



Planning Inspectorate
Arolygiaeth Gynllunio

Hearing Transcript

Project:	EN010159 - One Earth Solar Farm
Hearing:	Issue Specific Hearing 3 – Part 1
Date:	06 November 2025

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The video recording published on the Planning Inspectorate project page is the primary record of the hearing.

00:00:05:06 - 00:00:33:24

Good morning everyone. It's now 11:30 and time for this hearing. To begin, I would like to welcome you all to this issue specific hearing into the One Earth Solar Farm project, where we will be discussing both the Draft development Consent order and a number of environmental matters. Can I just confirm that everybody can hear it and see me clearly by notifying through the raise hand function on on teams?

00:00:35:22 - 00:00:56:23

Yes. I'm seeing lots of hands there. Very good. Thank you. And can I confirm with the case manager? Live stream started. It has. So that's excellent. My name is Edwin Maund. I'm a chartered town planner and a planning inspector. Have been appointed by the Secretary State to be the lead member of the panel to examine this application. I'm now just going to ask the other panel member to introduce himself.

00:00:58:24 - 00:01:00:11

Thank you. Good morning.

00:01:00:13 - 00:01:12:06

My name is Alex Jack. I'm a chartered transport planner and an inspector, and I have been appointed by the Secretary of State as a member of the panel of examining inspectors to examine this application.

00:01:14:02 - 00:01:24:08

Thank you. Together, we constitute the examining authority for this application. Uh, again, can't just clarify if there are any members of the press present today.

00:01:28:27 - 00:01:37:19

I have a hand up. Um, I believe it's the representative from National Highways. Is there something you're wishing to raise with us at this point?

00:01:40:01 - 00:01:42:11

No. Okay. Thank you.

00:01:46:05 - 00:02:22:23

So, um, this meeting will follow the agenda published on the National Infrastructure Planning website on the 29th of October. It will be helpful if that agenda could be displayed on screen by the applicant, please. Now this is for guidance. We may add other considerations or issues as we progress, and we will conclude the hearing as soon as all relevant contributions have been made and all questions asked and responded to. But if the discussions can't be concluded, then it may be necessary for us to prioritize matters and defer other matters to further written questions.

00:02:23:21 - 00:03:05:04

Likewise, if you cannot answer a question being asked or require time to get the information, then can you please indicate that you need to respond in writing? Thank you. Now, today's hearing is being undertaken virtually using Microsoft Teams, and we will endeavour to make sure that everyone has a fair opportunity to participate. A recording of today's hearing will be made available on the One Earth

Solar Farm Project section of the National Infrastructure Planning website, as soon as practicable after the hearing is finalized and with this in mind, please ensure that you speak clearly, stating your name and who you're representing each time before you speak.

00:03:06:02 - 00:03:38:22

A link to the Inspectorate Privacy Notice was provided in the notification notification for this hearing. We assume that everyone here today has familiarized themselves with this document, which establishes how personal data is handled in accordance with the principles set out in data protection laws. If you have any concerns about this, please speak to our case manager. Um, in that event. Thank you. I'll now pass over to Mr. Jack to just go some specific issues with you.

00:03:41:08 - 00:04:28:06

Thank you to moving on to agenda item two. I will now briefly explain the purpose of this issue. Specific hearing on this issue specific hearing. Today we'll cover a series of environmental matters relating to the application. The purpose of an issue specific hearing is set out in section 91 of the Planning Act 2008. It is held if the examining authority decides it is necessary for the examination to hear oral representations, to enable adequate examination of an issue, or to ensure that an interested party has a fair chance to put their case as indicated on the agenda.

00:04:28:10 - 00:05:05:27

Questioning at the hearing will be led by a member of the panel, supported by the other panel member. In addition to this, 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. It is 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 representations.

00:05:06:13 - 00:05:47:16

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 evidence. 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. Participants should note that written summaries of your oral submissions to this hearing should be provided to the Planning Inspectorate by deadline five, which is Wednesday the 12th of November.

00:05:47:26 - 00:05:48:20

Thank you.

00:05:49:26 - 00:06:18:09

Thank you. So we go on to item three. Introductions of parties. And just before I go on to that, just like to take the opportunity to advise you that during this process, whilst both, uh, myself and Mr. Jack will be in attendance at all times, uh, we won't necessarily both have our cameras on at all the, um, throughout the examination, but we will both be present. Um.

00:06:20:29 - 00:06:55:03

The other thing that, uh, I just wish to put on notice in the event that we have a technical problem. Um, obviously, we're all virtual today. It's likely that we would seek to adjourn the hearing at that point, probably for about ten minutes, whilst that technical issue is resolved. Hopefully that won't be the case, but that's, uh, the approach that we're likely to take. So now I'll come on to, um, asking those of you who are participating today to introduce yourselves.

00:06:55:11 - 00:07:00:00

And so I'll come over to the applicant in the first instance.

00:07:01:28 - 00:07:30:08

Good morning sir. My name is Richard Griffiths from law firm Pinsent Masons LLP, acting on behalf of the applicant, One Earth Solar Farm. I'm joined by my colleague to my right, Amy Stirling, and together we'll be speaking on all. Excuse me, on all of your agenda items. We have various technical consultants with us, either in the room here with us this morning or online, and I proposed that we introduce them as we go through each of your agenda items.

00:07:31:08 - 00:07:47:14

Thank you. So I'll revert to you, Mr. Griffiths, and then you can introduce those individuals as, as we go. And then, um, you, you you'll know which one you want to introduce it, each specific point. Thank you. And I then come next to.

00:07:48:29 - 00:07:55:11

the local authorities. Um, who's representing Newark and Sherwood today?

00:07:59:27 - 00:08:11:27

Good morning, sir. My name is Simon Betts. Uh, planning major projects. Newark and Sherwood District Council. And to my left, I have, uh, Jack Kent, legal officer, Newark and Sherwood District Council.

00:08:13:08 - 00:08:18:03

Thank you, Mr. Betts. And then can I come to Lincolnshire County Council?

00:08:19:18 - 00:08:44:02

Good morning, sir. My name is Stephanie Hall. Uh, it's happy to be Miss Hall and Council instructed by Lincolnshire County Council. Um, I am joined by, uh, Miss Amy Charlesworth, who is a senior infrastructure officer at Lincolnshire County Council. But I should anticipate I'll do most of the talking. Uh, and we expect to pitch into items. Probably have a little bit of something to say on items 4 to 8. Thank you.

00:08:44:19 - 00:08:45:13

Thank you.

00:08:47:05 - 00:08:49:23

And Nottinghamshire County Council.

00:08:52:04 - 00:09:14:09

Good morning sir. Will Lawrence, planning and infrastructure manager at Nottinghamshire County Council, joined by three other colleagues today, Ross Marshall and Jessica Glazebrook, who are principal flood risk management officers, and Sarah Hancock, who is principal highway development control officer. And they will obviously pitch in on any items as needed. On agenda items 4 to 8.

00:09:14:29 - 00:09:19:18

Thank you. And do we have anyone from West Lindsey District Council?

00:09:21:24 - 00:09:38:04

Yes. Good morning sir. It's Russell Clarkson. I'm the development management team manager at West Lindsey. And alongside me is Miss Danielle Peck, senior management officer. And we also have online Mr. John Barker, associate director at Atkins. Thank you sir.

00:09:38:28 - 00:09:42:22

Thank you very much. And then Bassetlaw District Council.

00:09:47:19 - 00:09:53:15

No, not present today. Okay. That's fine. Um, move on then, to the Environment Agency.

00:09:55:27 - 00:09:56:16

Uh, good morning.

00:09:56:18 - 00:09:57:03

James.

00:09:57:05 - 00:10:07:24

Cordell. A planet, the Environment agency. Um, we have several colleagues on the call today. If it's, um, if they're willing to speak, I recommend that they introduce themselves on whichever item they wish to discuss.

00:10:08:20 - 00:10:17:03

Okay. So if we refer to you in the first instance, Mr. Cordell, and then you can bring in any of your colleagues, depending on the topic at hand. Is that okay?

00:10:17:05 - 00:10:18:09

Yeah. Perfect.

00:10:18:16 - 00:10:19:18

Thank you very much.

00:10:19:20 - 00:10:20:13

Thank you.

00:10:21:21 - 00:10:23:28

And, uh, National highways.

00:10:36:02 - 00:10:36:28

Um, apologies.

00:10:37:00 - 00:10:42:03

I can't seem to put on my camera. Um. Good morning. Um, my name is Sunil. Gonna.

00:10:42:05 - 00:10:55:00

I'm representing National Highways and I will be joined by my colleague Brittany Grosvenor later on this morning. And we wish to um, we're interested in item agenda, item number six transport.

00:10:55:18 - 00:11:05:09

Okay. Thank you. Well we can here whilst we can't see, we can hear you clearly, so that's fine. Thank you. And do we have anyone from Anglian Water?

00:11:07:04 - 00:11:17:09

Yes. Good morning sir. My name is Carrie Murphy. I'm spatial planning lead at Anglian Water. Um. I'm here. Um, regarding item agenda five.

00:11:18:07 - 00:11:26:25

Thank you. I understand that you need to leave. Um, by. Is it. Is it 230 or 1232 3230.

00:11:26:27 - 00:11:27:13

That's okay.

00:11:27:15 - 00:11:31:17

Thank you. Hopefully we'll have got through by then. Thank you.

00:11:34:11 - 00:11:45:22

Now, uh, we also have a number of interested parties in the room. So if I turn to Mrs. Heather Fox in the first instance, if you wish to introduce yourself.

00:11:51:25 - 00:11:54:19

The Heather Fox resident of North Clifton.

00:11:55:08 - 00:11:57:13

Thank you, Mr. Fox.

00:12:03:25 - 00:12:10:16

Good morning again. Um, Stephen Fox, resident of North Clifton. Um, I'll be contributing on most points of the agenda.

00:12:11:06 - 00:12:36:03

Thank you. Now, as far as I can see from the list, uh, I have before me, uh, I don't have any other interested parties present, but if I have missed someone, um, please just introduce yourself. Sorry. Mr.

white would have. So would have been surprised had you not been able to join us. Uh, yes. Thank you. Sorry about that. I don't know why you couldn't see me, but, uh.

00:12:36:05 - 00:12:45:17

Yeah, David White represents say no to one of. over 98% of the community in our two villages. Thank you.

00:12:45:27 - 00:13:18:15

Thank you. So, and if there are any other interested parties present who wish to speak, if you want to introduce yourselves at the time, if you raise your hand, if you want to identify the particular topic that you're wishing to talk on, we'll come to you as an, as and when. So thank you very much for that. So if we can then now move on to the actual agenda item, uh, item for the draft development consent order.

00:13:19:24 - 00:13:47:15

Now we've got a number of questions, uh, here. And hopefully there'll be relatively quick to go through, but we'll see how we go. Now just starting on Roman one, can the applicant update us, please, with regard to the progress you've made on protective provisions with respect to parties. And can we start initially with the progress with the the respective fire authorities?

00:13:50:27 - 00:14:27:16

Abby Stirling, on behalf of the applicant? Yes, sir. We are in the process, as we heard earlier, um, of finalizing the agreed statements of common ground with the fire authorities. We hope that those will be signed and submitted at deadline five. With regard to protective provisions, we have agreed to include protective provisions for the benefit of Lincolnshire County Council. Council, Surrey Fire and Rescue Service. These will be included within the draft DCO at deadline five and will be in standard form, as has been agreed on multiple deals within the Lincolnshire area, including most recently on Toll Bridge Solar Farm Order.

00:14:27:18 - 00:14:41:24

And we have agreed between the council's sorry, between the fire and rescue services, that the protective provisions will be for the benefit of Lincolnshire and there they will take the lead on their site familiarisation exercise to which their protective provisions relate.

00:14:42:29 - 00:14:46:11

And what about progress with Nottinghamshire?

00:14:48:08 - 00:15:11:29

Yes, sir. Sorry. We have agreed with the the two fire and rescue services that the protective provisions will be for the benefit of Lincolnshire. There is a financial payment element of the protective provisions relating to site familiarisation. So we have agreed that it will be Lincolnshire who will undertake that function and therefore will be the beneficiary of the protected provisions. And all of that will be confirmed in writing at deadline five.

00:15:13:01 - 00:15:17:25

Okay. Thank you. We can then go on to the Environment Agency.

00:15:19:17 - 00:15:53:17

And yes, sir, as you be aware, we have proposed a form of protection provisions to the Environment Agency and we have been seeking comments from them. These protective provisions are included at part five of schedule 14 of the DCO. We are yet to receive a detailed comments from the Environment Agency. Obviously, I anticipate that the work that's ongoing that we'll discuss in the next section in relation to flood risk is a factor in not having received those comments. So given as we go on to we're very close to closing out all of those flood issues.

00:15:53:19 - 00:15:59:16

I would expect them to be able to provide comments soonest. Obviously, I can't speak for the Environment Agency.

00:16:00:09 - 00:16:12:01

So if I can come then to the Environment Agency. Can you clarify your position with regard to protective provisions, please, and the likely time frame moving forward as you see it?

00:16:12:17 - 00:16:25:19

Yeah. James Cordell for the Environment Agency. Yeah. So our legal team are looking to provide a response and protective provisions by before deadline five. So next week. And yeah, we don't see this taking too much time to get these approved.

00:16:27:22 - 00:16:33:26

Okay. So you're hopeful that there will be an agreed position by deadline five with a with a flag.

00:16:34:09 - 00:16:42:03

We'll get our formal response back to the applicant by deadline five, and work with them to get these approved and agreed between us.

00:16:43:13 - 00:16:45:10

Okay. Thank you.

00:16:47:20 - 00:16:51:06

We're going to then move on to progress with Anglian Water.

00:16:53:08 - 00:17:04:12

Amy Stirling, on behalf of the applicant. Um, yeah. The applicant and Anglian Water have agreed a form of protective provisions and these are now included at part seven of schedule 14 of the DCO.

00:17:07:16 - 00:17:17:16

Okay. I may have missed it. Have we received confirmation from Anglian Water that that is now an agreed position? I just check with Anglian Water.

00:17:19:24 - 00:17:35:16

Hello, sir. Kerry Murphy for Anglian Water. We haven't put anything in writing from recollection I can put a note in. But yeah, I have confirmed it direct to the applicant that we are, agreed and happy with the protective provisions.

00:17:35:27 - 00:17:43:18

Okay. Thank you. Um, and then Trent Valley IDB, the internal drainage, both.

00:17:45:04 - 00:18:00:24

In Sterling, on behalf of the applicant, and we have proposed a form of protective provisions to the IDB, and we are continuing to seek comments. We haven't received a response to date, but we will continue to follow up with them.

00:18:02:18 - 00:18:03:10

Okay.

00:18:03:18 - 00:18:09:13

Just sorry. I should also mention, of course, the protective provisions that we have offered are already included within the draft DCO.

00:18:10:21 - 00:18:16:18

Yes, but as it stands, you've not received no. Any response at all about that?

00:18:17:07 - 00:18:19:28

No, we haven't had any, um, substantive markup.

00:18:20:22 - 00:18:27:18

Okay. So can I ask you to chase them so that we can have an update at deadline five, please?

00:18:28:05 - 00:18:30:02

We will continue to do so. Yes.

00:18:30:08 - 00:18:50:27

Thank you. Now, that was the particular list of protected prisoners. But, um, there are others, obviously, uh, engaged within the DCO. Um, are there other parties outstanding. Um, that you have not yet got formal agreement for those protected provisions?

00:18:52:15 - 00:19:24:06

Amy Stirling, on behalf of the applicant. Yes. There are a couple, for example, National Grid and, um, we are, of course, conscious of the limited remaining deadlines in this examination and our, um, putting our time and efforts into seeking agreement with them as soon as possible, for example, in relation to Zimbabwe last, um, had their comments on the 3rd of November. There are only a couple of minor drafting points in relation to some commercial terms relating to loss that we are seeking to agree.

00:19:24:08 - 00:19:46:25

We hope to be able to do that as soon as possible. Likewise, the last correspondence with National Grid was only yesterday. So we are progressing them and I think it's probably most efficient if we provide sort of an Undertaker by Undertaker State of play at deadline five. But you can be assured that we are seeking to progress them as soon as possible.

00:19:47:15 - 00:20:28:08

Okay, now that that's helpful, um, you're quite right to point out that the that the deadlines are, uh, reducing. And I just want to try and make sure that we have them resolved if possible. But if not, we fully understand the differences between yourselves and the respective parties in good time to, uh, be able to address that if needs be. Okay. That's helpful. So if I move on then to Roman two and the discussion about article six and the this application Of permits and licenses.

00:20:30:04 - 00:20:58:20

Now article 61A, B and C um is regarding the dis application of watercourse consents and 61F is the application of flood risk activity permits. So can I first turn to the Nottinghamshire County Council and then subsequent revert to Lincolnshire County Council as lead local flood authority? Can you confirm your positions in respect of these articles, please?

00:21:03:14 - 00:21:30:24

Uh, in the first instance, uh, I'm not aware that they do affect, uh, the FA. Um, it's a matter I can confirm with the colleagues on the call, but that's not been discussed with us, uh, by the applicant at any point. So just welcome their clarification as to whether they whether that will have an impact on also whether they are matters relating to the Environment Agency, given they appear to relate to main rivers and canals.

00:21:35:03 - 00:22:00:17

I can provide clarification. No, sorry if that's helpful for the applicant. The relatively relevant permitting authorities, the IDB and the Internal Drainage Board, rather than the local authority for the water resources and land drainage provisions. So that would be Trent Valley IDB, who of course are not present rather than the the relevant councils.

00:22:01:18 - 00:22:30:16

Okay. If you look at your explanatory memorandum then please, um, because I think in paragraph 4.212 to 4.213, you refer to the roles of the lead local flood authorities. So, uh, have I misunderstood that or is it just the ID base that you require consent from um, or this application from their permits and licenses.

00:22:32:10 - 00:22:49:12

Amy Sterling, on behalf of the applicant, we will review the explanatory memorandum. My understanding is that it's only the IDB, so it might be an error in the explanatory memorandum we will review and if necessary, update the expansion memorandum, that deadline or otherwise provide clarification.

00:22:50:06 - 00:23:10:05

Okay. Thank you. Now, you'll obviously be aware that section 150 of the 2008 act only allows requirements for prescribed consents to be applied if the relevant body has consented to it. So have you got those consents, and have we got evidence before us that those consents have been granted?

00:23:11:01 - 00:23:51:25

Amy Sterling, on behalf of the applicant. Yes, sir. We are aware, no, we do not have those consents as it currently stands, for taking the Environment Agency first. I believe this is wrapped up in the discussion on protective provisions, and I am hopeful, again, not wishing to speak for the Environment Agency, that when we can agree the form of protective provisions, that the Environment Agency will be able to give its consent to the inclusion of the application of the environmental permitting regulations which are sought, as this has been the standard approach on almost all solar details up until now in relation to the Trent Valley IDB.

00:23:52:10 - 00:24:23:21

Again, as we covered in the previous agenda item, we are continuing to Jason for comments and also wrapping up in that discussion their consent to the application if they do not consent, which I think might be your next question. Um, the situation would be that simply these provisions can't be included and the applicant would just seek the consents post, seek those relevant permits, post consent, but pursue construction in the normal way as they would, for example, if they were a Town and Country Planning Act, a scheme.

00:24:23:23 - 00:24:49:07

This situation has arisen before, for example, in relation to Cape Breton, which is also in the Lincolnshire area, and for which Trent Valley IDB is also the relevant IDB. Trent Valley did not provide its consent in time, and the Secretary of State therefore did not include those provisions in relation to that IDB. So whilst we are making best efforts to secure that consent, if it is not forthcoming that there is a solution essentially.

00:24:49:21 - 00:24:58:22

So would you propose then to amend the DCO at the final submission in the event that you hadn't received that consent?

00:24:59:17 - 00:25:11:24

No, because we would continue to seek that consent up until the point of decision and if it were forthcoming, submitted directly to the Secretary of State. Again, this approach has been taken on other schemes.

00:25:13:17 - 00:25:56:15

Right. Okay. Um, in terms of making sure that any DCO that we suggest to the Secretary of State has the correct phraseology. If at the time the examination closes, we haven't got that consent, we're clearly going to need to advise the Secretary of State accordingly. So I think on that, if we're at that point, it would be helpful to have a revised wording from you in that eventuality so that, uh, we understand, uh, what, uh, wording you would wish to see in those circumstances.

00:25:58:00 - 00:26:11:20

On behalf of the applicant. And so we're happy to provide it, not in the draft DCO, which is, of course, the instrument that we are seeking to have granted, but we're happy to bridge it, for example, in a covering letter or a final position statement at the final, the deadline.

00:26:12:23 - 00:26:44:12

Yeah, I think that would be very helpful. It may be if you can prepare it now as part of the written submission. Following this hearing, we get the opportunity to have a look at it and potentially make any comment back. Should we feel that we need to, so that again, you have the opportunity to review any comments that we have? Uh, should we have any? Uh, so that would be helpful. So, um, if we can make that as an action point from today, um, then then we know where we're going.

00:26:44:29 - 00:27:08:05

Okay. That's helpful. Thank you. So if we then move on to, uh, Roman three. Um, just want to explore with you the, the drafting of requirement 22 and the interrelationship with the revised wording of the outline design parameter for the, uh, solar panels. Um.

00:27:11:00 - 00:27:20:15

Is it possible to display the DCO No. And the relevant text from the um.

00:27:22:28 - 00:27:27:18

Other document side by side on the screen so we can see them together.

00:27:51:09 - 00:28:02:10

I think it's, um, page 47 of the DCO. Um, and I think page 25 are rep 4051.

00:28:03:08 - 00:28:08:15

Amy Stirling for the accident. I believe it's work is ongoing in the background to do this. I think it's just taking a little bit.

00:28:08:17 - 00:28:28:25

Okay. Okay. So, um, if we just start with the, the requirement in, in the DCO in the first instance whilst we're waiting for that to come up. Um, I think in the first instance there's a typographical error in two b, I think it should be that rather than, than. Um, hopefully that's.

00:28:31:07 - 00:28:38:17

Flood plain stories are not worse than the outcomes or should be. Should be than rather than that.

00:28:39:15 - 00:28:41:07

Yes, sir. That's not it. Thank you.

00:28:41:17 - 00:28:47:14

Yeah. Um, what I really wanted to try and understand is, um.

00:28:49:26 - 00:29:31:17

When you look at what you're saying in the DCO, and when you're looking at what you're saying in that rep 451, how you envisage this working on the ground. Um, so it appears to me that you're saying

that the height of the lowest part of the PV panel will be no lower than 0.7m above ground level, and the maximum height of the lowest part of the PV panel will be 1.8m above ground level, as shown on the high parameter plan, unless a higher maximum height for the lowest parts are required in order to comply with requirement 22.

00:29:32:25 - 00:29:33:17

Um.

00:29:36:17 - 00:29:41:25

How does this actually work on the ground or in terms of future submission?

00:29:51:12 - 00:29:55:00

On behalf of the Afghan. Apologies to repeat that last question.

00:29:55:06 - 00:30:14:00

Yeah, I'm trying to understand if if this is agreed, what happens, um, to ensure that the panels, uh, meet the requirement or the stipulation within.

00:30:16:16 - 00:30:19:02

Your supporting document to the DCO.

00:30:20:19 - 00:30:46:16

And the reason I'm posing the question is that I'm struggling to see how anyone would be able to verify whether you'd actually done what you're saying you're going to do. I can see that you'd be able to go on to site, and you'd be able to measure the height of the bottom of the panel, but how would you know where you were relative to the flood risk area?

00:30:52:14 - 00:31:30:09

Anything on behalf of the applicant? The purpose of requirement 22 is to provide additional certainty, as it were, to confirm the presentation of flood risk as it is in the flood risk assessment. So as it currently stands for, you know, the standard approach across all CEOs, it is, is to submit the flood risk assessment based on outline design parameters to give confidence to the Secretary of State at the point of decision making, that the detailed design of the scheme would fall within those parameters and thus not have an unacceptable impact on flood risk.

00:31:30:12 - 00:32:04:09

Given the concerns on flood risk for this scheme, the applicant has proposed to go above and beyond that and commit to rerunning the flood risk assessment based on detailed design to provide not just confidence to the Secretary of State at the point of decision, but certainty to the local planning authorities and the Environment Agency at detailed design, that all of the commitments and outputs of the flood risk assessment will be delivered, and they will ultimately be responsible for discharging requirement 22.

00:32:05:12 - 00:32:09:12

I'm not sure if I've answered your question. I apologize if not, no.

00:32:09:14 - 00:32:39:17

I understand the answer. You're going, but I think it goes back to what I think is potential problem in that you need to demonstrate now, don't you? That you are not going to cause, um, harm via flood risk. And whilst you're saying that you are going to meet what the current flood risk assessment says you will meet.

00:32:40:18 - 00:33:11:12

You're adding an extra layer. Because part of the problem or potential problem is that you're introducing elements into an area of flood risk. And we don't know at this stage because you haven't done the detailed design, the consequential effects. And so it's what I'm struggling to get my head around is how this requirement resolves the possible cart before horse scenario.

00:33:11:24 - 00:33:23:26

Um, and uh, gives us the certainty that the Secretary of State needs, at this point in advance of a detailed design.

00:33:27:19 - 00:33:57:20

Uh, if I sort of take another step, if I'm the local authority planner and someone expresses concern that flood panels have gone at solar panels have gone into an area which, uh, you've identified is an area of high risk of flooding, and those panels are potentially going to influence both water flow and volume. And they go on site.

00:33:57:22 - 00:34:08:00

They can measure the bottom of the panel relatively easily, but how would they know where they were relative to the flood risk area, which you're seeking to avoid?

00:34:11:06 - 00:34:48:06

Amy Stirling, on behalf of the applicant. Well, the applicant is constrained by the work's descriptions and the work's plans as to the locations that it can put infrastructure. So the and the flood risk assessment has been carried out based on those works descriptions and those works areas. And so there wouldn't be a scenario where there are panels elsewhere within the scheme boundary that haven't already been considered as part of the flood risk assessment submitted along with the application documents and updated.

00:34:49:02 - 00:35:06:11

Now, I think when you look at your flood risk assessment, though, the plans that show the flood risk areas are based on Google Maps. Um, how would you verify if you were on site? Inside which part of the site you were within relative to a flood at the flood risk area?

00:35:07:29 - 00:35:12:11

I don't think they're sufficiently detailed. Are they for you to be able to do that?

00:35:12:21 - 00:35:56:18

Um, Jack Peter from Aecom, the engineering team for the applicant. So just to take a step back for when you get to detailed design for a scheme of this scale, um, one of the typical workflows for how we would introduce the flood risk assessment into design and allow relevant authorities to cross-check

is, um, we've already done works on topographical surveys. These are typically undertaken again in more detail as part of detailed design. Um, the flood risk assessment is part of a detailed 3D model that is used in production of designs for schemes of this nature, as we have done on other designs for schemes that have already been built.

00:35:56:26 - 00:36:31:18

Once you have a model that has the topographical features a 3D model of the flood extents imported. That allows you to work with solar frame manufacturers and to appropriately produce a compliance solution with the clearances and tolerances, as are detailed in relevant documents. If somebody wishes to then cross-check in the field to make sure that we're compliant so that we would have a model, we can cross-check the exact location that measurements are being made relative to the flood and topo, and then validate clearances from panel to ground level.

00:36:33:06 - 00:36:50:05

And is that something that is going to be shared with the local authorities and is something that's within the examination documents that can be linked into the DCO requirement or is directly linked and referenced in the um, flood risk assessment.

00:36:50:18 - 00:37:23:07

So I think my view on this is that we've shown that we will keep out of the flood waters, and we've shown how we'll keep that robust, um, when we need to demonstrate this. I guess my view on this is that we would be able to go through the process with the authorities. They can take spot checks in line with the constraints that we've set. Um, and that can be agreed through detailed design. But for now, I suppose my view was as long as the parameters have been set, and we know that there's a workable design solution to check it.

00:37:23:13 - 00:37:26:10

Um, the tools are there for this to be validated.

00:37:29:07 - 00:37:56:13

In my standing on behalf of the applicant, um, to answer your questions or I don't think it's currently in the Fra, which is referenced in the requirement, but we are in the process of updating that for, um, to submit into examination. And perhaps the we well, we will look at including similar wording, uh, to as has just been described within that phrase, to provide you with certainty that that approach would be undertaken when we're discharging this condition?

00:37:57:21 - 00:38:26:10

Yeah, I mean, that would be helpful. But I think what we need the certainty of now is the, um, understanding of what the requirement is actually going to do and that it will do what it needs to do. Um, so if if we look at the flood risk assessment as currently drafted, um, I think what you're saying to us is that, um,

00:38:27:29 - 00:38:58:28

the various tables within that flood risk assessment, 3.5, 3.6, 3.7 and so on, set out the extent of water storage loss as you've calculated it. Um, I think, um, please correct me if I'm wrong and it's that level

of, um, story loss that you're, uh, seeking to avoid, uh, or to say is the maximum. Is that a correct interpretation?

00:39:00:03 - 00:39:06:27

Amy Stirling, on behalf of the applicant. Yes. And we're securing that our detailed design would be within those parameters.

00:39:07:16 - 00:39:34:27

Okay. So effectively you're merely confirming to us that there will be a degree of loss of full of storage. Um, but that loss needs to be agreed. Uh, at the detailed design stage. And it will be no worse than the flood risk assessment. Uh, that is would be before the examination. Um, albeit we're going to get a revised version at the next deadline.

00:39:35:17 - 00:39:36:11

Yes, sir.

00:39:38:16 - 00:40:13:26

Okay. All right, well, I understand that. I'm not sure. Well, we'll have to reflect on that and see what you say. In addition, in the revised flood risk assessment. Um, I see I've got a couple of hands up. Um, I will come back to this point because I think there are other matters that affect your calculations. But that's not to do with the DCO. It's more to do with, um, our discussions on the hydrology and water environment. So if I can come to, um, uh, Sharon Holland from the Environment Agency, please.

00:40:16:02 - 00:40:18:02

Hi, sir. Sean Holland, flood risk.

00:40:18:04 - 00:40:49:13

Specialist in the Environment Agency's national infrastructure team. Um, at the moment, we have recently received this requirement as of a few weeks ago to, um, at the last submission. However, we agree that the wording isn't securing enough element, so we are looking to revise the wording that has been presented. Um, specifically, we're looking to revise the wording to include specific reference to the fundamental aspects of the flood mitigation that is being presented within the current Fra.

00:40:49:19 - 00:41:42:24

The applicant has assessed a worst case scenario in there, so we would like to secure that any output at the detailed design stage falls within these requirements, and the parameters set out to the same degree or a better, less, um, impactful degree. Um, specifically, we'd be looking to, um, secure that there are no debt increases presented, um, at the detailed design stage. Worse than the 2.2 and the 3.5mm that are presented in the current Fra that we have currently viewed as the applicant has assured us, they had undertaken a conservative and worst case scenario approach at the current Fra, which means any detailed design stages changes should be to the same degree of difference in depth and or better.

00:41:42:28 - 00:42:13:10

Additionally, we'd look to secure the tilt of those panels to secure that in this design, um, extent, which are currently in the fray. There are there is a figure which shows kind of areas that will have

different height solar panels. So we could make reference to that specific figure if necessary. Um, to secure the tilt of those panels. And the heights of those panels will be what is set out in the Fra now, or to a, um, higher freeboard, etc.,

00:42:13:12 - 00:42:47:18

so that the impacts of those solar panels are the same or better at the detailed design stage. Additionally, we will we want to look to add in that in terms of the inverter stations and the voided structures. Again, they said they've undertaken a worst case scenario assessment. We would look for them to, um, review individual inverter stations so that they can and they can minimize the use of tilts and voids, but also on a whole scale that the impacts of those inverter stations are the same as what it's presented or are better than.

00:42:47:20 - 00:43:19:21

betterment again. Um, and finally, we'd look to secure a specific drawings for our approval of the crossings underneath the River Trent and its defences, so that we can secure that the mitigation that has been presented in the Fra, um, is undertaken when we go through those detailed design stages to the same level and or better, and has the same impact or less, um, that we are looking to make those changes as well. At the moment. We're currently internally drafting this to then submit to you and the applicant at the next deadline.

00:43:20:25 - 00:43:33:17

Okay. Thank you. Um, Mr. Fox, I see you've got your hand raised. Is there a particular point on this specific, uh, requirement in the D within the requirement requirement? Thank you.

00:43:33:22 - 00:44:11:04

Before doing so, I just need to qualify my reason for being here. I formally declare that my presence at this hearing is compulsory under the statute, and is therefore strictly under protest. My continued participation does not constitute a waiver of my rights to challenge the systematic procedural illegality, censorship, or structural bias that has repeatedly corrupted this examination. The Secretary of State and the Government Legal Department are on formal notice that the continuation of this hearing is the unconscionable act and secures the punitive cost order of the impending judicial review, right.

00:44:11:06 - 00:44:34:20

The substance that applies to any intervention during the meeting. Um, the point I wish to make on that is that the confidence is not a question of confidence or comfort at the design stage. The Secretary of State requires, um, certainty that the, um, approval stage.

00:44:35:03 - 00:44:51:15

Yeah. It's just in terms of the wording of the DCO requirement that we we're trying to consider at the moment, Mr. Fox. I understand. I understand the point you're making. Is there anything about the particular wording in the DCO requirement that you would wish to

00:44:53:15 - 00:44:54:05

say?

00:44:54:13 - 00:44:55:27

Not at this stage, no.

00:44:56:11 - 00:44:59:15

Okay. Thank you. Um. Mr. Clarkson?

00:45:01:29 - 00:45:43:10

Yes. Thank you. Russell Clarkson, West Lindsey district council. It just follows on from from from the conversation really in that, you know, I know it's on the the document in front of us. It does say, uh, in terms of those areas where they would have been submerged. They are looking at either adjusting the angle or removing the bottom row of panels. One thing I've not seen is, and it sort of leads on between discussing, is how that affects the overall efficiency and benefits of the scheme. To what extent is the development being reduced, the panels being reduced? Because I feel, again, if that's been agreed, that requirement 22 discharge stage, I think it's information that needs to be before the Secretary of State will make his decision ultimately.

00:45:43:12 - 00:45:49:08

Is it going to reduce the efficiency and effectiveness and benefits of the scheme? Thank you sir.

00:45:50:14 - 00:46:03:03

Okay. Thank you. And if I come back to the applicant then please anything further you would wish to, uh, come back on?

00:46:03:05 - 00:46:36:15

I'm Amy Stirling on behalf of the applicant. Thank you for everyone's contributions. We, um, of course, welcome the Environment Agency's drafting updates to the requirement. I think we're in the in the same position, essentially, that we want to secure the flood risk assessment or drafting. It takes a view that we don't need to sort of repeat large elements of of the flood risk assessment within the statutory drafting. Um, but we're quite happy to consider providing more specificity to the requirement if that would make the Environment Agency more comfortable.

00:46:36:20 - 00:47:07:25

I would flag, however, that in relation to, for example, panel Parameters, for example maximum height of the panels, etc. those are already secured within the outline design parameters, which are secured document by requirements, so it would be unnecessary to further specify the panel parameters within this requirement and in relation to wetlands district councils points. There is no proposal to remove panels and no material impact on efficiency.

00:47:07:27 - 00:47:12:23

We can again follow up and confirm this in writing and steering submissions.

00:47:14:27 - 00:48:03:11

Well, that's not quite right though, is it? Um, because you've said that you may remove panels or you may adjust the angle on which they are displayed to lift the bottom of the lowest panel. And we don't know at this stage what the consequences are, because this information is not before us. And that that's sort of going to the heart of the problem, Um, that we're trying to resolve so that we get clarity

as to the, the nature of the requirement and the consequences of it, and that it can be managed in a way that delivers the, uh, of flood risk, um, mitigation, um, or, you know, achieves what it needs to achieve.

00:48:05:21 - 00:48:34:15

On behalf of the applicant. Point taken. I think the applicant's position is that we are confident that we can deliver a scheme within the scheme parameters, which at detailed design, meets the requirements of the flood risk assessment, hence why we've proposed this requirement. I would suggest that this is one that we can take away and see if there's any further information, a specificity that we can provide, either within the requirement or the flood risk assessment to allow you to share that that confidence.

00:48:35:28 - 00:48:58:00

Okay. Well, we look forward to, your submissions on that. Can I just check with the local flood authorities whether they have any concerns or issues from your perspectives with regard to requirement 22 and as currently drafted? So if I guess go to Nottinghamshire in the first instance.

00:49:04:01 - 00:49:08:19

I Jessica Scarborough, Nottinghamshire County Council lead local flood authority.

00:49:08:21 - 00:49:23:24

I'd say at the moment we don't have any, um, sort of major concerns with the wording. Obviously we would want to make sure that nothing changes from from one to the other and understand the full implications there. But, um, it seems reasonable to us at the moment.

00:49:24:13 - 00:49:26:24

Okay. Thank you. And Lincolnshire.

00:49:29:06 - 00:49:38:03

Good morning, sister Stephanie Hall, Lincolnshire County Council. So I don't have anything to to add on this point. Um, I don't have any instructions that we object to the wording or the principle.

00:49:38:24 - 00:49:39:29

Okay. Thank you.

00:49:50:17 - 00:49:53:25

Okay. If I move on, then, um.

00:49:58:29 - 00:50:03:16

Just before I do, though, can I just clarify something? Um,

00:50:05:01 - 00:50:28:21

when, uh, in the Environment Agency statement of Common Ground, where you're looking at, um, and talking about raised platforms, you constantly in that document refer to inverters. Am I correct in understanding that that is, um,

00:50:30:16 - 00:50:42:28

the power conversion stations as the applicant calls them. So maybe it's worth going to the applicant first and then I'll come back to the Environment Agency. It's obviously a joint document.

00:50:44:22 - 00:50:48:09

Amy Stirling, on behalf of the applicant. Yes, that is correct, sir.

00:50:49:08 - 00:50:52:00

Okay. So that's helpful. Um.

00:50:54:08 - 00:51:02:09

Right. That will lead me on to a couple of other questions about the the the DCO in a moment. Um.

00:51:06:13 - 00:51:08:01

The work number one,

00:51:10:01 - 00:51:14:03

which is your solar panels and power conversion stations.

00:51:15:20 - 00:51:51:23

Um, no. Sorry. I'm. I'll come to it in a moment. Uh, item four. Uh, Roman four. Um, just in terms of the issues that have been raised by a number of the local authorities on fees. Now the applicant has provided an explanation setting out reference to paragraph five, brackets three as to include um, ensuring that fees captured within the schedule are updated to increase in line with inflation as per the regulatory approach.

00:51:51:27 - 00:52:17:10

Now, um, can I just check with the local authorities that they agree with that and are content with it? Um, or whether you still have concerns about how the fees would be payable and how that's set out within the DCO. So a number of local authorities have raised this as a as a point of concern, Mr. Betts.

00:52:22:22 - 00:52:55:20

Simon, that's, um, if on behalf of you can show a district council on that specific point, sir. Um, we support, um, the inflation rise. However, as we've consistently said throughout the fee levels, overall, we consider still to be insufficient and we still have concerns around the proportion of the fee level and the extent of that fee level, um, relative to the requirements that we would be responsible for as the relevant local planning authority.

00:52:55:22 - 00:53:08:09

So I don't think I don't anticipate that matter will change, because I think we've been consistent on that throughout. And I think that will be reflected in the latest updated statements of Common Ground as well.

00:53:10:06 - 00:53:21:14

Okay. Thank you. And to have, uh, any of the other local authorities wish to make any further comment beyond those that Mr. Betts has raised.

00:53:24:23 - 00:53:25:27

Mr. Clarkson.

00:53:28:21 - 00:53:29:23

Uh, It.

00:53:29:25 - 00:53:53:19

Was really not simply a point of closure. So Russell Clarkson, Westlands District Council. Are we interpreting it correctly in the five three that it's saying that inflation will apply to the fees, because it was a bit of a dispute in our team just in terms of the language use and was just clarity, really, are we understanding that that is saying that a rate of inflation will apply to the fees as set out in the order? Thank you sir.

00:53:54:12 - 00:53:54:27

Okay.

00:53:56:29 - 00:54:06:08

Well, I'll revert to the applicant. Um, and they can explain how they consider their interpretation of the particular article.

00:54:07:13 - 00:54:39:03

Yeah. No problem. Amy Stirling, on behalf of the applicant. Yes, yes, that is correct. Um, the fee payable is index linked to the consumer price index. Uh, paragraph five three of schedule 15 states that when any application is made under subparagraph one of paragraph three, which is any application to discharge a requirement that section 18 A of. For brevity, I will call in the 2012 regulations applies.

00:54:39:14 - 00:55:03:06

The section 18 A of this 2012 regulations provides that if there is a relevant increase in the consumer price index, then the relevant amount is also increased in proportion with the CPI. So all applications to discharge are linked to the CPI, pre-construction during operation and any prior to decommissioning. Thank you.

00:55:04:10 - 00:55:05:00

Thank you.

00:55:08:26 - 00:55:11:20

Mr. Lawrence from Nottinghamshire County Council.

00:55:12:29 - 00:55:46:10

Thanks. I appreciate the clarification from the applicant there as well. We're satisfied with with that with fees being subject to inflation. That's that's fine. Um, likewise, I think we've agreed that the appropriate fee applies to the appropriate, uh, uh, requirement. My only comment is that. Where additional requirements are being added, such as requirement 22, which we've just discussed, the fee schedule is updated as well to make sure that, uh, the correct fee does apply, uh, to that requirement. Um, you know, that that clearly will be a significant, uh, application.

00:55:46:15 - 00:55:57:18

Um, and, you know, should be referenced, in my view, at five, two. Uh, so just making sure that that keeps up to date with, uh, with, uh, you know, um, additional requirements being added to the DCO.

00:55:58:26 - 00:56:10:09

Uh, I'm sure that that's fine. But at the moment, requirement 22 is not drafted to include the local, uh, lead flow authority as consultees. And so, uh.

00:56:12:10 - 00:56:22:02

Would you wish to be? Because when I asked you a moment ago, that's not something you indicated. Is that something that you do wish to occur?

00:56:23:12 - 00:56:51:00

Uh, my understanding was that the. In that case, the the relevant planning authority was the flood authority for that particular requirement, sir. Is it is it not the case that we are the the the the relevant planning authority may be either the district authority or the county authority. Um, and in this case, it is the county authority being the ll FA in consultation with the EA. Um, the applicant might be able to just clarify that point.

00:56:52:22 - 00:56:54:19

Yeah. No, that'd be helpful if they did.

00:56:58:18 - 00:57:20:13

Amy Stirling, on behalf of the applicant. Yes, sir. That's correct. The county councils are the local flood authority in relation to the area, and it is them who would be responsible for discharging the condition. We take the point that the the schedule on um, fees and inflation hasn't been updated to reflect requirement 22, and we will undertake to do that for deadline five.

00:57:22:26 - 00:57:23:12

Thank you.

00:57:30:20 - 00:58:03:18

Okay. So I'll move on then to item Roman five. And uh, the appropriateness or otherwise of having a restriction on the extent of the operational land or a restriction of permitted development rights by way of an additional requirement, or as, uh, the applicant's, uh, written response without prejudice to their actual position, a revised article.

00:58:04:21 - 00:58:34:24

Um, now, just if if the examining authority were to, uh, pursue this further, can I clarify with the applicant in terms of rewording article six? Um, I'm not sure. It's, uh, absolutely clear to me, uh, where or how that would get inserted into article six, if that was the approach that we we took.

00:58:34:26 - 00:58:46:10

So could you assist in, in clarifying that part of the response? I do recognize that it's without prejudice to your principal argument about whether this should apply or not.

00:58:47:22 - 00:59:23:27

Amy Stirling, on behalf of the applicant, yes. On a without prejudice basis, our view is article six is the most appropriate place for any such restriction where it would be recommended to be included, because article six is the article which deals with the misapplication or modification of legislation. And of course, the permitted development rights are contained within legislation, the Permitted Development Order and indeed the permit. The operation of the Permitted Development Order is to sort of automatically grant planning permission for that, for that development.

00:59:23:29 - 00:59:40:21

So it's it in order to sort of clearly and consistently amend the General Permitted Development Order, it is necessary, in our view, to use an article of the DCO rather than a requirement, which is more akin to a planning condition.

00:59:42:12 - 00:59:49:16

So in terms of as currently drafted, article six runs to eight subsections. Um.

00:59:53:10 - 00:59:57:22

Uh, where do you envisage it would best be placed?

00:59:58:21 - 01:00:08:22

Amy Stirling on behalf of the applicant, it could go as a new subparagraph nine, although, of course, I would take this opportunity to confirm that we strongly oppose including such a provision.

01:00:08:29 - 01:00:13:12

No, I fully appreciate that, but I, I just want to.

01:00:15:14 - 01:00:30:09

Minimise any problems. Um, and make sure that if we're going to do it, we do it in a way that is, uh, as effective as possible, um, and worded appropriately. Um, so,

01:00:31:27 - 01:00:32:12

uh.

01:00:34:17 - 01:00:41:13

Effectively you would see it potentially as a subparagraph nine at the end of that, uh, current article.

01:00:43:23 - 01:01:04:07

Amy Stirling, on behalf of the applicant, perhaps. So I'm conscious we've already agreed to provide you sort of without prejudice, drafting of article six if we don't obtain the IDB consent in time. So perhaps as part of that exercise, we could suggest how this drafting on a without prejudice basis could be included.

01:01:04:17 - 01:01:24:15

Yeah, that would be very helpful. Thank you. And by all means, put it in a different color if you wish to. So it stands out. So it's very clear to us. Um, you know, the distinction between the without Prejudice element and the answer to the IDB outstanding consent issue noted.

01:01:24:17 - 01:01:25:02

Thank you.

01:01:25:11 - 01:01:33:09

Thank you, Mr. Fox. I know you have your hand raised, so a particular point on this element of the requirement.

01:01:33:12 - 01:01:43:16

Yes. I raised at a point on this, the last meeting which I've cut off on. Um, the I've got a detailed submission in asking about the, um,

01:01:45:06 - 01:02:03:24

positioning of the order limits on Trent Lane. Am I in the right area here? If I'm not, please. Uh, it wasn't answered, and nor is the formal submission on the subject being answered, and the same apply to permissive rights for footpaths and that sort of thing.

01:02:04:12 - 01:02:26:04

Okay. Um, I it's not particularly pertinent to this part of the, the DCO, uh, which we're discussing at the moment. So, um, if I can, uh, come back to those and please remind me if I forget, but, um, we'll do that. Thank you. Thank you.

01:02:30:16 - 01:02:52:24

Okay. So in terms of, uh, the next item within the DCO, um, which is item Roman six, um, and this links back to the previous discussion, uh, around our requirement 22 to an extent, but also now the wording of requirement 16.

01:02:54:10 - 01:03:07:24

Um, you make reference to affect acoustic fences or barriers as defined in the draft DCO to seek to get a full understanding of the mitigation proposed. I just want to understand, um,

01:03:09:21 - 01:03:41:18

at the moment, work number two Includes reference to fences or barriers, which is something that we'd raised in our suggestions for revisions to the DCO for consistency. Would it be appropriate to be added to work number eight? K? That's my first point. But second point in terms of work number one, where you're making reference to the development of solar panels and power conversion stations.

01:03:42:05 - 01:03:54:15

Should that also include reference to acoustic fences or barriers? So there's sort of two points there in the if I can refer to the applicant on those two elements please.

01:03:55:23 - 01:04:38:02

Amy Stirling, on behalf of the applicant. Um, I yes I think barrier sorry, acoustic fencing and barrier should be consistently referenced within work number two as it currently is, and also within the list of general permitted development subparagraph key. It's it's not work number eight. It's the general list of permitted development which applies to all work numbers. And therefore on that basis, it would not be necessary to refer to it specifically in work number one, because work number one benefits from list A through to N of the associated development, which is listed at the end of of schedule one.

01:04:38:04 - 01:04:42:20

But I take your point that it would be useful to make sure the language is consistent.

01:04:43:00 - 01:05:20:24

Okay. That's fine. But just in terms of clarifying for me, whilst it's not listed under work number one, the expectation is that the power of power conversion stations that would go across the site to support the solar panels, um, may well need, uh, acoustic fences or barriers where they are within or within the specified distances that you've set out within your parameters plans that those fences or barriers would be required.

01:05:21:06 - 01:06:15:29

Now, um, what is slightly troubling me, going back to your, uh, flood risk assessment and your assessment, um, is my understanding of noise barriers and fences. They have to be solid. Please correct me if I'm wrong there, but if they are, and you're having a number of power conversion stations with noise barriers, how are you ensuring that those noise barriers don't affect the flood area? How have you assessed the calculation of flood storage in the event that those barriers are required? And how many of the power conversion stations would be affected by needing these fences and barriers.

01:06:16:27 - 01:06:48:00

Pretty sure that's going slightly beyond the DCO question, but we're obviously going into the hydrology section next, and it just seems to me that there is an overlap there. And I'll leave you to think about that, because ultimately, where it, um, links into the the DCO is understanding how requirement 16 works, um, in terms of noise.

01:06:48:23 - 01:07:20:09

Um, because it seems to me that, uh, whilst you say in your statements of common ground, um, with I think it's West Lindsey District Council, but probably others as well that you have, uh, will be mitigated to operation noise limit defined in requirement 16. It doesn't appear to me that requirement 16 actually defines a noise limit at all. It it refers back to the environmental statement chapter.

01:07:20:11 - 01:07:22:02

So um,

01:07:23:20 - 01:07:31:06

again, can you explain how the noise limit within requirement 16 will be applied?

01:07:39:02 - 01:08:10:03

Amy Stirling on behalf of the applicant, as you would imagine that this is sort of a multi-disciplinary response to your question covering noise and flood risk. Um, I could hand to colleagues, ehm, to respond to just, I think to provide you with a coherent sort of well-reasoned response. It would be preferable to respond to this point in writing, or at least after, you know, a short break. And then we. Because we have something. For example, we have a noise consultant with us virtually.

01:08:10:05 - 01:08:17:00

And we have, um, our flood consultant in the room with us. And we just need to make sure we provide the correct response.

01:08:17:10 - 01:08:27:19

Okay. Um, how long do you think it will take you to sort of get together to formulate a, um, a reasoned response.

01:08:28:05 - 01:08:29:19

Around ten minutes.

01:08:30:21 - 01:09:01:15

Okay. So, um, that's fine. Well, it's just coming up to 20 to 1 now. So if we adjourn for the time being and we come back at, uh, 10 to 1, um, and hopefully you'll be able to, uh, give us a response before I do adjourn, though, I noticed, Mr. Fox, you've, uh, raise your hand if you've got an additional point on this particular topic.

01:09:02:00 - 01:09:18:03

I do, Actually, it's. I think it's a point of order. I know that Aiken are representing the applicant, and they're also representing the local authority and their report on the adequacy of the, um.

01:09:20:08 - 01:09:25:01

Uh, flood risk assessment. Is this a not a structural conflict of interest?

01:09:26:24 - 01:09:35:28

Well, I, I can't answer that. That will be for Aiken, either through the applicant and or through the lead local flow authority. So.

01:09:36:13 - 01:09:37:21

Um, surely.

01:09:38:02 - 01:09:44:20

I, I will I'll, I'll ask them to respond when we return after the adjournment, if that's all right.

01:09:44:22 - 01:09:45:15

Thank you.

01:09:45:27 - 01:09:57:09

Okay. Thank you. So, um. Yeah, it's now 22. So if we can will adjourn now and return at 10 to 1. Thank you.

