

Hearing Transcript

Project:	One Earth Solar Farm
Hearing:	Recording of Issue Specific Hearing 1 (ISH1) - Part 1
Date:	9 July 2025

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File Length: 01:58:50

FULL TRANSCRIPT (with timecode)

00:00:53:06 - 00:01:07:10

Good afternoon everyone. It's now 2:00 and it's time for me to open this issue specific hearing into the One Earth Solar farm project. I just, uh, clarify that everyone in the room can hear me clearly.

00:01:09:02 - 00:01:19:00

Yeah. And also, for those online, if you can indicate by using the raise hand function or switching your camera on to show that we can be heard.

00:01:20:15 - 00:01:28:15

Smashing. Thank you very much. Um, can I also confirm with our case manager that the live stream and the recording is commenced?

00:01:29:10 - 00:01:31:01

Yes. The live stream and recording.

00:01:31:21 - 00:01:32:22

Thank you very much.

00:01:34:19 - 00:01:49:07

Uh, my name is Edwin Maund. I'm a chartered town planner and a planning inspector, and I've been appointed by the Secretary of State to be the lead member of the panel of the Examining Authority. I will just pass over to my colleague to introduce himself to you.

00:01:51:10 - 00:02:06:06

Thank you. Good afternoon. My name is Alex Jacques. I'm a chartered transport planner and a planning inspector, and I've have been appointed by the Secretary of State as a member of the exam. The Panel of Examining Inspectors to examine this application on our pass back to Mr. Maund.

00:02:09:23 - 00:02:44:19

Together, we are the examining authority for this application. Just a few housekeeping arrangements. Uh, there is no planned, uh, fire alarm this afternoon. So in the event that one should go off, please use the marked exits to leave the building via the stairway. Uh, the meeting point is out the front of the hotel, uh, opposite the building in front of the water. Um, toilets can be accessed. Uh, going back through the doors behind or in front of me all the way down the corridor.

00:02:45:01 - 00:02:57:12

Or alternatively, you turn left at the top of the stairs and go down one floor. Can I ask everyone to, uh, ensure that mobile phones and other devices are switched switch to silent, please.

00:03:01:04 - 00:03:01:23

Thank you.

00:03:05:19 - 00:03:25:12

Now, this agenda, um, is going to follow that agenda that we published on the National Infrastructure Planning website in the 1st of July, which is examination library reference PD 004. And it would be helpful if the applicant could display that on screen for us. Thank you.

00:03:27:04 - 00:04:09:02

Now this is for guidance. Um, and we may add other considerations or issues as we progress. Um, but we will conclude the hearing as soon as all relevant contributions have been made and all questions asked and responded to. But if discussions can't be concluded, then it may be necessary for us to prioritize matters and defer other matters to either written questions or carrying on into tomorrow. If you're not able to answer a question today or need further time to get that information, then please indicate that, um, so that you can respond in writing at the next available deadline.

00:04:10:16 - 00:04:41:08

Now, obviously it's being undertaken in a hybrid way. We are both here in the room, and a number of people are present via the teams link. And we will endeavour to ensure that everybody has a fair, uh, opportunity to contribute this afternoon. A recording is being made available and it will be made available on the One Earth Solar Farm project section of the National Infrastructure website as soon as practicable after the hearing is finished.

00:04:42:07 - 00:04:50:21

And with this in mind, please ensure you speak clearly into a microphone stating your name and who you are representing each time before you speak.

00:04:52:11 - 00:05:08:02

If you are not directly at the table here at the front, we have a couple of roving microphones that can be brought to you. So if you can wait, um, before you start to address us, uh, when you have the microphone to hand. Thank you.

00:05:09:21 - 00:05:39:23

Also, we've published on the, uh, website the planning Inspectorate's Privacy notice. Um, in order to ensure that we do not contravene any data protection regulations. So when you're presenting your information to us, please have bear in mind, uh, avoiding any particularly sensitive personal information. Thank you. So I just now hand over to Mr. Jack for the purpose of the issue. Hearing.

00:05:40:00 - 00:05:40:24

Specific hearing.

00:05:42:00 - 00:06:13:18

Thank you. So the issue specific hearing today will cover both issues relating to the draft development consent order, the draft DCO and environmental matters relating to the application. The draft DCO is an important document. This hearing is being held on a without prejudice basis. So in essence, even if your position is that development consent should not be granted and therefore the Secretary of State should not grant a DCO.

00:06:14:02 - 00:06:24:00

You can make representations in this hearing on the drafting of the DCO without conceding your wider position that the draft DCO should not be made.

00:06:26:19 - 00:07:04:22

It is important for the examining authority because we are under a duty to provide the Secretary of State with the best drafted DCO that we can. Even if we end up recommending that the Secretary of State should not make the DCO. This is because we do not decide these applications. We make recommendations to the Secretary of State and he or she makes the decision. So even with if our report is Secretary of State, were to recommend that development consent should not be granted, we must still append a draft DCO, ensuring that the Secretary of State can decide to make the order if he or she wishes.

00:07:06:12 - 00:07:07:16

In addition to this,

00:07:09:05 - 00:07:30:05

the issue specific hearing today provides an opportunity for the issues raised by interested parties and in particular, the differences between them to be explored further by the examining authority as indicated on the agenda. Questioning at the hearing will be led by a member of the panel, supported by the other panel member.

00:07:32:23 - 00:07:44:05

For the examining authority to determine how hearings are to be conducted, including the amount of time to be allowed at the hearing for the making of a person's representation.

00:07:45:18 - 00:08:01:05

Our aim is to use our powers of control over the conduct of the hearings to ensure that they are carried out as efficiently as possible, whilst remaining fair to all parties and thorough in our examination of the evidence.

00:08:03:08 - 00:08:15:12

We have identified the matters to be considered at this issue specific hearing and those on which we require further information, and these are set out in the agenda published in advance of this hearing.

00:08:17:03 - 00:08:28:00

Participants should note that written summaries of your oral submissions to this hearing should be provided to the Planning Inspectorate by deadline one, which is Tuesday, the 29th of July.

00:08:33:05 - 00:08:34:06

Back to Mr. Maund.

00:08:35:17 - 00:08:44:21

Thank you. So I now come on for introductions of the parties present. So if I can start with the applicant, please.

00:08:47:05 - 00:09:21:24

Thank you sir. Good afternoon. My name is Richard Griffiths from law firm Pinsent Masons LLP, and we're representing the applicant at this issue specific hearing. I'm joined by my colleagues, Alexis Coleman and Jacob Burton, and we will be leading on. We'll all be leading on the topics throughout this issue specific hearing. We're also joined by members of the applicant's consultant team, mainly in the room. We do have a couple on, uh, virtually two. But I propose that we introduce those consultants, uh, at the appropriate, uh, topic.

00:09:23:00 - 00:09:30:03

Thank you. So then come through to the council, please. I start with Lincolnshire County.

00:09:31:09 - 00:09:53:18

Good afternoon. I'm Stephanie Hall. Uh, it's H.R. And counsel, uh, instructed by Legal Services, Lincolnshire, on behalf of Lincolnshire County Council. Happy to be Miss Hall. Um, I'm joined to my immediate right by Alison Richards, who's the principal infrastructure officer at Lancashire County Council. And behind me sits Miss Allen, who's the historic environment officer. Say our archaeologist. Thank you.

00:09:54:03 - 00:09:57:16

Thank you for coming next to Nottinghamshire County Council.

00:10:00:17 - 00:10:25:02

Good afternoon, Mr. Lawrence. I'm planning and infrastructure manager at Nottinghamshire County Council, representing the county council. There are various colleagues from across the council with me today, including, uh, Jason Morden, historic buildings officer, uh, Matt Adams, uh, archaeologist Sarah Hancock and Pete Evans, who are principal highways officers for the county.

00:10:26:19 - 00:10:31:11

Thank you very much, Mr. Lawrence. Now, come to Bassetlaw District Council.

00:10:32:07 - 00:10:45:07

Hello. My name is Amanda. Mrs. Amanda Broadhead. I'm the major projects manager at Bassetlaw District Council, and I've brought along my colleague, Mr. Michael Tagg. He's the conservation manager at Bassetlaw District Council.

00:10:47:14 - 00:10:48:06

Thank you.

00:10:50:01 - 00:10:54:12

Newark and Sherwood district Council. Good afternoon sir.

00:10:54:24 - 00:11:23:05

My name is Mr. Simon Betts. Planning officer, major projects. I'm representing the district council today. We have, uh, four colleagues online. Um, I'll name them now. Hayley Hurst, Dale brain, Oliver

Brown and Sam Franklin. And depending on how we progress with the agenda today, they will be participating. And also my colleague to the left and introduce himself. Uh.

00:11:23:08 - 00:11:27:15

Good afternoon. Yeah. Mr. Jack Kent, and I'm a legal officer at Newark and Sherwood District Council.

00:11:28:14 - 00:11:29:05

Thank you.

00:11:34:11 - 00:11:36:05

West Lindsey district council.

00:11:37:20 - 00:11:57:10

Good afternoon. I'm Mr. Russell clarkson. I'm the development management team manager at Westland District Council. And also joining me to my left is Mr. John Barker, associate director at Atkins Wireless. And to my right is Miss Daniel Peck, senior development management officer. Thank you sir.

00:12:03:16 - 00:12:04:08

Thank you.

00:12:06:03 - 00:12:14:12

I understand that we have representatives from the Environment Agency also present virtually. So I wonder if you could introduce yourselves.

00:12:16:11 - 00:12:17:01

Hi.

00:12:17:03 - 00:12:29:01

Good afternoon. Um, my name is Mr. James Cordell. I'm a planning advisor with the Environment Agency. And with me is Sean Holland and Tom Sheehan, who may wish to contribute later on.

00:12:30:24 - 00:12:31:17

Thank you.

00:12:46:13 - 00:12:51:18

And do we have a representative from Historic England with us? Virtually.

00:12:53:08 - 00:12:59:11

Afternoon, Mrs.. Haley James. Um, I'm inspector friendship monuments, and I'm here representing historic England.

00:13:01:14 - 00:13:02:06

Thank you.

00:13:31:09 - 00:14:12:06

Okay. And I believe that's all of the statutory bodies that we're expecting this afternoon. Um, there's obviously a considerable number of interested parties in addition. Um, what I would propose to do is rather than ask each of you individually to come and introduce yourselves at this point, at any time that you wish to make a contribution, if you wish to notify us, and you can introduce yourselves then, and we can obviously then make sure that whether it's people in the room or virtually, we can get, uh, either the microphone to you or to listen so you can make the contribution that you wish to make.

00:14:13:00 - 00:14:13:18

Thank you.

00:14:17:20 - 00:14:20:02

So we move then on to the

00:14:21:20 - 00:14:59:23

principal parts of the agenda. We'll start with looking at the draft development consent order. Now we've identified a number of specific questions in the agenda, but there are a number of, uh, supplemental points that we may well also refer to. 32. In light of issues that we've identified, but also those that have been raised by a number of parties within the room. So, um, can I just start by asking the applicant to give us a brief introduction of their application and what it is that they are intending to seek consent for?

00:15:02:01 - 00:15:09:07

Sorry. Sorry. We're just checking if the live stream has gone down. We think it might have done.

00:15:11:11 - 00:15:12:16

They're just checking now.

00:15:13:06 - 00:15:14:00

Okay.

00:15:20:00 - 00:15:24:05

Hi, this is Deborah Allen at the Planning Inspector. It appears to be okay from our end.

00:15:27:05 - 00:15:32:15

Is anyone from the AV company able to confirm what the situation is? Please?

00:15:37:24 - 00:15:39:21

That's reassuring. Thank you.

00:15:42:13 - 00:15:44:24

Okay. Well, let's hope that is the case.

00:15:47:14 - 00:16:04:18

Uh, right. Um, I'll come back then to the applicant. If you can give us a brief introduction as to what it is that you're seeking consent for and, uh, sort of go through the DCO and how that creates that, uh, those powers for you.

00:16:08:19 - 00:16:43:04

Jacob Burson for the applicant, uh, noting that item four has a number of different, uh, points to cover. I propose to first provide the brief overview of the key provisions of the draft development consent order. Uh, and then in terms of the specific questions that have been noted in the agenda, uh, I propose to pass on to Miss Coleman to address any of those. However, if there are any other questions, uh, that it will be helpful for us to address as I go through the DCO.

00:16:43:21 - 00:16:47:06

Uh, we would also be happy to answer those as we go.

00:16:51:04 - 00:17:28:20

So the order has been drafted. Having regard to pens guidance and advice. Note 15 uh, on DCO drafting, best practice and precedents. Uh, it has also been informed by other major CEOs in particular, in particular energy CEOs and the Burton Energy Park Cotton Solar Project and Mallard Pass orders. These provisions also align with the most recent solar CEOs, including West Burton Energy Park Order 2025 and more recently, the East Yorkshire Solar Farm Order 2025.

00:17:31:01 - 00:17:49:24

The order includes 46 articles divided into six parts and 15 schedules, which are given affect by or tie into the articles. A full explanation of the legal provisions and the order are set out in the Explanatory Memorandum, and the reference for that is EP 008.

00:17:53:07 - 00:18:07:08

The draft DCO is proposed to be called the One Earth Solar Farm Order and is drafted to consent the construction operation, including maintenance and decommissioning of the authorised development as described in schedule one.

00:18:08:21 - 00:18:13:10

Article two of the order sets out the definitions of terms used within the order.

00:18:16:05 - 00:18:30:24

Part two of the order sets out the principal powers, including granting the undertaker consent for the authorised development as constrained by the order limits and numbered areas shown on the works plans, and the reference for those plans is EP 014. for.

00:18:33:24 - 00:18:38:19

This part of the order also authorizes maintenance and operation of authorized development.

00:18:41:00 - 00:19:02:11

Part three of the order provides a suite of powers in relation to street works, including carrying out street works within streets. Altering the layout of streets. Construction and maintenance of altered

streets. Temporary or permanent closure of public rights of way. Use of private roads. Access to works. Entering into agreements with street authorities, and traffic regulation measures.

00:19:04:10 - 00:19:09:06

And these provisions give effect to schedules 4 to 8 of the draft DCO.

00:19:10:22 - 00:19:23:15

Part four contains four supplemental powers relating to discharge of water protective works to buildings. The authority to survey and investigate the order, land and management of human remains within the water. Land.

00:19:26:03 - 00:19:44:24

Part five of the order sets out the powers of acquisition Position or temporary position. These include powers to compulsorily acquire land or rights and rights and land. To extinguish rights and land, or to take temporary possession of land. These articles relate only to the order land as shown on the lands plans.

00:19:48:15 - 00:20:04:05

There are also standard provisions relating to compensation payable to persons. Incorporation of the Mineral Code and powers in relation to land and apparatus of statutory Undertakers. And these are. The articles give effect to schedules 9 to 11 of the DCO.

00:20:07:11 - 00:20:37:03

Part six includes various miscellaneous or general provisions. These cover articles 35 and 36, which relate to giving the benefit of the order to one Solar Farm Limited, and provisions relating to the transfer of that benefit. Articles 37 and 38 provide for how landlord and tenant law applies in relation to the order and also the order land, and how it will be treated as operational land for the purposes of Town and Country Planning Act 1990.

00:20:39:11 - 00:20:57:07

Articles 39 and 40 set out the powers and restrictions that apply in respect of the lopping of trees, shrubs or hedgerows, and the management of protected trees. This includes reference to schedule 11, the DCO, which sets out the hedgerows that are proposed to be removed.

00:20:59:23 - 00:21:30:23

Article 43 provides protection for statutory undertakers through the protective provisions set out in schedule 14, and articles 41, 42 and 44 to 49 include provisions relating to the certification of plans and documents relevant to the order, arbitration and service of notices under the order procedure in relation to approvals, guarantees and respect of payment of compensation. Protections against sea acquisitions and mineral rights, crown rights, and in relation to.

00:21:30:24 - 00:21:32:01

Double recovery.

00:21:36:05 - 00:21:45:21

As I've indicated, the order then has a series of schedules one through to 15. Each schedule identifies its operative article in the order and the top right of the schedule.

00:21:49:11 - 00:21:57:17

Schedule one sets out the details of the authorised development and the works numbers aligned with the numbered areas on the works plans.

00:21:59:19 - 00:22:07:24

And if helpful, I can step through each of the works numbers if they would be useful or I can continue.

00:22:10:17 - 00:22:13:00

I think if you can continue that, that's fine. Thank you.

00:22:17:20 - 00:22:42:15

In terms of associated development, uh, further associated development, in addition to the works numbers 1 to 128. Uh, sorry. Works numbers 2 to 8. Um. Uh. Identified. Um, and the schedule provides for, um, those insofar as it's unlikely to provide for any materially new or different environmental effects.

00:22:48:24 - 00:23:25:09

In terms of the broader approach taken to associated development when developing the project design and drafting schedule one, we have paid careful regard to what can be consented as associated development to under the insert under the 2008 act, and to the guidance in relation to associated development. We've set out our reasoning in this respect and how the associated development meets the guidance and the explanatory memorandum. Uh Reference App 008 and that is that paragraphs 3.14 to 3.19.

00:23:29:05 - 00:23:40:00

The first point to note is that the One Earth scheme includes associated development, which is all of a nature that is typically brought forward alongside a solar generating station.

00:23:42:18 - 00:23:58:09

Associated development for which consent is sought is consistent with made orders. And I've mentioned a number of those at the start, but it includes Cotton Gate, Burton, West Burton, Seneca, Longfield, and most recently, East Yorkshire.

00:24:01:16 - 00:24:13:19

All the works that works numbers 2 to 8 and the further associated development included at the end of schedule one, meet the tests of being firstly all directly associated with the insert.

00:24:16:00 - 00:24:23:18

And that is because they're all required to support the construction, maintenance or operation of the generating station or to mitigate its impacts.

00:24:25:13 - 00:24:31:00

They're all subordinate, subordinate to the insert. None of them are an aim in themselves,

00:24:32:16 - 00:24:36:20

and they're not only necessary as a source of additional revenue to the applicant.

00:24:39:00 - 00:24:44:03

Uh, fourthly, they're also all proportionate to the nature and scale of the insert.

00:24:49:12 - 00:25:12:04

Uh, so that's schedule two. Moving on. Uh, schedule one. Sorry. Moving on to schedule two. Uh, this sets out all of the requirements for the DCO, uh, which operate in a similar manner to conditions under a planning permission. Uh, I don't propose to step through all of the requirements. Uh, however, I'm happy to do so.

00:25:14:12 - 00:25:21:14

That's fine. I think we when we start to go through those that are probably the most appropriate way to progress. Thank you.

00:25:26:06 - 00:25:49:20

Moving on from schedule two. Schedule three sets out legislation to be supplied. Schedule for street subject to street works. Sets out the streets that are to be subject to such street works with reference to the streets rights of way access plans. That's app 015. It also relates to article eight

00:25:51:20 - 00:26:06:22

schedule. Schedule five sets out the streets that are to be permanently altered and temporarily altered. Again, that's with reference to the streets rights of way access plans. And that schedule relates to article ten and 11.

00:26:09:17 - 00:26:36:20

Schedule six sets out the locations of the streets which will be temporarily closed, public rights of way that will be temporarily closed and diverted. Temporary and permanent use of motor vehicles on public rights of way, temporary management of public rights of way and public rights of way to be permanently closed and diverted. That also references the streets rights of way access plans that I've mentioned, and it relates to article 12.

00:26:39:01 - 00:26:42:21

Schedule seven sets out the proposed accesses to works.

00:26:44:16 - 00:26:52:05

Schedule eight sets out the areas of land in which only new rights may be acquired by the Undertaker, and the nature of rights that may be acquired.

00:26:56:19 - 00:27:05:21

The plot numbers in column one of the table that relates to those correlate with the relevant plot reference numbers on the land plans.

00:27:07:10 - 00:27:17:19

That's app 013. The nature of the rights and column two explains the purposes for which rights over land may be required and restrictive covenants imposed.

00:27:20:06 - 00:27:23:06

And that schedule links to article 23.

00:27:24:19 - 00:27:25:21

Schedule nine.

00:27:28:05 - 00:27:37:11

Modifies existing compensation legislation, including the Land Compensation Act 1973 and the Compulsory Purchase Act 1965.

00:27:39:13 - 00:27:46:03

Schedule ten sets out the land of which only temporary position may be taken pursuant to article 30.

00:27:48:19 - 00:27:55:05

And again, that has plot numbers in column one of the table that correlate with the relevant plot reference numbers on the lands plans.

00:27:58:22 - 00:28:03:05

Column two then sets out the purposes for which temporary position may be taken.

00:28:04:18 - 00:28:16:02

Schedule 11, as I've mentioned, identifies the lengths and locations of hedgerows to be removed and the purpose of removal, with column two identifying the important hedgerows to be removed.

00:28:20:03 - 00:28:33:16

That references the vegetation removal plans, which are captured within the Landscape and Ecology Management Plan, and the reference to the outline plan. The outline is app 179.

00:28:36:14 - 00:28:48:17

That schedule relates to article 39. Schedule 12 lists the documents that The Undertaker must have certified as true copies by the Secretary of State that links to article 41.

00:28:50:11 - 00:28:57:20

Schedule 13 sets out the arbitration procedure and framework in accordance with article 42.

00:28:59:20 - 00:29:33:04

Schedule 14 sets out the protective provisions for the benefit of statutory undertakers whose equipment may be affected by the authorised development, and that links to article 43. I will note that the set of draft protective provisions that are included in the draft DCO were the sets that were available at the time that the application was submitted. However, negotiations with statutory undertakers are underway, and so we anticipate that the drafting of those will evolve further.

00:29:36:06 - 00:29:43:22

Schedule 15 sets out the procedure for the discharge of the requirements that are set out in schedule two.

00:29:48:17 - 00:30:04:13

That concludes the overview of the draft DCO. Are happy to take any questions now, sirs.

Otherwise, um, if you if you wanted to proceed onto the specific questions identified in the agenda, we can we can address those.

00:30:05:07 - 00:30:24:24

Thank you. Uh, just on that final point you were making about the protective provisions, um, The Canal and River trust had indicated, um, a desire to have protected provisions which weren't listed. Are you able to let us know what the latest position is with them?

00:30:26:09 - 00:30:38:21

Yes, sir. Uh, Jacob Burton for the applicant. We have been in contact with Canal River trusts in relation to those and are currently in the process of negotiating, uh, a set of protective provisions with them.

00:30:41:06 - 00:30:41:22

Thank you.

00:30:43:17 - 00:31:18:11

So if I take you back then to the the beginning of the DCO, um, and obviously it starts off with interpretations, as is the standard format, one of the phrases that you have within the document, um, which I think is page six, is that links to the date of decommissioning and it says means in respect of each part of the authorised development, the date that that part of the authorized development has permanently ceased to generate electricity on a commercial basis.

00:31:19:19 - 00:31:20:22

What does that mean?

00:31:23:11 - 00:31:30:16

There's no definition. So should there be. And so it's fairly critical to understand

00:31:32:10 - 00:31:34:14

when what how that would apply.

00:31:38:15 - 00:31:54:18

Thank you sir. Richard Griffiths on behalf of the applicant. Effectively that means the date that the applicant ceases to send electricity to the national transmission system for onward transmission to customers.

00:31:57:03 - 00:31:58:24

For the whole scheme or for part.

00:32:00:18 - 00:32:12:17

It can be part. So it depends on where the, um, uh, how the scheme is eventually Decommissioned, so decommissioning may be gradual.

00:32:14:01 - 00:32:15:11

I understand that, and that's

00:32:17:09 - 00:32:36:23

part of an element I'll get to slightly later on. It's understanding to a certain extent. One of the keys elements of the DCO is the decommissioning. And then making sure that the everyone understands how that works, what secures the decommissioning and how people would know

00:32:38:11 - 00:32:49:01

that, uh, commercial, uh, generation of electricity on a commercial basis had ceased. For example, for one field.

00:32:51:20 - 00:33:46:07

Thank you so Rich Griffiths. So this obviously links into the, uh, um, a requirement, sorry. 20, which is the which talks about 21, the date of decommissioning. And so our requirement 20 states that the data decommissioning with respect to each phase of work number one. So each phase work number one being the solar PV generating station. And that in turn links into requirement three of the DCO whereby the applicant has to, um, agree with the local authority, uh, the um phase or the facing of the authorized development, uh, that, uh, um, with respect to each phase that's been approved, uh, under requirement three, that no later than 60 years following the date of final commissioning, um notify um the relevant planning authority of the date of decommissioning.

00:33:46:09 - 00:34:18:06

So as soon as we know that a phase, uh, which could be potentially the whole scheme, depending on how the applicant submits under requirement three or a phase. So a number of fields, as soon as that ceases generating electricity to the grid, then, uh, we know. Well, when we know we're going to stop ceasing, we notify the local authority under requirement 20. So the authority will have will be able to police that requirement and that date by virtue of a first of all requirement.

00:34:18:08 - 00:34:20:02

Three. They'll know the phases.

00:34:21:16 - 00:34:53:19

They'll then know the under requirement. Uh um uh uh, they'll then know the um, date of um final commissioning under requirement three three, whereby the applicant has to give notice of the data, final commissioning. So the date on which we finish testing and uh, the scheme is generally is generating electricity to the national transmission system. So they'll have the phase and then have the date of final commissioning. The clock then starts effectively in terms of the life of the project.

00:34:54:05 - 00:35:25:21

The ultimate stop is the is requirement 21 where um 20 sorry bracket one, which is 60 years. Of course the scheme could end earlier than that, depending on what happens throughout the next 60 years in terms of electricity generation. But the long stop date is that 60 years? The authority, of course, can work that out by having noting the data, final commissioning. And then we, um, uh, um, provide them with that notice under 20. So they'll be able to police it through those various mechanisms.

00:35:38:13 - 00:35:52:00

Okay. Um, I'll come to the councils then next, just to see how they whether they agree with you that they'll be able to police. So to any of the counties have any concerns on this.

00:35:52:23 - 00:36:39:04

They're not not a concern. So definitely all look at the county council. There's a lot of concerns that I would just wonder whether it's the definition of date of decommissioning and reference to part that's causing some tension between use of the word part in the definition and use of the word phase in requirement 20. Because the the definition of date of decommissioning is is much broader because I don't think part is defined. So I wondered whether the examining authority's question was really about whether, you know, you get ten panels that fail and that is actually apt to be brought within that definition, but wouldn't trigger anything within requirement 20, because that's about positive decisions to decommission a phase, as there's just a bit of we might need to have a look at it.

00:36:41:05 - 00:36:58:07

Uh, I'll go on, because I think it's interrelated, because it was a linked question and you've made reference to it already with regard regards requirement 20. I think the most recent decision that the Secretary of State is made is on Oaklands, and they have

00:36:59:23 - 00:37:13:05

recognised that this has a potential issue, and adjusted the wording in that DCO to make reference to the decommissioning of a part. So it may be that the

00:37:14:19 - 00:37:35:12

way to progress is to look at that DCO and the wording that they have come up with. I think it's article two. I'm going to say requirement 22, but I may have that completely wrong. Um, just bear with me. I may have a note handy.

00:38:02:16 - 00:38:16:11

It was referenced. This is why I'm slightly confused in the actual DCO. It's article 64, but it's referenced in the Secretary of State's letter as requirement 22.

00:38:19:08 - 00:38:23:09

But if you look at the DCO, it's page 39 for Oaklands.

00:38:40:11 - 00:38:42:08

Yes, certainly. You want to come in.

00:38:43:12 - 00:39:04:05

Simon Betts, you can show a district council. Um, sir, a practical suggestion that may, um, link with other, other elements to be talked about. I'm pondering whether the production of a phasing plan during the examination might provide clarity in other areas and support the point that we're talking about now.

00:39:11:12 - 00:39:22:16

Are you thinking of a sort of implementation plan in terms of phasing as it comes out across the site and then linking through to the commissioning and then subsequent decommissioning.

00:39:24:00 - 00:39:27:01

So that you can chair district council? Yes, exactly that sir.

00:39:28:10 - 00:39:29:07

Okay. Thank you.

00:40:03:17 - 00:40:06:24

Do you want to do anything further at this stage, or do you want to come back later?

00:40:07:15 - 00:40:40:01

Richard Griffiths for the applicant, it's article 64. Sorry, requirement 64 of the Oakland decision. Um, so we'll need to look at that. There's a couple of things here. So one, we're not going to we're not going to submit now a, uh, a phasing plan that we lock in and we're not going to do that. We're at we're at, um, outline design stage. That's the whole point of the requirement. So we're just put that now on record. We're not going to put a phasing plan in. Um, secondly, um, I think we can look at the wording of any and something where we're looking at before.

00:40:40:03 - 00:41:13:01

Anyway, the references to part and phase and the interrelationship with that. So we will take that away. Um, and we'll look at the Oakland's drafting as well. Um, they don't use the word phase. They've got part. Um, but you can have part of a phase. So. So we will take that away and just see if we can finesse the drafting of the, uh requirement 20. And also the definition of date of final decommissioning. And uh and look at that for deadline one.

00:41:14:09 - 00:41:25:06

Thank you. So we'll note that as an action point. And then at the end, we will try and go through the points that we've picked up. And hopefully between us we'll have a clear list. Thank you.

00:41:30:10 - 00:41:36:20

Are there any other parties who would wish to make any further comment on that particular part of the drafting that we've discussed?

00:41:40:12 - 00:41:42:15

No. Okay, then I shall move on.

00:41:44:10 - 00:42:18:08

If we then move on to just the principal powers, um, the again, looking at the Oakland's, uh, Decision. The reference to materially, new or materially different effects is actually linked into the section headed principle powers, rather than tagged onto the base of the paragraph as yours does. And I just wonder if it is actually clearer if it is set out, as the Secretary of State has done in that latest decision, that it is actually.

00:42:20:15 - 00:42:30:03

Directly influencing and governing the principal powers that are available through the DCO.

00:42:34:00 - 00:42:35:06

It's common for the applicant.

00:42:35:08 - 00:42:45:16

I'm sorry. So did you mean in terms of, I think at the end, the paragraph that we have after the definitions that we instead, um, it sits within the principal powers section?

00:42:46:18 - 00:42:47:08

Yeah.

00:42:47:10 - 00:43:09:21

Yes. Yeah. Yes. No, I think that that sounds quite sensible. And we'll take that away and have a look. And I think probably generally as the most recently made order as part of our updates, a deadline, one we can make sure we've gone through the Oakland's drafting just to make sure if there's any most recent, um, you know, just to reflect, make sure that we're up to date with the most recent approach, which is what we've done at the time of submission, but obviously that one has been made since then, so we can definitely look at that.

00:43:09:24 - 00:43:22:12

Thank you. Um, so then move on to, uh, article 31, which is the temporary use of land for maintaining the authorized development.

00:43:24:19 - 00:43:40:09

Um, 3111 relates has a relationship, the outline, uh, the outline, which is app 179. What I'm hoping you can clarify is the suitability of the period for maintenance.

00:43:41:24 - 00:44:27:21

Because when you go into the outline limp, it refers to um management for the duration of the project for hedgerows. But that's then not repeated for woodland. In paragraph five, for 35, for trees, in five, for 44, or for the grassland section under long long term management. So what I would like to understand is how you are managing maintenance, um, under the article and more generally, because obviously you're proposing your scheme will last for 60 years.

00:44:29:22 - 00:44:44:10

Uh, seems to me a need to have long term maintenance for various elements. And between the article and the outline lamp, there's a lack of clarity in my mind as to how it hangs together.

00:44:45:19 - 00:45:22:05

Mr. Coleman, for the applicant, I think the first point to note is that in working out where we will need quite clear, ongoing vegetation maintenance rights, we have where that's been appropriate, sought permanent rights for that reason. And you can see in the schedule I think it's eight. Yes, we seek those powers. They're specifically called vegetation maintenance rights. So there will be some limited plots, um, which are subject to temporary possession where we may need to have that ongoing ability to be able to maintain, um, vegetation,

00:45:23:22 - 00:45:58:11

um, as you say. So the Olympe does extend that five year period in terms of vegetation. Um, I think worth looking at section seven of the Olympe, which then does set out that longer maintenance period. Um, and so I would expect that and that goes for, I think, the whole whole operational period. So there is the potential that, um, some access and use may be needed in over those plots for that ongoing maintenance. I would note it's quite limited because it really would only relate to, um, temporary plots that are shown as temporary possessions.

00:45:58:13 - 00:46:13:02

So yellow on the land plans, um, which in this case is actually is quite limited. Um, if it would be helpful, I suppose we could look at, you know, what it might look what that those actions might look like in terms of those plots. But that's, that's the expectation.

00:46:30:08 - 00:46:43:20

I think it would be helpful, um, irrespective of the wording in the DCO, to revisit the outline, in any event, because it doesn't seem that there is a consistency in

00:46:45:16 - 00:46:53:05

the maintenance of the various different, um, hedgerows, trees, woodland and so on. And

00:46:54:18 - 00:47:15:13

if there's an explanation as to why you would maintain one for less than another, then please explain that. But, um, if there isn't an explanation, then it seems to me that you should be consistent with spelling out the period that you're maintaining for each of the different component parts.

00:47:18:15 - 00:47:23:05

Thank you sir. Yes, we can definitely take that away and confirm that in writing in our written submissions.

00:47:24:07 - 00:47:24:24

Thank you.

00:47:27:01 - 00:47:35:03

Uh, again, I'll open that up to the councils and and other parties. If anyone has anything that they would wish to add at this point.

00:47:38:08 - 00:47:42:09

Okay, I'll move on. Then we then move on to, um.

00:47:46:09 - 00:48:00:11

Article 38, which is operational land for the purposes of the 1990 act. Now, my interpretation of this and by all means tell me I've got this wrong. If I have, is that.

00:48:03:15 - 00:48:05:08

If the DCO is granted,

00:48:06:23 - 00:48:13:00

all of the land within the order limits would be defined as operational land, which would

00:48:14:22 - 00:48:29:05

give the applicant as then a statutory undertaker, as an electricity generator, all of the permitted development rights that would apply as a statutory undertaker. So.

00:48:32:11 - 00:48:36:03

There are large areas that you're I.

00:48:37:20 - 00:49:14:07

I wonder whether your environmental statement has actually assessed The potential for all of those permitted development rights that would then align in the event that the entire order limits have permitted development rights. So if it has done, can you show me an example how and where? And if not, then? It seemed to me that you need to perhaps redefine the extent of land, that the operational would be classed as operational land in due course.

00:49:16:04 - 00:50:03:12

Thank you sir. Miss Coleman, for the applicant. Yes. So your understanding of the effect of that article is correct. Um, we say that the extent of those permitted development rights is, um, appropriate. Um, I think if I can just work through a few steps to get to the response to your question. Um, as you've rightly said, we would have those, um, rights available to us as as the holder of a generation licence granted by Ofgem, which which we already have as a statutory undertaker. As for any um, Town and Country Planning Act solar farm that also had a generation licence and so obviously those permitted development rights have been made available so that, um, day to day sort of operational activities could be undertaken for the efficient and safe, effective working of the solar farm.

00:50:03:14 - 00:50:51:13

I think the key point, and this does go to the point you've asked around EIA, is that they're still subject to the restrictions in the development consent order. It doesn't allow us to do something that's outside the controls in the development consent order. And I think the um, GP2, um, 2015 itself makes that clear in terms of not being able to it doesn't allow us to breach or do something outside the, um, well, that's in breach of the development consent order. Um, I also think when you look at the actual, um, what you can actually do under those permitted development rights, when you look at part 15, class B and then the restrictions on the rights themselves, they are quite limited in their extent, we say, necessary just in order to, um, for the operational running of the solar farm, especially over a 60 year period.

00:50:52:04 - 00:51:40:03

Um, but I think the other point to make as well is obviously if those are actions that amount to, um, uh, likely significant effects in environmental terms, then they're not permitted development. So it couldn't be undertaken in any event. So I think the controls are in place so that nothing you could do under that. I mean, the the type of thing you could do is something like building a carport for a, for a vehicle to park under, or maybe a structure to around enclose a, some plant or machinery. Really when you look at the development consent order on the whole and the requirements and the extent of the um permitted development order itself, it's quite limited as to what you can do, um, with that reason, because obviously you shouldn't be able to do development that has an environmental impact without it going through the proper processes as we're going through now.

00:51:40:17 - 00:51:59:21

Um, so which is which is why we say that it's, it's appropriate to have those powers in the order. Um, they're obviously in all the solar, um, made solid series to date without restriction. Um, but yes, that's the that's the basic point. And hopefully I've addressed the points more specifically on the, um, EIA aspect as well.

00:52:01:16 - 00:52:06:10

I wonder if it's possible to, uh, display the illustrative master plan.

00:52:08:14 - 00:52:22:15

The reason I'm asking for that is because I think that I hear what you're saying. But when you look at your master plan and, uh, there are areas that wait for it to come up.

00:52:31:12 - 00:52:49:22

So when you look at your overall order limits. You have some quite large areas which are, for want of the best phrase, shaded green. Um, where you're not proposing any um.

00:52:52:22 - 00:53:00:03

Above ground development, I think, is perhaps the simplest way of explaining that there may well be cables and so on. But, uh,

00:53:01:24 - 00:53:06:21

why would those areas, if they are woodland, grassland, planting, etc.,

00:53:08:09 - 00:53:13:19

why should they benefit from permitted development rights and be included as operational land?

00:53:17:13 - 00:53:59:17

It's common for the applicant. I think the reason the reasoning applies to the whole order limits, which I've provided in terms of, um, we're looking at the operation of a scheme over the next 60 years. So in order to foresee everything that might be necessary across that whole period is quite difficult, which is why the permitted development rights are useful and are under under given to electricity undertakers. Um. To ensure that they can continue to operate solar farm efficiently. I think the the lock you have on it is that in order, if we were going to do anything, we can't be in breach of the, you know, the requirement requiring us to implement and then maintain all the details under the lamp, for example,

we'll have PNG requirements and obligations on us and monitoring and maintenance of landscape in this example.

00:53:59:20 - 00:54:22:08

So in reality, the extent to which you could exercise permitted development rights in those areas, I agree, is quite limited. Um, but I think that's why you can have comfort in giving those rights, because there are locks and controls, um, on there that we're not able to just mow down a whole lot of trees to put up a new building, for example. Um, because there's, there's controls in place.

00:54:24:23 - 00:54:56:14

So if I could just add to that, which group is the applicant, the that we mustn't forget here, that the landscaping is also required for the undertaking. So the consent, if we didn't put any planting in the scheme, the chance of a development consent order being granted would be reduced. So we put landscaping in also required under PNG. So the landscaping is required for the undertaking and therefore it is part of the operational element of the undertaking. And uh, the controls, as Mrs.

00:54:56:16 - 00:55:35:23

Coleman has said, relates to the, in this case, the Olam. Um, we can't breach that because criminal offence. So any permitted development rights would have to be linked to the, the use of that which is the, the, the, the landscaping. But we don't know what how we may how we may want to maintain that in the future. There may be some form of maintenance, small shed that might need to be constructed and that would be part of the applicant's undertaking. So we totally see in this case that, um, the full use of PD rights as constrained by the DCO and the approved plans is wholly appropriate as per every other made order that the solar farms have approved.

00:55:40:09 - 00:55:51:20

Okay, I hear what you're saying. Um, do anybody else wish to make any comment or submission in respect of this element of the DCO? Yes.

00:55:54:10 - 00:56:32:02

Simon Betts, New York district council. Briefly, sir. I think what we're getting to here is the nub of potential conflict between the powers enshrined within the DCO. So I understand the applicant's position. But if in reality, those, uh, PD powers are being sought are not necessarily necessary or required, then. Then what is their. What is their purpose? If they're conflicting with the delivery of, um, other areas that are in effect protected, um, from development? They may be part of the order limits, but in reality they are mitigation areas.

00:56:32:04 - 00:56:47:08

So I think we seek to reserve judgment. I don't think we are particularly appreciated at this point. So, um, perhaps a further explanation in writing from the applicant, uh, might be useful. Give the authorities the opportunity to respond.

00:56:49:17 - 00:56:50:18

Okay. Thank you.

00:56:52:06 - 00:57:02:05

Well, we'll obviously get the written submissions after the the hearing and you'll be able to consider those and respond, uh, in due course. Thank you.

00:57:29:23 - 00:57:32:23

Sorry if we then go on to article 39,

00:57:34:19 - 00:57:39:23

which is with regard to felling or lopping of trees and removal of hedgerows.

00:57:41:17 - 00:57:54:09

Should that again in a similar way to the Oakland scheme, have a reference to that work being undertaken in accordance with either a British standard or another form of appropriate standard?

00:57:59:13 - 00:58:39:08

Miss comment for the applicant. I think normally we would have that covered by the Olympe and if we haven't we can make sure that we we cover that. But I think ordinarily that's where that would be because all those powers in, in the main part of the year, obviously subject to the requirements and schedule two. So we'll confirm that. Um, but I would expect that it would normally sit there. I would also just note for your benefit that at deadline one, we will just amend, um, paragraph one of article 39, so that it only applies to trees or shrubs within or overhanging the outer limits, which is drafting you may have seen elsewhere, rather than the current drafting, which is near any part, which is a slight.

00:58:39:11 - 00:58:45:02

So just to tighten up a little bit and to reflect some recently made orders. So we'll meet that amendment at deadline one.

00:58:48:19 - 00:59:03:15

Your your current response in terms of the wording of the article would be to revisit the Olympe and make sure the Olympe has reference to work being undertaken with the British standard, rather than that being on its face within the article.

00:59:05:10 - 00:59:14:09

Um, I think so, yes. Um, but again, we can take that away and we'll either I agree, we'll just confirm where that best sits if we haven't already got that covered.

00:59:16:19 - 00:59:17:18

Okay. Thank you.

00:59:23:16 - 00:59:24:07

Um.

00:59:29:00 - 01:00:17:11

One of the things that is not 100% clear to me is if there is any distinction between protection of trees per se and veteran trees, and whether there should be any specific reference. Now, again, that may be something that is needs to be picked out in the OMP, and perhaps it's there and I've missed it, which is

possible. But again, if I can ask you to set out clearly for me how veteran trees are dealt with and if they are subject to either, uh, any additional protections, for example, notification to the local authority, uh, in advance of works being undertaken or something like that.

01:00:19:03 - 01:00:20:23

Thank you sir. Yes, I can take that away.

01:00:23:00 - 01:00:23:18

Thank you.

01:00:27:12 - 01:00:30:00

Next article is article 45.

01:00:30:02 - 01:00:30:17

Sorry, sir.

01:00:30:19 - 01:00:31:09

We just.

01:00:31:11 - 01:01:11:09

Sorry, sir. Thank you sir. Stephanie Hall, Lancashire County council. Just a short point on trees, if I may, in article 39 and 40. So just to make the Zaire way aware that we are going to discuss these articles with the applicant, and I think I don't want to, um, waste time today sort of going through all of our points, but we're in active discussion with the applicant on those articles. And if those discussions don't bear fruit, then you may be hearing from me in more substance on those articles. But, um, just very quickly, we'd essentially appreciate, um, knowing a little bit more about which particular trees are proposed for removal and, and how that's going to be authorised and having a little bit more detail in them, potentially.

01:01:11:11 - 01:01:30:17

And then we have a second query that is around the overlap between an ability to remove trees during the operational phase of the project and, um, requirements to achieve a particular bang percentage and how they sit together. I'm sure that can all be ironed out, but that's those are things that are just under discussion.

01:01:44:11 - 01:01:45:09

Thank you for that.

01:01:48:04 - 01:01:51:21

Yep. I've got a couple of hands. So if I come to you first now. Yeah.

01:01:54:01 - 01:02:26:06

Simon Betts, new consumer district council. Um, firstly, I think we we welcome the, um, proposed revised wording on articles 39 and 40. You will have seen from our relevant representations, we were quite concerned that the powers sought were, um, quite wide reaching in general, and the definition

was lacking. Um, I just wanted to make a linked point, if I may, to, um, the arbiter of Other cultural reports. Which is document reference. App 134.

01:02:26:14 - 01:03:07:09

Appendix 11.6. Um, that is a piece of work is is very sort of early stage and high level. It equates more to a uh, condition survey, um, rather than an understanding of the impacts of the proposed scheme. So I think where we're, um, heading in, in the direction of this point is a better understanding of the impacts on trees, on TPO trees, because I think the, uh, forgive me, I don't know the reference, but the Elvia chapter s chapter refers to a more limited number of TPO trees.

01:03:07:20 - 01:03:28:08

So I suppose what I'm advocating says is, is perhaps an advancement of, of that work. Um, during the examination, a better understanding of the impact on trees Might, um, help provide clarity and, uh, negate the, the need for some of the powers. So potentially. Thank you.

01:03:30:22 - 01:03:31:12

Thank you.

01:03:33:05 - 01:04:06:24

Yes. Thank you, sir. Russell clarkson, West Lindsey district council. Um, it may be a drafting point, really, but it's it's reading articles 39 and 40 together. And we welcome some of the changes the applicant's referring to in terms of 39 allows works to fill up any tree or shrub near any part of the proposed development. And I believe the expression that's going to be amended to within or overhanging article 40 then refers to any tree preservation protected trees in a similar scale overhanging.

01:04:07:05 - 01:04:42:18

But that's only for those that are February 20th where the order has been made from February 2025 onwards. So I suppose my concern is what's the repercussions for any protected trees where the order predate February 2025? Is that unintentionally captured by 39, or will it still require its own tree preservation order consent? So it's a distinction in 40 where it refers to preservation orders. Host February 2025. It's just understanding that it doesn't unintentionally capture protected trees that predate February 2025, sir.

01:04:54:05 - 01:05:02:24

And before we then move on, I just check that no one else has any additional points that we wish to make on either. Articles 39 and 40 before I come back to the applicant.

01:05:05:03 - 01:05:07:03

No. So come back to the applicant. Thank you.

01:05:07:05 - 01:05:42:04

Miss Coleman, for the applicant. I just wanted to address two points quite quickly. The first is that there are no existing typos, which is why we've drafted it in that manner to capture any future, any trees that have become protected by TPUs in the future. So the February date is purely because that was the date of submission, so we only knew the position up until that point. Submission of the

application. The second is that I've been informed by people with better knowledge of trees than me, that there are no trees within the order limits of veteran status, but I've heard the comments generally, so I'll obviously take away to see if there's anything more we need to do, um, around those articles or in the lamp around, um, tree removal.

01:05:42:06 - 01:05:45:16

But I understand the points made. But just to clarify those couple of points.

01:06:07:19 - 01:06:21:17

I recall seeing a table within one of your documents listing veteran trees. So I'm either having a senior moment. Uh. Or you're misinformed. I hope it's the latter.

01:06:23:13 - 01:06:31:13

Thank you. Sir. Um, I understand there are some adjacent to the site I can drop in to. First, I can pass to, um, better informed people than me.

01:06:33:07 - 01:06:34:02

Uh. Thank you.

01:06:34:04 - 01:07:04:05

Uh, Guido Pelissero, uh, technical director, logical group. Um, I've been doing the EIA for the applicant. Um, in terms of the approach report that was undertaken at a very early stage. So if you look at the figures at the back of that report, it shows a much wider red line boundary than actually the, um, the order limits that we've got proposed. So we did a very initial, um, survey of the local area and kind of documented those kind of trees. So there'll be some veteran trees that are counted at that stage.

01:07:04:11 - 01:07:09:06

But as the project has progressed, the order limits has obviously been amended.

01:07:23:10 - 01:07:30:00

So you're confirming with confidence that there are no veteran trees within the order limits.

01:07:31:24 - 01:07:51:05

We will come back and writing, but from my perspective, yes. Um, I'm not an ecologist, I'm an EIA. But from those early stages of the surveys, there was veteran trees that are identified. And then towards the end of the order limits, and we've kind of come to the proposed development. There is none. That's my understanding. But we can clarify that.

01:07:51:22 - 01:08:02:22

Okay. Well, what I'll do because I can't quite put my hand on it at the moment. I will check my notes. And when I found the table, if I need to write a question, I will.

01:08:04:20 - 01:08:30:06

Submit questions for the applicant just to join the party on this. Um, paragraph 6.6. ten of App 035, which is um. Chapter six. The biodiversity chapter says, quote, there were no trees assigned as being a

veteran status within the order limits. However, two veteran crack willow lie adjacent to the site in North Clifton, and three more are located north of the A57 in Dunham.

01:08:37:13 - 01:09:13:07

Simon Betts, Newark and Sherwood District Council, said I'll try not to belabor the point, but I think, um, the discussion we just had over here, um, really sort of solidified the point I was trying to make. If that was an early stage assessment, if time has moved on, uh, we're making reference to other topic areas which are not specifically looking at the tree, the impact on trees in a direct manner, but indirectly through biodiversity assessment. So what I'm just advocating is, is a simple understanding of where are the important trees, whether they be TPO trees or veteran trees.

01:09:13:18 - 01:09:29:06

Um, that may be a case of ruling out the presence of, uh, such, uh, trees within the order limits. But at least we come from a position of a proper understanding of what the impacts are. I think that's the simplest way to deal with it. If I can say that. Thank you.

01:09:41:21 - 01:09:42:21

Mrs. Walker.

01:09:44:20 - 01:09:47:19

Can someone bring a microphone for Mrs. Walker, please?

01:09:57:07 - 01:10:49:12

Uh. Thank you. Uh, Mrs. Walker, resident of North Clifton. Um, I whether it's relevant or not, I'd just like to make the point that during the consultation, we specifically asked about trees being felled as part of this scheme, and we were informed on numerous occasions that trees would not be taken down. So it's interesting to hear that potentially they will. Um, I'd also question that. Certainly where we live, there are a number of very large old trees. I'm not quite sure what classes as a veteran tree, but, um, there were certainly things that we had looked at with regards to potentially having a TPO, which clearly there's not much point in us doing that now, but I would, uh, wish that the applicant could specifically look at those as well, because we were definitively told trees would not be removed as part of this scheme by one Earth.

01:10:50:12 - 01:10:51:02

Thank you.

01:11:10:18 - 01:11:15:06

Okay. Um. Does the applicant wish to make any response?

01:11:17:00 - 01:11:48:10

Um, miss comment for the applicant. Um, there is some vegetation removal which is covered in the AU. I think the the point that we're discussing at the moment, and I just want to be clear that the power is in quite restricted circumstances. Um, in article 39. So it sets out it just gives us the power to be able to, um, fell or lop trees where they're obstructing access or constituting a danger, um, or obstructing or interfering with the passage of construction vehicles. And the applicant must do no unnecessary damage to any tree or shrub.

01:11:48:12 - 01:12:18:20

And there is various compensation measures in place. So it is really a, um, a power just to ensure that the development is able to be constructed and operated and not to license just to fail trees, which is very much not our intention. We're under obligations around maintenance and provision of vegetation and planting and habitats, and also under. Biodiversity net gain obligations which are ongoing. Um, so that's very much the the clear intention. This is purely a power to make sure that we can operate and construct the development as we need to.

01:12:27:12 - 01:12:29:11

Okay. If I move on, then.

01:12:51:07 - 01:12:54:07

My colleague has kindly found the table,

01:12:56:07 - 01:13:02:17

and perhaps you can read it because I can't read it from here. Say, which document it's in.

01:13:14:17 - 01:13:17:15

It's on page 11 of the

01:13:19:10 - 01:13:29:06

stage one of cultural reports. And there's a table there showing, I think it's 15 veteran trees that are recorded.

01:13:33:08 - 01:13:46:14

It may well be that they are outside of the order limits as now defined. And I think the key thing is for you to confirm that. And I can sleep easily on the basis that I'm not going completely mad. Thank you.

01:13:53:14 - 01:14:33:08

If I then move on then to article 45, which is effectively including a a guillotine or a, uh, a deemed approval clause. So perhaps if I go to the councils in the first instance in this respect. And are you content that, uh, that would be appropriate? The time period that's listed, uh, is ten weeks. And I note that at least one of the councils has made reference to a 13 week period in line with major developments under this under Town and Country Planning Act.

01:14:33:21 - 01:14:38:24

So, um, but yes, I'll come to you in the first instance. Mr. bass.

01:14:42:10 - 01:15:19:18

Thank you sir. Simon Bates, Newark and Sherwood district council. Um, I suppose as a as a linked point, you will have seen in our relevant representations that, um, under the process, we did make a point about timescales for dealing with consents. Um, actually, it was in our case, it was a little bit more than 13 weeks. We equated it to EIA major developments with with a 16 week period, um, in relation to discharge requirements. So in simple terms, we have a similar concern about a shorter period.

01:15:19:20 - 01:15:46:07

But it might be whilst noting the purpose, um, of this particular part of the DCO as a as a sweeping up exercise. It might be helpful to the discussion to try and, um, explain what other permissions, um, might be sought, um, because that might offer some reassurance potentially. I appreciate that might be difficult to do so, but, uh. Thank you.

01:15:49:12 - 01:15:52:01

Does anyone else wish to add anything further?

01:16:00:06 - 01:16:32:20

Yeah, we're so close. And Westlands District Council, um, is our position, uh, you know, and subject to the caveat that we will be seeking, uh, our members approval on certain matters, but it is our view that we were looking at 13 weeks for for these matters as well as on the schedule 15 requirements when we come to that. So I think in terms of the scale of it, but also I think there is additional complexities with this site and the fact that it is cross-boundary involves three different districts and counties and therefore their ability to interact with one another.

01:16:32:22 - 01:16:38:06

When we are looking at any of these matters. So that's something that we would put forward to you, sir. Thank you.

01:16:38:08 - 01:16:47:15

Okay. Thank you very much. So if I then revert to the applicant to see if there's any further issue of how you may wish to respond.

01:16:47:22 - 01:17:19:21

It's common with the applicant. I think it's probably worth just making the distinction. Firstly, that the, um, ten weeks referenced in the article relates to other approvals under the DCO, so I don't know if there is an actual concern from the councils in that respect. I think the focus is more on the schedule, as Lindsay has indicated, in terms of the schedule 15. So the discharge of requirements, um, we say firstly, in terms of the deemed approval that's appropriate, um, given it's a nationally significant infrastructure project for which there's an urgent need and an urgent need for delivery. Um, there are some controls in place for that.

01:17:19:23 - 01:17:56:16

Firstly, under both article 45 and the schedule. Um, we need to make sure we've given a, um, a statement when we submit for approval about the deemed approval and the timescales. There's also a lock in schedule 15, so that whenever we go to discharge a requirement, we need to confirm whether the content of what's being approved, um, has any worse or, um, materially different effects to those in the ES. And if that is the case, then the deemed approval doesn't apply. Um, in terms of the, um, period of time, again, given the nationally significant nature of the scheme.

01:17:56:18 - 01:18:37:19

We say the ten weeks is appropriate. Um, there is, um, in there the ability for the parties to agree for the time scale. And in reality, if the councils came to the applicant to ask for a further timescale, we

would be faced with either agreeing that or saying no, and then probably promptly refusing the application. So we're most, you know, quite likely to agree to the extension. Um, but we would prefer that the default was the shorter time period, given the urgent need for delivery. Um, I think just looking at other made orders, I'm told that Oakland's, um, time frame is eight weeks, but across other recent orders, there's ten weeks in Haddington Fen, West Burton Gate, Burton, Mallard Pass, Seneca, eight weeks.

01:18:37:21 - 01:18:49:22

There is 13 weeks in Cottam. So there is that one there with the time frame. But I would say that's an outlier compared with most of the made, um orders. Um, in terms of those timescales.

01:18:51:14 - 01:19:24:06

And were those Uh, I was. There was a range of concepts there that you referenced, but I think that the point Mr. Clarkson makes quite interesting in that there's potentially a need for possibly up to five authorities to talk to each other, subject to what the issue might be, which may well add a complexity to do that. So I don't know the number of authorities that were involved with each of the individual cases you reference.

01:19:24:08 - 01:20:01:18

I'd say probably they all involve at least a couple. I'd say Seneca has two district councils and two counties. Um, I think probably part of the discussion we can have with the authorities is if we could assist, for example, if if they want us to provide, if we're discharging a requirement within one authority's area, if it would assist them, if we also providing the information to others at the same time, I don't exactly know how they plan for it to work, but if we could assist with that. So for example, we already include requirements so that we provide the consultee, um, the body who has to be consulted on the climate with the information at the same time to sort of help out with that process.

01:20:01:20 - 01:20:14:15

So if there's other things we can do to assist with that, then we can definitely try to build that into that procedure. Um, and I appreciate the point about the complexity, but again, there is the ability to extend the timeframe if necessary.

01:20:16:18 - 01:20:49:20

Well, I think we'd probably taken it as far as we can this afternoon, but it's something that I would encourage you to have an open dialogue on and whether it needs to be included within a statement of common ground as a specific, specific point I'll leave to you, but hopefully you can move towards a a common position ideally, but if not, then explain to us clearly your position as to why you want the time that you were asking for.

01:20:51:13 - 01:20:52:06

Thank you.

01:20:59:00 - 01:21:19:15

So if I move on, then into the work numbers and work number four is the first work number. Uh, which I'd like some clarification. I'm really trying to understand how it is that it's intending to work, because this is, um.

01:21:22:18 - 01:21:32:17

For the laying of high voltage cables and the connection to the, uh, to the grid.

01:21:35:03 - 01:21:35:19

Um.

01:21:39:07 - 01:21:52:00

At the moment, if I've understood your connection agreement correctly, you have an agreement to connect to something that doesn't currently exist. Is that is my understanding correct there.

01:21:55:04 - 01:22:24:18

Richard, give us the applicant. Yes. It's more complicated. It can. Well, there's a grid section, so I suggest we go into detail with the grid section. But in terms of that question, um, the work number four refers to the National Grid substation and that is called um, as defined. Sorry, uh, paragraph one of schedule one as the proposed, um, uh, substation, uh, which National Grid is promoting under a TCP application.

01:22:27:08 - 01:22:31:18

Which is going to potentially be submitted sometime early next year.

01:22:33:07 - 01:22:42:12

Which gives the applicant our understanding from discussions with National Grid, uh, is that, uh, it the intention is for National Grid to submit later this year.

01:22:43:07 - 01:22:44:10

Okay. Thank you.

01:22:58:00 - 01:23:04:01

So if I move on then to work numbers six A and six B.

01:23:06:24 - 01:23:21:13

Six A is identified as having two primary, uh temporary construction areas and then six B up to ten secondary temporary construction areas. But if we look at the works plans.

01:23:23:15 - 01:23:29:16

Uh, work six b, which I think is, um, identified by

01:23:31:12 - 01:23:35:10

shading with dots, is it possible to display the work plans, please.

01:23:37:21 - 01:23:48:24

The work six b, I think extends almost over the whole area that the panels are proposed to be installed.

01:23:51:05 - 01:24:01:13

And so I can understand that because you will need to be doing work in those areas to install the panels, the frames, connections and so on. But.

01:24:03:24 - 01:24:22:14

It's just trying to clarify. You've listed specifically with Under work six a areas of hardstanding car parking and they are not listed in six B. So I'm assuming there will be no hardstanding in work. Six B there'll be no car parking.

01:24:25:19 - 01:24:28:05

Am I correct in understanding that?

01:24:34:13 - 01:25:14:02

It's common for the applicant. Yes, I understand that's correct. And the description in chapter five of the ES is perhaps helpful at 5.4.62, which describes them as up to ten satellite secondary construction compounds. Um, and so I suppose you can see them as sort of smaller, um, compounds that need to be in sort of different locations across the site. Um, as, as the name suggests, secondary to these primary ones. And that's why there's perhaps more, um, uh, infrastructure or not infrastructure, but, um, more, um, things that need to happen at that primary, those main, primary construction areas in terms of the parking and, and etc.,

01:25:14:04 - 01:25:14:22

as you've said.

01:25:16:15 - 01:25:17:05

And.

01:25:19:13 - 01:25:41:04

So the, the two primary sites, um, will be laid out and then they will act as a hub for the other sites to then move from backwards and forwards. Is that the intention? I'm getting a thumbs up. So perhaps there's a confirmation for the recording.

01:25:41:06 - 01:25:41:21

Hello?

01:25:41:23 - 01:25:43:23

Yeah. You and Sneddon for the applicant?

01:25:44:04 - 01:26:21:16

Yeah, exactly. That would be the intention that the main construction compounds would act as the central hub for equipment delivery and machinery storage. And then the the satellite construction combined would be more temporary and shorter duration in nature, designed for serving the immediate areas around them as a place for material storage and some small welfare facilities for the local staff, so that they don't have to travel quite so far across the scheme to get back to the the main hub.

01:26:22:19 - 01:26:23:09

And

01:26:24:20 - 01:26:43:14

is that that's helpful. Thank you. And so there will be no more than ten of those, uh, satellite, uh, at any one time, but they are going to potentially pop up as the phases is progress. As the scheme

01:26:45:11 - 01:26:49:09

is rolled out. Is that a fair understanding?

01:26:49:11 - 01:27:06:14

Are you in Sneddon for the applicant? Correct. And the idea would be that it would be ten that would roll across the site. We wouldn't be looking to develop more than ten total. So there might only be 2 or 3 at any one point across the scheme.

01:27:06:22 - 01:27:16:14

Yeah. So ten is the maximum. But anything up to that depending on how it goes. Progress of logistics and arrival of panels etc..

01:27:16:23 - 01:27:20:03

Correct. And that's outlined in the outline design parameters.

01:27:20:23 - 01:27:21:14

Thank you.

01:27:52:21 - 01:28:19:02

Now I'm about to move on to requirements, but I'm conscious it's approaching 3:30. So, um, I just wonder if it's a sensible time to have a break. Uh, I'm content to carry on for for a while, but I just get a mood in the room and remotely how other people content to carry on for, say, another half an hour.

01:28:22:01 - 01:28:47:15

Yeah. Okay, well, let's do that. And then we'll, we'll perhaps look to, to take a break at about 4:00. Okay. So if I, if I look then at schedule two on on requirements initially under the initial list for relevant planning authorities. Is a you've got the county councils be the district councils. Um but under. Be requirement for.

01:28:49:17 - 01:29:06:23

You don't have the equivalent for the county councils. And is there a particular reason why the county councils wouldn't have requirement for written approval for any of the elements that they are in control of?

01:29:10:09 - 01:29:28:14

It's common for the applicant. Um, yeah, we might take that one away, because I appreciate the point that if the original approving authority has been the county, um, that they meet, they may need to be involved in some respect in terms of any further amendment to the to the document they've already approved. So we will take that one away.

01:29:29:14 - 01:29:30:05

Thank you.

01:29:39:09 - 01:29:45:00

I then then go on to requirement three, the phasing of the authorised development.

01:29:47:12 - 01:29:48:09

By Mr. Clarkson.

01:29:48:11 - 01:30:26:18

Sorry for the apologies, sir Russell Clarkson, West Lindsey District Council just requirement one in which it looks to break down the requirements and defines relevant planning authority. I'm very conscious that Lincolnshire and I believe Nottinghamshire to subject to local government reorganisation. I therefore suspect that while it is very helpful to list all these districts and counties, they may be in a different form or shape in. Well, by the end of of of the order. And I therefore wonder if the drafting needs to recognise somewhere that it needs to cover the successors in title or whatever the appropriate legal terminology would be.

01:30:28:04 - 01:30:28:23

Thank you sir.

01:30:31:07 - 01:30:33:24

I think that's very helpful to to know that. Thank you.

01:30:43:12 - 01:30:47:24

So Richard gives the applicant the order at

01:30:49:20 - 01:31:10:16

um two in the interpretation section into uh six. Makes it clear that references to a statutory body at the making of the order includes that body's successor. So depending on how the organisation goes, it should flow through, uh, through that definition.

01:31:12:12 - 01:31:27:19

Now, that's helpful to understand. If I just come back to you, Mr. Claussen, do you know what the time frame is? And for that local government reorganisation and whether it's going to be something that this examination needs to worry itself about.

01:31:30:04 - 01:31:44:11

Uh, so Clarkson, West Lindsey District Council, I mean, I would have to To put that in writing, sir. But my understanding is they are looking at submissions of final bids from authorities by the end of this year, with the view that implementation will be within.

01:31:46:15 - 01:31:57:06

It is quite a short time frame, sir. So these things will be evolving as as the examinations underway. That process is in place at the moment. Okay. Thank you sir.

01:31:57:12 - 01:31:58:04

Thank you.

01:32:19:09 - 01:32:54:11

So yes, if I move on then to the requirements for the phasing. Um, just really wanting to understand a little bit more about how this works in relation to construction and traffic management, and what's likely to be included in a submission to a planning authority, and then any subsequent liaison with the between the district county councils and possibly national highways. And interrelationship with requirement 15 and the Construction Traffic Management plan.

01:32:55:01 - 01:33:00:20

So any clarification you can give me, uh, there would be helpful. Thank you.

01:33:02:06 - 01:33:44:08

It's common for the applicant. Um, so under this requirement would be confirming the, um, phases or stages that the development would be undertaken in. Um, which I imagine is basically, um, a timetable and a plan, um, indicating the timeframes of different, um, parts, identifying them on the plan and the activities that would be coming forward. So that that gives the indication of the timing and the and the activities. Um, in terms of, Um, I might need to expand a bit more on the specific ask around traffic, but I mean, with all the requirements, they're drafted in such a way that they can be, um, discharged in parts which may or may not align with the phases in that phasing plan.

01:33:44:21 - 01:33:59:11

Um, and there'd be the appropriate, um, consultation that's needed under those management plans, including in relation to traffic. Um, but I suspect there's more specifically that you want to know on the traffic point.

01:34:00:16 - 01:34:19:09

Well, it's just that the county councils are the highway authorities, and, um, they'll be the ones that you'll be seeking, uh, approval from for the construction traffic management plan. But it will be the district councils that you'll be submitting your phasing. And, um.

01:34:21:15 - 01:34:45:05

You know, the details for the requirements. Really? So it's how you're going to ensure that the two elements are aligned. And it may be time worrying about something that I needn't worry about, but I just wanted to, uh, ensure that the two elements are going to work in unison rather than have a tension.

01:34:46:21 - 01:35:05:06

Um, I suppose firstly, um, the phasing plan wouldn't necessarily restrict how the traffic management plan comes forward. So that could come forward dealing with phases or or sub phases. Um, in terms of the way it's discharged. Um.

01:35:07:07 - 01:35:38:19

I agree with you, but fundamentally that phasing plan will be reliant on traffic bringing various component parts, staff, etc.. And so the two elements need to be aligned. And so if you agree a

phasing plan with the planning authority for requirement three, but the county council is highway authority is not in agreement with the traffic management plan that you rely on.

01:35:38:21 - 01:35:39:17

How do you.

01:35:40:03 - 01:36:11:20

Well, I think the probably the comment goes across all those requirements because, well, it's not really a sequential approach will have to be managing that the whole time. So as you say, when we're looking at the phasing that is informed by the by the traffic element, by the transport. So it's not as if each of these requirements is prepared and discharged in a silo. They all have to align really the same as the design requirement relies upon other requirements. And they all need to be able to, um, be consistent with each other.

01:36:11:23 - 01:36:41:13

So I would expect in the background there is a lot of, um, liaison and engagement to make sure that these things are aligned. So it's not as if suddenly a phasing plan pops up in, in complete, um, separation or siloed from the, um, the traffic management plan. I suppose the other point to make is just because a consultee isn't listed in the requirement. If the, um, relevant planning authority in discharging that requirement wants to voluntarily consult with the county in that case, and that's perfectly open to them to do that.

01:36:42:17 - 01:36:46:15

Should the DCO requirement reference that directly?

01:36:50:07 - 01:36:52:13

Um, I suspect we can probably agree to that, yes.

01:36:58:19 - 01:37:01:13

Probably the question I should have asked in the first place, but I am.

01:37:22:06 - 01:37:44:01

Now, the next point is a is a general point across several requirements and so requirements. I think it's seven, eight, nine, ten, 11, 12, 13, 14, 15, 17, 18, 19 and 20. All include the phrase must be substantially in accordance with.

01:37:46:15 - 01:37:52:02

And now that phrase actually conflicts with the wording in your management plans themselves.

01:37:53:15 - 01:38:19:13

Um, but, uh, I would like to understand why it shouldn't just say, in accordance with each of your management plans is an outline. It already therefore has flexibility within it. And if you have substantially in accordance with and an outline, do you not have flexibility squared which gives.

01:38:22:02 - 01:38:47:11

Too much latitude, rather than actually having parity for those parties that need clarity. And if your management plan is not sufficiently precise, um, then maybe you should make it so. So I understand the need for flexibility, but I question whether the phrase substantially in accordance with is appropriate.

01:38:49:17 - 01:39:28:12

This comment for the applicant. Um, the first point I would make is that by saying in accordance with um, I think that means exactly the same as, which is very much not the intention. As you've said, the intention is to set out a framework or an outline, um, on which the detailed plan will be based. So the outline plan establishes key principles and has detail in there. But the benefit of the substantial in accordance with is that the detailed plan can then be made quite bespoke and tailored to the circumstances at the time, so that could be in reflecting detailed design.

01:39:28:14 - 01:40:02:11

It could be reflecting, um, the um condition of the vegetation on the ground at the time. In the case of something like the battery safety management plan, it can make sure that it takes into account most up to date legislation and guidance and best practice. Um, so it allows us really to hone the plans to make sure that they're as effective as possible, responding to the conditions at the time. Um, the lock on that is that they have to be approved by the local planning authority or the relevant planning authority. So if they disagree that they're not substantially in accordance with um, then they won't approve them.

01:40:03:02 - 01:40:42:01

Um, I think by way of example, there are principles in the taking the um, outline landscape and ecology management plan, for example. It's quite clear principles in there about what will happen. And that's around, um, implementation of planting and monitoring of that and replacement of planting within five years and that sort of language. And they're quite clear principles in there, which you can expect to definitely be in the lamp, um, where there might be some room for movement around the detail is perhaps the, um, the mix of species that would be planted, that sort of thing that might that would be finessed and tailored, as I've said at the time, to make sure it responds directly to the detailed design of the development.

01:40:42:03 - 01:40:53:09

So I think without the substantially, it is actually perhaps too rigid and doesn't allow, um, the ability to make the plans as targeted and as effective as possible.

01:41:00:03 - 01:41:07:03

Uh, I'll see what the council is. Uh, your colleague behind you, uh, is wanting to speak.

01:41:24:24 - 01:41:26:12

I don't have anything to add. Thank you sir.

01:41:41:10 - 01:41:42:07

You wish to.

01:42:08:10 - 01:42:09:00

Thank sir.

01:42:11:01 - 01:42:18:00

Okay. Thank you. We don't have anything to add at this point, but we've got other points to make about archaeology, which we'll raise wait at the appropriate moment.

01:42:18:14 - 01:42:30:00

Right. Do any of the other authorities wish to say anything at this stage? No. Any other party, either virtually or in the room?

01:42:32:16 - 01:42:51:05

Okay. Well, um, look forward to seeing your written submission on that. And I would ask that you provide a clear explanation for each of the requirements where you're asking for it or you're including it, because I think it needs to be justified in each case.

01:42:54:03 - 01:42:55:09

That's noted. Thank you.

01:43:14:02 - 01:43:18:19

If I then then go on to requirement eight, which is the Landscape in Ecology management plan.

01:43:20:22 - 01:43:46:19

It may be the way I'm reading this, but when you look at paragraph three it's a piers to read. It's the landscape. And the ecology management plan must be implemented as approved. That's fine and maintained throughout the operation. Is that correct that it's the plan that you're proposing to maintain as opposed to the elements that you're the plan covers?

01:43:48:21 - 01:44:09:04

We've come to the applicant. I think you're probably correct. I think actually, our position probably is that you don't actually need to have the end maintained, but it's a practice that's come about, I think, through, um, orders such as gate, Burton and Cottam, where it's been added on. And so it has been added on for that reason. But, um, we'll have a look at the drafting to see if we can better, better capture that. But I understand the point.

01:44:09:19 - 01:44:10:10

Thank you.

01:44:42:10 - 01:44:46:07

In terms of biodiversity net gain requirement nine.

01:44:50:04 - 01:44:53:10

Does this achieve, uh.

01:44:56:00 - 01:45:06:00

What your biodiversity net gain, uh, calculations sets out. Does it ensure that that actually happens?

01:45:07:22 - 01:45:46:14

Miss Coleman, for the applicant, um, we say it does because of the way that requirement eight and nine worked together to secure the, um Olympe and the delivery of the planting in the Olympe, on which the um Vnt assessment is based. Um, hopefully I can assist in some respects, though, because, um, at deadline one, we are going to update that requirement to, um, include some percentages on the face of the order. Um, we won't be able to commit to the exact percentages in the assessment because it's an assessment sort of based on a snapshot in time at the moment and is obviously, again, subject to detailed design, um, conditions of vegetation on the ground at the time, how the metric works, that sort of thing.

01:45:46:16 - 01:46:04:15

So, um, we will in order to make sure we can commit to them, there will be quite precautionary percentages, but, um, um, anticipating the point, um, perhaps from you and, and those on the other side of the table, um, we will be making that amendment, um, at deadline one. So hopefully that addresses, um, your question.

01:46:05:10 - 01:46:06:01

Thank you.

01:46:12:12 - 01:46:17:16

And then requirement ten for fencing another means of enclosure.

01:46:23:19 - 01:46:29:07

The first uh paragraph there, number one is dealing with proposed temporary fences.

01:46:30:20 - 01:46:31:10

Now.

01:46:34:21 - 01:46:45:13

What does that mean? And the reason I'm posing that question is because the whole scheme is notionally temporary, albeit for 60 years. And, um.

01:46:47:17 - 01:46:48:07

So.

01:46:50:24 - 01:46:53:00

Does it need to be more clearly defined?

01:46:53:19 - 01:47:30:00

It's common for the applicant. Um, the distinction is obviously, um, construction related. Um, in terms of, um, fencing that's needed for security or, um, and purposes to enclose a construction site as opposed to, um, Operational fences. So I take the point in terms of temporary and permanent, um. It's fairly standard drafting across all the made orders to date, but if there's anything we need to do to make that clearer, we can do that. But yes, the intention is very much, um, construction as controlled by the camp and then, um, operational as controlled by the um, outline design parameters and also the.

01:47:30:10 - 01:47:31:01

Oh, um.

01:47:33:22 - 01:47:41:11

Yes. We can add in operational, um, rather than permanent, if that's if that's helpful. Um, and yeah, but that's the basic distinction.

01:47:43:16 - 01:47:47:21

Yeah. You wouldn't be adding operational in that one. It would be presumably construction.

01:47:49:24 - 01:47:53:24

Oh sorry. Where we refer to permanent we can refer to operational. Yeah. Yes.

01:48:09:07 - 01:48:25:12

And then when we get to, uh, paragraph six, uh, under the same article says any temporary fencing or construction fencing, how it's going to be defined must be removed on completion. How would anyone know it was complete?

01:48:44:03 - 01:49:08:11

For the applicant? I think probably you need to read it in in with also paragraph seven, in terms of the, um, operational fencing being completed before the date of final commissioning. Um, because that I suppose that sort of happens almost at the same time, really, in terms of by final commission, you've got your permanent fencing in place and the temporary construction fencing has been removed.

01:49:29:11 - 01:49:30:02

Okay.

01:49:30:14 - 01:49:42:01

Would it be helpful? Sorry. You and Sneddon for the applicant. Would it be helpful for me to explain the general procedure when building a solar farm like this? To help clarify the position.

01:49:42:15 - 01:49:58:15

I think it would, but equally in doing so, if you may not be able to do it just at this moment, but then relate that back to how it links through to the DCO and the control documents so that we can understand how the

01:50:00:14 - 01:50:05:11

what you're going to do on site links through. Uh, In in the round, as it were.

01:50:06:14 - 01:50:46:09

Okay, I'll do my best. So typically you would establish the site compound first which again would have. We'll call it the temporary fencing for construction, which would be like a Harris style fencing that you'll see at many construction sites. Once that's been established, you would then typically install the perimeter fence, the sort of agricultural type style fencing to secure the site from people being able to wander through before you started construction within the solar farm itself, of installing the modules or any of the other infrastructure.

01:50:47:07 - 01:51:02:08

And then at the end of that construction period, whether it be one of the temporary compounds or the larger compound, you then remove those temporary fences to leave the site just surrounded by the perimeter fence.

01:51:05:04 - 01:51:05:20

Thank you.

01:51:49:23 - 01:51:54:21

If we then move on to requirement 16 on operational noise.

01:52:01:19 - 01:52:07:09

That's obviously looking to put controls in place for work's numbers 1 to 3

01:52:09:00 - 01:52:11:10

and deal with operational noise effects.

01:52:13:17 - 01:52:19:18

What controls the noise for work numbers 4 to 8.

01:52:25:01 - 01:52:49:07

It's common for the applicant, um, the requirements being drafted in that way. Um, given. Although, um, the assessment doesn't show significant effects, the potential for there to be noise impacts from works 1 to 3, hence the suggestion of the monitoring. But the other work numbers don't, you know, aren't in that same sort of, you know, aren't noise producing in the same way or have the same potential. So they're not proposed to have any restriction applied to them.

01:52:53:09 - 01:53:15:06

So there's, there's no no control on the face of the DCO. So it then comes down to the Construction Environmental Management Plan, the Construction traffic management plan, and the other management plans in controlling mechanisms to ensure that the noise environment is within appropriate tolerances.

01:53:15:19 - 01:53:49:03

Yes. Sorry. So. But the requirement itself is dealing with operational noise. Um, so in terms of the work packages, um, work number four is the underground cable. Um works. Five is just general sort of, um, works. That wouldn't be noise producing. Six is the temporary construction compounds which wouldn't be there at that point. Seven is highways works that will have been completed and eight is, um, green infrastructure. But you're absolutely right. During construction, the noise is controlled by the, um, the controls in the camp and the CTP.

01:54:00:05 - 01:54:01:13

No thank you.

01:54:19:12 - 01:54:28:09

I'll pass over to my colleague who's got some questions, I think, regarding, uh, schedules on, on streets and and and so on. Thank you.

01:54:31:00 - 01:54:45:21

Okay. Thank you. Um, it's just a couple of quick questions here. So, firstly, um, are the highway authorities content with the proposed timescales in article 16 relating to traffic regulation measures?

01:54:50:02 - 01:55:22:24

Stephanie Hall uh, Lancashire County Council. So in terms of the articles, yes, I think we are. Have a little note about, um, schedule 16 and the procedure for timescales, uh, for discharging requirements. To which the answer is no. Um, and, uh, the applicants are aware, I think, of other points on schedule 16, which relates fees and 5050. Sorry, my terrible handwriting. Um, uh, which relates to the time scales and fees and things like that.

01:55:23:01 - 01:55:28:03

And that's an ongoing discussion. So, um, I think we'll take that forward outside.

01:55:29:09 - 01:55:29:24

Okay.

01:55:30:01 - 01:55:30:16

Thank you.

01:55:31:07 - 01:55:31:22

And.

01:55:33:09 - 01:55:38:04

Um, anyone from Nottinghamshire Council speak?

01:55:45:19 - 01:55:56:19

With Lawrence for Nottinghamshire County Council. I think at this point we'll have to take back and, uh, respond to you on, I think in principle support the comments of Lincolnshire County Council, But, uh, we need some time to reflect on that.

01:55:57:11 - 01:55:58:14

Okay. Thank you.

01:55:59:23 - 01:56:24:01

Thank you. It's helpful. Just to add, we have had a couple of, um, discussions with the, um, highways authorities from both, um, on this scheme and other schemes around these articles. So I would hope that we have involved them in response to comments and picking up, um, comments on previous schemes, such as including the article around the permit scheme, for example. So hopefully, um, they're in largely agreed form, but obviously if there's any further comments, we'll have a look.

01:56:24:11 - 01:56:27:02

Okay. Thank you. Um.

01:56:34:11 - 01:56:48:05

Although authorities are satisfied that schedules four, five, six and seven are complete list of streets and rights of way and that will be affected by the proposed development.

01:56:49:19 - 01:56:55:20

Stephanie Hall, Lancashire County Council so I have no instructions to the contrary. Um, so I would assume. Yes.

01:57:02:03 - 01:57:05:01

And I'm sure kind of cancel.

01:57:13:07 - 01:57:16:06

I think you're muted. Mr.. Sorry.

01:57:16:08 - 01:57:18:04

My apologies. Thank you.

01:57:18:09 - 01:57:19:06

My apologies.

01:57:20:11 - 01:57:51:02

Um, I'm just confirming that this is, again, a point we'll have to, uh, take away and come back to you on, uh, essentially through our local impact report. Um, obviously, this does relate to the conversation we'll be having in due course on environmental matters and the impact of transport on, uh, access. Um, our comments on that may affect what, you know, the, the, uh, streets that are named in the relevant schedules of the DCO. But we'll we'll have to report back further.

01:57:52:13 - 01:57:58:06

Okay. Thank you. So. And now I'll hand it back to Mr. Morgan to talk about mitigation plans.

01:58:00:19 - 01:58:16:04

Okay. Well, it may be a suitable time for a break, I think. In in reality, it's now 5 to 4. And if we come back at ten past, does that give everyone enough time for, uh, refreshment break and so on?

01:58:17:18 - 01:58:26:21

Yeah. Uh, okay. Well, we'll adjourn this hearing until 4:10, and, um, we'll see you back shortly.