weight because the percentages are greater.

01:17:22:20 - 01:17:34:12

So if your approaches will commit to a minimum of 10%. As long as that's clear on in the order, then that's, um, the way that we thought it would be based on 10% rather than the other percentages in the BMJ report.

01:17:34:29 - 01:17:42:14

Yes. Taylor Powell for the applicant. Um, yes. And and the applicant is comfortable with that weight being at 10%. Um, in this context.

01:17:44:26 - 01:17:48:15

Thank you. That's that's useful. Anyone else would like to comment on requirement seven?

01:17:52:25 - 01:18:22:12

No. Okay. Thank you. Um, in which case we can move on then to requirement ten. Now, Mr. Powell, before we get into this in any detail, um, we did note that a final trial trenching report was due to be submitted prior to the start of the examination. I think that's referenced in some of the environmental statements, and I think it was raised as part of the section 51 advice as well. We don't appear to have received it or any update on it or any explanation as to why it hasn't come in. So I just wonder if that's something you'd be able to provide us with an update on today.

01:18:23:26 - 01:18:41:19

Uh, thank you, sir. Taylor Powell for the applicant. Um, I might talk to the applicant team about that. And a break of that would suit. Um, or I can talk to them about it briefly now. Um, I understand it. It's been under discussions with the relevant, um, authority, so it. Yeah.

01:18:42:03 - 01:18:52:09

We just find it useful to understand, um, firstly, where the ones have been submitted and if so, when, um, so that we can move forward in the examination on that basis.

01:18:52:26 - 01:18:56:28

Yes, of course. And I'll talk to the team and come back to you on that.

01:18:57:00 - 01:19:27:19

Thank you. Moving on into the detailed points on requirement ten. Um, this was a little bit confusing, and I'm not sure whether it was because there was some differences in terminology and the definitions. And that's where the confusion has come in or whether it's the drafting of the actual requirement. But there is an interlink between the two points. So in terms of the definitions, I think we have an outline or no, an overarching WSI that isn't referenced anywhere else in the document. So I wasn't sure what that was for. And I'm not sure we have a copy of a document of that name before us.

01:19:27:21 - 01:19:55:01

And then there was also the draft archaeological mitigation strategy. I think that term is used inconsistently in the report, and sometimes it's referred to as the archaeological mitigation strategy

rather than the draft version. And then we weren't entirely sure how requirement ten operates anyway, because it talks about different things in different parts. So I'm assuming it's just a draft, an issue that can be tightened up. But if we are mistaken and there is a purpose behind it, it would be useful if you could explain.

01:19:56:09 - 01:20:27:09

Taylor Power for the applicant. And what I might do is just briefly clarify the overall position in respect of the intended application of those documents. And then, um, in short, yes, we are going to propose some some minor changes to the the definitions and the wording of requirement ten at deadline one, just to tidy this up and to reflect what I'm about to explain. So, um, the applicant submitted with the application a draft archaeology mitigation strategy and that document reference app 209.

01:20:28:02 - 01:21:04:11

Um, this document was the starting point for archaeological mitigation for the scheme and was subject to ongoing discussions between the applicant and the South Yorkshire Archaeological Services, which is this year. I might refer to them again. Um, so those discussions with ISIS have continued, such that the applicant intends to produce an updated version of that draft archaeology mitigation strategy at deadline one, and the intention when we submit that document at deadline one, is to change the name of that document from draft aims to framework aims, um, to reflect that.

01:21:04:13 - 01:21:36:23

For the most part, this documents in a final agreed position between the applicant and SES, subject to detail design and um, particularly subject to final amendments. That and An final additional mitigation that might be included post consent um, for the grid connection corridor because as you may have picked up in the chapter on archaeology, then the application and there would be final surveys agreed to occur within the grid connection corridor post consent, but prior to detailed design.

01:21:36:25 - 01:22:11:20

And so there might be tweaks to that framework document and the final version post consent. So following detailed design and the completion of those surveys, the framework aims will be finalised and agreed. Um, and obviously discharge with the local authority and then form the final AMS. So the final AMS um would be confirmed and approved post detailed design, but before commencement of the authorised development and would set out the final agreed archaeological mitigation strategy for the scheme.

01:22:12:07 - 01:22:21:25

So, Mr. Powell, can I just be clear in my own mind? Yeah. So are there two documents? Is there a CI and a framework AMS or are they the same document?

01:22:21:27 - 01:22:54:03

Yes. So that you you again bit me to the punch in respect of what I was going to explain next. So to clarify then about the written schemes of investigation. So the framework AMS sets out the requirement for site specific written schemes of investigation for each part within the scheme. So the AMS is an overarching document for the whole scheme and then read and schemes of investigation

would be agreed for certain areas within the scheme where it's agreed, you know, to essentially agree the details of archaeological works.

01:22:54:12 - 01:22:57:29

So we're not going to have an, uh, and.

01:23:00:02 - 01:23:11:25

We're not going to have a written scheme of investigation before us. We're just going to have the AMS before us, and then the written schemes of investigation will sit underneath that and be dealt with post consent if consent is granted.

01:23:11:27 - 01:23:12:27

Yes, exactly.

01:23:12:29 - 01:23:21:13

Essentially the The framework aims will become the overarching as it's currently drafted in the in the detailed.

01:23:21:15 - 01:23:22:00

So.

01:23:22:02 - 01:23:23:00

That we've got before us. Yeah.

01:23:23:03 - 01:23:53:22

Yeah. So and essentially then to give a brief overview of the changes that will make it deadline one to kind of capture that that context, which I just explained is that we proposed a delete the definition of overarching written scheme of investigation, given a final version of those won't occur prior as part of this application, it won't be provided. And therefore we can't include it within schedule 12. And the definition that's currently in there basically just says look at the document and schedule 12. So it's useless if we retain that.

01:23:54:02 - 01:24:48:00

Um, we would then amend the definition and requirement tend to change from the draft archaeological mitigation strategy to the framework archaeological Mitigation strategy. And I do note the typo queries around as an archaeology or archaeological that will all be picked up within that Net tidying. Um, and then we would amend requirement ten, um, essentially to, to say no part of the authorized development may commence and no part of the permitted preliminary works for that part may commence until the final archaeological mitigation strategy and read and scheme of investigation for that part have been submitted to and approved in writing by the relevant planning authority, and then the final archaeological mitigation strategy and any written schemes of investigation must be substantially in accordance with the Framework Archaeological Mitigation Strategy and must be implemented as approved.

01:24:48:02 - 01:24:56:09

So those readiness schemes have investigation. While we won't have framework, versions of them, will need to be in accordance with the principles that are in that framework and as.

01:24:57:01 - 01:25:13:10

That's really helpful. Thank you. And in fact, you've answered a number of the other questions I've written down as we've gone through it. So yes, I understand how that's intended to operate. Now, um, and we'll have another look at it when the next draft of the development consent order comes in. Thank you. Would anyone else like to come in on this? Mr. Thomas?

01:25:14:29 - 01:25:41:23

Thank you sir. Thomas Sharpe. Richard, on behalf of the City of Doncaster Council. So, as currently drafted, the requirement um will be, um, discharged by the relevant planning authority. The council thinks that this should be the relevant planning authority, in consultation with the South Yorkshire Archaeological Service that Mr. Powell mentioned, um, a moment ago. Um, in addition, sir, we didn't say anything.

01:25:41:26 - 01:25:52:13

I'm sorry. Just so not at that point, Mr. Thomas. Why would you want that word, that additional wording inserted, if my understanding is it's in the power of the council to consult with anyone they wish before they discharge this anyway.

01:25:53:03 - 01:26:12:14

Well, that's right, sir, but if the person's working on this application when it comes along and whenever it comes along, this, uh, requirement comes along whenever it comes on, on a different from people working on it. Now, they might not they might not recall perhaps that South Yorkshire's involvement in this. Okay.

01:26:12:25 - 01:26:13:19

So it's more of a sign.

01:26:15:03 - 01:26:33:10

It's a signpost. Yes. It's good practice, I think so, um. Yes, sir. And we didn't say anything about requirement seven, but the council does have, uh, comments to make in respect of that. I didn't want to silence on that point to indicate that we were satisfied with everything. But comments will follow in due course. I'm being.

01:26:34:00 - 01:26:42:10

I'm being. Yes. Thank you, thank you, thank you. I am happy to hear anything orally from you today on that point if you wish. Or we can have them in writing, whichever you prefer.

01:26:42:23 - 01:26:44:17

I think I need a discussion with my client, sir.

01:26:44:22 - 01:26:54:11

Okay. Fair enough. Thank you, Mr. Thomas. And and, um. Yes. If Mr. Powell, would you like to comment on Mr. Thomas's point on requirements ten.

01:26:55:15 - 01:27:10:28

Taylor Power for the applicant? Yes, I'll discuss that with, uh, my client, but, um, I don't anticipate there being an issue provided, but like I said, I'll come. We can come back and writing on that. And with the general updates we make to requirement ten at deadline one.

01:27:17:00 - 01:27:17:26

And can I just.

01:27:17:28 - 01:27:27:12

Clarify another point? The South Yorkshire Archaeological Service is that part of the council? I don't know if Mr. Thomas, you can answer that. Or was it a separate entity?

01:27:30:26 - 01:27:48:08

Roy Sykes, City of Doncaster Council. I can answer that for you, sir. They are an organisation that sign up to a service level agreement for Barnsley, Doncaster, Rotherham and Sheffield councils. We all contribute but they are effectively the archaeological advisers for all, for South Yorkshire councils.

01:27:48:10 - 01:27:55:10

And they're a separate, separate body. They're not part of those councils. They're not constitute a committee or something. They're a separate legal entity in a sense.

01:27:55:12 - 01:28:01:29

They're a separate entity, but they sign up to a service level agreement to give us the archaeological advice that we need. So thank you.

01:28:02:01 - 01:28:02:25

Thank you. That's useful.

01:28:07:20 - 01:28:45:04

I think that brings us on to the next point. Unfortunately, we don't have anyone from the Environment Agency with us today, so I'm not sure how much we can go on with this. But, um, we did note that there are a number of additional requirements requested by the Environment Agency. Um, we did give some thought to whether some of these could be adopted or could be covered off by adapting some of the existing requirements, um, and the wording of those or securing some of their points in some of the other plans. Um, I don't know how far we'll get with this, but I just wonder whether you anticipate taking that approach or some other approach in terms of addressing the concerns of the EA.

01:28:46:06 - 01:29:17:20

Taylor power for the applicant? Um, yes. So we've also noted those comments, and we've been in direct discussions with the EA in terms of those, um, given they also overlap with, I think, technical queries they have about the application as well as kind of matters for DCO drafting. Um, I suggest probably the best way, particularly given that E isn't here today to address that is that we continue those discussions and we present something via the form of the statement of common ground in terms of how those have progressed by deadline. One, for the benefit of the Exa.

01:29:17:24 - 01:29:46:12

Um, but I suppose based on the discussion so far, um, I'd agree that the large majority of those can either kind of be picked up within changes to the management plans, which are of course already secured under the requirements, um, or minor tweaks to the existing requirements and respect of, say, consultation with the EEA or um, similar. So yeah, essentially we'll come back to that on in writing primarily through the statement of common Ground, potentially through some amendments to the DCO at deadline one.

01:29:46:23 - 01:30:05:15

I think this part, we wanted to raise it today, really, because there were quite a considerable number of different changes and new requirements proposed. And so, um, we just wanted to be clear that if that is likely to happen, um, the sooner the better, really. But if you can just update us a deadline, one with a statement of common ground, even if it's in draft form, that will be useful to us.

01:30:07:11 - 01:30:12:14

Does anyone else wish to comment on any of the additional requirements posed by the Environment Agency?

01:30:14:06 - 01:30:35:02

Assuming not, but I'll give you the option. Okay. Um, in that case, schedule 12 plans and documents to be certified. I just wonder if you could just take us through briefly. There are different ways of doing these certified, um, shared document schedules. Um, I think I understand the approach that you're taking, but if you could just take us through it briefly so that we can be clear in our own minds.

01:30:36:06 - 01:31:08:12

Uh, Taylor, power for the applicant. Yes. Of course. So, um, essentially what we'll do is that with each iteration of the draft DCO that submitted at each deadline throughout examination, we'll be updating schedule 12 to reflect any new documents that have been entered in or updates to documents which have been entered in um via the examination process. So we'll reflect the kind of the date of that document and the revision number of that document. Um, through amendments to schedule 12. And then that kind of keeps a running track.

01:31:08:17 - 01:31:29:14

Um, for the purposes of the examining authority and parties as to which schedule, which, which certified documents are being updated throughout the examination. So that then in the final version that we put forward, um, will essentially reflect all of the changed documents as have been submitted throughout the examination.

01:31:29:16 - 01:31:58:24

So the way it would work, you would certify the whole or you'd want the whole of the original environmental statement certified. Any additional or any amendments then under part two that happened during the examination will be certified. So they'll sit on top of them in a sense and make those amendments, um, rather than a direct replacement in the schedule. And then any other documents, for example, the framework, um, archaeological mitigation strategy that we just discussed would set in part three.

01:31:59:10 - 01:32:34:25

Yes, sir. That's correct. So, um, given and that's a good question of clarification, given that the version that has put forward application, um, where we refer to the entire year, we would then pull out the chapters that have been updated so that then it would be taken that the EAS, other than those updated chapters, should be certified as an application. But say we submit a new version of the landscape chapter, then revision one of the landscape chapter and the date of that would be placed into the schedule.

01:32:34:27 - 01:33:04:03

And it would be taken that, you know, all other chapters within the ESR as at application. But the landscape chapter should be the updated version that was submitted during application that is to be certified. And so that means that, you know, we don't have a given how many documents there are as part of the original is we don't have to list all of those when we're only actually updating ten of those throughout the course of examination. And then it's just taken that the the rest of the year as an application.

01:33:04:15 - 01:33:25:07

Is that clear on the in the order that that's what you're doing? Because it seems that you're certifying the whole on my reading of schedule 12 here, you're going to certify everything on app oh five 2 to 6 eight. And then you're also going to certify any updates during the examination. But I'm not sure it's clear on this that one will replace the other.

01:33:25:09 - 01:33:56:10

Yeah. So um, you know that that's fair from this version. It's not clear, um, on other projects which have used the same approach that I have, I'm familiar with the Tilburg Solar. We then add in some wording when we start breaking down the is, which says, you know, subject to the rest of the is being as an application these documents as follows okay are the versions. So we should expect that clarification. So that clarification will be added once we start resubmitting new versions of particular chapters or appendices.

01:33:56:24 - 01:34:09:26

Thank you. That's helpful as long as it's updated as we go along and it's clear about before. Before what you submit the final version, what routines going in there that be useful. Thank you. Anyone else have any comments on certified document schedule?

01:34:12:20 - 01:34:33:04

Nope. Well, in that case it's now we've been going for just over 90 minutes and I think we said we take breaks, um, at regular intervals. So shall we take a short ten minute break and then we'll come back and move on to agenda item five, which is protected provisions. Unless anyone has anything under agenda item four that they'd like to raise before we adjourn.

01:34:35:11 - 01:34:43:27

No. In that case, thank you all very much. Um, the hearings are now adjourned. It's 1134, so let's come back at 11:45. Thank you. Now adjourned.