

Fosse Green Energy_ISH2_Session 1_08.01.26

Fri, Jan 09, 2026 10:13AM • 2:28:20

00:05

Hello, good afternoon. Ready. She's now up past two,

00:09

and it's now time for this issue specific hearing two which relates specifically to development consent ordered matters in respect of the proposed FOSS Green energy project. Can I just check that people in the room can hear me? Yep. Thank you. Can I also check with those participating online that you can both hear and see me? Can somebody indicate please? Yes. Thank you. Thank you.

00:45

Can I also, yes, we've got the live stream running and also recording running in the background.

00:52

My name is Graham Gould. I'm a charter town planner, and I'm a planning inspector, and I've been appointed by the Secretary of State to be the lead member of the panel that's examining this application. Now going to ask my colleague to introduce herself.

01:08

Good afternoon. My name is Frances Wilkinson. I'm also a chartered town planner and planning inspector, and have been appointed by the Secretary of State to be a member of the panel to examine this application. Thank you.

01:22

Thank you. And together, we comprise the examining topic for this application.

01:28

I'd also introduce colleagues from case team you've probably already either met, spoken with Mr. Raywood and Miss Dunlop. In addition in attendance, we have technicians from production 78 who are the company appointed by or contracted by the applicant to provide audio visual support.

01:52

And their role is solely to provide audio visual support if for any reason, we encounter some technical issues. And for those of you who are attending a hearing for the first time this week, we have had a few instances

02:08

if, if we have to communicate with production 7018 it is solely for the purposes of trying to sort out some technical issue in either in terms of the audio in here, or something that's not working online correctly.

02:28

There are a few housekeeping matters I need to deal with. Could I ask that everybody keeps their devices and or phones on silent mode?

02:40

Toilets for the venue are back through the main

02:44

entrance area. The ladies are on my left. Gentlemen are on my right.

02:55

We're not expecting any fire tests, so if the fire alarm does sound for any reason, we will have to evacuate the building. In doing that, we need to follow the instructions of the building staff, who will either tell us to leave via the front entrance or an exit behind me, the gathering point is opposite Greg's bakery, which is on the corner Street by the entrance, and we wait

03:22

in an open space area until we are told by the building staff that we can return.

03:31

Today's hearing is being undertaken in a hybrid manner, which means that there are some participants in the room and that there are others joining us online via Microsoft Teams. For those of you who are, who are participating online, we'll ensure that you're given the opportunity to participate. And we'd ask that you've, if you have a point to raise during the discussion, that you use the raise hand function in teams. And if you can't get that to work, if you just literally, physically raise your hand, then one of us

04:05

will then bring you in at an appropriate time during the discussion.

04:16

A recording of today's hearing is well will be made available via the FOSS green energy section of the planning inspectorates national infrastructure web page,

04:29

and that will be available as soon as practical following the hearing.

04:34

With that in mind, I would ask that everybody speaks clearly into a microphone stating your name and the organization that you're representing each and every time you speak, while that can get a bit repetitive, it is for the benefit of the recording, so that anybody viewing the recording at a later time knows who was involved in a particular section of of the discussion.

04:59

If you're.

05:00

Not at a table, there is a roving mic that will be made available if you could wait for the microphone to arrive before you start speaking.

05:11

A link to the planning spectra privacy notice was provided in the notification for this hearing, and we've assumed that everybody has read that note and is familiar

05:23

with the privacy notice

05:26

and that explains how personal data, including the recordings, will be handled. Do

05:35

you have any queries about the data protection side of things and how recordings are handled? Please? Will you speak to the case? Tim about

05:45

that the digital recordings are retained and published and are therefore kept as a public record. They are retained for a period of up to five years following the Secretary of State's decision,

06:00

and it's therefore presumed that you, as you participate in the hearing, that you agree to your details being held in that manner,

06:11

we will only ever ask questions of a more personal nature, if we can consider it important and relevant. With that in mind,

06:21

we would just remind parties that if there's anything you wish not to be in the public domain, then please try and avoid saying it, because that will avoid the need to edit any Personal data

06:35

once the hearing has been closed,

06:42

the agenda for this afternoon will follow that generally as published by us on the 19th of December

06:51

and is in the

06:54

examination library as reference, EV four, hyphen, 001,

07:00

but Mrs. Wilkinson and I have had a discussion as far as agenda item 3.3 which was a section on general drafting matters, because of the nature of the questions that we've prepared between us, particularly for agenda item 3.1

07:17

we don't think we're going to need to use 3.3

07:22

but we'll, we'll play that by ear as the hearing progresses. I would also say, in terms of this hearing,

07:33

it's being held early,

07:36

and it's in effect, being held on and without prejudice basis, nobody should be under the view that we've already made our decision, or decided how we're going to make a recommendation to the sexually less state, and therefore decided what that recommendation is going to be. This is very much a session that's held on, as I say, on a without help prejudice basis.

07:59

And it's for us really to look at some aspects of the draft order release of a more mechanical nature,

08:09

and therefore we can tend to run this session more as perhaps directing questions at the applicant or directing questions at

08:19

the council's or the Environment Agency,

08:24

and then give the other side the opportunity to respond to whatever has been

08:31

given as answer. We will give the opportunity for other interested parties

08:38

to make comment as appropriate, but we've got quite a lot of questions about the basic drafting of the order, and we do want to try and get through those. We've also got a session on battery safety. See there is representative of the fire service here. We do want to make sure we can make proper use of that session as well.

09:01

So it might be unlike issue specific hearing one, we don't allow as much participation by interested parties in this session, and that's purely because of the nature of this hearing, which is looking expressly, as I say, at the way the order, the draft order, has been structured and elements of its wording,

09:27

sir. Emma

09:29

hollingfield is part of the applicant. I wonder, if I may, just because you've been touching on the order that you plan to deal with today's agenda. If I could just

09:38

make a number of points, if I may, it seems the appropriate juncture, rather than coming back afterwards, as I'm sure everyone in the room has been, we've been keeping an eye on the weather alerts, which seem to be getting slightly worse. They've been upgraded to red in the Southwest,

09:57

and we were hoping, therefore.

10:00

Thought that an early finish might be possible today, maybe even 430 would make a difference to those having very long journeys this evening.

10:11

On the basis that I imagine that there's interested parties in the room who are very interested in agenda item 3.2,

10:18

we were going to suggest that perhaps you might like to deal with that first, on the basis that the DCO hearing is about detailed drafting matters, many of which are covered in your written questions, and we could deal with in writing. So that was just a suggestion from from us, sir,

10:39

as I indicated this morning that Mr. Snedden is a bit of a mind reader. Mrs. Wilkinson and I had had a discussion about whether we we did push 3.2 the battery safety topic

10:54

up the order to make sure that it was covered. We're

11:00

definitely hearing that the applicant would be

11:04

not unhappy with that, Lincolnshire county council and or the fire service. Are you content to sort the running order when we get actually into the main guts of the hearing? Justine Foster on behalf of Lincolnshire county council, yes, that would be fine with us. I presume North Keston, and you've got no concern with that, yeah, Ben hunt for North Kesteven District Council. Our only concern will be that the discussions on the DCO drafting get curtailed later in the day. They might, but a lot of the questions that we have got feed off questions that we had in the draft questions,

11:44

and if needs be some of that those more detailed drafting points, we can rely on written questions, which are due to be issued next week.

11:55

And I have little doubt that we will when we have the second round of hearings, we were coming back to look at DCO matters as well. So this won't be the only time that we look at the detailed drafting of the order.

12:16

I think really we're in your hands.

12:22

Is there anybody else that has any objection to switching the running orders so that we deal with agenda item 3.2

12:30

first before we head off into agenda item 3.1

12:35

not seeing anybody in the room raising consent, anybody online. Does that give concern from any of your perspectives?

12:45

Again, not seeing,

12:54

hello, sir, Mr. Hunter, thank you. So I think, just to echo what's been said by Mr. Hunt, if there is a likelihood that we are going to have a curtailed discussion of the DCO drafting I won't say if I could just ask this, that we might be given an opportunity to at least flag up topics which perhaps, I think there's obviously areas of common ground and overlap between what you have identified in your draft questions, but there are some new matters, I think, some of fairly, fairly significant matters that we think at least ought to be flagged up at this point so that you and the applicant are aware of the District Council's position on them. So so understand we may not be able to deal with everything, but I think if we could at least outline some key topics that may we need to come back on that would be helpful.

13:46

I think what we'll do then is, once we've done battery safety, we've heard the applicants opening to 3.1 in fact, their summary of how they've gone about preparing the order, we'll then ask the councils to identify any particular issues that you think you've got with the order, and then we'll go into our questioning I think.

14:12

Thank you, sir. You

14:28

kind of covered some of the ground I was going to speak to note about anyway. So I think we will now turn to

14:35

introductions in terms of participation today. So can ask for the applicant first, if you can introduce yourselves.

14:46

Thank you, sir. Emma Harleen Phillips, on

14:49

behalf of the applicant and I have with me Mr. Ewan Snedden, who will be dealing with agenda item 3.2 today.

14:58

Thank you. I.

15:00

Thank you. Then turning to

15:04

North Kesteven District Council.

15:08

Thank you, sir. John Hunter, on behalf of the district council, I think I will be leading on quite a lot of the debate in relation to matter 3.1 when we get to that, although with no doubt, input from Mr. Hunt and Mr. Felton, who are present with you,

15:25

and I think Mr. Either Mr. Hunt or Mr. Felton will be dealing with 3.2 Thank

15:31

you, Mr. Hunter and for Lincolnshire county council,

15:36

thank you, sir. Justine Foster, on behalf of Lincolnshire county council, sitting to my right is Mr. Dan Moss from the Lincolnshire Fire and Rescue Service, who will be available for comment on item 3.2

15:48

in relation to item 3.1 there'll be some points to be made by myself. And I'm also joined by Mr. Ian field from the highway authority, who will be available to make points on the highway. Pacific articles,

16:08

thank you. Mrs. Foster

16:10

then turning to the Environment Agency, please

16:16

Good afternoon, sir. Alex Hazel, for the Environment Agency, I'm the project lead for the environment agency's involvement in this particular project. And with me, I have Mrs. Lucy Houghton, who's a water quality specialist, and Mr. Stew Cook, who is a waste specialist.

16:37

Lucy and

16:40

Mr. Cook will be contributing in relation to item 3.2

16:44

I will perhaps contribute to item 3.1 as appropriate. Thank you.

16:53

Thank you. Mr. Hazel national highways,

17:01

thank you, sir. Good afternoon. I'm Miss Brittany Grosvenor from national highways, and I wish to speak on agenda item 3.1, thank you.

17:10

Thank you then for FRAX.

17:16

Good afternoon. Emily Tetley Jones for FRAX, and I'm joined

17:22

by Cole Cannings, both from field Fisher, and we wish to speak on item 3.1 and 3.3 if necessary. But happy to

17:35

take Mr. Hunter's lead and just highlight issues if we're running out of time. Thank you.

17:42

Thank you.

17:50

And turning back to the room, any other interested parties who may wish to participate.

18:00

Thank you. Councilor Marianne Overton,

18:04

representing the cliff villages solar Action Group and the local councilor for the some 12,000 people affected by this application. Thank you.

18:19

Yes. Nick Lyons, Chairman of Thompson Hill parish council, it's possible that I might want to speak. I'm not sat here with an item ready, but I'm going to listen to what's said, and it's possible I may want to contribute. Thank you. If time is available, clear, yeah, understood.

18:36

Is there anybody else in the room that may wish to speak this afternoon, not seeing any indication. Then turning to those online,

18:47

Mr. Williams, yeah, Mark Williams, Springwell, Soul action group I would like to talk or comment on 3.2 the best.

19:04

Is there anybody else online who wishes to participate this afternoon that we haven't yet taken details for

19:13

not seeing any indications. Thank you.

19:26

Mrs. Wilkinson was going to talk about the purpose of the hearing, but I've kind of already done that, so I think we can skip those bits,

19:36

which then means we can go straight to agenda item

19:40

3.2 point two.

19:53

So if we can start with the applicant, Mr. Lead off,

19:59

so I'm.

20:00

Mr. Ewen Snedden, on behalf of the applicant,

20:03

and I will give a short summary of the battery energy storage scheme proposed for the development. Could you perhaps speak a little bit you could have quite softly spoken voice or down? Which would you suggest a bit more? Yeah. Okay.

20:21

So, yeah. So FOSS green energy has an associated development of our battery energy storage scheme, 240

20:32

megawatt output, 480 megawatt hours, as discussed yesterday. So that's our two hour best scheme.

20:41

In the 10 minute summary, you've asked me to include the mitigation measures proposed to minimize the risks of battery fire. The

20:50

first item within the mitigation is careful selection of the equipment.

20:56

The aim of the project will be to select equipment that has integrated fire alarms, integrated fire suppression

21:05

and integrated cell management systems that will measure temperature and identify if thermal runaways is possible.

21:18

Following the equipment selection, we would undertake a detailed design that would involve

21:26

the spacing of the batteries. We would refer to the guidance at the time of that detailed design to establish what the battery spacing should be. The

21:37

NFCC guidance is constantly evolving as the battery energy storage systems are becoming more prevalent across the country, and the project commits to

21:50

responding to the guidance from the NFCC at the time of the detailed design to ensure that best practice is followed with the design of the system.

22:02

Any deviation from NFCC guidance would only be done through consultation with the Lincolnshire Fire Rescue Service, and would be

22:19

informed by specific tests on the equipment, such as ul 9540,

22:26

a test, which is a test where you physically demonstrate the thermal runaway from one battery container cannot spread to any other battery containers

22:40

in terms of the further design elements around that it will be to make sure that the site is safe from any other method that the batteries could a fire in one could spread to multiple units. So that would be part of the

22:58

maintenance plan for the best scheme to ensure that there's no flammable material left around on site, or any vegetation that grows between the battery containers will be cleared promptly, so it doesn't have an avenue to provide that bridging between Different container units,

23:20

in addition to the sort of physical safety protocols that will be in place, there'll be battery management systems that will be able to automatically disconnect any units that are not performing within Their design parameters,

23:38

and also automatic systems to inform the response team as to

23:46

any occurrences within the battery scheme.

23:52

Further to that, part of the consultation that we'll be continuing with the Lincolnshire Fire Rescue Service will be around taking our framework, battery safety management plan and detailing that into the final battery safety management plan through the detailed design process, as well as agreeing an emergency response plan with the Lincoln Fire Rescue Service so if an incident did occur, they would have good records of what's there, how to operate the system, the signage where any water tanks or hydrants are located, so that they can effectively perform their role in containing

24:41

any incident.

24:46

The second part you asked me to summarize was safeguards that would be put in place to manage the effects of a battery fire should one occur. And part of this is about ensuring that those management.

25:00

Plans and the emergency response plan are continually updated throughout the operation of the scheme. So if any changes over the lifetime of the scheme occur, that the local fire service are kept up to date with any changes,

25:16

we would be providing suitable water storage or hydrant systems or the battery unit, so that

25:25

the again to the prevailing guidance at the time. Currently, it's for 1800

25:31

liters per minute for two hours. If that changes during the between now and the detailed design will comply with whatever requirements are

25:42

and

25:44

then, in the event of an incident, the plan of action would be that any firewater used to suppress the fire or to contain it from spreading to other units would be captured on site with an automatic pen stock valve that closes off the sort of

26:07

payment pond

26:09

that water after the incident would be tested for any contaminants. If there were no contaminants in it, it could then be safely released from the site if the water was proven to contain contaminants, it would be de tanked into a licensed and approved water treatment plant that's designed for treating water with that type of contaminant

26:35

in it.

26:38

In terms of the overall theme of the battery safety management plan, it is around that avoidance and then mitigate any problems that happen.

26:50

And the applicant team are committed to making sure that any installation that's put in places to the highest standards at the prevailing time and is agreeable with the local fire rescue service. Thank you. Thank

27:38

Mr. Moss, do you have any observations to make in terms of what you've just heard from the applicant,

27:45

and perhaps also if you can

27:49

indicate any other concerns that you might have and how do you think they might need to be addressed going forward

27:55

Moss, on behalf of Lincoln, Fire and Rescue, so the ongoing engagement that linger and Fire and Rescue has had with the applicant. We recognize that the current battery safety management plan contains generic information. For instance, best enclosures, design battery technology to be employed, which has been stated

28:13

linkshire Fire and Rescue remain, retain the right to need to be cited on specific details as the design phase progresses. For instance, the spacing safety measures based on technology used and compliance with specific industry standards. Lakeshire Fire Rescue would require further detail, details on installation standards to allow us to do due diligence in line with recognize national and international standards. Further information will be required on suppression systems at the design phase, which will then allow us to consider alternative mitigation measures that we've got in place by the design phase, details on site. Access and accessibility around the site will be required to allow firefighter operations, if required, to be carried out safely. And we recognize the document references current national and international standards, but with generic points as outlined above, links to fire and rescue encourage ongoing engagement with the applicant during design phase. Thank

29:13

you. Thank

30:00

Thank you, Mr. Moss.

30:07

Does the Environment Agency want to make any comment in response to either what the applicant has said and or the fire service?

30:20

Hi there. This is Lucy Houghton on behalf of the Environment Agency. So yeah, thank you for those comments by the applicant. So with regard to the pen stock, we did request further details be added on that at our relevant representations.

30:38

We have currently been discussing with the applicant to do with a draft statement of common ground, but some details around the pen stock have been missing from that. So we just wanted to restate our position that the trigger for the pen stock closing automatically needs to be confirmed. And we also request that there should be a manual closing option if required. And we would request that we also see a maintenance plan for that pen stock to ensure that it can continue to be in use at all times.

31:07

With regard to the testing, we have been making headway with that with the applicant. So in this draft statement of common ground, we're aware that our recommendations on the testing and methodology are going to be added into the framework battery safety management plan that we understand is going to be submitted into examination at the next available deadline, but as it stands at the moment, we Haven't yet reviewed that next updated plan. Thank you. Thank

31:59

up. Miss Hampton,

32:02

are you in terms of the discussions that are ongoing at the moment, are you generally content that

32:10

you will be able to arrive at an agreed position with the applicant, or are there still issues that you think

32:17

may require further consideration, because you've

32:22

got more significant reservations.

32:26

Thank you. Lucy Houghton for the Environment Agency, with regard to testing, I believe what that can be resolved throughout the examination period, we haven't yet had further discussion on the pen stock, hence why I was bringing it up now. With regard to

32:44

the other drainage aspects of the best, in terms of kind of the lining of the swales, I know that's been asked in one of your examiner questions, asking more details on that, but again, I believe that we can be satisfied with that

32:58

in terms of the

33:01

separate to kind of, specifically the fire water. I know we have a couple of aspects regarding the kind of battery waste that I don't know if I can bring in my colleague Stu Cook, just to say a few words on that, just to say where his position

33:16

is, yes, please. Thank you. Do

33:25

uh, good afternoon. So my name is Stu Cook, work for Environment Agency specifically regarding waste and on this particular

33:34

inquiry, I've been tasked at looking at the issues surrounding waste factories,

33:40

how they're going to be swapped out and where they're going to be stored prior to removal, to

33:45

permitted sites for treatment and onward recycling.

33:51

Originally there was, the original plan stated that there would be the batteries will be swapped out and removed from site on the day of the removal, but I understand the position has now changed, and there is going to be a bonded area where waste batteries will be stored and collected, presumably by the waste company in the fullness of time. And this area will be

34:14

monitored for fire detection purposes, either by CCTV or some sort of automatic system. What I understand

34:24

in relation to what Mr. Snedden has just been talking about, I do have one specific question. He mentions a response team in case there are problems with batteries on the site. And I was just wondering, how far away is that response team in case there are problems with the batteries on the side, please.

34:45

Mr. Snedden, on behalf of the applicant, the response team was more in reference to the fire when this fire service teams respond to an incident at the moment, I can commit to where any

34:59

of the applicant.

35:00

Response team would be located.

35:11

And my other question was the currently Defra are looking at the regulation of best sites nationally. It's being considered by the Deaf Senior management. And I was just wondering whether there are any measures currently

35:26

being talked about on the applicant side to future proof this site or regulation. Should it come in in the during well, it will come in, I would imagine, during the life of the site. So

35:48

and thank you, sir. Emma Holling Phillips, on behalf of the applicant, the applicant is obviously keeping an eye on any developments in regulations and standards and guidance that we are capable of responding to as the application for the consent progresses and as the detailed design of the consent progresses, but we don't have a crystal ball, and therefore cannot possibly commit to regulations that we are not aware of and we don't know what will come forward.

36:26

Thank you, Mr. Cook, did the applicant want to say anything in response to what the Fire Service said? Before I ask whether any other interested parties want to say anything? Thank you, sir. Emma Harleen

Phillips, on behalf of the applicant, just to draw it to everybody's attention, requirement seven of the draft DCO at schedule two requires the battery safety management plan at the detailed stage to be approved by the relevant planning authority. And the requirement provides that that relevant planning authority must consult with Lincoln Fire and Rescue on the details of that plan before any approval is given. So Lincolnshire Fire and Rescue will have input into the plan at that stage before it is approved. And also just to note that the applicant, applicant has commenced discussions with Lincolnshire fire and rescue services at the request of Lincolnshire county council for protective provisions to be included within the draft eco these would, for example, enable a familiarization exercise

37:32

once the battery had been so work number two or three, whichever is constructed, had been installed so that they could satisfy themselves all required systems and measures are in place in accordance with the battery safety management plan, and it also provides for an annual review of the battery by the fire service

37:56

up until the year that the proposed

37:59

development is decommissioned. Thank

38:30

thank Miss. Harley Phillips, turning to North. Kesteven District Council,

38:35

thank you, sir. Ben hunt north. Stephen District Council,

38:39

just a few words,

38:42

as you'll see when you receive our LIR at deadline one, the council has considered the best proposals, including the framework battery manage, framework, battery safety management plan a PP 198

38:59

and we note some of the provisions for mitigation, including things like design principle 11, which I think is in a P, p1 86

39:11

which refers to separation from sensitive receptors, although just on a minor point of detail, I think there is reference in the battery safety management plan to a design parameter, and forgive me if, again, as yesterday, if I'd missed something, but we couldn't find that design parameter.

39:34

In general terms, the council defers to the views of Lincolnshire Fire and Rescue Service in this as the experts,

39:42

however, the council is

39:46

concerned regarding safety and understands concerns

39:54

expressed by members of the public. This is a relatively new technology,

39:58

emerging technology.

40:00

Technology. And

40:03

in our view, it's relevant to consider both the perception of public safety

40:10

as well as the technology, if you like, in making your decision. And we would urge the examining authority to consider whether perhaps the applicant should be required to install, for instance, the safest battery type and system available at the time of approval. So

41:08

I think that's all.

41:09

Thank you. Emma Holling Phillips on behalf of the applicant, if I can just come back with the relevant design commitment that Mr. Hunt referred to its design commitment, B, A, two. The commitments are contained in an annex to the design approach document that Mr. Hunt

41:27

quoted from

41:30

that commits to a spacing of a minimum of three meters between battery units in any centralized or distributed best design. And the applicant has to comply with those design commitments by virtue of requirement to sorry, requirement six at schedule two of the draft DCA, so

42:07

would it be possible for me to just do something here, what I was referring to as a commitment, not between the battery units, which I think is the one you just mentioned, but between That and sensitive receptors, its location, if you like.

42:22

Is that a different one? Emma Harley Phillips, on behalf of the applicant, apologies, sir, that design commitment is ba one

42:30

again, in in the appendix to the design approach document that you referred to earlier, and that commits the centralized best to be cited a minimum of 200 meters from residential receptors, okay? And as with the previous that is secured via requirement six in the DCA,

42:46

I'm grateful. Thank you.

43:19

I turning to any other interested parties? Is there anything that anybody wishes to raise about fire safety before we move on to our questions about fire safety?

43:32

Councilor Overton,

43:34

Thank you very much. Councilor, Marion Overton, Cliff villages, social so Cliff villages, solar Action Group and local councilor, I'm concerned, because I think the regulations are moving fast as this realize just what's involved. You've got 328

43:54

battery enclosures,

43:56

and you had in the proposals two options as to whether they should be together

44:04

quite near Auburn, or whether they should be distributed. I don't think I've seen a plan of the distributed arrangement, and I'm also not certain how many

44:20

container shipping container type containers, you have of battery, and you have also put the so I would be interested to see that, because my point, my concern is that as we have to fulfill the requirements, which are strengthening To make greater distances between the shipping containers to try to prevent all of them going up at once and creating one Almighty thermal runaway to spreading them out, which then obviously has a greater impact on the landscape value.

44:59

I also.

45:00

So understood uncertain about in the compounds that was mentioned as one of the options that they said would be fenced. So we've got fencing around the outside and more fencing around the compound. So is that going to be required? And would it make it more difficult when trying to tackle a fire? Should there be one?

45:22

So

45:24

then the next point is that what type of battery is involved? And I think it was, it's good that the district council have pointed out that it should be the safest technology that's in place,

45:42

and that could be that it's not the cheapest,

45:47

but I do think that's a very important point to make, because whilst it might look from the outset, you know, 200 meters might seem a good distance, but bearing in mind, it could be not just one, but a whole set of these going off and where we've seen in other parts of the world and in parts of the country, the poisonous fumes can spread a considerable distance and still be of significant of sufficient concentration of poisons to create a an asthma attack or some other issue in the people who accidentally breathe it in. We do have footpaths along this area and which are open to the public, and could have children walking along at any time. And some of these may be quite near to individual dwellings where there are children living, because I think there are the point about our area is that we do have a lot of farmsteads scattered through the countryside, because that's actually our history. That's how these areas were created, in that there'd be one person managing perhaps a small area of farmland around them, and therefore that was important for them to live in amongst their work, which is the farmland. So we do have scattered properties around and these would also need to be avoided as well. So whilst it might seem that it's open countryside, it's actually not vacant, it's actually occupied. And I think we do need to be quite careful about how all of these properties and residents are properly protected in the event of a significant fire.

47:42

The applicant earlier mentioned that he only had to take into account the likely

47:50

accidents, I think, in his risk assessments. But normally in risk assessments, you do multiply the likelihood by the impact of that accident. So I think these are so serious and life threatening that they would need to be much more properly taken into account. Lastly, the health and security agency have written a letter to the to the council, I think it was yes to the council in response to the battery storage units at navenby, and they said that it that would add a significant risk to residents. So are those? My question really is, are the same

48:43

response made for this one? You know? How are they? How is the response coming forward for this one? And are the same points that were made about that battery storage units being taken into account in this case, and the other person asked about how long it would take to get some support to help these units, and I think the we haven't had an answer because from the fire service, because they said it wouldn't be the applicant that came it would be the fire service. So I think we need to know that as well. The other point is, what are the fire service going to do? Because I understand that they have to, obviously not put their own workers at risk, quite right. But it does mean that where we've seen these in other areas, it has meant that it was very difficult for the fire service to do anything but for to allow them to burn out. Lastly, the water for the suppression units. The issue that I'm concerned about is two hours. It doesn't seem to be sufficient. To me that the storing sufficient water for two hours suppression doesn't seem to be adequate. Because where we've seen these occur in other parts of the.

50:00

The country, the fire, the thermal runaways, have sometimes burnt for days and weeks, and so we do actually need more than two hours water is not necessarily readily available from the mains. We had our in my area, we had three days with no water in the summer because the water that was going to be topped up from the Trent, the Trent went too low, and the pumps took air and weed and burnt, and then there's no water. So it's not a reliable you can't just take it off the mains. Can't be certain that you can just take a top up from the mains whenever, or even from the Trent whenever is convenient. We do

need to have very significant storage of water on land. And then I'd last you like to ask the Environment Agency When the water has been used as a suppression unit for a thermal runaway.

51:00

The idea is to contain it, which I understand, means they need concrete enclosures to contain that water.

51:09

But if that is overflowing, or if it falls from the air outside of the container,

51:16

that will go on to the land and into our water courses, so we would want to be assured that any poisons or PFAs chemicals, any chemicals that are that land on the on the earth in that way and go into the water courses that in some way that can be

51:37

remedied, captured, actually, we want it prevented. Thank you.

52:00

Respond. Thank you, sir. Emma Harling Phillips, on behalf of the applicant councilor Overton has raised a number of points there, and if we were to respond to each of them in turn, it would take up an enormous amount of examining authority time and prevent other parties being heard. So we propose to respond to those points when we have sight of her written summary of the points made at the specific hearing, and we can respond in detail at that point. But I just wanted to draw everyone's attention to the fact that an indicative layout for the distributed best is available. That's application, that's examination, library, document, reference, app, 047,

52:44

which shows the distributed best as a small gray boxes on that plan. As I said, those are indicative locations, with the final location being controlled by the design commitments that we referred to earlier. Thank you, sir.

52:58

Can I just know how many councilor, Marion Overson, just how many

53:04

shipping containers have you got

53:06

you instead? And for the applicant, the distributed best is the same size as the centralized best. So it's the same number distributed throughout the site.

53:21

You quoted it 382,

53:25

328, enclosures, yes, but I don't know how many shipping containers are in each container. Apologies. Thank you. I understand so it's four containers per distributed Bess compound. Some of those compounds will be unionized into

53:44

where they're co located. They'll become one compound, but that would be like the smallest unit that there would be,

53:56

you and Sneddon for the applicant. And of course, that's on the Indicative plan at the moment, it could well change come to the detailed design. It could be that energy density has improved, that we can do the same capacity in the lower number of containers.

54:18

I mean on on that point, what you're showing in the application documentation is, in effect, the worst case

54:27

you instead it on behalf of the applicant. Indeed, as I described on the earlier hearings, what we have used is a realistic prospect for a bet that you could build using the current technology that's available so.

55:02

Are there any other

55:05

interested parties in the room? Not seeing anything?

55:09

Mr. Williams,

55:11

yeah. Mark Williams, sprung or sort of action group. I'm

55:16

not sure where to start. I think you know, when we start looking at the best is, you know, we all the applicant applicants, whether it's FOSS green or spring Well, paint a rosy picture of the best situations that they never talk about, moss, Moss Landing, Liverpool, the Essex fire. They avoid the conversations around the real risk associated with best. They avoid the conversation that the UK Health and Safety Agency has had around besses They took they always talk about the minimum requirements, so two hours of water. Well,

55:59

as far as I'm I am aware, from what I've read, you know best has burned for significantly longer than two hours. So the reality is, they're not being open with the public.

56:12

In addition, if, when we look at the glossy material provided by the applicant, they're quite happy to show pictures of

56:22

solar panels where they photo montage hedging around those panels to mitigate what those panels look like. I don't believe they have created any photo montages showing what all these battery storage facilities will look like to the residents of Auburn and associated villages. So it'd be really good if they

actually showed a proper visual of what these sites would look like for local residents. They conveniently forget to do that.

56:55

Sorry, Mr. I'm going to stop you there in terms of the visual effect. We're not dealing with visual I

57:02

accept that, and we need to keep this hit this hearing focused on safety matters. Yeah, yeah. No. Have you got any other observations? I would say we have indicated in one of our draft written questions, we've asked the applicant to provide it provide information about incidents involving batteries, both in the UK and then further afield,

57:26

and we expect to receive information, information once we confirm what our written questions are, that will then give all parties the opportunity to comment on whatever information is provided by the applicant. Yeah, no, perfect. So I also just a couple more points. So I believe NFC sees guidance currently is six meter spacing between between containers, with some mitigation towards three meters. So again, the applicant is always looking to go to the to the minimum. Why aren't they looking to the maximum, which is

58:02

gives a greater degree of safety. And then if we look at going back to the water issue, that there have been other applications where the applicant, the applicant, has been told that the site has to be fully bunded to ensure there there can be no runoff. I've no idea, when you're talking about so many containers, how you can fully bond a site like this, but I think it's something that the applicant, it should be part of the DCO, that the the entire site should be fully bundled to ensure no water can enter the natural environment. Thank you.

59:18

Does? Does the applicant want to say anything in response to what Mr. Williams just said. Emma

59:26

Harling Phillips on behalf of the applicant, no sir, thank you. Mr. Cook from the Environment Agency, yes,

59:34

sir. Geo cook from the Environment Agency, just going on to the couple of the questions and the points made by the previous two speakers there

59:44

on the distributed best is each one of these containers going to have its own water supply, which is going to be able to be used by the fire service for two hours?

59:54

Or are they? Are they going to be used centralized water tanks with piping systems and.

1:00:00

Hydrants, which are going to bring the water to the relevant busses. And coming back to something that I mentioned earlier about the future regulation of these sites,

1:00:11

if five prevention guidance for the Environment Agency, we will be wanting four meter gaps minimum between the containers, and we would want a minimum of four hours water supply,

1:00:23

not two.

1:00:25

That's fairly standard

1:00:28

with the regulation.

1:00:31

Thanks,

1:00:37

sir.

1:00:48

Emma Harlan Phillips and part of the applicant. That's the first time that the applicant has heard those figures quoted by the Environment Agency, and we'd greatly appreciate

1:00:59

having cited the standards that Mr. Cook is referring to that require those figures to be complied with, because we have not seen them from the Environment Agency to

1:01:11

date. Reuben Taylor, for the applicant, perhaps the Environment Agency could indicate whether that's a national standard that's been adopted as policy by the EA, or whether it's a local standard or or what, because that is entirely new to us.

1:01:30

So if I could come in Stuart Cook, the Environment Agency, these figures I've just given you are from the waste regulation. This is these figures relate to waste sites, but it is common across regulated industry as well. Obviously, we've not mentioned it in the guidance so far, because, as the applicants mentioned, they're not currently a regulated facility.

1:01:54

Sorry. Ruben Taylor, for the applicant again, sorry the waste regulations. Can you be a bit more precise and give us the exact title of the regulations, please. This is guidance available from the Environment Agency on fire prevention, on regulated waste sites.

1:02:25

In order not to take up too much hearing time, given that we've got limited time available this afternoon, I perhaps would suggest that there's a statement of common ground being worked on by applicant and Environment Agency this. This whole area perhaps ought to be explored

1:02:43

through the work that's going to be ongoing. In that regard,

1:02:47

is that something the applicant is content to explore with the agency, and is the agency content to address it through the evolution of the statement of common ground? Emma harlink is part of the applicant, yes, sir, we are already engaging with the Environment Agency and provided a draft statement of common ground. Statement of common ground in relation to the issues that they have previously raised formally with us. This is not one of them, and on the basis that the application site is not a regulated waste facility, it's not appropriate for that to be included within the statement of common

1:03:20

ground, well, it might be appropriate for it to be included, but it would be a disagreed matter.

1:03:30

Is the Environment Agency intending to submit a written representation at what will be deadline one for this examination,

1:03:41

because that might be the earliest opportunity for you to fully indicate

1:03:49

range of issues with respect to the battery storage system, which the applicant

1:03:56

can see notwithstanding any discussions that go on in the background in terms of putting together seven common ground

1:04:06

somebody from the agency's team indicate whether,

1:04:10

Alex Hazel for the environment agencies there, yes, we will pick that up with the applicant, and we will, we will be Providing a written representation

1:04:21

if there's anything new that materializes, we will Raise it through the written representation.

1:04:41

Thank you. Miss basil, yes, sir, can we have a mic? Please?

1:04:58

Thank you, sir. Gordon Covey.

1:05:00

Still on here? Could I just ask two hours or four hours? What's that in sort of gallons or cubic meters?

1:05:10

And would the water companies be able to provide that if they had to store it to have it on site for storage? What amount of land area will be taken up for storage? Please? Perhaps that's something that can be answered later, if not now. Honey

1:05:34

Phillips, above the applicant, I'm very happy to answer that. Now, the applicant has undertaken a water resources assessment with Anglian Water, who have confirmed that they are able to supply all of the water that would be required for the operation and construction of the scheme, and that includes the fire water that You have heard referred to in the recent submissions. Do

1:06:30

second. Councilor Overton, Thank you. Councilor Marianne Overton, the cafeteria solar Action Group, just to pick that up, the question was, what the quantity was and how much land area would take up. I understand Angular water may be able to provide the water over a period of time, like it might take months to fill all the tanks. I don't know, because you haven't given the quantities, but and how many tanks? You know? Are they on each of the enclosures, as was requested? You know the information was requested earlier, or are they in a lake?

1:07:04

How is that going to work? I think this is a bit more clarity so that we can be ensure that the water is going to be available when it's needed, because it may not be available at short notice if you suddenly need extra. Thank you,

1:07:18

sir. Emma Holling Phillips on behalf of the applicant, the Water Resources assessment has been undertaken as that that is required to operate the scheme, and that means water is available as required to respond to any fire safety issues and just to give everyone comfort that water resources assessment has also been shared with the Environment Agency and will be submitted to the examination at the next available deadline, and Mr. Snedden is going to come back on the other points.

1:07:49

Yeah, Mr. Snedden, for the applicant within the centralized Bess, we would be likely to have tanks with a hydrant system dedicated for the centralized best, for the distributed best, some will share tanks where they're located, close enough to each other that they meet the guidance from the fire service in terms of the distance from the tank to the location.

1:08:18

Others will have a dedicated tank for the scheme,

1:08:23

the tanks, although it sounds like a lot of water, they're not. They're not hugely massive. You can make them different shapes to keep the height down. It's about 202

1:08:34

118

1:08:36

cubic meters that's required

1:08:41

in tanks in total for a location, I think my Math is correct.

1:08:49

I see a nod from

1:08:51

Mr.

1:09:01

Moss. Not seeing any other indications. I think the wealth will therefore move on to the examiner's authorities questions

1:09:23

in respect of

1:09:26

our safety and the best,

1:09:34

turning to the applicant first, from Your perspective

1:09:39

in terms of safety management, which do you consider is more would be more beneficial, either the centralized option or a distributed option, probably for Mr. Snedden i.

1:10:00

Uh, Mr. Sneddon, on behalf of the applicant, I believe both options would be able to be implemented safely.

1:10:12

I believe that the safety features of the distributed best

1:10:19

might be more challenging for the designer to do.

1:10:22

But by no means would it be prohibitive to be able to supply the required firewater monitoring systems, signage.

1:10:33

It would. It would be possible and other,

1:10:38

other DCO solar and best sites have had distributed best schemes consented,

1:10:48

and they have the relevant agreements with their local fire services.

1:10:53

I think I kind of sidestepped your question a little bit there

1:11:01

you might have sidestepped, but I'm not going to push on the point as to which you've failed, but I'm about to ask Mr. Moss from the fire services perspective,

1:11:12

do you see any advantage with either the centralized option or the distributed option?

1:11:21

Moss Valencia Fire Rescue. So I think it's fair to say that any best installation that is involved with a in a fire situation would bring about unique challenges. And that's where I think the ongoing engagement and the development the emergency response plans

1:11:39

in

1:11:41

a side alongside the design phase to ensure that the relevant minimum requirements for mitigating the impacts of a fire would would be welcomed from Lincoln Fire Rescue,

1:11:55

I'm going to push you a little harder,

1:11:59

just from the practicalities of fighting fire,

1:12:03

if you had to deal with centralized, best versus distributed, which is going to be

1:12:09

easier? Damos, on behalf of Fire and Rescue, certainly with regards to a centralized fires that the I suppose the concept of any best design with regards to the minimum standards that we're adhering to is a suggestion that the fire would be contained within a single container.

1:12:27

Firefighting operations very much would be focusing on the containment of the fire and limiting the fire spread. If the best installations are disparate across the site, it may mean that we would need more resources to be called upon to be able to deal with that. Because going back to that, that concept of operation, or concept of design, the fire should be contained within a single container. So it very much the focus to be able to limit the fire spread from where the container would be on fire. So

1:13:18

So Emma Harling Phillips and part of the applicant. I'm not for a second going to pretend that I'm an expert in battery fire management. It's just, I guess, to in layman's terms, as I understand it, for the benefit of the people in the room. Under either scenario, the fire is contained in one location, because either it's a centralized best where the batteries are all in one location on the site, or it's a distributed best where there are disparate locations. But as Mr. Snedden explained earlier, there are measures in place to prevent the spread of fire from one container to another, so it would still be a response to a single container event. So

1:14:41

on strokes and I thank you very much. Marion Overton, Cliff villages, solar Action Group, I find it very hard for us to say that we're only going to make provision on the assumption that it will be a single unit that goes up. We have to look at.

1:15:00

The worst case. And we need to look at experience in other parts of the country.

1:15:06

I understand that one is going to say, you know, people will say that this is going to be the safest kind of battery unit they've ever had,

1:15:16

but we have never seen

1:15:19

this kind of accidents in the past that have come forward have been tremendous, and we have to consider worst case. We must consider that all of the batteries could that the but that the units can explode, as we've seen happen in some places. And we must accept that therefore, that would spread further than one unit,

1:15:41

certainly a small fire is easier to put out than a big one. You'd have thought so I'd have thought that it's not I'm no expert either, but just looking at that is perhaps one way of considering it. Thank you.

1:15:56

You and Sneddon, for the applicant, I believe in all three best fires that have occurred in the UK, All three were a single container incident.

1:16:06

Thank you. Thank

1:16:45

Thank you. Mr.

1:16:49

Marion Overton Cafe is your soul Action Group. I think we want to see the evidence. Thank you. Well, as I said, the question coming that's going to ask for examples, not just in the UK, but further afield. I

1:17:28

i think we get to my final question, which is a bit of a pinnacle drafting type point, but I think we need to go through it.

1:17:40

And this one is based on draft written question, GC, 112

1:17:48

turning to the relationship between the proposed best

1:17:52

and the framework, construction, environmental management plan.

1:17:57

In paragraph 1.4,

1:17:59

point 2g of the framework Battery Management safety plan, which is a double P, 198,

1:18:07

it stated that the battery management plan form part of the emergency response plan, including construction Environmental Management Plan The Kemp, which is a Double P, iPhone, 189,

1:18:20

but the Kemp would primarily deal

1:18:24

well, it will be controlled document,

1:18:27

primarily dealing with the construction phase, where the battery in effect, when it's operational, would be an operational matter.

1:18:39

So in terms of best safety should that form part of the Kemp, or should that be a standalone document and potentially

1:18:48

be secured under requirement seven?

1:18:52

Thank you, sir. Emma Holling Phillips and part of the applicant, as I understand it, there are essentially two separate documents, so the battery safety management plan will always be the battery safety management plan, and will be its own standalone document, but it will also be reflected in the emergency response plan, which, in and of itself, is a separate document which was provided for by the framework Kemp is a document that continues into operation of the scheme. And so the battery safety management plan is referred to

1:19:25

in the emergency response plan to the extent that it relates to operation. I do take your point on reference to the plan within a construction plan, but they will always be two separate plans.

1:19:46

I think what we'd ask you to do is go away and have a look at the wording. Make sure it's clear

1:19:53

that battery safety management plan will be there for the duration of the operation.

1:20:00

Phase. Can I Sorry, I'm holding for this part of the applicant, could I just ask you to repeat the specific reference in the framework? Kemp,

1:20:19

I've got the specific paragraph in the framework Battery Management Plan, which, which was the and that was paragraph 1.4, point 2g.

1:20:29

I Not sure what the reference in the Kemp was, but when I was reading the two side by side, that's where the concern arose.

1:20:38

I think it's more that it's the wording the battery, the framework, Battery Management, Safety Plan

1:20:44

that ranked started to ring. I was

1:20:47

going to say an arm Bell, so it's perhaps unfortunate in this context, but

1:21:13

um, Mr. Moss, we've heard quite a few references to the National Fire Safety Council

1:21:21

guidance, which, as I understand it, has been in draft form for some time.

1:21:30

Do you know whether that is going to change from being draft to get formal approval, or is that? Is it a situation that, because this technology is moving at a pace. It's deliberately being kept in draft at the moment so that you can react, or your colleagues can react to whatever the environment is in terms of the movement in technology.

1:21:57

So it's difficult to say it, as you rightly say, it has been in draft format. I think if you go back to the guidance, that the the draft guidance supersedes some of the details, the majority of the details remain the same, best spacing, etc, there has been some evolution, and certainly technology testing etc, which has allowed the draft,

1:22:23

allowed the guidance to be updated. Hence the draft, it was my understanding that that should have been signed off early this year. We're now early this year, so we're waiting to see we do refer to both guidance documents, which allows us to have that that overview. But again, I think, and it's worth just suggesting for context, that the guidance that we're given, and I know there's been lots of discussion around water supplies, etc, it's important to remember that the guidance outlines a minimum amount of water supply that's for initial firefighting operations, very much then for the local fire and rescue service to have arrangements in place to be able to

1:23:01

augment that supply with whatever arrangements are in place. So it's elements like that, and certainly with regards to the spacing of best units, the initial discussion was six meters. Then it went down to three meters. Post that, then it talks about some of the mitigation measures that can be within the design phase of the best unit, which actually allows the minimum spacing to be reduced to 0.941

meters, which is quite a significant reduction that absolutely is in the context of the mitigating measures that need to be implemented, which is a key part of that ongoing discussion for

1:23:35

us think, what I'm going to ask,

1:23:38

If you via the county council can make copies of the extent guidance and the draft guidance, I

1:23:50

don't know what format that is in. Is that in a free standing document, or is it? Is it a web type document?

1:23:58

Because if it's a web type document, I think what we would ask is a copy be extracted so that it can be made a free standing and more readable document that we can refer to as necessary.

1:24:12

Damosel Fire Rescue, so we can get those across in PDF formats right away.

1:24:18

Mrs. Foster, are you happy to act as post box for that activity. Justine foster for Lincolnshire county council. Yes, I'm happy to do that, and we can include those with our deadline one submissions. Thank you,

1:24:33

sir. Emma Harling Phillips, on behalf of the applicant,

1:24:37

just to draw your attention to the fact that the battery safety management plan, the framework plan has been drafted in line with the draft guidance as well as the existing guidance. And I'm told by Mr. Snedden that at least in terms of spacing, for example, it goes further than what is currently required in the draft guidance and on your previous question in relation to paragraph 1.4, point 2g, of.

1:25:00

The Kemp. Grateful to the team behind me, who have told me that that wording is already going to be updated so that it refers to the framework Kemp, the framework oemp and the framework demp, so that the battery safety management plan refers to all three management plans that would apply to the proposed development

1:25:21

and that will be submitted at deadline one so I

1:25:57

thank You. Then I think that

1:26:02

brings to an end the discussion under item 3.2

1:26:07

certainly we've got to the end of my questions.

1:26:12

Thank everybody for their participation. Mr. Moss, you're welcome to stay for the rest of the hearing, but if you wish to go off and do other things,

1:26:21

by all means, do so.

1:26:29

We've already hit four o'clock.

1:26:33

I'm conscious that we would normally, after about an hour and a half, take an adjournment. What do people feel about do we carry on or do we want a short adjournment? Looking at the applicant,

1:26:49

sir, I think it would be best if we carry on without an adjournment. I'm going to make a plea, though, from someone in a very personal set of circumstances, I may have to get up from the table at some point, and I seek your forgiveness. If that happens is

1:27:06

everybody else in the room content we we carry on,

1:27:12

and those online,

1:27:16

not seeing any any indications against not continuing. I think what I'm going to suggest for 3.1 is perhaps we don't go through the

1:27:28

applicants opening summary, and let me just get straight into the examining authorities questions if, if the applicants content to progress on that basis. So

1:27:52

Mrs. Wilkinson has also helpfully suggested that perhaps before we start our questions, we give the Councils the opportunity to raise any points, because I think North Kesterman in particular indicated earlier that they they may have some points they wish to raise Mrs. Foster. Do you have any general points on drafting that you might want to raise Justine

1:28:12

Foster for Lincolnshire county council? And yes, sir, we do have a number of points on the drafting of the DCO. I expect that a lot of these points are very may overlap with points that my colleagues over at North East, Stephen will wish to make. I think maybe then, if we start with North East of an where there is overlap, if you just indicate you share the point on where there's you've got different points, and if you could raise those,

1:28:39

Emma Harley Phillips is part of the outcome. I'm so sorry to interrupt, but if I could just say two things that might help curtail discussions. The first noting who is online is regarding the protected provisions. Our written summary of this hearing will include a detailed update on where we are with each of the parties, just to say that those discussions are progressing very well, and frankly, well in advance of where we are normally at at this stage of a DCO application.

1:29:09

And whilst the bespoke protection provisions are not currently seen on the face of the order, and that's very intentionally been done to ensure that you see them when they are in an agreed form. But those negotiations are continuing very well. And in terms of the council's points on the draft eco, all I would say is that we have seen the points that have been made in the relevant representations. We're aware of them. We are responding to those points as part of the response to relevant representation. So if that helps

1:29:42

cut down the need to make repeat points from those relevant reps that the applicant is fully aware of.

1:29:49

Those, you raise an interesting point. I wonder whether, before we start with North Kesteven,

1:29:55

we quickly hear from I was agency invite.

1:30:00

Government agency and

1:30:03

practice, because it may well be two or three

1:30:06

minutes from each of them, and we can, in effect, discharge them from further presence in the hearing.

1:30:15

Applicant, are you happy with that approach? Councils? Yeah, okay. I think if, then, if we start with the

1:30:24

Environment Agency,

1:30:27

is there anything that you wish to raise, either in terms of general drafting the order and or any protective provision in your respect?

1:30:38

Alex Hazel for the Environment Agency,

1:30:42

we don't have anything additional to add to our relevant representations in terms of the draft DCO,

1:30:50

we're satisfied that progress has been made on the points that we raised in relation to the draft DCO. I can give you a bit of an update if you'd like that,

1:31:01

or we can leave it to responded writing. Which would you prefer?

1:31:06

If, generally, you're content with what's going on in terms of your discussions? I think we'll leave it to writing. Yeah, there was only one particular point which we haven't had a response from the applicant on yet, but we're aware that they are considering that, and that's in relation to the issue that we raised concerning the disapplication of the Water Resources act 1991 in relation to bylaws. So we're expecting that to be picked up in due course with the applicant,

1:31:40

to quickly update on where you are with that point.

1:31:44

Thank you, sir. Emma Holly Phillips and part of the applicant, yes, we are aware of that point. It was made in the relevant reps, and a detailed response is being drafted in relation to the relevant reps, but also the ongoing discussions on the statement of common ground. I think it's easiest if we just leave it there today, because it's quite a detailed, involved discussion in relation to stature instruments.

1:32:07

Okay,

1:32:10

then if, if the Environment Agency is content

1:32:16

with what we've just heard, and you don't think you've got anything further to add, if you want to stand down, we're quite happy for you and your colleagues to stand out.

1:32:27

Alex Hazel for the Environment Agency, yes, that's that's fine. So we've nothing extra to add, and we're satisfied with what the applicant said there.

1:32:37

Thanks for your assistance this afternoon. Thank you, sir.

1:32:41

We can then move on to national highways.

1:32:48

Thank you, sir. Yeah, good afternoon. I'm Miss Brittany Grover from national highways, as the applicant has pointed out, discussions with the applicant on the protective provisions are progressing well. We hope to reach agreement on an agreeing form shortly and will update the examining authority at the next deadline. In writing, it

1:33:08

was noted in national highways relevant representation that the directional drilling under the A 46 was not included within schedule four of the draft, meaning the applicant did not have powers under Article eight over the A 46 the applicant has now agreed that that the proposed crossings beneath the A 46 will be included in schedule four of the draft DCO reference a, PP, 016,

1:33:33

we support this approach and as agreed and have agreed to the inclusion of wording in schedule four that clearly confirms the works under work number six will involve directional drilling beneath the A 46 Trunk Road. We will continue to work with the applicant on the detailed arrangements for the trenchless crossing locations, the protective provisions for national highways will ensure that all necessary technical approvals and requirements are secured. We will continue to work with the applicant to progress these matters in relation to the schedule two requirements, we stated in our relevant rep that we wish to be consulted on requirements 478-910-1213,

1:34:16

14 and 20. The applicant has now agreed to include national highways as a consultee for schedule two requirements relating to requirement 12, CEMP, requirement 13, oemp, requirement 14, ctmp and requirement 20, decommissioning

1:34:36

the applicant has proposed to include new subparagraph Within requirement four to ensure that the relevant planning authority must reconsult All consultees who were originally required to be consulted on those documents, plans, details or schemes. National Highways agrees with this approach and will reflect this in our next representation and the draft statement of common ground.

1:35:00

Following further review, we no longer require to be consulted on requirement seven, battery safety management or requirement nine, fencing and other means of enclosure, and we will reflect this in our next representation. However we remain, we maintain our position on requirements eight and 10 national highways wishes to be consulted on requirement eight, landscaping, ecology, maintenance plan. The principal sites, including solar sites, share a direct boundary with the 846, Trunk Road, as indicated in paragraph seven, point 1.7, of the framework Lemp as 101,

1:35:39

maintenance measures will be specified and implemented and implemented as part of the detailed Lemp, including a post construction monitoring program, which will be formalized, agreed and included within the detailed Lemp. Results

1:35:55

from the post construction monitoring will feed into the management plan, and if required, management may be amended accordingly based on this monitoring. For example, replacement planting or changes to planting species where planting has failed to establish. National Highways requires view and an input into this information in the interest of the safe and efficient operation of the trunk road, specifically for Clinton Clare mitigation measures. Additionally, we wish to be consulted on requirement 10, surface water and fall water drainage. It is essential that national highways protect the integrity of the SRN drainage infrastructure in line with DFT, circular 01, slash 2022,

1:36:37

at the moment, it isn't clear whether a connection or outfall is proposed to national highways drainage network. If a connection is proposed, this would need to be considered by national highways. And if

agreed, a maintenance and management agreement may be required, whilst national highways consent for any connections to its drainage network will be sufficiently managed under the protected provisions in the current form agreed with the applicant. There are swales proposed within the solar sites adjacent to the SRN. And national highways do have concerns about the flood risk, if not properly maintained, which is a clear safety risk to the SRN. For this reason, national highways seek consultation on the surface water and foul water drainage plan to ensure the safety of the SRN.

1:37:21

Currently we've had difficulty reviewing appendix 90, the framework surface water drainage strategy within the environmental statement. While we've attempted to review it, review it, we're currently unable to assess the drainage information in terms of its impact on the SRN. The document is around 18 megabytes, and it is too large to navigate effectively, which makes it unsuitable for review in its current format. To support our assessment, we require focused information relating specifically to the areas adjacent to the A 46

1:37:55

ideally, this information would be presented as a series of Link drawings along the A 46 interface in a manageable file size that allows us to easily open view and zoom into the details. Thank you.

1:38:13

Thank you. Yes, on that document, we also struggling to access, and I don't think it's actually the largest of documents, certainly in terms of pages, but it is the one it seems to be that there's an embedded plan or something that's causing the difficulty in actually using it.

1:38:35

Reuben Taylor, for the for the application. Was it the the framework, surface water drainage strategy? That was the difficulty.

1:38:47

Yes, that's correct. You can, as Mr. Gould said, it's not the biggest documents, but it takes you down to the plan, and then it just seems to stop. It takes a very long time to open, and sometimes it doesn't, depending on how many other documents rendering, immediately, it's a similar rendering problem. We'll look into, seeing if we can provide a, what they call a flattened PDF to remedy that. And I can only apologize to everybody for it. Yeah, it is a serious point, because as soon as you start opening multiple documents,

1:39:21

certainly we have found we've got not bad kit. It just stops reading anything everything freezes.

1:39:29

I suspect it's the way that the conversion to PDF from layer drawings is taking place. Yes,

1:39:38

but yeah, we so it is indeed a serious point, that the whole point in having an examination library is for everybody else to read the documents that are in it. If you can't, that's rather defeated. So we will take that seriously. And we do take it seriously, we can only apologize for that as an issue, and indeed, the other issues that we've had, we've put in place mechanisms to ensure that the same.

1:40:00

Issues are not repeated in the future. Yeah, I mean, we did in one of the procedural decisions indicate that we would get quite grumpy, and we will get grumpy about it. But

1:40:26

did the applicant want to say anything in response to what national highways through Miss Grover has just said, or shall we move on now to Brax Rubin for the applicant, I don't think we do have anything to say in response, we were grateful for the for the hard work that national highways is putting into addressing the issues that arise.

1:40:51

If we can move on to practice

1:40:58

now, because we covered quite a lot of your issues this morning in the compulsory acquisition hearing. So I would

1:41:07

ask if you can be as brief as possible, if there's and just indicate anything new in terms of your concerns, rather than repeating what was said this morning.

1:41:21

Yes, sir, understood. Emily Tetley Jones for Prax.

1:41:27

Can you hear me? Yes, yes. Sorry,

1:41:32

right. So our submission is by way of update to the relevant reps, rr, hyphen, 039, and our hyphen 38

1:41:44

the items outlined in PDA, hyphen 004, and the submissions made this morning as part of ca, h1

1:41:53

and the submission relates to praxis, high pressure

1:41:57

Lindsay oil refinery to buncefield fuel pipeline, which is part of the nationally critical fuel infrastructure supplying into Alia Gatwick Airport,

1:42:08

as outlined this morning,

1:42:11

there is potential for damage to the pipeline to be caused by the project

1:42:17

And to cause harm to land persons and the environment, if adequate mitigation is not identified and put in place,

1:42:29

which may require both long and short term rights in respect of installation, retention, repair and maintenance. And this is an issue that the health and safety executive is currently looking at quite carefully across the industry,

1:42:47

as we have outlined earlier this morning, currently, there has not yet been a site specific Risk Assessment undertaken to establish the claim by the applicant that

1:43:05

no such mitigation, or very little mitigation, will be required over the life of the pipeline, bearing in mind that as cables are upgraded, that also affects issues of AC interference. And we therefore did want to add to our submission earlier today that we would urge the applicant to pay close attention to the safety guides included at PDA, hyphen 004, and specifically to paragraph 6.7 of the yuccopa Good Practice Guide, AC corrosion guidelines, which detail the factors to be included in any risk assessment in order to ascertain the risk of AC corrosion over time,

1:43:50

as any further delay in obtaining the correct data will in turn delay the party's ability to

1:43:58

quickly agree adequate protective provisions, and hopefully withdraw their objection if mitigation is needed to protect the practice pipeline. This presents two significant issues vis a vis the draft DCO at AP, hyphen, 016,

1:44:17

as drafted. The first issue is that such mitigation, if needed, might be required on land outside the order limits. And as we've touched on that this morning, I don't propose to go into that further. The second issue is that the order as drafted may not be sufficient to deliver the necessary mitigation rights over third party land, given that those might need to include both the short term installation, but also long term retention with attendant land rights in both cases, these would need to benefit the pipeline owner,

1:44:58

appreciating the point made by the.

1:45:00

Applicant that hopefully and in an ideal world, the detailed design will show that no mitigation is necessary and that this is not a concern.

1:45:11

But we obviously have to work on the case of the worst case scenario for now, in another similar project where significant mitigation works are required. The DCO drafting proposed includes wording relating to the ability to share the benefit of the order with the pipeline owner. It includes specific itemized provisions setting out the detail of what those pipeline protection works are,

1:45:43

there is wording which in this DCO would need to be included, I believe in Article Six legislation to be disappplied, to specify that for the purposes of the Town and Country Planning Act 1990 the pipeline protection works would not constitute development of land under Section 55 which would be consistent with Section five, open round brackets to close round brackets of the pipelines act 1962

1:46:10

and also includes drafting around ensuring the acquisition of long term retention and monitoring rights to basically to monitor any damage to the pipeline for the life of the pipeline

1:46:26

in the current Foss, green, DCO, A, P, P, hyphen, 016, schedule one. There are no specific references to pipeline protection works in respect of works, five, a, eight A and 8b being those relevant to the Prax pipeline plots, save for the overarching reference to further associated development, which, whilst it might that wording might be sufficient to cover date minimis work seems unlikely to be able to apply to significant mitigation works.

1:47:08

In addition, if long term rights are needed, ie, if there is infrastructure that needs to be installed in and around the pipeline and kept there for the life of the pipeline. And that would include the ability to include monitoring equipment in line with the ucopa guidance referred to

1:47:32

earlier, and including it included at PDA hyphen, 004,

1:47:37

the

1:47:38

current DCO drafting does not include, currently provision for such permanent rights to be acquired and shared with pracs.

1:47:51

Therefore, if the planning inspectorate is minded to recommend the DCA for approval, there should only be

1:48:01

we would urge that this would only be done once perhaps have been granted satisfactory protective provisions these and these issues have been addressed,

1:48:15

and that is all I need to say on this particular issue. Thank you very much.

1:48:28

Um, so if I may, Emma

1:48:31

Harley Phillips on behalf of the applicant, and if Miss Tetley Jones could send over the GTA drafting that she's referring to that they'd like to see replicated in the order we can consider it and if there is time included within the revisions at deadline one. But if we could have sighted that specific drafting, that would be incredibly

1:48:53

helpful. Emily, sorry, yeah, which order are you referring to?

1:49:00

Emily Tetley Jones on behalf of Prax.

1:49:03

So the order I'm referring to

1:49:07

is the

1:49:09

draft order that we have spoken about to the applicant's solicitors, but as that has not been granted yet, the details of that are still confidential, but Miss. Harling Phillips and I have discussed that particular order so, and it is in respect of her client. So you should be aware of those details.

1:49:35

I'm Emma. Harling Phillips,

1:49:38

I'm really sorry I genuinely have no recollection of which draft order is being referred to. We don't need to see a draft order if it's still confidential. But if we could just see the drafting proposed for inclusion in this order, we can consider it.

1:49:54

Will you be able to provide the wording that's been talked about? I mean.

1:50:00

Has this draft order. Does it form part of a submitted application that's been accepted for examination?

1:50:09

Yes, albeit the particular wording that's been enclosed is currently, I believe it's subject to a change request and therefore is not yet

1:50:21

able to be shared.

1:50:30

Just to say, the drafting can just be shared in a Word document. It doesn't need to be, it doesn't need to be bespoke to the project that's being referred to. It's just the drafting she wants to see included in this order.

1:50:42

I think

1:50:43

the point is, if you can provide formal wording that you think will suit your clients requirements in respect of the FOSS green application, then please submit it. We'd ask that that be submitted as an part of an examination document so that we can all see it.

1:51:03

Emily certainly Jones on behalf practice, yes, that's fine. Thank you.

1:51:21

Was that all you wish to put on practice behalf Yes, sir, thank you.

1:51:29

Then, as with national highways and Environment Agency, if, if you wish to do other things, by all means,

1:51:40

leave the hearing, we'll take no offense, and we can move on with other things. Thanks for your assistance. Thank you, sir. Thank you.

1:52:04

So it's Reuben Taylor for the applicant. I believe councilor Overton wishes to say something like councilor Overton, Thank you. Marianne Overton, Cliff villages selection group. I was actually going to ask if there was a knowledge on when that pipeline needed replacing. Does it need to be taken up and replaced at some time, and obviously the cables, I think, will also need to be taken up and replaced. So just hoping there's some provision for that. Thank you,

1:52:36

Mrs. Wilkinson and I have just had a quick discussion about what we're going to do, we've decided to defer the asking of our questions, and they'll rely on writing, but we are now going to turn to the Councils.

1:52:51

We may run a little bit past half past four, but I think it will be beneficial to hear what the councils have got to say, because it might be some of what you're about to raise overlaps with, perhaps issues that we had identified in or might be identifying in our written questions.

1:53:11

So for North Kesterman District Council, who's going to Mr.

1:53:18

Hunt? Mr.

1:53:21

Hunter,

1:53:26

thank you, sir. I'll be as brief as I can with that, but I'll try to explain my points equally.

1:53:32

I've got 10 issues to deal with. The first one is grid connection requirement. This was raised in the council's relevant representation. In short, the council say it is necessary and appropriate. There should be a requirement that the development must not commence until the Navy substation has received at least consent.

1:53:56

As I say, I will be we made the point, the relevant representation. It was a live issue in the spring well examination that it was a recommended change, or proposed change, to the requirements we say it

should be here in short, because, as was clear from the even the applicant submissions yesterday, the case is made on The basis of an overriding need

1:54:21

and benefits without the navenby substation, the need is not met, and there are no benefits. There is only harm, potentially, at least. And so there should be a preclusion on the commencement, including any harmful preliminary works,

1:54:38

unless and until the navenby substation gets consent. And so we'd also say that that should contain provision to deal with the possibility of legal challenge.

1:54:51

The second issue

1:54:55

is the question of the decommissioning date. So this relates to Article Two, the interpreter.

1:55:00

Conversation section and schedule two, and in particular the interpretation provisions there and requirement 20. Currently it is defined by reference to the date of final commission. Sorry, final commissioning, and that is defined in itself as the date that each part of the approved the authorized development commences operating by generating electricity on a commercial basis. There are no there are many issues, I'm afraid, with that we have with that, first of all, part is not defined, and it's quite unclear who decides what is a part and what isn't a part, and how any disputes would be resolved. So the lack of clarity about what a part is and who decides what is a part, it's not clear where the parts which so there's certain references to parts which refers to approval of details at the outset, then parts in decommissioning. Are they the same, or can they be different? Again, a lack of clarity there.

1:55:54

More substantially, it is, it is unclear to us what possible date there could be in in relation to certain parts? So works one, we understand that generates electricity, but work seven to nine, for example, do not. Are not parts of the development which generate electricity. So how do they have a decommissioning date if we are looking at different parts of the authorized development.

1:56:23

The same is true of the further associate, associated development identified at the end of schedule one

1:56:30

another. The third substantive point I would make on this is that what appears to be envisaged in the draft order, overall, and in particular in relation to this part, is there could be different decommissioning dates for different parts, including of works one. It

1:56:48

is unclear how that sits with the

1:56:51

contents of the ES and the assessments carried out in the ES, which are predicated on a 60 year lifespan,

1:57:01

because it seems that there might be different 60 year periods, and overall, the total lifespan could be substantially in excess of 60 years if different parts can have different decommissioning dates. So, so that's it's not clear how that sits with the ES and the assessments carried out there.

1:57:17

So our suggestion would be, as matters stand, that we that a more orthodox approach is taken, and that 60 years period runs simply from the date of the first commercial generation of electricity, from the development full Stop.

1:57:40

Alternatively, the we say, I think it's for the applicant, then to explain why any things I've said may be wrong, or why a different approach should be taken a phase. For example, if they if they wish to be able to proceed, in part, why a phased approach isn't appropriate, as it has been used in other DCOs. I

1:58:03

and an explanation of how that that would actually work and how it fits with the assessment in the ES.

1:58:13

And one subsidiary, final subsidiary point on this issue is the the, the there

1:58:20

are no details yet set out for the actual decommissioning. That's all to be dealt with in the

1:58:28

demp, which is referred to in requirement 20, but that there is that there's no that isn't required to be provided, provided or submitted in advance of the actual deadline for decommissioning,

1:58:44

and so it might it may be some thought needs to be given, as it would be better whether that should be prioritized at an earlier stage to ensure it's dealt with and properly considered in good Time for actual decommissioning. Yeah.

1:59:09

And

1:59:34

the third issue is the question of security for decommissioning that has been a live issue in other DCO examinations. Most recently, I'm sorry, most recently, there has been

1:59:50

a made DCO, the Helios DCO has included as a requirement, provision for security, and we say that.

2:00:00

It was also an issue in Springwell, but we say it is necessary and appropriate here, because

2:00:09

the provisions on transfer allow

2:00:13

transfer to new undertakers without the Secretary of State's consent, once the issues of compensation related to compulsory purchase have been dealt with. So although this examining authority here may be satisfied with the credentials and the financial wherewithals of the applicant, it is not, it is open. It is quite possible that it will, by time decommissioning comes, that the undertake will not be the same and there will not be the same scrutiny of their financial wherewithal.

2:00:48

And clearly, as the development, as the project nears the end of its lifespan, the remaining profits to be obtained from it versus the costs of decommissioning, the balance becomes very different. And whilst we appreciate there are provisions of enforcement, there is nothing we can see that would prevent transfer to a new operator and potential evasion of decommissioning liabilities. So we say it is important that that is dealt with so that there isn't we aren't in a situation where there is no one who can effectively or practically be chased after in order to fulfill the decommissioning obligations, and we're not left with a site that is full of now redundant panels, or in a position where the public purse has to Meet the cost of clearing up, clearing it all up.

2:01:43

And just for your reference, if reference is going to be made to the DCO in the Helios case, it was requirement five, three,

2:01:58

the fourth issue is panel replacement and repowering. I think, I think this has been picked up in the examiners all these questions, but the certainly others have noted it as well. But Article Two defines maintenance very broadly to include replacement of any part, except for the whole of work number one at the same time. So that would appear to mean that 99% of even work one could be replaced in one go, and the remaining 1% thereafter, we say that gives rise to a clear potential for materially different effects from those assessed. And we note that a P, P 193, which is the main issues for examination at page 46 suggests there will be repowering around the midpoint of 30 years of the operational phase, and perhaps there would be a need for 10% replacement of the remainder.

2:02:51

We know it's not clear that this the the effects of that have been assessed, and there is no requirement currently for that to occur in the way suggested. So what the council would suggest at the moment is that there should be a repowering strategy, a need for to be submitted. It has a repowering strategy to be submitted and approved and then implemented, subject to the provi that doesn't have any materially different or new effects.

2:03:20

I

2:03:23

and a further limitation on replacement to not exceed 10% of the 10% and again, there is some precedent for this in Springwell, although it is a contested proposed change

2:03:37

the in spring Well, the examining authority, after the hearings, proposed a 5% limit on replacement of panels.

2:03:47

The

2:03:49
fifth issue

2:03:53
relates to permissive pass

2:03:56
and therefore Article Two interpretation and schedule two requirements, 17.

2:04:07
And it is, again, I know that that this is an issue picked up in in your questions.

2:04:14
The the

2:04:16
definition at the moment is in sort of a permissive path in Article Two is one which provides restricted, restricted public access. We say that is opaque. What does restricted mean, and it's inadequate, because one could comply with it, even perhaps by opening a path for a couple of days a year, which doesn't seem to be or isn't. What would we be expecting.

2:04:41
So we say that the definition should set out clearly what is being proposed by way of a permissive path by the applicants, so we can assess whether it is appropriate, mitigation or adequate or another related issues. And even more.

2:05:00
More fundamentally than that, there doesn't seem to be any direct requirement for the proposed permissive paths to be provided.

2:05:08
So that needs to be addressed. As far as we can see at the moment, there's nothing that commits that, certainly directly, there may be

2:05:17
very indirectly, by reference to one of the framework plans, but it's it's not a clear commitment,

2:05:25
and obviously that's of concern in particular given the broad powers to close public rights away that have been sought in other articles.

2:05:42
Um,

2:05:45
the sixth point related to permitted

2:05:48

preliminary works. And I've touched on this in relation to the first issue, the

2:05:54

grid connection in navonby substation on even be substation. The concern in relation to this is as defined at the moment in Article. Two works C, E, F and

2:06:07

F and

2:06:11

H are potentially harmful work so that is above ground site, preparations,

2:06:18

diversions of existing apparatus and laying of temporary apparatus,

2:06:23

Temporary means of enclosure and site security and site clearance could have, are likely to have some adverse environmental effects and but that is part of the reason we say that they should be precluded before consent is granted for the Neve substation. If that is done, then I think that that addresses this concern. If not, we'd suggest that they should be taken out of this definition, because those, while some of the other works are less problematic, these could be harmful if they can occur before we know that the substation has consent and the grid connection will be made, sir. Emma Harley, but it's half the applicant. I'm so sorry to interrupt I missed the definition that Mr. Hunter is referring to. Yes, I beg your pardon if I wasn't clear. So it's the definition of permitted preliminary works in Article Two, which lists a number of matters from a through to j,

2:07:21

and it's matters, C,

2:07:24

E, F

2:07:27

and H, which are the ones that we have some concern about.

2:07:33

Thank you so much.

2:07:39

I can be, I think, hopefully, a bit brief with with the remaining ones,

2:07:44

which simply note, and again, I know that you certainly knew Madam, have asked questions about this already. Articles 1213, and 15, regarding temporary street closures, stopping up of public rights of way and traffic measures. The drafting seems very broad. In particular, they don't seem tied to reasonable necessity. So we'd say some consideration should be given to that to make sure they really are necessary to implement the

2:08:09

development equally eight, my eighth issue, article 40 and

2:08:17

TPO trees after the order is made on the hypothesis that it is made,

2:08:25

the planning authority would ask that that contains some provision for their approval, and if necessary, for appeal against any disputes, or in respect of any dispute that may arise, because at the moment, the way it's drafted, it gives the applicant is judge and jury on that, and that seems, in our view, is not a fair balance struck with the role of the planning authority.

2:08:58

Article, sorry, the ninth point is article 46 this is a short point. Article 46 deals with the approval procedure for approvals other than those required under requirements. There is, there is a difference in the determination period between the approval procedure for non requirement approvals, and it's an eight week period, we say that they should align, and they should be 10 weeks for both. And we're not quite clear why it needs to be two weeks shorter, and it would make things clearer and avoid any potential slip ups, particularly given that the deem the deeming provisions mean that if there is non determination within that period, it's automatically approved.

2:09:47

Finally, then in relation to

2:09:52

schedule 15 and the discharge of requirements a similar point, but a little different. We note simply that the.

2:10:00

Appeal procedure in that set some quite tight timescales, for example, 10 days for the authority to respond to an appeal. And we question whether that is necessary or appropriate, given that pins will be in charge of the appeal timetable. So we just like some thought to be given to that whether or not it needs to be that tight, or whether it really should be left to pins.

2:10:29

I'm sorry I've gone through those, really the canter, and I hope I've at

2:10:35

least tried to get the gist across, but obviously I'm very conscious of everyone's position, and there were some of the more minor points, which I'm sure we can pick up later. So that is not a complete list, but those were the 10 main points I thought that I needed to address with you today. I think that make there may be another couple of points Mr. Hunt or Mr. Felton wants to address, but I leave it to them to decide whether they need to do that today or perhaps in writing.

2:11:05

Thank you, Mr. Hunter, I mean, you did go through a fair liquor not

2:11:10

I'm wondering, I suspect you spoke to a note it would be helpful for that to be submitted. And the next available deadline is one. But I would suggest, if at all possible, that you share that note with the applicants team sooner rather than later, so that they've got advanced sight of it and potentially can be looking at it if they are about to start any redrafting of the order between now and whenever they next

expect to submit any substantive changes to the audit is that something that can be arranged by the council that you're speaking note can be made at least available to applicants sooner rather than later?
Yes, my notes

2:11:54

are perhaps not in the form that could be readily shared, but we can put them in that form that will summarize more pitifully and or perhaps more

2:12:05

clearly what I was trying to get across today. So yes, we'll do that

2:12:10

from North Coast, even District Council. It's also the case that some of these things are outlined in our LIR, which the applicant will have seen in terms of the version that went to Planning Committee in December,

2:12:24

there were just two other Johnson Mr. Mentioned. There might be a couple of things we want to raise. It's largely in relation to the possible

2:12:33

requirements section 106 not directly in the DCO, but links to it.

2:12:39

So we will be seeking

2:12:42

monitoring fees for biodiversity, net gain,

2:12:48

and we will be asking for a contribution to employment skills and training

2:12:56

in order to fund and implement The package, which is referred to in the requirements so

2:13:27

thank you Mr. Hunt,

2:13:29

Mrs. Foster,

2:13:32

or Lincolnshire County Council.

2:13:35

Thank you, sir Justine Foster, on behalf of Lincolnshire county council,

2:13:40

I did have eight points that I was looking to raise, but Mr. Hunt has gone through quite a number of those already, so I'm not proposing to go there. And I will just sort of say that all of our points are will be detailed in our local impact report, and once the examining author is an opportunity to review all of those and any any comments made today, I would, I would certainly encourage you to give consideration to us as to whether there's a need for a further hearing on the draft DCO at the next week that's reserved in March. So briefly, I will limit my comments to those where the council has statutory responsibility. What some of these have been touched on, but I would like to give you LCCs position on those in light of our statutory responsibilities.

2:14:23

The first is regarding the definition of maintain which Mr. Hunter has already gone into. And I would support the fact that, the way it's currently worded, it would seem to appear to us that it wouldn't prevent the wholesale replacement over the lifetime of the development happening incrementally.

2:14:44

In our local impact report, we will raise some significant concerns about waste arising from the development and in particular its cumulative impact alongside other schemes, given the lack of existing waste facilities for recycling solar PV waste currently and.

2:15:00

And just very quickly. In summary, current data suggests that if all solar and service and the TCP a schemes in Lincolnshire are approved, around 15 million panels could require recycling and disposal at the committee. Commissioning alone, whilst that is a long term issue, we are increasingly concerned about the ongoing failure rates, and even a modest failure rate of 0.2% equates to 31,000 panels needing replacement each year. Relevant to

2:15:31

us as a waste planning a current authority, we have a statutory duty to plan for sustainable waste management, and this requires accurate data on future waste streams.

2:15:43

We currently lack that information in relation to solar waste. So without this, it's difficult for us to identify sites, Safeguard facilities and support the transition to a circular economy, therefore similar to North Coast, even District Council, we do request that consideration is given to including a requirement to limit panel replacement over the lifetime of the development, but also to require annual reporting of replacement figures to the waste planning authority to allow us to fill out duties in return of waste management. This approach was discussed during the spring roll solar examination, and in that case, the examining authority did propose a similar requirement as an amendment to the draft eco, though I do acknowledge this application is not yet determined,

2:16:29

moving on to the street articles, articles eight and nine, eight and 10, apologize the as they are currently sort of drafted. It would give the developer rights to undertake works with no further approvals from the council, and at this stage, we do have concerns that technical details have not been submitted or approved, that the council would usually require to be approved under Section 184

2:17:02

and also we would like consideration of detailed design and provisions for a bond, and we have made some suggestions within our local impact report of how that could be resolved. And one way that that could be done is through

2:17:17

the construction traffic management plan, having those measures set out in some detail.

2:17:24

And finally, my point, final point is regarding the permissive route that's proposed. And I'm not going to repeat anything that Mr. Hunter has already set out, but I think we would go one step further. We would

2:17:39

like consideration to be given to making this a dedicated public right of way in futurity.

2:17:45

And I'll leave it at that, if that's okay. Thank you. Thank

2:18:15

Thank you, Mrs. Foster, thank you,

2:18:20

sir Emma Harling Phillips on behalf of the applicant, just to say, thank you very much the two representatives and the local councils for those very clear summaries. To the extent that we are able to, we will endeavor to respond to them in our written summary of this issue, specific hearing. Otherwise they will be responded to in when the LIRs are received at the appropriate deadline.

2:18:49

Sir Emma Harling Phillips behalf of the applicant,

2:18:52

if detailed drafting could be provided in advance in relation to the proposals being made, that would also be of great assistance so the applicant could consider its inclusion enough in the next draft of the GCo. Thank you.

2:19:09

Is that something that both North Kesteven District Council and the county council are content to where you've suggested possible changes involving detailed drafting that you can make that wording available

2:19:26

to the applicant outside of an actual deadline,

2:19:30

so that they can be thinking about it in terms of advancing their draft order. Yes. Ben hunt for North Kesteven District Council will, our team will certainly discuss that, and if we can provide at least some a summary of what was said today, very quickly, we'll do that and then provide some detailed drafting as soon as we can following that, so you can sort of get going,

2:19:57

and you'll be informed of the direction we're taking. But.

2:20:00

Sounds of the will assist the app and yes, and similarly, thank you, Mrs. Foster, for the county council, Justine Foster. I'm half Lancashire county council. Our local impact report does offer some alternative

wording in particular instances and where that is absent, then we're Yes. I'd be more than happy to do that. And if I recall correctly, I think approval of that is due on around the 12th of the month. It's been considered by our regulation and planning committee on Monday the 12th so

2:20:50

but we haven't quite met. The half past four suggested cut off, but we're a little bit inside. Five o'clock,

2:21:00

as we indicated earlier, the examining authority will hold off asking any detailed questions. Will will look to rely in on written questions. It may be that some of our written questions dovetail with some of what's been discussed

2:21:17

this afternoon and or what's being promoted by the councils in particular will still probably highlight our questions.

2:21:26

But what we would say to all parties is, if we do raise a question,

2:21:31

but you've already covered it in another document, just provide a cross reference to where that's

2:21:39

been addressed, we don't expect you to repeat repeatedly the same thing in response to whatever we raise, just in the interest of just making the document trail somewhat easier. So

2:22:28

So just before we go on to agenda, Item for Mr. Lyons, you've got your hand raised,

2:22:36

yes, a fairly simple question.

2:22:39

We learned yesterday that the solar panels, the solar farm element, had reached stage two gate status, and that the best had achieved, or was at stage one gate status.

2:22:59

And it seems foreseeable that that might result in them coming on stream, potentially at different times. And I just wondered whether that might have an impact on the DCO. Does the applicant

2:23:19

want to respond to that. I mean, the way I understand the DCA to be written is potentially a raise could be installed without a best. There's no

2:23:33

definitive commitment that this key must have a best from day one.

2:23:39

But is that correct Ruben Taylor for the applicant? Yes, so that that is how it's been structured. And then beyond that, there's flexibility. If there is a best, what kind of best?

2:23:52

I guess, I guess my observation, and you know, maybe it's in a different part to come back later, was that

2:24:00

if they come on stream at different times, that may affect the calculations of benefits over the duration, which could have knock on effects, in terms of,

2:24:13

you know, the benefit that accrues over the over over the period, rather than it being potentially 60 years, if, for example, the best was delayed by 50 years, that the beneficial impact could be over 55 years, and that could then affect other, you know, calculations and assessments. That's what I was thinking that, you know, wasn't the practical technicalities of the matter. I can see how, how you can have one without the other technically, but it was more in terms of the impact on the assessment. If you get me that potential, it's not really environmental matter, but it's better with what we were covering in ish,

2:24:54

sorry, issue specific hearing one,

2:24:58

if you want to develop that point.

2:25:00

In the parish Council's written representation during it deadline one then no doubt the applicant at a subsequent deadline will respond. Okay, fine. Thank you. Okay,

2:25:14

were there any other sort of, any other business type matters relating to the drafting of the order that anybody who wants to raise before we quickly do a review of action points. Anything from the applicant's team? Ruby Taylor, for the applicant? No, sir, thank you. Anything from the council side?

2:25:31

Anything from anybody else not seeing any indication in the room? Anybody online? No, okay, that then, I think does take us to

2:25:42

action points. I

2:25:44

don't know who was noting it, because you were leading mainly on this session, but

2:25:49

thank you, sir. Emma Harling Phillips, on behalf of the applicant, I could make a comment about women and multitasking, but I won't.

2:25:58

I have four actions listed from this afternoon. The first was that the Environment Agency were to provide us with the standards and policy referred to in relation to regulated waste facilities.

2:26:10

The second was that the applicant is going to do everything it can to fix the issue with appendix 9d and the rendering and making that a usable document.

2:26:22

The third is that Prax was going to provide wording for inclusion in the FOSS green order that they referred to as being required.

2:26:36

And then

2:26:37

fourth is in two parts, the local councils have kindly said that they will provide a summary of their points to us ASAP, so that we can as an applicant team can consider them in our written summaries, with detailed drafting to follow, either separately or once the drop, once the LIR is published. Do

2:27:21

Mrs. Wilkinson helpfully, has noted also that Lincolnshire are going to provide copies of the fire guidance.

2:27:41

It's obvious that women are better multitasking than the rest of us, because Mrs. Wilkinson's also got the same list. So

2:27:49

I haven't got any list because I can't multitask, not in a hearing session like that one. Anyway,

2:27:58

that then does bring us to the close. We didn't hit half past four. We got to five.

2:28:05

But I'd like to thank everybody for your contributions this afternoon.

2:28:09

Issue specific hearing two is now closed. Thank you very much.