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Environmental impact assessment, action points, policy compliance, local impact report, grid connection agreement, decommissioning, planning statement, consents and agreements, wind farm, solar scheme, compulsory acquisition hearing, development consent order, bond consideration, secure decommissioning fund.

SPEAKERS

Speaker 4, Speaker 2, Speaker 1, Speaker 5, Speaker 3

00:05

Good, good afternoon. Everybody. Could I just confirm that the applicant is present in the room?

00:15

Afternoon? Sir? Yes, everyone is present and

00:20

correct. Okay, thank you. And can I just check with the case team that we have started recording the event? Yes, okay, thank you.

00:39

Okay, so before, before we move on to this afternoon session. There was just a couple of points from this morning. One of them was in relation to a question I asked. I think it was question number one may have been C or D, but the applicant's response was that they were going to deal with it in this afternoon session. So I will come on to that shortly, and that was in relation to E environmental impact assessment. And then the second point was just to agree the action points from this morning. And then, as I say, we can move on. So is Miss Graham? Oh, yes, you've just appeared on the camera. Did you have a chance to make a list? I have a list as well. Mine are in scribble form. So I'm going to ask if you could just set out your understanding of the action points, and I will come in if needed.

01:38

Miss Graham for the applicant. Yes, that's fine. I've I've set out what I think we agreed, and feel free to correct me if there's any I've missed or misinterpreted. So the first one was a general point about reviewing the recently made stone Street, solar DCO in the EM and to consider their provisions. Another general point was that we will provide an updated version of our TCO at deadline five, and then

moving on to the action points that we covered during the agenda items you've just mentioned, the point that we're going to deal with now, in fact. So actually, we won't reference that one. Then you referred to paragraph two of schedule two, and the use of the word begin, as opposed to commence. So we'll confirm our position on that in writing. Then the definition of order land, we will check that our definition is consistent with the recently made solar precedent, and also confirm why we believe the definition is sufficiently clear as drafted. Next I had, we will set out some specific project justification for the inclusion of article 213, so why that article, that paragraph is required for the project? I then had actions relating to agenda item 1c, and Article Three. So to explain why it is appropriate to exclude the words within the order limits from Article Three, with reference also to the definition of authorized development that is used in that sub paragraph. And then also in relation to that, to consider whether the wording in article 2021, and 42 such as adjacent or near is sufficiently clear, and whether there is a need for consistency in wording across those articles. And then in relation to agenda item 1d to list other exemptions that are referenced within the order to that article five, and then in relation to agenda item 1e, and article eight, set out justification for why the project has included the exceptions in Article eight, three and specifically in relation to a transfer to electricity Northwest, and then I had in relation to item 1f and the notification period in Article eight to again, just confirm that that is consistent with recent precedent and confirm whether or not we're proposing to amend that time period, and then at article 15, sub paras seven, to add in the appropriate date at the appropriate time in relation to. A item 1h to justify why this article, and that is article 12, is required for the scheme. Again, considering the position in comparable schemes, and whether or not there are any consultation implications in relation to that, and then in relation to agenda item J, to identify which plan within the application documents, identifies the roads that would be subject to the private roads use a private roads article, and then finally, in relation to item n, to confirm which land within the order limits this article relates to and also to explain which permitted developments rights will apply under the article, and the extent to which those could lead to effects. I think that's a complete less list, other than we also acknowledge we're going to deal with agenda items, K, L and M at the compulsory acquisition hearing on Thursday.

06:31

Yes, that. Thank you. Miss Graham the Cumberland Council, I'm not going to ask you to do the same, just a couple of points you did agree to come back on and also to progress statements, or the statement of common ground with the applicant. And again, that did relate to a couple of the questions or points that were discussed this morning. Hey, thank you. So I'm happy therefore, to move on to the next part of the hearing, which is covering mainly environmental matters, as I suggested this morning, I am going to start with couple of general questions. And given I haven't given or haven't given any notice in relation to the questions I'm going to ask, some of these points you may need to come back on writing. So let me just find my agenda.

07:37

Okay, so I'm going to just in relation to the general points, and in no particular order, it's just as I've been going through the evidence, I've noted a couple of potential discrepancies and various other things. So firstly, can I just ask the applicant to check in where necessary, update the policy compliance document, which is app zero to seven and make sure that It reflects and is consistent with the policies and commentary.

08:24

I'll take it as sorry, Mr. Marsh, if you'd like to come in

08:28

Richard Marsh for the applicant. Yes, we will. We will make sure that's done. Is that a action point for the hearing? Yeah,

08:39

action point, because I don't think deadline five has a requirement to submit those documents. So I will make that an action point.

08:51

So can I just bring in Jonathan legged to interject?

08:58

Hi there. It's Jonathan Legg, representing the applicant. I understand the well, the update to the planning statement was only to a footnote, so we haven't made any further changes that would affect the policy compliance document.

09:16

Thank you. No, I didn't. I realize it hasn't been updated extensively. It was just making sure that you have, in any event, made sure that you've cross referenced policies. I forget which policy it was. I thought I'd seen one of the policies wasn't included in the policy compliance document. But can you just double check it's not a specific request? It's just making sure there's consistency.

09:40

Yeah, we will do Thank you. My

09:43

next question is, well, it's a request for to Cumberland Council. I have looked the local impact report, and I have been provided with what I think is a complete summary or all the policies that. Actually have been sent to me in word form, but could I have a copy of the relevant documents from which those policies come from? So effectively, the local plan and all associated documents? So if you could send copies to the well deadline five would be helpful. If you could just send a copy of those documents, the documents that you've relied on to inform your local impact report. If I don't have full copies of them, which I don't think I have, can you please send them across?

10:34

Yes, that's fine. So we can do that. Okay, thank you.

10:44

Okay,

10:51

can I just turn to the grid connection statement, which is app 176

11:11

and this is a question to the applicant, if you could outline the terms of The agreement in terms of the duration, so I understand when the agreement was signed. But could you explain to me how the agreement works? Is it? Does it last a certain period of time? Do you have a certain amount of time in order to start the development begin? The development commence? For example, I

11:44

Josh, for the applicant, as this is a relatively factual matter that I think could be quite easily and nicely dealt with in written submission as an act, as an action, hearing action, we find that's fine. Thank you.

12:15

A general point similar to the point I've just raised in regard to the first the consistency between the policy compliance document and the planning statement. Can you make sure that the consents and agreements position statement, which is document app zero to five, and I'm not making suggestions or accusations that it's not up to date, but can you just double check that it is and nothing's changed since you completed that document. Please. Thank you.

12:47

Richard Marshall, yes, we will, we will check if there are any discrepancies. We will, we will update. Thank you. So

13:17

can we turn to the document, app, 035,

13:38

bear with me a second while I find the document, which is chapter four of the environmental statement.

13:58

Could the applicant explain to me, and again, you may need to take this away. Just explain to me the extent to which other sites outside the local area were considered. And perhaps if you're able to talk me through the process, that would assist. Now I've read the submission, and I understand there was a four stage process, but I'm not clear how sites beyond the point of connection, so the point of grid connection were considered. So as I say, I have I understand the four stage process. But looking further afield, I'm unclear how other sites or the extent to which other sites outside the immediate locality were were considered. Now, whether you wish to come back to me on this stage or take that away, I will leave that up to

14:49

you. Richard Marsh, for the applicant. And can we just take take one minute just to discuss that internally? Of course, yes. Do you just want to

14:59

hold. Hold I'll go through the remainder of the questions, and then I'll adjourn for perhaps five minutes, 10 minutes, and give you a chance to come back on some of the points. As I say, I completely understand that it's come as a surprise to me these questions, but I prefer to deal with them in the hearing rather than submit a written request when I can deal with it today. So, yeah, just hold that thought. Just moving on the So, in relation to the wind farm. So that's Potato, potato pop, wind farm, you've kindly provided me with a copy of the red line boundary, which is in Appendix f of the applicant's response to first written questions. So that's rep 2011, what I'd like to understand is not withstanding the red line boundary. Are there any potential issues here in terms of repowering the wind farm, decommissioning the wind farm, removing the cables, if the wind farms decommissioned. In other words, is there any conflict, potential conflict between the wind farm and the solar scheme? Perhaps, for example, some of those works, for whatever reason, aren't within the red line boundary of the wind farm. So to what extent have you considered that? So you could come back to me on that point as well.

16:29

Richard Marsh for the applicant, I will now pass over to to rob devas, who is the EIA lead for the applicant.

16:38

Thank you. I

16:49

Hello, yes. Rob Tabas, the EI lead for the applicant,

16:54

welcome to the examination. Hello there.

16:57

Thank you very much. Yes. So in respect of potato pot wind farm, the the, the sorry,

17:12

excuse me, the decommissioning of the wind farm has been considered within the environmental statement, the applicant has provided responses to the questions in terms of the overlapping consent, which is also temporary. The topic by topic considerations have also been set out in respect of where each chapter stands in relation to the future decommissioning of the wind farm, it's expected that the decommission activities for the wind farm, they will require approval with the council through a decommissioning management plan or similar. And I'd also draw SIRs attention towards the consideration around the wind farm operator, Vantage re limited, who provided a relevant representation in respect of the repowering of the wind farm. And the applicant understands that all matters are agreed with Vantage re limited and anticipate a written response to that effect will be forthcoming for the XA in due course. If it would be helpful to the XA, I could set out further details in respect to the timeline for the wind farm.

18:36

Of course, that would assist. I think my question really was notwithstanding your written submissions which are helpful. Have you considered the situation on the ground in consultation with the operator of the wind farm, ie, or is all the infrastructure associated with the wind farm confined to the red line boundary? Are there any potential overlaps, even though the red line boundary, clearly defined where the development on in platform is, and ensuring the situation on the ground there aren't any other cables that might impinge on your operations, or vice versa, whether you'd considered it beyond the red line boundary.

19:20

We will come back to you in writing. So on that point,

19:22

that's fine. Thank you. I don't think I need any further verbal submissions on that, because, as I say, I know you've, you've made extensive submissions on this in writing, so I'm happy to leave it there and for you to come back on that question. Okay, thank you. I Okay, I think I've only got maybe two more points to raise. One of them's a bit more detailed than the other. So I'll start with the more straightforward question. And this is just a general point. You may not be able to answer this at this stage in the i. Applicant's response to relevant representations, which is some time ago. Now it's in rep 1002 and it's possible that it's been superseded by other documentation, in which case you will have to remind me or explain why that is. But if we're if we're to open rep 1002,

20:25

and on page 42

20:36

the bottom of page 42 Oh, thank you. That's really helpful for putting that on screen, and the bottom page, 42 recommend a recommendation for further work for land contamination, and this indicates a subsequent generic quantitative risk assessment to partly address Environment Agency concerns regarding secondary aquifers. And firstly, can you explain this? Because I don't think it's referenced in the statement of common ground. Is this something that you've secured through one of the control management plans, construction management or operational management? And I'm not sure where it kind of, it seems to me, has been it's been left home, and you may have discussed this with the Environment Agency and agreed it, but I just couldn't see where it had been agreed in the statement coming round, or whether this document's even needed.

21:30

Richard Marsh, for the applicant, please. Could we confirm this in writing as a hearing action point?

21:37

Yeah, that's fine, no problem. Thank you. So we'll make that an action point as well.

21:55

Okay, and the final point, and I will extend the offer of an adjournment after I've asked this question, because it may require some thought so the Funding statement, which is in document, number, app, 015,

22:21

hmm. So this document gives a figure relating to capital costs, which it states includes decommissioning. However, no details of the costs associated with decommissioning have been provided in the document, or at least I couldn't see them in the document. Furthermore, it doesn't appear to me there are any details within the suite of documents accompanying the DCO of any measure to provide a separate, secure decommissioning fund. And so firstly, I just want to understand how you intend to fund decommissioning and whether that's secured. And then my second question is in relation to schedule two, requirement 13 of the draft development consent order, which I will have to take a second actually, to find the page number. So if the applicant gets there before me, then please do let me know. So that's requirement 13 of the draft DCO.

24:02

Uh, Richard Marsh, for the applicant, sorry. Said, Did you? Did you say there would be a short break at this point? I think,

24:11

yeah. So I'm not my question, so I've asked the first part of the question. I was just going to try and get to the second Yes, that's it. So article requirement 13 of the draft DCO, which has kindly been displayed on screen, as you can see, that requires decommissioning within 40 years. Now, I understand that if that's not complied with, it would be a criminal offense, but I'm trying to understand the extent to which the applicant has evidence that they will be able to carry out the full spectrum of works applied for, including the commissioning. And my follow on question from that is, Have you considered a bond? And if you haven't, then why not? So that would be providing a secure fund, if you like, or a bond in case the. Commissioning for whatever reason wasn't complete, you would then be able to rely on the funds of the bond to complete the decommissioning works. Again, I'm going to point to stone street solar as a recent example, where I think that has been included in the DCO so there's a bit to think about there, but that's my general question about the decommissioning and how that's going to be funded.

25:26

Richard Marsh, for the applicant, it's quite a lot to deal with there, and this obviously the first we were aware of the nature of the question. So I think it would be appropriate to come back in writing, just on the on the bond point. I know that bonds are have been common in relation to TCPA schemes, and as you mentioned, stone Street, that are not, are not common in DCA schemes so far. So if we give it, give it some thought, both the approach to decommissioning, the costs, vis a vis the funding statements, and also the consideration as to whether a bond should be should be required, yeah,

26:20

okay. Now I think that's the most appropriate course of action. I would prefer to get a succinct and accurate response after you've given it some thought. So I'm happy to do that. Thank you, sir. The

other the other question I originally asked, I think you're going to come back to me after a short break. I assume that's still needed, in which case I'm happy to bring now five or 10 minutes.

26:49

Yes, yes, please. That would be appreciated.

26:52

That's fine. Just to clarify, that was the alternative sites questions. Okay, so do you need? Would you like 10 minutes or Yes, please, yeah, okay, so I'm going to adjourn and we will reconvene at, sorry, 225, so that's just over 10 minutes.

27:11

Thank you.