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FULL TRANSCRIPT (with timecode)

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Okay, everyone, it's now 12:10. If we can resume, take our seats and be ready to to resume this issue specific hearing. Thank you.

00:00:38:28 - 00:01:13:15

So we've got to drinking water on the on the agenda. So now we'll move on to Water Framework Directive. I know this just touched on earlier. Um I'm going to start with the applicant now. So in light of the submissions at deadline two from South Clifton Parish Council and Anglian Water. Can the applicant advise if they consider the proposed development could affect the Water Framework Directive objectives, and if not, why not?

00:01:19:04 - 00:01:22:07

Craig Thwaites on behalf of the applicant. Um, I.

00:01:22:09 - 00:02:00:08

Think in terms of submissions at deadline two um, we uh and and in relation to the WFD screening assessment that's been submitted already. Um, we are still of the, um, uh, of the opinion that the potential for any deterioration to existing watercourses or water bodies. Um, well, there will be no anticipated deterioration and there won't be any potential for, uh, reduction in deterioration in the future. Um, we will have to discuss, I guess, specifically with Anglian Water on the extraction point, because I think that feeds in closely with the WFD.

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Um, however, the measures that are outlined within the AU camp, um, and within uh, the during the operational stages as well. Um, will provide sufficient treatment to any runoff to any watercourses or water bodies.

00:02:16:01 - 00:02:25:21

Thank you. Can I, um, just bring in the Environment Agency right now, please? Uh, have they got any concerns in this respect?

00:02:29:18 - 00:03:02:09

Hi. Lucy Hartmann for the Environment Agency. Um, so with regard to the water framework, um, directive and the screening assessment, uh, we obviously provided comments on that at the last deadline. Um, providing that, uh, the kind of amendments that we suggested, um, for kind of pollution prevention are seen to be updated, uh, in the kind of, uh, construction, operation and decommissioning environmental management plans. Um, we're reasonably satisfied. There were ten of two, um, aspects that we highlighted in our response then.

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Um, and apologies if this has been updated at the latest deadline. We're still reviewing those documents. Um, but we just wanted to clarify the, uh, the depth, um, of drilling underneath watercourses for the cable crossings. There was a little bit of discrepancy between, um, a couple of documents. Um, and obviously, we would still await to see, uh, the bentonite fluid breakout plan and the water management plan to be able to review those, to kind of be able to finally sign that off. But providing we can review those and we see those changes that I previously mentioned, we have no concerns about complying with WFD.

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Thank you for those comments as comprehensive. Thank you.

00:03:42:03 - 00:03:47:14

Uh, Anglian Water as well. Have you got any response or comments to that?

00:03:48:27 - 00:04:19:14

Hello. Harry Murphy from Anglian Water. Uh, as I said earlier, um, at the hearing session this morning. if we can be a consultant on those documents and have an opportunity to get clarification and feed into the management plans, that would help to satisfy our concerns. Um, and we obviously in our response to deadline two, we set out some, I suppose, typical areas of concern. So if they could be picked up, um, that would be a good starting point.

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And we can continue to have the discussions and, um, deal with things also through this statement of common ground. But I have nothing further to add this morning.

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Thank you, I appreciate that. Do you want to come back on that?

00:04:36:08 - 00:04:39:00

Yeah. Craig, on behalf of the applicant. Um, yes.

00:04:39:21 - 00:04:47:22

Sorry to pause. Before you do, Mr. white has his hand up, and it would be helpful to have one response. Thank you, Mr. White.

00:04:50:01 - 00:05:27:21

Yes, thank you very much. David White, representing say no action group and 95% of the communities of North and South Clifton. Um, the Environment Agency regulates, uh, a lot of agricultural land based on 1989 guidelines that mandate testing for a limited number of heavy metals. This is, however, excluding other contaminants like microplastics and PFAS, so-called forever chemicals that are known to be cancer causing, and other things like flame retardants, which are part of a big part of what could be released by this solar farm.

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The Environment Agency own report.

00:05:32:26 - 00:06:05:19

Into measuring PFAS in ground and surface water, stresses both data limitation and monitoring gaps and acknowledges the need for improved analytical and surveillance capabilities. That report was done by Professor uh. His name's not, um. Uh, not not that I can find it. Um, also, the Environment Agency, uh, a campaign group Fighting Dirty, has initiated court proceedings for the Environment Agency and the Secretary of State for energy, Food and Rural Affairs because of this matter.

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Uh, in short, the Environment Agency don't routinely test for microplastics and PFAS chemicals and substances. And there's a big, uh, knowledge gap there that the Environment Agency and everyone else, it's admitting that the that uh, the exists with no routine microplastics and PFAS tests. What are the base levels for the drinking water and the water around here? Surface water, groundwater, etc..

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Uh, which are heavily linked to the foods. And if we don't know the base levels, how can we monitor the solar farm and what the effect would possibly from the solar farm and best farms, etc.? Thank you.

00:06:54:12 - 00:07:24:13

Mr. white. Can I just make sure that when you provide your written submission of our hearings, you reference the court case that you mention very clearly so that, um, both the examining authorities and the applicant can understand which case it is that you're referring to, but also the, uh, document from the professor reviewing the the data. Again, if we can understand clearly what that reference is, it would be helpful. Thank you.

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Yes, I can make sure I do that. Thank you. Thank you.

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But before I come back to the applicant, I just checked. There's no further points from other parties on this matter.

00:07:42:05 - 00:07:44:11

Okay. Then we'll go back to the applicant. Thank you.

00:07:45:01 - 00:07:53:13

Thank you. Craig, on behalf of the applicant. Um, yeah. I was just going to agree that we can have those discussions with, them, Anglian Water to agree requirements, etc..

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And the concerns that Mr. Wyatt's are expressing. Do you want to respond in writing, bearing in mind that you've yet to see the references that he's quoting?

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Yes, we'll do that. Obviously dealt with the point to some extent from the previous hearing. But yes, if once we've said those in writing, that would be helpful.

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Thank you.

00:08:20:09 - 00:08:56:04

So that's the end of that item. So now we'll move on to the sequential test and other matters that relate to it. So I'd like to thank the applicant for the extensive submission at deadline two um relating to the sequential test assessment. Um, so if I could start with the applicant, can you please explain that the approach taken in that document, and specifically explaining which national policy requirements support this approach.

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That's been taken.

00:09:00:19 - 00:09:05:01

With the applicant, I'm going to pass over to Mrs. Sarah Price to talk through the approach that's been taken.

00:09:07:12 - 00:09:49:16

Thank you. Sarah Price, for the applicant. Um, so thank you, sir, for recognizing the comprehensive submission that we made at deadline to the applicant, made a deadline to and the intent was to provide a robust, detailed assessment. And that carried out essentially a back check to show compliance with the sequential test for flood risk. So in preparing that document, the applicant had consideration to the policies in NPS one and NPS and three, and also guidance within um, the NPG.

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And that's all set out in the document that was submitted at deadline to act section. If you just bear with me, um, to um, which sets out how policy was complied with. And just confirming and or summarizing rather the policy that was, um, that was taken into account in preparing that document. Um, the applicant considered an identified alternative sites that could deliver the same capacity and the same timescale.

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Um, and that was taken into account in identifying the potential alternatives within the study area. That's paragraph 4.3.23 of NPS and one. Um, in considering what might be reasonably available site, the applicant looked for those that would be in a suitable location for the type of development proposed, with a reasonable prospect that the sites available to be developed at the point in time envisaged.

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And that's set out in the NPG. And I'll get a reference for that in a in a moment. Um, so as, um, the relevant, um, policy in terms of compliance with the sequential test, um, it's paragraph 5.8.7 of NPS one, um, which sets out that, um, the newer energy infrastructure, should that be exceptionally, um, located, um, in flood risk areas that, um, there are no reasonably available sites in areas of lower risk.

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And so what the applicant has done is first look at whether there are reasonably available sites. Um, and then whether those would be at lower risk. And in summary, what's set out in that deadline to submission, the applicants identified 12 potential sites within a 15 kilometer study area. And so I can come back to why we took that wider area for the purposes of this document. Um, ten of those sites are not at lower flood risk.

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So the whole of the study area is characterized by a large extent of flood zones two and three, by virtue of the River Trent running through broadly the middle of it. Um, and so ten of those sites had large proportions of flood zones two and three as well. Two of those sites that were identified had some areas of flood zone two and three, but much smaller areas. And so the applicant, um, draws attention to the characteristics of those sites, looking at the suitability of them for solar.

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And in fact, we have actually looked at all 12 of those sites. But the two that are, um, have lower flood risk, AP five and AP six and were not readily available. And they were also unsuitable for solar for a number of reasons that are set out in the report, but primarily the proximity to an existing gliding club. And one of the sites, um, fell within the runways used by the gliding club, and one of them fell adjoining to it. Um, but also that they're both within the landscape area to the west of the River Trent, which it's the applicant referred to in H1 when we were considering this subject has much more, is on higher ground and has much more open views in the landscape.

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Both of those sites also had greater heritage impact in the view of the applicant and also a greater impact on residential amenity as well. And so the applicant's sort of overall opinion, considering the potential for alternative sites in that area, should that search have been undertaken in the way that it set out in the report, is that there aren't any reasonably available sites at lower flood risk, and therefore that the sequential test is passed? And just the final point, sir, that I would make in terms of compliance with policy as well, and how we've considered that readily available test, as we have also looked at other nips coming forward within that 15 kilometre search area.

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And when one looks at those, the further you go out from home on and effectively, particularly between the ten kilometre and 15 kilometre study area, and you become much closer to those other ends of scale solar developments as well, thus increasing the chance for cumulative effects. So that was a consideration as well. But but not the sole consideration or even the predominant one.

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Thank you.

00:14:59:23 - 00:15:00:20

Thank you.

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In paragraph 4.2.1 of the submitted sequential and exception test assessment, um, it sets out the search criteria that have been used for the site selection process. Can you explain how these criteria that have been used are compliant with national policy?

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And can you highlight which national policy requirements for each criterion that have been used.

00:15:43:11 - 00:16:21:15

Thank you sir. So those site selection criteria set out at 4.2.1 were the same criteria set out in the site selection assessment, which was appended to the planning statement at app 168. There a long list of criteria, sir, and I don't have all of the policy references. Um next to me, um, to draw your attention to. So if you're happy to we can reply in writing um, to to each of those, um, what I can do is set out some general considerations.

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Still, if you're happy for me to to do that, sir.

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Yes, please. Yeah.

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So the first site selection criteria was that the project would contribute to meeting the UK's urgent need for low carbon energy generation. That's set out at numerous references in NPS and one, and in particular, the critical national priority applied to renewable energy infrastructure, including solar development. And that CNP policy is is set out, for instance, at paragraph 4.2.14 of NPS and one um, which sets out that, um, the where the Secretary of State is satisfied that um, uh, they being the consideration of the impacts and benefits of the proposed developments are met, that the CNP presumptions will apply.

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And that's broadly that effectively that the mitigation hierarchy needs to be followed. Um, and where the application where the applicant can demonstrate that the residual impacts are unlikely to way outweigh that critical national priority infrastructure need. There are some exceptions to that which. So I assume that you don't necessarily want me to go through now in relation to this topic. But the the point is that national policy clearly sets out that urgent need for low carbon energy infrastructure.

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Um, the second site selection criteria that the applicant adopted was that the site should be as close as possible to an available grid connection or part of the transmission network in which that capacity exists. Um, Mbps and three sets out site selection factors that should, um, influence an applicant in their choice of sites. Um, and one of those is network connection, um, paragraph 2.1.23 of NPS and three.

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Um, makes the point that larger developments may seek connection to the transmission network if there's available capacity. Um, and also at paragraph 2.1.21, um sets out that, um, clearly network

connection is an important, um, issue. Um, clearly these projects need to be able to connect into the energy

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infrastructure to be able to transmit, um, to the national grid. Um, again, I don't have the references immediately to hand, but in DCO and CIP decisions to date, um, on solar projects, uh, each of those decisions has established the importance of having a grid connection. Um, in terms of being as close as possible to that grid connection the applicant has As set out in the planning statement, which just to remind us.

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AP 168 the reasons for seeking a connection or a site as close as possible to that point of connection, which includes reducing the environmental impact of the cable corridor, being able to deliver the project in a expedient and timely manner. The longer the cable corridor, the the greater the risk for time delays and also the impact of process losses over a longer cable corridor as well.

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Um, the third criteria is avoiding impacts on sensitive landscapes and environmental environments as far as practicable. There are numerous policy references, particularly an NPS, and one around minimising impact on landscapes and sensitive landscapes in particular. And so the applicant has considered that in its choice of site. The fourth criteria is being situated away from densely populated residential receptors and communities.

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And whilst there isn't a direct policy requirement to avoid this, the applicant considers its good planning to seek to reduce impact on residential receptors. The applicant also appreciates that that's a balance, and the applicant's view is that that correct balance has been sought. In this case, it is a consideration and the closer development is to, um, residential areas and more residential receptors, the greater the need to consider mitigation and offsetting and the opportunity for potential residual impacts.

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So that was an important consideration to the applicant. The fifth criteria Area is that the sites would be, as far as possible, located outside. Best and most versatile agricultural land, and noted that this could not always be avoided, depending on the overall land quality in the area. We had an agenda, I.

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Know just for you, there's a message popped up on the screen saying the recording stopped. Can I just clarify? With the AV team, things are functioning as they ought to.

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So. So can we safely carry on? That's. That's okay. Thank you. Sorry to interrupt you.

00:22:15:08 - 00:22:57:09

No, of course. Thank you, sir. Sarah Price for the applicant. So I was just explaining the criteria taken in relation to best and most versatile agricultural land. We had a discussion on that at the hearings

yesterday. Day, and the applicant has sought to prioritize areas away from best and most versatile agricultural land. Before considering locating on such areas a site selection stage. The applicant suit sought to avoid the larger areas of grade two to the west of the study area, and then through a more detailed design and siting as set out in the Design Approach document.

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I'm sorry I don't have the reference to hand, but the applicant has also sought to reduce the level of best and most versatile agricultural land being used. And we did also cover that at the previous set of hearings. Um, the applicant also initially considered sites which would not be wholly located within flood zones, to ensure that more sensitive electrical infrastructure could be located outside areas at risk of flooding. And that's primarily in relation to the the Bess and substations.

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And really, this criteria was just ensuring that there wasn't a site that was entirely within site zones two and three and therefore wouldn't be able to achieve those levels of safety. And clearly, we've submitted the sequential test assessment to show how we've sought to, uh, avoid locating in flood zones two and three as far as possible. And there were no alternative sites at lower risk of flooding. Um, I will get there soon.

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The next criteria is that the sites would be readily accessible from the existing strategic road network to facilitate construction access, and the whole of the study area is reasonably well connected to the strategic road network. And so that wasn't a criteria which particularly differentiated between sites. And then the final criteria is that the site would be delivered on land which could be acquired voluntarily, thereby avoiding or minimizing the need for large scale compulsory acquisition and says, I know that you've asked a or you have asked and we have answered a first written question on this point, and that's also covered in this document that I'm running through now in relation to the sequential and exception test, in the approach that the applicant has taken to

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the availability of land on the basis of your questions at the first set of hearings, that a DCO in theory allows compulsory acquisition, and is that a criteria that should be sort of driving the identification of sites and whilst willing landowners was the applicant maintains a really important consideration. It wasn't the sole consideration for discounting any of the sites. And that set out in the document I'm referring to.

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just a reminder as rep to 080 and however, including land within a solar and zip where there's a completely unwilling landowner does have a number of issues which increases the risk of delivering the project or indeed any project, um, by the date of the grid connection agreement. Um, and thus delaying the delivery of critical national infrastructure. Um, that's primarily in terms of issues that would arise with site access.

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Um, and carrying out early survey work. Um, where the applicant, whilst having powers to be able to enter the land if it chooses to do so without the owner's permission, that would add both time and cost

to programs. There's also an increased risk of significant objection of consultation stages. Yeah, I'm conscious that there are levels of objection to this project, as there are to any, um, large scale national infrastructure projects, but the applicant did want to seek to reduce that where possible and to be able to deliver projects again by consensus where possible.

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And that can be really difficult if you're promoting large scale projects on land where the landowners do not want to put forward their land for that development. Um, and then just finally, the applicant would also need to show, as we went through in the compulsory acquisition hearing yesterday, that it had taken necessary steps to acquire the land voluntarily first, um, which would add both time and costs compared to that associated with a willing landowner.

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Um, in the situation that that did arise. Of course, the applicant would need to show that there were no alternatives to the compulsory purchase, and in this case, there would be an alternative, which would be this project which would be able to deliver the land voluntarily with willing landowners across the vast majority of the project. I appreciate that we we have an area of cable run where we're still in discussions, but I think that's a very different case from having large scale compulsory acquisition across the solar PV areas as well.

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And thank you says.

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Thank you for that. Um, I think

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you touched on the, um, extended search area. So I think we'd like to get a bit of a better understanding around the technical constraints that would limit the distance of a solar farm of this scale. Um, being able to connect into the home on them.

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Thank you sir. I will answer from a planning perspective, and it might be that my colleague, Mr. Sneddon, has some points to make from a technical perspective as well. Um, sorry. Sarah Price for the applicant. We've set out the overall considerations that clearly the longer the cable run, the greater cost disruption, environmental impact. Um, so the applicant has sought to take a balanced approach to defining, uh, a length of connection which it considers suitable in this instance.

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So we've talked about in the previous set of hearings, there doesn't seem to be a great deal of consistency between solar and CIPs, with some projects adopting a much shorter area, um, or a smaller search area and some taking a search area up to say, 20km. Um, in this instance, the applicant still considers that a ten kilometre search area is appropriate. Having regard to the physical characteristics of this area. And that's primarily because as you get further away, you end up encountering, um, more crossings of existing infrastructure.

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So further road crossings, for instance, um, the East Coast Main Line runs sort of in a curved direction towards the west side of the 15 kilometre study area. And so the further one moves away in that direction, and the more chances there are that cables would need to cross both road and railway lines and further roads, that there could be a technical solution to that. But clearly the more crossings, the greater cost and delay is and complexity is added to the project.

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Um, in this instance as well, having regard to the the characteristics we're dealing with in Within this situation, I think it might be helpful just to pull up the plan showing the cumulative developments within the study area as well. So if that would be helpful just to help illustrate this point.

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Yeah. Be helpful.

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Thank you. So that's just on page 88 of rep two zero 80.

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I'll just wait for it to come up.

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So this plan there's a number of plans within this document, but, um, shows the the largest sites considered through the sequential test assessment and shows the location of Hyman and Substation and then the ten kilometer and 15km study area. And whilst illustrating the cumulative schemes, it also helps illustrate the sort of geography of the area and characteristics as well. So you can see there that within the Between the ten kilometer and the 15 kilometer study area, you one encounters a number of the other solar inserts coming forward to the north of the study area.

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You can see the steeples renewable project and then gate, Burton, West Burton and Cottam, and then slightly further afield till bridge and then to the south of that area. There's also Foss Green Energy Park and Great North Road Solar Park. Um, and also this drawing illustrates that the further east you go effectively, projects end up very close to the Lincoln urban area as well.

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Um, there are other plans throughout this document that show to the the West. Um, there's a large area, um, Clumber Park, um, which, Uh, it's the designation. Sorry. Um, has avoided me, um, temporarily, but I will check that as well. But. But there are other areas that are, um, I think it's a registered parking garden. Um, but that the applicant would encounter through going further west as well.

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Um, so the study area is not just a distance taken that would be generically applied across projects. It's an area that the applicant considers is appropriate having regard to the particular geography of this area as well. Um, whilst the applicant considers ten kilometres is a suitable distance, uh, it has carried

out that search now across the 15 kilometre area to show that from a sequential test perspective, that doesn't mean that you encounter additional sites that would be, um, suitable for the purposes of the sequential test.

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Thank you for that. There are a couple of points that you refer to. Um.

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And before I do, Mr. Sneddon was potentially going to come back on the more technical side. So is there anything further you would wish to add at this point? Um, are you in Sneddon for the applicant? I think my colleague Sarah summed it up reasonably well. Um, longer cables is higher losses to the system. Um, it's more cost.

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Around the the capital expenditure for the scheme, which would have a knock on effect on how much impact it can have in reducing overall electricity costs. Um, and then the, the major ones on the west, the A1 and the East Coast Main Line. Um, is is quite a considerable cost costing both those types of infrastructure. So that would also increase the cost per kilometer of cable that you would see if we if we went beyond that, that point.

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Um.

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And then the other considerations really is, is from a technical point of view, um, is the greater disruption that that cable route causes within the wider landscape. Um, creating that that corridor through various environmental areas is going to have an impact there during construction. Thank you.

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Thank you. Now that's understood. Um, what I was trying to understand was, as it's been recognized, there isn't a consistent approach and there's obviously no specific guidance within national policy as to the extent of search that should be undertaken? Um, but in a simplistic way, the larger the site, potentially the greater the flexibility there might be in being further from the connection point, but also additional constraints arise because of that increase in size.

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Um, so there's a, a challenge there. But as we can see from that plan that's on display. The approach, um, is clearly quite different from different developers. Some are quite, uh, dispersed, which is perhaps the most obvious example is the in the southwest, uh, the pale blue, which I think is the great North. And the approach that you've taken where you're looking to focus things in a more compact way closer together.

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And um, that's obviously been influenced. It would seem, from the design approach that you've taken. But that's a that's a choice that you've made rather than a policy requirement. And

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that choice appears to have influenced the approach you've taken here as well, because within the assessment, you've identified two site areas for search to feed in. I forget that the figures 490 hectares and something else. So can you just explain to me why those areas were chosen? Because again, that's not a policy starting point. It's a choice that you've made. And bearing in mind that we've ended up in a situation where a significant part of the site is in the flood zone, had you made different choices, would you have ended up with a different outcome?

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Netting for the applicant. Um, there's a lot of different considerations that go into making that choice. Um, I think to, to start with a bit of explanation. Um, I'm just going to look at that other example you brought up of Great North Road. It being a very dispersed site. So what you find and this explanation a little technical, um, where you have a larger area of solar, you tend to have to increase the voltage of the connection between them to a higher voltage.

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Higher voltage cabling requires wider corridors and deeper cable installation. Um, and you do that to mitigate the losses within that, that cable route where you've got something like Great North Road with small dispersed parcels, you can interconnect them at lower voltages. And then the consequence of that is more substations. So each of those little parcels will have a smaller substation that has that visual impact and all the other impacts that we've assessed on on the substation locations themselves.

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So it's a little bit of a choice of dispersed higher number of substations or concentrating the site to reduce the number of those substations and therefore using higher voltages to interconnect the sites, which is what we've done with this site, primarily because we always knew there was going to be a crossing of the Trent with the site that we have and brought forward.

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So then we look at what if we're going to have to cross the Trent, we want to try and cross the Trent in an efficient way, a high voltage. So we did look at different voltage levels that we could make that crossing out. Um, and it was determined that the higher the voltage was better at 400 kV. Like we're doing here. Um, which kind of then made us

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almost put a lower bound on the size that we wanted on each side of the river to cross it, 400 kV. Um, in terms of those two sizes is what we've used going forward. When we assessed the other sites, um, around the 400 hectares would be sufficient to put sufficient solar in to justify having that single voltage connection between the two sites and the grid connection. It reduces complexity, um, of the electrical system at the design stage.

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I think. So just to add to that, in the context of the approach to the sequential test, um, as you pointed out, if I had a clear preference for one contiguous site, which is the approach we've taken in looking for those sites, but recognizing the guidance in terms of whether a series of smaller sites is appropriate. We have then also just to make sure that assessment is is robust, then looked at if there's

the potential for two smaller sites within six kilometres of each other to to try and address that point despite um, in our, in our view, an appropriate site being one contiguous site.

00:40:35:08 - 00:40:40:17

So we have um, tried to go further in that respect to, um, to deal with that point.

00:40:42:06 - 00:41:20:06

Sorry, can I come in as well? Apologies. Sarah Price for the applicant. Um, I think also, sir, to go to your question around that, even if we'd looked at more than two as well, um, they would still be sort of a combination of the sites that have been identified because they're from going through this exercise quite thoroughly. There aren't And alternative areas within the 15 km that could come forward separately, and that would result in sort of different choices of of what might be available for the purpose of purposes of the sequential test.

00:41:20:08 - 00:42:13:04

And if I just could bring up one more plan, because I think it helps to show the area which is the one on page 90 of this same document, web 280. Um, this shows the area of the River Trent and flood zone running through the middle of the study area. Sorry, it's quite a busy plan. Um, but actually, this shows the larger sites considered that in themselves aren't whilst they're contiguous, they're they're not sort of solid blocks. They're sort of quite, um, spaced out and, uh, what's um, but because of the characteristics of this area, once you, um, discount sort of urban areas, Conservation areas and needing to keep suitable offsets away from listed buildings, triple size and then other schemes.

00:42:13:06 - 00:42:50:26

So for instance, if you look there, there looks like there's a sort of potential available site to the southwest. But then that's the Great North Road solar farm. And so we did look quite carefully through this area about where the gaps were. And, you know, could we potentially look at even sort of further site disparate sites. And the answer was that there just isn't any further alternatives than what we've set out in the sequential assessment. So I think in answer to your first question, had we set this out slightly differently, I don't think it would be a different outcome.

00:42:50:28 - 00:43:01:11

But we have to sort of stop somewhere in terms of the sites we actually identify. There could be numerous different, um, ways of doing that.

00:43:03:11 - 00:43:13:28

I appreciate that. It's helpful to have a greater understanding of the approach that's been taken. Can I just come back to the point that Mr. Sneddon has made in terms of the

00:43:15:15 - 00:43:36:16

technical reasons? I think I've understood that. But what came first? Was it the site selection and therefore that was influencing the technical, um, reasoning or the other way around.

00:43:38:12 - 00:43:47:25

You in Sneddon for the applicant. The site selection was undertaken before the engineering phase was undertaken on the scheme.

00:43:49:21 - 00:44:16:19

Um, with a little bit of sort of consultation around how an effective scheme is built being done beforehand. But the actual detail of auctioneering, how to connect, where the connections would go. Voltages of substations. That was done once the site that we have brought forward was was um. Agreed. Of the site selection.

00:44:22:11 - 00:44:28:29

So, um, if that came first, the

00:44:30:15 - 00:44:42:00

report that we've now been presented with at deadline to with the site areas within it. How does that work its way through in what was done to.

00:44:44:12 - 00:44:47:27

Comply with the sequential test in the first place?

00:44:49:04 - 00:45:26:15

So Sarah Price for the applicant. This is a back check exercise. We've explained that in the report as well. Uh, but in carrying out the site selection to start. And that's set out in the site selection report appendix of the planning statement. The applicant applied those considerations to its select choice of site, so that included a balanced view across planning and environmental disciplines.

00:45:26:17 - 00:46:08:26

And planners were involved in that exercise, and the applicant took advice from both planning and environmental consultancy and choosing the site, as well as its own experience of selecting sites for solar farms. So the site selection exercises as set out did consider flood risk as a consideration. It didn't go through the exercise that's presented now of deliberately identifying alternative sites on a plan, but it did consider that land as potential alternatives in going through the exercise of considering appropriate land for solar within proximity of high demand and substation.

00:46:09:02 - 00:46:33:20

So we this search is presented as a as a back check because it wasn't it wasn't done in this way, but the sequential test was considered as a flood risk rather was considered at the site selection stage in the way that the applicant set out in the original site selection report. We've done this for added clarity.

00:46:36:19 - 00:46:47:28

So in terms of the site selection report and the two hectare edges that you've referenced within it, that wasn't part of the original, um, approach.

00:46:49:02 - 00:46:51:10

Correct. It wasn't part of the original approach,

00:46:52:27 - 00:47:08:28

but the the applicant did consider, um, appropriate land within the vicinity of home and substation within the ten kilometer study area. An inherent in that was considering a range of planning and environmental considerations, which included flood risk.

00:47:14:18 - 00:47:15:03

Okay.

00:47:17:04 - 00:47:34:28

I'll need to process some of this, I think. But there are other people that I think have got some comments they would wish to make. So am I who am I coming to? You first, Mr. Fox, and then I'll come to Lincolnshire County and. Okay, we'll go around. There's obviously a number of contributors. Mr. Fox.

00:47:35:20 - 00:47:45:27

Are we satisfied that the connection itself is necessary to, um, achieve the benefits claimed? What? What evidence is there.

00:47:45:29 - 00:47:46:17

That.

00:47:46:27 - 00:47:57:19

The objectives of the policy on the energy can be achieved, can't be achieved by placing miles away.

00:47:59:09 - 00:48:04:01

The benefits are specific to the connection. The connection will be used anyway.

00:48:09:10 - 00:48:26:29

Um, they said. The second point is that the the size is just too big. There's no. There are only six, um, solar farms of this size in operation worldwide. They are all on deserts or near deserts.

00:48:28:04 - 00:48:36:13

I could only find two that are on a floodplain, and one was about 300 acres and the other is 45.

00:48:37:29 - 00:48:47:06

Um, it's just too big. You're not going to find the land. Um, other countries apply their planning policies, which protect biodiversity and the like.

00:48:51:06 - 00:48:56:01

Okay. Uh, Mrs. Fox. Are you hunting, sir?

00:48:57:00 - 00:48:58:07

Sir, I'm writing it.

00:48:59:12 - 00:49:01:00

Heather Fox, resident from North Clifton.

00:49:01:02 - 00:49:10:07

Yes, I have things to say, but I'm writing them down, sir, because I feel I didn't want to take that long. Convolved. Thank you.

00:49:10:09 - 00:49:14:02

Okay. That's fine. I come then to Lincolnshire County Council.

00:49:14:29 - 00:50:03:11

Yes. Thank you. Mr. Fox could just turn his mic off if he's finished. Thank you. Um, so, um, as you rightly noted, this is very much a, um, a retrospective exercise. I think it's been described as a back check exercise by the applicant. Um, so it's very much an exercise undertaken where one knows exactly the answer they want to get to in the end. Um, I think, um, I would direct your attention to paragraph 5.2 points, uh, point three of that backtrack exercise, because this is really the very limited bit of information that is given about this six kilometre, um, requirement in terms of the distance between adjacent sites, and the only real explanation of the exploration of the idea of smaller sites combining smaller sites.

00:50:04:03 - 00:50:47:20

So, as you've already rightly noted, um, there was no consideration given to splitting the site more than twice. Um, and I think that's interesting in light of the results that are generated by this exercise, uh, where two potential sites are identified and then eliminated. And one does wonder what would happen if there was an exercise of splitting things into three. Um, but it's also interesting to note, um, how quite how assertive this paragraph is. So it's asserted, for example, that anything further than six kilometers would require a large, uh, cable corridor width, which would have consequences in terms of an inability to avoid sensitive environmental receptors and disturbance.

00:50:48:05 - 00:51:21:26

Um, respectfully, I think the submission would have to be that that is exactly the sort of point that one wishes to explore once one has identified those sites. So sites are being discounted on that basis. Um, straight off the bat. Whereas the question of whether or not there's a sensitive environmental receptor or more disturbance is really an issue to explore once the site has been identified. And on that basis, it may be appropriate to discount it. Um, but I don't see how, as a matter of generality, it can be said that every single site is going to have a difficulty avoiding sensitive environmental receptors.

00:51:22:04 - 00:51:52:29

We're also told under that paragraph that if more than two sites were proposed, this was significantly add to timescales for delivery and it would have an impact in the efficient use of land. Again, that's highly assertive. Um, there's no evidence or there's no real substantive explanation as to why that would necessarily affect timescales for delivery. It seems to me that that would be an entirely site specific question, based on the specifics of those particular sites, and what planning issues and other technical issues they might generate.

00:51:53:01 - 00:52:25:06

So again, it seems unusual to elevate that to a criteria for eliminating sites at that point and then also impact an efficient use of land. I'm not sure what that means because it's highly general. Um, so there

is some concern, I think, from the council that whilst this is a helpful document, it's useful that the 15 kilometre search area has been used. It's useful in providing more content. Um, and it was obviously necessary. That's why it's been done. Um, there's still quite a lot missing in terms of explaining the approach to two sites.

00:52:25:08 - 00:52:33:11

Why not three sites? And then this issue of the six kilometres. Um, so we say it's still lacking in that respect. And there are some questions to be addressed there. Thank you.

00:52:34:14 - 00:52:36:24

Thank you. Come to West Lindsey.

00:52:37:29 - 00:52:45:21

Yeah. Thank you, sir Russell Clarkson, West Lindsey district council. Uh, just following on from that, uh, 5.23, the contiguous.

00:52:45:23 - 00:52:46:08

Or.

00:52:46:10 - 00:52:46:25

Multiple sites.

00:52:46:27 - 00:52:47:12

Questioning.

00:52:47:14 - 00:53:31:04

The criteria. I think it is just worth noting that the cotton development, which now has consent, actually splits itself across four sites. I think that actually extends beyond 15km from its point of contact, point of connection. So just some context there to be mindful of. But the point I wish to raise was, was really whether the the assessment is welcome. We've got a bit more information on this now. It's a deadline for submission. So we are still working our way through that. But at 5.2.6 it says with the alternative sites identified which were considered as reasonably available alternatives, ten of them were discounted as they were located primarily within flood zones two and three, and therefore were not sequentially preferable to the application site.

00:53:31:19 - 00:54:02:07

When you then look into the appendix, it says things such as a P1 it uses. Instead of saying primarily, it says it's partially within zones two and three. And I think the drawing up there helps. Um, for instance zones. AP one, AP three, AP four, AP five eight, one three and five four have all been discounted as being in zones two and three. What we don't have is a clear comparison between the extent of land at flood risk within these sites.

00:54:02:15 - 00:54:36:18

There's no comparator between the application sites or not. We know the application site using the applicant's figures. 54% of this site is in zones two and three, more than half, but we cannot see how that compares with the reasonably alternative sites that they have identified at 985 hectares. The

reason I consider that's relevant is because under M one, it's clear that the policy test is that we're steering development to areas with the lowest risk of flooding, and I think would therefore help the examination if we had a clear comparison between this and the other reasonably alternative sites.

00:54:37:11 - 00:54:44:02

Does this include more land at risk of flooding or not? It's not overly clear from the document that I can see so far, unless I've missed that, sir.

00:54:46:08 - 00:54:47:02

Thank you.

00:54:48:19 - 00:54:55:25

Um, I know there's some hands up online, but before I go there. Are there any other contributions within the room?

00:54:58:18 - 00:55:00:19

Okay. Um, Mr. Walker.

00:55:08:07 - 00:55:36:27

Hello. Uh, Craig Walker, resident of North Clifton. Uh, I'd just like to point out, uh, the, uh, comments from the applicant regarding the losses. Uh, and, uh, partly explaining their search area. Ten kilometers. Uh, the technical losses, uh, of, uh, tens of kilometers is extremely low. Uh, um, uh,

00:55:38:24 - 00:56:29:20

it doesn't explain for a lower search area, ten, 20, even 30km. Is the. Basically the losses between 10km or 30km is extremely low. Uh, it might be useful for the applicant to provide, uh, uh, tabulated, uh, loss cost, uh, list showing the, uh, what is the actual loss by going out, uh, from 10 to 15, uh, 20, 30km, because, uh, if the cable in size correct is size correctly, the losses, uh, that these voltages should be minimal.

00:56:32:02 - 00:56:34:20

Okay. Thank you, Mr. Walker. Mr. white.

00:56:38:24 - 00:57:10:15

Uh, thank you very much. David White, representing the CEO action Group. And 95% of the communities of north and south Clifton. Um, the point I wanted to make is, uh, is the sheer massive size of some of this, particularly the best. It's much bigger than it needs to be. It's a massive compared to other solar farms across the world. Uh, this, of course, has a knock on effect with regards to other infrastructure that's needed to manage that. It wouldn't need to be so big. And it's mostly about making money from arbitrage, not actually the solar farm itself.

00:57:11:04 - 00:57:41:21

Uh, I wanted to make a point about UK solar targets. Uh, the UK solar target for 2030 is 47GW for 2035. It's 70GW, according to the tech register of solar installations in the pipeline add up to 131GW. Twice the almost twice the UK 2035 target. Uh, and most of these aren't over a drinking water

protected area. And many in our community are wondering why this is so big when there's so many others in the pipeline.

00:57:41:23 - 00:57:47:01

Especially considering the ecological importance of this area. Thank you.

00:57:49:04 - 00:58:07:03

Okay. Thank you. So before I ask the applicant to respond, Mr.. Why is your hand gone up again? Or is it a legacy? Is it. Oh, okay. Thank you. Um, so if I can then return to the applicant to respond, please.

00:58:07:21 - 00:58:40:22

Thank you. Sir. Um, I think firstly, just on the points from Mr. Fox and Mr. White, um, I think they stray outside of this specific agenda item going to more sort of need and, and size of the scheme and that sort of thing which we've addressed elsewhere. And we can provide signposting to where we've done that in our, in our response. Um, I think we've really covered the, the point about the smaller sites. And Mrs. Price has gone into further detail on that in particular. I think what comes across, though, is that, um, there's probably just different views as to what compromises a, an appropriate site for the purposes of the sequential test.

00:58:40:24 - 00:59:19:18

Um, and I think the, the case, I was quite clear that, um, there is some room for, you know, that is influenced by specific needs and characteristics of the site. Um, and, and probably won't always be the same or agreed across different sites, different locations, different schemes, different developers. Um, so we've set out what we consider goes to making an appropriate site for this scheme. And that's informed our approach to the sequential tests, as um, explained by Mrs. Price and as set out quite comprehensively in the document we've submitted at deadline too. Um, and appreciate other people perhaps disagree with the with the selection essentially that we've set out for the criteria for what constitutes an appropriate site.

00:59:19:23 - 00:59:53:24

Um, and I suppose it's for you to decide whether you think our approach to that has been has been reasonable or not. We would say it has been. And we've given clear reasons for the approaches that we've taken, and we think we've undertaken a robust and proportionate approach in that respect. Just in terms of the comments around sort of the retrospective exercise, Mrs. Price is quite clear that in site selection there were planners and environmental consultants involved. We're not just looking at flood risk at that point. We have a lot of other policy considerations that we need to take into account. So there's planning and environmental input to that with a view to being able to comply with policy.

00:59:53:26 - 01:00:28:02

And we couldn't just come and submit an application which has just focused on the sequential test without being able to demonstrate how we've applied the mitigation hierarchy across the whole of the across the whole of the scheme in terms of all the impacts that are covered by N1. So we are balancing quite a lot of factors. And Mrs. Price was clear that flood risk has very much been a factor as part of that. And the need to comply with national policy in that respect would have informed what

the planners involved in that exercise. We input into that, and I don't think the approach we've undertaken in that respect is unusual.

01:00:28:07 - 01:01:00:05

Um, I think is consistent, for example, with the approach on Haggerston Fen, um, in that and I think that probably just reflects the reality. And it's actually quite candid of Mrs. Price, really, because that's the that's probably the reality in that, you know, all these considerations do go into finding the site. Um, there's obviously specific things we then need to do for the purposes of the application to demonstrate why. That's why that's appropriate. But it's it's sort of suggested as sort of reverse engineering, which it's very much not. Those factors are very much part of that site selection exercise. Um, I don't know if Mrs.

01:01:00:07 - 01:01:12:27

Price wanted to expand on anything else there, but, um, I think we've probably, um, covered the points and those overarching points, I think pick up on quite a little of the specific points, which go to the factors in forming. What's an appropriate site in this context?

01:01:13:18 - 01:01:54:28

Okay. But I think it would be helpful in the written submissions if you can give us detailed responses to the points that Lincolnshire County, West Lindsey have made and the point that Mr. Walker's requested, I think that would be helpful to understand the relationship between distance and power loss and, and and how that Changes and obviously the comparison between the sites you've excluded and the site you've selected in respect of flood risk area and obviously the the reference that Lincolnshire County made to the what they described as assertions within the document as opposed.

01:01:55:08 - 01:02:36:06

Where is the evidence to support what you've said? Um, and again, is there a justification for selecting two sites rather than three or, or four? You know, where where does that come from? Because it's not specifically within policy. It's the approach that you've taken. And in simplistic terms, if you start from the wrong place, you end up in the wrong place. You know, in the questions that you posed to yourselves. So because, um, the policies, I think you should be passing the sequential test in the first instance before applying the exception Test.

01:02:36:08 - 01:02:58:23

And it is, you know, what is the. We've got a follow up question which we'll come to in a moment. But, you know, it needs to be exceptional, you know, is have we got to that point? So, um, if I can leave those elements with you and, um, whether we need to actually pose that question. Um,

01:03:00:12 - 01:03:07:10

I'll have a chat with my colleague, but, uh, I think that's where we're up to at the moment. Thank you.

01:04:01:00 - 01:04:22:00

Moving on to the exception test is a tool for site selection in exceptional circumstances. National policy obviously allows solar development to take place in the flood zone. What makes the circumstances of site selection for the proposed development exceptional?

01:04:26:29 - 01:04:44:28

For the applicant? Um, we've um, applied the exception test as set out in the policy in terms of those two limbs. Did you want me to address the compliance in that respect? Um, I suppose both in terms of the first one about wider sustainability benefits and then in terms of being, um, safe for its lifetime.

01:04:46:14 - 01:04:47:03

Okay.

01:04:47:09 - 01:04:48:25

Um, I'll ask.

01:04:48:27 - 01:04:49:25

Um, Mrs..

01:04:49:27 - 01:04:50:12

Price.

01:04:50:14 - 01:05:00:01

Did you want to cover the first point about the sustainability benefits from sequential from our sequential assessment document? I'll pass to Mrs. Price on that one.

01:05:04:27 - 01:05:32:00

I apologize. Um, Sarah Price for the applicant. Um, so the document that we were the applicant was referring to previously, just to remind everyone's rep to zero 80. Um, also looks at compliance with the exception test. Um, following compliance with the sequential test. Um, which obviously has,

01:05:33:16 - 01:05:47:28

two limbs. And the first being that wider sustainability benefits will be provided that outweighs flood risk. And the applicant has

01:05:49:18 - 01:06:28:00

referred to an articulated and those wider sustainability benefits through a number of the written submissions, including both the planning statement and, importantly, the statement of need as well, which, just as a reminder, is app 173. Um, those sustainability benefits largely arise from, um, the significant renewable energy being generated by the scheme, which would meet the legally binding commitment to net zero, which would make energy more affordable and reliable for all.

01:06:28:08 - 01:07:07:22

Um, recognise that that's not a specific local consideration, but through delivering more renewable energy in line with that legal commitment, that's benefits that arise for everyone, including the local area. As the applicant referred to in the compulsory acquisition hearing yesterday as well, the applicant proposes that there are also local community benefits that would be delivered through the additional proposed permissive paths, which we discussed yesterday.

01:07:07:29 - 01:07:39:24

In terms of the benefits arising from those, I appreciate their different views on that, but that's the applicant's position. And also by delivering biodiversity net gain and further environmental enhancements through the proposed woodland and tree planting. The applicant also considers that a wider sustainability benefit is the additional jobs and investment that would be created by the project.

01:07:40:03 - 01:08:13:03

Approximately 1 billion in value, pounds in value during construction and 4000 full time equivalent jobs across the whole value chain. Um, so the applicant, um, considers that those are the wider sustainability benefits that would apply to the community. Um, that that would, um, outweigh any potential flood risk, which we've obviously addressed in previous hearings in relation to the negligible of that.

01:08:13:15 - 01:08:14:09

Thank you.

01:08:18:11 - 01:08:35:07

So did you want us to go further into the second point of that or. I know we've discussed sort of flood risk, etc. at length, which I think obviously feeds into that. The second limb of the exception test in terms of the impact on flood risk. But do you want us to go further into that, um, again now or.

01:08:36:23 - 01:09:12:25

I think I'm content with understanding the position you've taken. Um, I think there's really just one question that follows up. Really. You acknowledged, I think, that we are going to have to go away and consider the position as set out and come to our conclusions as to whether the sequential test has been met or not. And clearly, we'll have to reflect on what's been said today, but also in the subsequent submissions as the examination progresses.

01:09:13:25 - 01:09:14:13

Um.

01:09:16:19 - 01:09:52:10

Ultimately, the Secretary of State will need to decide, because we will make a recommendation and the Secretary will either agree with it or not, as the case may be. If the Secretary of State were to conclude that the sequential tests had not been met, um, would that lead to needing to remove those elements of the site within flood zone three? And if that was the consequence, would the scheme remain viable?

01:09:54:16 - 01:10:26:16

This comment to the applicant, um, in answer to the first part, um, no, I don't think that is the logical conclusion from deciding that the sequential test has not been met. Obviously are very much hope to convince you and the sector of state that that has been met. And then moving on to the exception test that that has been met as well. Um, in the hypothetical situation of deciding that both the sequential test and I assume the exception test had not been met. You're in the position of having a policy non-compliance there. And then I think it comes to the weight that you give that in the decision making.

01:10:26:18 - 01:11:02:02

It's not an automatic refusal situation or that you need to grant consent for that area. I think it probably puts you into the region of paragraph 5.8.42 of NPS one, which then leads you into a balancing exercise. And that paragraph says, exceptionally, we're an increase in flood risk cannot be avoided. And I assume that's probably the situation, if you were in that because you decided that we hadn't passed the exception test, there would be on that basis. Um, and then there's a balancing there in terms of the degree of that risk, the likelihood of that occurring balanced against the benefits of the scheme.

01:11:02:12 - 01:11:52:06

Um, this is a situation where the flood risk has been shown to be negligible in the region of 2.3 to 4.1 millimetres in a 1 in 100 year, plus 39% for climate change flood event. So, um, we would say in those circumstances and um, obviously our discussions with the EA are ongoing, but I hope to be able to confirm that that's acceptable from their perspective as well. So it would be in a situation where if you were against us on the on the compliance with those first two policy tests, you're then deciding, um, what weight to give to that in, in the context of 5.8.42 in terms of what is that risk? Is that acceptable from the EA's perspective? And and can that be balanced and weighed against, um, the benefits that the scheme delivers? So the short that was the long answer, but the short answer is no.

01:11:52:08 - 01:12:24:09

That deciding we haven't met the sequential test doesn't immediately lead you to that. Um, in terms of the second question around whether the scheme would be viable without, um, infrastructure in those zones, it's a difficult it's not a straightforward question, because the approach to the scheme has been very much landscape and design led from the start, and it's holistic approach to the scheme. So it's not a modular situation where you can just hack off effectively half of the scheme. So I mean, a 360 megawatt scheme would be viable if you'd started from scratch.

01:12:24:11 - 01:12:54:20

And that was your intention all along. You know I can't. You know, you can point to many schemes of that size. So I can't say to you that that's not viable. But in this situation, it's very much not as simple as just removing half the scheme just because of that integrated and holistic approach in terms of design and mitigation. It's not as it's not as simple as that. And I think in that situation, you're really looking at a wholly different scheme, because that is, as you've said before, about 50% of the scheme. Um, so our position is that's not an alternative.

01:12:54:22 - 01:13:25:24

That's before you that's not been assessed. It's not been designed. The detail of that isn't before you. Um, and our case is that that wouldn't be a scheme that maximizes the benefits of energy generation. Um, and to do so on our position in terms of that flood risk that I've set out to, in terms of that 2.3 to 4.1 millimetre, um, impact in that 1 in 100 year plus 39% climate change event, that that's a disproportionate approach in that situation. Um, and that's what I would say.

01:13:25:26 - 01:13:28:05

Yes. On the second part of that question. Thank you.

01:13:29:24 - 01:13:30:17

Thank you.

01:13:36:18 - 01:13:41:17

Okay. I think that takes us to the end of that section. Sorry, Mrs.. Fox.

01:13:41:26 - 01:13:48:11

Mrs. Fox, president North Clifton. Can I just come back to the applicant on the statements I just made?

01:13:50:17 - 01:14:14:21

Regarding the number of panels. So you asked the question in question. I want 501. You ask for a percentage of the panels in the plan, but also a number which didn't appear. Number two, I don't see the point of referring to 2.3 and 4.1mm as the the um tolerance, because at the moment there is no decisive number on panels or frames.

01:14:16:23 - 01:14:33:27

And number three, I find it really hard to understand how the quoting of on the east side of the 2.5 permissive paths, which will propose that will be fettered, will be any recompense for my community being flooded.

01:14:42:07 - 01:14:47:00

Okay. Um, do you wish to respond to those specifics?

01:14:47:06 - 01:15:19:20

Um, to the applicant. Um, in terms of the specific figures in our response at deadline 2 to 5 .0.1, we have set out in relation to flood zone three, the area and areas of panels and percentages. So we have got some more specific figures. Um, in there. Um, I think the point about permissive paths, I mean, the benefit is obviously largely the contribution to the urgent need for renewable energy. There are other benefits as well that we would reference. Um, but that's obviously the key and substantial one. Um, that 2.30, the flooding point, um, is dependent upon the structures in the ground.

01:15:19:22 - 01:15:39:17

And as I've said, we will go. We're going to way to look at a commitment so that we can confirm that we would, you know, despite not having that detail, that at the time of detailed design, we would need to still be able to rerun that fray and ensure that there's the flood risk isn't in excess of what we show now based on our assumptions and our assessment. Um thank you.

01:15:43:21 - 01:16:05:15

Okay. So there's clearly going to be quite a lot of detail coming in at deadline three for us all to wrestle with. Um, but thank you for that. I think it's probably sensible to take a break. Uh, now, um, it's 25 plus one. If we come back a 2:15, is that going to be sufficient time for everybody?

01:16:07:09 - 01:16:12:24

Yeah. Okay. So we'll adjourn for the moment and we'll resume at 215. Thank you.