



Event Transcript

Project:	Great North Road and Biodiversity Solar Park
Event:	Issue Specific Hearing 2 (ISH2) – Part 2
Date:	3 February 2026

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FULL TRANSCRIPT (with timecode)

00:00:26:07 - 00:00:27:11

I can see. We've.

00:00:30:19 - 00:00:31:10

We've all.

00:00:33:06 - 00:00:34:06

Can you hear me?

00:00:46:09 - 00:00:47:00

Hello?

00:01:02:08 - 00:01:03:11

Can you all hear me in the room?

00:01:05:10 - 00:01:06:11

Yes, sir. Yes.

00:01:06:14 - 00:01:37:13

Oh. Thank you. Thank you. It's just, um. Sometimes rejoining these things can be a bit, um, a bit fraught. So I make it 1151, in fact. And, uh, we'll resume, um, at Item. I think it's 2.5. Um. Schedule two. And which is main, which will be on requirements, and then we'll move on to protective provisions and then we'll be heading towards a close. So we've got about an hour and ten minutes hopefully.

00:01:37:15 - 00:02:15:02

Um, so as you may recall, um, we raised at excuse one the use of the term substantially in accordance with and the applicant responded. And I'm going to sort of summarize some of their response. Um, which was along the lines. It wasn't an intention to be worse than anything in the outline plan and in any case, the project specific plan is subject to approval by the by the relevant authority. Or what's that effect? Um, I think this has been mentioned before, so can I just, um, I think it probably was Newark and Sherwood, uh, wanted to say something about this.

00:02:15:04 - 00:02:17:13

So they back in the room.

00:02:19:14 - 00:02:51:12

It's Mr. Betts, is it, I think, yes, indeed. Back in the room, sir. Simon Betts, Newark and Sherwood District council. Um, I won't add a lot more detail to the reference that I made earlier on, but, um, substantially in accordance with as a term, I suppose, from our perspective, gives more flexibility to

the applicant side, um, to change things between sort of outline and more final detailed versions of the different management plans.

00:02:51:15 - 00:03:15:06

So, um, if there's a development of a. outline management plan, and it follows through with those principles that have been established at outline stage. Then, you know, quite simply, should it just be in accordance with rather than, you know, substantially in accordance with? Um, that would that would probably, you know, address the point?

00:03:21:15 - 00:03:49:02

Um, sorry. Um, thank you, Mr. Bates. Um, well, the applicant or would the applicant like to consider this? I mean, this if, like, unintended consequence of of, um, the form of words they have used and whether they could, um, do some careful redrafting to avoid the, I'm going to say, the unintended impression that there are some trade off opportunities, perhaps can the applicant just, um, comment on that and then perhaps think about it?

00:03:50:03 - 00:03:50:18

Uh.

00:03:52:01 - 00:04:23:05

Matthew Sharp, on behalf of the applicant, um, sir, as you've sort of pointed out, we've provided a response to this as as part of our, um, response to first written question. So it relates to, um, uh, question, uh, 2.1. 17, uh, that relates to document 8.22, the responses to the SSAs first written questions. Um, to provide a little more detail on, on this point.

00:04:23:06 - 00:05:00:11

So the starting position is that the use of substantially in accordance with is, um, frequently used in recently made, uh dsos. Uh, and so there is precedent. So Helios for example, um, does does use this on the majority of the requirements where there is an outline plan. Um, so in this instance the use of substantially in accordance relates to requirements seven, which is the fire safety management plan Requirement eight, which is the the detailed landscape and ecological Management plan.

00:05:00:14 - 00:05:39:13

Requirement ten, which is the surface and final water details. Requirement 11, which is archaeology that uses generally requirement 12 which is the same requirement. 13 which is the Operational Environmental Management Plan. Requirement 14 the CMP requirement 17 the Skills Supply Chain Employment Plan requirement 18. The Recreation and Enhancement and Routes Plan Requirement 19, the Decommissioning and Restoration Plan, and then finally, requirement 20 is all management plan.

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And so the phrase substantially in accordance with, as I say, is established in Dsos. And it's intended to be a mechanism that balances the following three points. So the first one is that the term is clear and understandable. So substantially, you know, to the to to to the normal person. It's the word is the word's meaning is clear that provides legal certainty for the decision maker and affected parties.

00:06:14:00 - 00:06:48:16

That's an important point. Just because ultimately it's the, um, either the county or the local planning authority who is deciding whether something is substantially in accordance with or not. Um, the second point then relates to practical flexibility, uh, for the undertaker to refine the scheme without false, without seeking a full material change approval. Um, this is particularly relevant where we're talking about very minor tweaks or improvements to how, um, mitigation could be set out.

00:06:48:18 - 00:07:32:09

And again, with that sort of first point, um, that it's, uh, for the decision maker to decide that is a helpful tool for all parties. And thirdly, um, because of those first two points, it has confidence that the environmental and design outcomes assessed in the ES, um, will still be delivered. Um, and so our position and sort of happy to sort of talk about it further, is that the degree of deviation that permitted, um, that the degree of deviation permitted is specifically a matter for the decision maker, which is a core reason that the phrase is used in the first place.

00:07:32:20 - 00:08:31:06

Um, one recognises the need for flexibility in project design, especially where precise details are not fixed at the application stage. Um, we obviously are aware that the overarching NPS, um, in one states the Secretary of State must consider must consider the urgent need for nationally significant infrastructure. But that's in the context. The applicants must balance certainty with flexibility in their submissions. And so, you know, our position would be that those precedents that are before us, particularly those very recently made, um, we would say, um, supports, you know, the thinking here that it's a reasonable way to avoid a situation where a requirement may lock the undertaker into an inflexible control, where minor changes do not cause new or materially different environmental effects.

00:08:31:17 - 00:08:59:13

Um, and so that appears to be the case, um, in how the examining authority in Secretary of state in those um, precedent examples have accepted the same formation of words, particularly allowing the evolution of those documents to progress as long as those environmental envelopes assessed remained valid. Um, so very happy to sort of continue the conversation, but that's our understanding of the matter.

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Yeah. Okay. But look, I think, um, I think you've comprehensively covered a position there and this and this issue of flexibility and, um, and the intent, if you'd like to, to. Yeah. If you if you make it too strict, you almost inhibit innovation and things like that. Sort of. That's the sort of optimistic, optimistic view, isn't it? Um, I'll let you carry on discussing if you can come up with a better four words and agree that with them. Um, um, particularly Newark and Sherwood, but also others who are affected by that would be helpful.

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I won't I won't belabor the point anymore. Um, I'll move on, basically, I think. Um, so you did mention, I think, requirement eight that you've made quite extensive changes to, um, landscape and ecological management plan, um, rather than, um, uh, go into that in this. In this hearing, we will we'll

come back to that. Um, tomorrow is three. So I think we'll leave that one there for now. Um, in a similar vein, requirement 11.

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Um, Nottinghamshire County Council's detailed proposal around archaeology. Um, I'm going to defer that to SHC alongside cultural heritage issues, just to partly in the interest of time today and also because of those things perhaps considered on the side a sort of deeper discussion around those particular topic areas tomorrow. Um, so I'll go on to, um, requirements where the EA wish to see changes. Um, and I've got those noted down as nine, 12, 13, 16 and 19, which is slightly deceptive.

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I think it's complex matters, and it would appear to me that these have been resolved, according to the, um, deadline to statement of common ground within the been agency up

00:10:50:21 - 00:10:59:09

to nine one. If the o the EA are with us, would you like to confirm this? And then I'll let the applicant just respond as necessary.

00:11:07:02 - 00:11:07:24

Yes. Let's go ahead.

00:11:09:21 - 00:11:25:03

Morgan. Hangman, on behalf of the Environment Agency, you'll have to excuse me. I'm just putting up a response. Um, so in terms of you were saying requirements nine, 12 and 13, was it?

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I've got I've actually got noted down. If you go across the statement of common ground, I think the effective requirements were in different clusters, but there were nine, 12, 13, 16 and 19. Altogether I think um, that's what I've noted down Mr. Hang. And if, if the, if that agrees with what you've got in front of you. I'm with you on the same page as they say, but if you've got an up to date version. Well, I'm.

00:11:55:17 - 00:11:56:21

Different. You.

00:11:58:13 - 00:12:06:24

I think because we're currently reviewing the new submission, it may be worth me getting back to you on this. Um,

00:12:08:15 - 00:12:13:09

I note that we have we have definitely approved.

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We'll go to the areas where you. Yeah, yeah, go through the areas.

00:12:18:00 - 00:12:24:13

You kind of you've reached agreement on and just highlight anything where there's still some discussion if you like, in terms of the requirements. Yeah.

00:12:24:20 - 00:12:59:10

Sure. Um, so requirement 16 we have approved of that. We have fine of that. That's excellent. Uh, that will be this is part of currently our draft for the deadline pre response. So the response to the applicant's deadline two submissions are so required. 16 we've resolved because they have made some of the appropriate amendments to to the outline stamp requirement.

00:13:04:05 - 00:13:05:09

Requirement.

00:13:11:11 - 00:13:28:07

Requirement nine. We have resolved as well because it had been named on that, uh, requirements. 12 we are resolved because we have been named on it. And the permitted preliminary works have been included under the stamp.

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And then was it did you say so 13 as well. Was it 16 that you mentioned as well?

00:13:42:06 - 00:13:51:10

I think I think I mentioned 13, uh, which I must have picked up on the same common ground unless I'd made a mistake, which was possible, but, um, I think it was. Yes.

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So we've been named on 13 as well. So.

00:13:55:05 - 00:14:09:01

And broadly speaking, I mean, just sort of something like that. Broadly speaking, you were seeking to be consulted through the approval process on quite a number of matters. Is that is that a sort of summary of what this, what this the effect of these amendments

00:14:10:18 - 00:14:11:09

was?

00:14:11:18 - 00:14:48:03

Yes, exactly. To ensure that we can see the finalised documents. So for example, the finalised construction environment management plan, we were just asking to be consulted on it as either relevant authority or ensure that we, we were named to be in consultation with we still maybe might have some outlying issues with the the outline documents themselves that may need correcting. However, we are content with what the applicant has put in the statement of common ground regarding naming us as a consortium and specific requirements.

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Thank you. Thank you. Okay.

00:14:58:16 - 00:15:07:05

I don't know if the applicant must respond to that, even just very briefly. I don't think they're the great response required given the given the progress that's been made.

00:15:07:24 - 00:15:43:10

Uh. Yes, sir. Uh, Matthew Sharp, uh, for the applicant, uh, yes. That's also our understanding. So, um, all of the, um, detailed feedback from the EA in relation to the requirements has been taken into account. So, um, the responses we've provided it both deadline one and deadline two. Um, from our perspective, should resolve those matters. Um, which is consistent with Mr. Harrington's, um, position. So, yeah, keen to sort of resolve the remaining points on the management plans, but that's a separate matter.

00:15:43:24 - 00:15:48:05

Thank you. Miss. Mr. Harrington, did you want to say something further then?

00:15:50:13 - 00:16:24:06

Yes. I agree with Mr. Sharp's point. I think a additional point I need to raise on this is it relates to what you were mentioning about substantially in accordance with that use of the wording. We are currently discussing our our thoughts on that wording internally, and we will, as part of this deadline free response, provide a position on our thoughts on the use of substantially in accordance with. Again, that will be satisfied later in our deadline for your response.

00:16:24:19 - 00:16:55:05

Okay, fine. Thank you. Thank you for that. I won't return to that. Um, again, uh, with the applicant, I think, um, I'll, I'll let the various parties put in their, um, positions on that. Um, I think I'll move on to. I've got on my list the climate 15, um, which I'll probably mainly say my piece on this and the applicant, uh, take it away. Um, but it might be help. I hope this is helpful. Background.

00:16:55:08 - 00:17:35:15

Um, so, um, the applicant might not be fully aware. So again, this is this is something they might want to investigate, but um, and I'm talking but this is an operational noise requirement for those of you, um, trying to sort of keep track of this. Um, and we included in XTC one, a reference to that requirement that was finalised by the Secretary of State and the Helios made order, um, following a consultation that they actually initiated between the Helios applicant and, uh, North Yorkshire Council, um, following the receipt of the Icas recommendation report.

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So I note the applicant, um, Used something based on, or may have been an exact copy, I don't know. Um, uh, use the Stone Street order, which, of course, he says, um, pre-dates Helios. So I'm just inviting the applicant to, um, go back and have a look at that and, um, see what they come up with. And somewhat similar to before. I'd like I'd like them to involve, um, new control district council and ultimately that this, this matter is included on the statement of common ground with Newark and Sherwood and with any agreed changes compared with Helios reflected in the next version of that and a revised draft, um dco so that ultimately, um, we as, uh, as an examining authority can, can trace it if our evolution evolutionary development, um, which is what we will then have to explain the in the report recommendation report we made to the Secretary of State.

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Is that all sufficiently clear for those of you involved? If I can just ask the applicant just to comment first.

00:18:52:03 - 00:19:08:06

Uh, Matthew Sharp, on behalf of the applicant. Uh, yes. That's noted. Happy to look into that. In, in, uh, a little more detail. And so very happy to continue the discussion with, uh, the district council too. So yeah, very happy to take that as an action.

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And, and the council knew control.

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So the gist of that argument. Yeah. Sorry. Go ahead. Yeah. Sorry. Simon person you can share a district council. Yes, I think I follow the points. Um, again we're happy to have that discussion. I need to go in and discuss with environmental health colleagues as well. I accept it's somewhat specialized, so I wasn't going to go into the the nitty gritty in this forum. Um,

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So I think I move on then. I think we're doing well. Moving on to National Highways, who I think are with us. Um.

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So with the exception of protective provisions, uh, I think you wish to see some, um, changes. And I've got noted down. And this is reflected in your statement of common ground about 293. And I've got Notre Dame requirement five, which is amendments to certify documents 14, the Construction Transport Management Plan, 19 decommissioning management plan, and 22 the glinting glare mitigation.

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Um, so could I invite national highways just to outline their um or current state of play and things that are agreed and things that are still being discussed. So if I hand over to National Highways, that would be. That'd be good.

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Thank you sir. Um, Ross, course, on behalf of National Highways Limited. um as yet those for um asks of National highways are still um are our stated position um in respect of requirement five. Um, the exact need for that amendment is not yet confirmed and is really going to depend on where we get to in discussions which are ongoing with the applicant concerning the schemes interface with the A1. Um, at present, the applicant is seeking powers over two local authority roads which over sail the A1 and these works can be seen on work plans sheet 26 and 28.

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Um. The applicant has given non-binding assurances that no physical works will take place above the shrine in respect of those works, um, and has removed the corresponding protections from national

highways as protective provisions as they appear at schedule 13 of the draft DCO. Um, we're in the process of agreeing with the applicant suitable legally binding Assurances regarding the works are shown on sheet 26 and 28 of the work plans, and we intend to make further written submissions on the need for an amendment to requirement five.

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Once the parties have discussed the approach further, but at this stage, and that's as much as we concern requirement five, um, I am hoping that an amendment to it won't be required and we can reach agreement with with the applicant in due course.

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And the other requirements that I might take it those are, those are, um, agreed with the position.

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Uh, no. Um.

00:22:08:17 - 00:22:10:12

Sorry, sorry. You carry on. Sorry, Karen.

00:22:11:05 - 00:22:44:02

Um, so in terms of requirement 14, as per our written representation, um, National Highways is requesting a minor amendment to that requirement to impose an approval right over a limited part of the MP. That being matters specifically relevant to the SRN. Um, and this is to ensure that construction traffic management takes place in a coordinated way alongside delivery of the A46 Newton bypass scheme, which, as you'll know, is a nationally significant infrastructure project which was granted development consent on the 1st of October 2025.

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And that scheme borders the southern boundary of the the applicant scheme and we intend to keep the approval right. Limited to matters concerning the SRN, specifically to avoid constraining the applicant's wider delivery programme. Um, in a disproportionate way, but we consider it's the most effective way to manage construction interface at that time, in the speediest way. Um, the approach here was recently adopted by this Secretary of State on the Viking CCS Pipeline Order 2025, which was similarly a critical national priority project.

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Um, in terms of requirement 19. Again, we're requesting an approval, right, in respect of the DRP, insofar as matters within it are irrelevant to national highways. Um, at the moment, National Highways isn't referenced in that requirement at all, and given the need or the likely need to utilise the SRN as part of any decommissioning works, we'd expect to have some form of involvement in agreeing the decommissioning measures. Helios and Stone Street are good examples of where, at the very least, National Highways was given a right to be consulted as part of the approval of the DRP.

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Um, and in the current version of the CCG, the applicant is seeking to confirm its position on this requirement. So on the basis of the information currently before US National Highways is maintaining

its position and approval, right in respect of SRN elements only of the DRP is a proportionate way to control the impact to our network until the impacts are better understood. Uh, and the the applicant's position is confirmed. I would say there's no real, um, sort of consistency and approach across solar schemes to this particular requirement.

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For example, on Buyers Guild, the LPA, um, uh, has to approve the, uh, the DRP in consultation with the Environment Agency on cotton. Um, the LPA has to approve the DRP in consultation with the Environment Agency and Natural England. So there is there is precedent of this being quite a widely drawn, um, and sort of non, um, non-standard form requirement in that sense. Um, requirement 22 um, is the last one I'll be discussing.

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And that's again an approval, right? In respect of the glint and glare assessment, which um, from my understanding, isn't, um, a common requirement on solar schemes in the DCO, um, regime? I haven't seen many of these requirements across schemes at the moment. National highways again isn't referenced at all, and given there are intended to be solar panels immediately adjacent to the SRN and given the applicant's own environmental statement, demonstrates that there's going to be above tolerance impacts to parts of the SRM which require mitigation to be agreed.

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We think it's appropriate and proportionate that National Highways has a role in agreeing that mitigation and its likely effectiveness to preserve the safety of the travelling public. Um, again, National highways are seeking a proportionate approval, right, in respect to the SRN only, and we don't have an interest in seeking wider approvals for other parts of the glinting glare assessment that would, um, that would prevent the applicant from from getting on with the work. So, um, we are seeking to sort of constrain that approval, right, to the extent that we consider is proportionate.

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Um, so I'll stop there. Um, and just let, um, perhaps the applicant comment on on what I've said there. Thank you.

00:26:20:22 - 00:26:52:16

Thank you. Thank you very much for that. Um, so again, there seems to be before I just turn to the applicant. I mean, it's sort of a recurring theme. That's very much so. Um, and the trees are right in proportion, if you like, to the. To the degree to which national highways assets are affected or identified as such. Um, so the applicant, I mean, I'm going to take it that you're broadly moving towards agreement on this, but can you just, um, highlight anything where you feel there's a real kind of stumbling block, if you like?

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Um, Matthew Sharp, on behalf of the applicant. Um, so I think the sort of, you know, the starting point here is, um, our position is that an approval, right, for National Highways is not our agreed position. So I think to take a step back. Um, so the discussions of the national highways have been constructive to date. Um, um, the majority of the submissions made by National Highways have related to the scope of the assessment and a number of technical highways matters.

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We've now reached agreement on those matters. And with the added point about confirmation that there are no physical works proposed that would affect the strategic road network. Um, you know, that puts the the comments into sort of, you know, an optimistic context from, from from that perspective, I think taking each of the requirements in, in sort of in a slightly sort of out of turn order, but starting with the, the TMP, which is requirement 14, um, that the outline tmp talks about a number of commitments that are made within that, which includes the use of construction routes.

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Um, it's our position that the county acting as a reasonable, um, authority, is in a good place to ensure that the detailed matters set out within the camp, such as site access points, the road safety audits that we've talked about earlier, internal access roads, um, those those matters which are explicitly intended to be covered in the detailed map, are proper and right for the county to approve.

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There is a use of the strategic road network in relation to the routes that are identified, but the role for the strategic um highway authority is very limited in so far as it relates to the to to the map. And actually the compromise that we've suggested is consult with National Highways. They have an opportunity to to raise points with the county who acting reasonably. We can have confidence that they would deal with any legitimate concerns in the normal way.

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So the examples that, um, National highways have indicated in relation to sort of precedent that relates to projects that have got physical interaction in a substantial way with the strategic road network. And so I think given, you know, there are no physical works here, and we are sort of in agreement on the technical sort of perspective. Um, we seem to be sort of, you know, in quite a different circumstance. And so our position is that a consultation role for National highways is legitimate.

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And the same point would apply to uh requirement uh 19, uh requirement 22, which already includes the, the National Highways as a, as a consul T. And so our position is that that consultation role, given the limited scope and the fact that the subsequent approval is either approved by the County Council in respect of requirements. 14 um um and the local planning authority in relation to requirements 19 and 22.

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Um, that's a perfectly legitimate, robust way of ensuring any matters that they wish to raise at the detailed stage do get considered. Um, but yeah, very happy to sort of hear, hear. Um, other views on that matter. Thank you.

00:30:46:18 - 00:30:49:10

Um. Thank you. Thank you. Um, yes. Um.

00:30:51:15 - 00:31:03:23

Do you want to come back on those things, uh, National highways or am I am I sort of am I? Um. Well, no. Yeah. Go on. If you'd like to respond, please do so.

00:31:05:02 - 00:31:37:04

Thank you. Er. Roscoe said National Highway is limited. I think our position in response is just that on on proportionality generally it is our view that it should be within National highways control over whether approval is given in relation to matters of safety for which it's ultimately responsible, particularly where we've got statutory licence obligations which we owe to the Secretary of State and responsibility for the public at large using our network. As I say, I don't think there's any real, consistent approach to the drafting of these requirements across all the decisions. In some cases, National Highways has a right to be consulted.

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In some cases, it hasn't been given those rights at all. And in others outside of Seoul that we've got direct approval rights. And I think from our perspective, the point we'd like to emphasize is that this is a project by project and decision of the Secretary of State and whether the impact is we see it as the strategic highway authorities justified. So in this case, we do feel that it is justified, particularly given that what we're seeking to do is impose an approval right that is limited only to the to the SRN.

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So in matters where, for example, as Matthew set out, um, you know, uh, accesses that the county authority would be interested in, we would have no role in that, um, because it wouldn't be on the Yes, I ran. Um, so this isn't a doubling up of an approval, right? As we see it, it's specific to our our jurisdiction. Um, so I yeah, I do think it is a proportionate, um, right that we're seeking, um, and one that should be within our control, um, is the Strategic Highway Authority.

00:32:42:02 - 00:32:45:13

So, um, I'll leave that there. Thank you very much.

00:32:46:14 - 00:33:07:12

Thank you. Um, any final comments from the applicant? I mean, I get the impression you are narrowing down the issues. Um, but perhaps you may not actually resolve this. I mean, is that is that fair, or do you want to, um. Give me greater cause for optimism?

00:33:09:18 - 00:33:47:18

Uh, Matthew Sharp for the applicant. Um, so I think I think that your your suspicions are fair. I think on, on on a lot of items, we're, uh, maintaining a good, good degree of optimism. Um, I think on the the right to approve, particularly in the context of the very limited nature of, um, our projects interface with that, um, strategic road network. Um, I don't think we would agree to that position. Um, that doesn't sort of, um, take anything away from the conversation that we're having in relation to the assurances in relation to work.

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Number eight and so the sort of, um, making sure that those guarantees that no physical works would take place either to above or below the strategic road network, which will be covered in the protected provision session later. Um, but, you know, on the actual, you know, principle of National highways

becoming an approving authority, which is, um, you know, you know, we're very happy for the consultation point to be, um, agreed.

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But to actually take that to the next point and allow a, you know, a statutory body to, to approve things that may otherwise, you know, fetter or delay the project. Um, it sort of it touches the point in principle, particularly in terms of what the government is trying to achieve in terms of speeding up the delivery of urgently required renewable energy. And so this sort of touches a sort of a nerve for us, just because we've got a grid connection that allows early delivery and anything that could potentially put that at risk, we can't entertain.

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Okay. So I think I'm clear on your positions and and where you've got to um, you're still time. Of course there is still time in examination. Um, um, we'll receive updates to your statements with common ground so we can see how you're getting on. Um, and then we may follow this up, um, in writing. So, uh, appreciate your contributions on that, um, area. Um. Is there anybody else? I was I was hesitating said does, um, Nottinghamshire County have any anything to say on this.

00:35:30:03 - 00:35:36:12

Not that you need to have anything to do on this, but as you were mentioned once or twice will be county council.

00:35:36:15 - 00:35:44:07

No, this isn't a matter we've given any consideration to. Um, I think, you know, it's between national highways and the resolving.

00:35:44:10 - 00:36:09:01

That's fine, that's fine, that's fine, that's fine. I just thought I'd give you a chance. Um, I'll move on then. Um, which I think is required for, um. I think this is one way. I'll just invite the applicant to explain how this would work, and then, um. Yeah. Go on handing over to the applicant on the comment 24 and explain what it's all about so we can understand.

00:36:15:22 - 00:36:17:23

He wants to lead on that first.

00:36:18:00 - 00:36:21:06

Sorry, sir. Martin. Martin. Pennington. I'm fine. Martin. Thank you. Mr..

00:36:21:14 - 00:36:23:07

Pennington. Sorry. Mr.. Pennington. Yes. Okay.

00:36:23:09 - 00:36:58:16

Yeah. Thank you. Um, yeah. So the the concept behind, um, requirement 24 was to address the the comments from the examining authority. Previously on the flexibility provided by work numbers six and seven. And essentially, um, it's to set out which of those, um, options we intend to to put in place. Um and then once once we've confirmed that then, then the other option effectively falls away.

00:36:59:13 - 00:37:01:20

So that's that's the reasoning behind.

00:37:01:22 - 00:37:18:16

That's fine. I think I think what we'll do with that one, um, given where we are now in the time is we will um, we will look at that in detail. And obviously other people can comment on the detail and if there's anything we'll we'll come back to you in writing at the Q2 if there's any further clarification required. Um.

00:37:19:16 - 00:37:20:06

Okay.

00:37:20:08 - 00:37:54:21

Thank you. Okay. That's that's fine. Unless there was anything else from anybody else on that one, I don't expect that to be necessarily. So I think that's appropriate then to move on to um schedule 13. Um, which next item or items sort of three within this item on the agenda, which is schedule 13 of draft DCA provisions. Um, before I, before I get into the, um, the detail. Um, well, before we receive updates from probably the applicant, mainly, um, could I ask? Um, because I couldn't find one.

00:37:54:23 - 00:38:30:08

Is there a utilities plan or equivalent in in your application? Um, and if you suddenly point me to something, I'm going to just explain it a bit better, because, um, it will be helpful to us to understand better the extent of interaction, because we've touched on this already in relation to national highways. But interaction with statutory undertaker. Assets that are not shown on the maps. So for example, this particular only thing underground um, across any cross country as well as our gas pipes, mains, pipelines, um, as well as lower voltage.

00:38:30:18 - 00:39:13:00

Uh, by which I mean lower than monthly two kV above ground electricity cables. Um, so could we have such a plan or set of plans? Is my sort of rhetorical question. And and we're also aware, of course, that some utility rights are held under agreement with current or previous landowners and may not be apparent from property searches, i.e. they're not showing up in. They don't show up in the book of reference. Um, in terms of an example or um, template or guide, um, if the answer to the questions was no, basically, um, the North Lincolnshire Green Energy Park, um, and it provided them so they should still be accessible via the NCP website.

00:39:13:02 - 00:39:21:04

Um, can I just let the applicant respond? Just in case I've missed something in your the maps and documents and so forth.

00:39:23:04 - 00:39:25:03

Uh, Peter Nesbitt for the applicant.

00:39:25:05 - 00:39:43:05

Oh, a bit close. Um, thank you, sir. Um, I'm not immediately aware that that, uh, plan exists. We'll double check that. But, um, I understand the request, I think. I think that would be useful. Uh, we'll look at the precedent that you've you've provided there, and I'm sure we can provide something good.

00:39:43:07 - 00:40:11:19

Okay, fine. I think. Um, it just informs the discussions on protective provisions, frankly. So. So, um. Yeah. Good. We'll move on then to, um, uh, 3.1 on my, uh, on my agenda. So, um, I will invite the applicant really to, um, update us really with, uh, progress on agreeing these with the various statutory undertakers. So, back to the applicant.

00:40:13:22 - 00:40:47:17

Thank you, sir. Peter Nesbitt for the applicant. So just to summarize, I'll try to provide a little bit of detail as to where we are with each. So you can judge the the extent of agreement because there's a number not finalized but nearly there. Um, the following parties have either accepted or made no comment on the, um, uh, draft protective provisions, including the DCO. So that's Severn Trent Water Limited, uh, Virgin Media, Vodafone,

00:40:49:08 - 00:40:50:13

Openreach

00:40:52:03 - 00:41:06:17

and then National Gas Transmission plc. Um, but that one is just subject to um agreed arrangements for, for ongoing consultation which I'll, I'll come to a little bit later.

00:41:08:09 - 00:41:28:07

Um, I think we've already covered the point regarding the Environment Agency's approach, the misapplication provisions and the removal of their protective provisions and that being agreed by the applicant, and that will be updated in the next draft of the of the DCO.

00:41:30:08 - 00:41:31:03

Okay. Yeah.

00:41:31:05 - 00:42:03:11

Good. Um, in terms of then outstanding protective provisions, just to give you a bit of a, um, an update on those, um, I won't say any more about National Highways. I think we've probably adequately covered the position on that. Um, there's some work to do on that still, but, um, negotiations are advancing. Um, and I'm sure we can find a solution to the to provide confidence to national highways that, um, works. Number eight won't affect the strategic road network.

00:42:04:00 - 00:42:37:14

So I won't say any more on that one unless there's any questions. Uh, the next one on my list is RWA. So the applicant's been engaging with RW regarding the form of protective provisions from which they would benefit. So those are the ones for the electricity undertakers, etc.. Um, I think there's only a single drafting issue remaining to be agreed in connection with the definition of apparatus and what's included in that. Um, and the applicant's confident that'll be resolved shortly.

00:42:38:01 - 00:42:44:12

Um, so that that is a set of protective provisions that we anticipate will be concluded well within the examination period.

00:42:46:23 - 00:43:18:03

Um, and we come to, um, Cadent. So with Cadent, we've agreed a joint statement. Um, for this hearing, um, and the joint statement is that cadence, standard form of protective provisions were submitted alongside its relevant representations and include the requirement for protection against compulsory acquisition. The requirement for security and insurance and the provision of an indemnity to ensure the protection of its gas distribution network.

00:43:19:05 - 00:43:51:15

The protective provisions submitted by the applicant in its draft DCO, whilst based on cadence standard terms, did not include provision for security insurance and indemnity or regulating the acquisition of of land. The parties have agreed in principle to enter into a legally binding side agreement to include these commercial points. Discussions are ongoing, but in order to protect its position until such times that side agreement is signed, Cadent cannot confirm that protective provisions are agreed so that that one is ongoing.

00:43:51:17 - 00:44:25:03

Side agreement being negotiated okay. Next on the list is um and get. Um, so with regard to and get the applicants been proactively engaging with national grid electricity transmission, or I should say, in relation to protective provisions. Further to early consideration of potential interfaces between end Gets interests and the development in the application. The applicant included provisions for the protection of electricity, gas, etc..

00:44:25:05 - 00:44:56:13

Undertakers including engaged in the draft eco in response to and gets relevant representation and written representation. The applicant has added in get specific provisions as part of um sorry at part eight of schedule 13, a deadline one. Subsequently, on the 12th of December 2025, the applicant provided Engie with a further version of those specific protective provisions for their consideration and now await their response.

00:44:57:07 - 00:45:08:22

The applicant acknowledges the request in N gets representations for protective provisions in their favour to include provision for their future scree

00:45:10:19 - 00:45:27:12

project, which is an overhead line. A bit of a mouthful. Overhead line reinforcement project. Um, but the applicant is not opposed to this in principle, but requires further information on the details of that future project progress discussions. And those details are currently awaited.

00:45:29:09 - 00:46:02:02

Um, in connection with then National Grid electricity distribution, the applicant acknowledges the deadline to submission by NZ um, confirming that it has assets in or upon land, uh, within the order limits, and requesting that an asset protection agreement is entered into, uh, to withdraw the holding

objection they submitted at deadline two. Prior to this, the applicant sought to engage with, engaged and provided procedural updates to um engaged in relation to the development.

00:46:02:04 - 00:46:27:22

I think that should be engaged. Sorry. The applicant and engaged met on 15th January 2025 to discuss the interfaces between the development and needs interests. The applicant awaits technical details again and plans remain geared to progress the discussion to the towards settling an APA and asset protection agreement. Again, we consider that this is capable of being resolved well within the examination timetable.

00:46:29:18 - 00:46:32:08

Um, next on the list is Network Rail.

00:46:34:09 - 00:47:14:12

Um, so the applicant included provisions for the protection of railway interests benefiting Network Rail. In part three of schedule 13 of the draft DCO submitted with the application. Network rail does not have any interests within the order limits. However, Network Rail has raised certain technical points in relation to crossings outside of the order limits that it wishes to have addressed in its preferred form of protected provisions. The applicant continues to engage with Network Rail and on 21st of January, 2026, has provided an updated version of those protected provisions for the protection of railway interests to Network Rail for its consideration, and now await its response.

00:47:14:14 - 00:47:20:17

Again, it's not anticipated this will cause any difficulties to settle this within examination period.

00:47:22:12 - 00:47:46:10

We then have Trent Valley Internal Drainage Board, um, they have recently instructed solicitors on the 29th of January to review the protective provisions which the applicant included in the draft DCO. Um, the applicant will therefore update the WSA once it receives any comments in relation to those protected provisions.

00:47:50:07 - 00:48:28:24

Um, finally then national gas transmission, um, which I mentioned earlier, National gas made contact with the applicant on the 15th of January 2026 requesting information Regarding the proposals under the DCO. Correspondence between the parties was ongoing and on the 2nd of February 2026, National Gas agreed that it was happy to accept a commitment from the applicant that further consultation with National Gas would be required before the applicant seeks detailed design for any phase that may have the potential to affect national gas equipment, apparatus or operation.

00:48:29:09 - 00:48:54:16

That commitment shall be set out in the concept, Design Parameters and Principles. Document that rep 2084, which will be sorry, an updated version of which will be submitted at deadline three. Um. National Gas have, however, accepted the form of protected provisions at schedule 13, part one of the DCO. And that's everything. Thank you.

00:48:55:11 - 00:49:25:24

Thank you, Mr. Nesbitt. That was, um. I think you covered all the ones on my list. So that's. And ten some that weren't. So that's, um. That's helpful. Um, I don't know if anybody I apart from the employment agency and National highways, I don't suppose any of the other parties are on on the on the hearing on it. Um, despite what Mr. Nesbitt might have said. Does the agency or National Highways have any comments on what they've heard? Um, as this is obviously an opportunity to make those comments.

00:49:27:20 - 00:49:31:04

Yes. Mr.. Mr. Harrington, the Environment Agency. Yes.

00:49:31:15 - 00:49:54:16

Morgan Hagman, on behalf of the Environment Agency, just a simple comment to say that we're glad to hear that the protective provisions for the Environment Agency will be removed from the draft DCO. A I can state that that is what we have been asking for, and therefore we look forward to seeing the new draft of the DCO with them removed. Thank you.

00:49:56:00 - 00:50:04:21

Thank you very much. And I think, uh, was there somebody from National Highways wants to talk to this at all. On that sign.

00:50:05:16 - 00:50:42:01

Thanks. Yeah. That's right. Um, Ros from National Highways. Um, again, just welcome what Mr. Nesbitt said about, um, the the approach to National highway protective provisions. Um, just to reiterate, really, our position generally, which is that, um, we're unable to withdraw our objection to the scheme until either the applicant has provided a legally binding commitment to not implement works with the SRN in either location, and a form of or protective provisions is mutually agreed, or the drafting which we've provided in our standard form protective provisions to cater for for the scenario presented by work, eh as applied for by the applicant is reinstated.

00:50:42:03 - 00:51:15:24

So in the absence of those commitments, um, National Highways would request that the examining authority recommends the Secretary of State that the protective provisions, which are appended to our written representation and put forward for inclusion in the final DCO, um, and the suggestions, the suggested amendments to requirements five, 14, 19 and 22 are set out in our written representation, are incorporated in 25 or May DCO as well. Um, we hope obviously that that won't be necessary and we'll we'll keep the examining authority updated throughout throughout the next deadlines.

00:51:16:01 - 00:51:35:20

Um, but if any further justification as to why our, um, the main clauses in our protective provisions are required, I just refer the examining authority to pages 10 to 12 of our written representation. And of course, we can provide more detail on those if needed. Um, and we'll continue to proactively discuss solutions with the applicant in the meantime. Thank you very much.

00:51:37:00 - 00:52:00:02

No. Thank you. Thank you for those, um, contributions. Um, does the applicant want any more about this? I think we probably covered it, Mr. Nesbitt. But if there's anything further before I. If you'd like

to move on to, um, summarizing, perhaps, uh, the position on protective provisions. Do you want to make any, Um. Comments and response.

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

Um, Peter Nesbitt for the applicant. No, sir. I don't think there's anything to add to that. I won't rehearse the arguments in relation to National highways, I think. I think we've.

00:52:08:24 - 00:52:09:14

I think we've.

00:52:09:16 - 00:52:10:06

Already discussed.

00:52:10:08 - 00:52:39:23

That. Yeah. Okay. Um, so that all sounded like there's often these things often do at this stage, there was still some work to be done in other areas. Um, I think, again, you know, and I think you've covered some of the points I was going to make anyway. Mr. Nesbitt, I seem to recall Cadent, um, lawyers provided examples of their standard provision, and you seem to have identified a way forward with them. Um, obviously, I'll state the site. I

00:52:41:23 - 00:53:15:10

probably already said here. Which which is that? It does. When we get to the, um, submission of a recommendation report, it does make life easier for the secretary of state if if there's if you like one agreed form protection provisions for the various um, uh, statutory undertakers. Um, that that form may vary. Of course. That's something as we've all touched on some of the detail there. Um, so it's not, as it were, left for them to sort it out. Um, which of course can cause delay.

00:53:15:19 - 00:53:49:14

Um, and it makes a cleaner recommendation report from our perspective. So I would just encourage you to continue to move forward on that basis, in line with the timetable and endeavour, um, to, to to reach agreement on these matters. Um, before well, obviously as early as possible, but hopefully sufficiently well before the end that we're not in a sort of a last minute sort of panic mode, if you like. Um, I imagine I don't suppose anybody would disagree with that, I don't think. Um, I can't see them, but, um, I assume that's the case.

00:53:50:05 - 00:54:07:14

Um, so I'm going to move on to item four, which is just a really opportunity for anybody else to make submissions relevant to this hearing, should they wish to. At this stage, before we move towards next steps and closing the hearing.

00:54:11:00 - 00:54:12:13

I'm looking around.

00:54:16:13 - 00:54:21:14

Mr. Betts. Is it Mr. Betts? I think Mr. Betts in the room.

00:54:21:16 - 00:54:24:17

Yes, it is me again, sir. Simon Betts.

00:54:24:19 - 00:54:26:07

Newark and Sherwood District Council.

00:54:26:12 - 00:54:27:05

Um, I just.

00:54:27:07 - 00:54:27:22

Wanted.

00:54:27:24 - 00:54:28:14

To.

00:54:28:16 - 00:54:31:14

Spend a minute or so reaffirming some points.

00:54:31:16 - 00:54:32:14

That we made.

00:54:32:16 - 00:55:03:14

At relevant stage, if I may, just in relation to articles 39 and 40 of the draft SEO. Um, I'm just going to paraphrase from those two articles briefly. Um, again, if I may. So article 39, which relates to trees and hedgerows, refers to the undertaker may fell or lop any tree or shrub near any part of the authorized development or back its roots. If it reasonably believes it to be necessary to do so to prevent the tree or shrub from.

00:55:03:16 - 00:55:48:01

And then it goes on to explain the circumstances. Um, that sort of prompts two questions from our side really, which is how is near defined and how is reasonably necessary to do so defined when that sits within the solely the applicant's judgment based upon the current wording? If I can just refer to article 40, which specifically relates to TPO trees. Again, paraphrasing the first component of that article, the undertaker may fell or lop any tree that is subject to a TPO within or overhanging lands within the order limits, or cut back its roots if it is reasonably, if it reasonably believes it to be necessary to do so.

00:55:48:08 - 00:56:20:08

So um, on TPO trees in particular. And because we have had a bit of discussion today about whether powers or articles are necessary, I just wanted to point out that the applicants are cultural impact assessments, which is document reference on 010162 app 6.4.8.12 does state at paragraph 64. That's, uh, under the title of TPO trees.

00:56:20:10 - 00:56:58:05

The proposed development will not result in a loss or pruning of TPO trees, as all works are either outside of the 15 metre buffer zone or do not encroach into their route protection area. So I suppose in

particular, that raises the question to us. Well, why is why is article for article 40 excuse me, necessary? Um, and to us these powers seem quite, um, quite far reaching and generous, um, in an eventuality that, based upon the applicant's own impact, assessment work doesn't seem to be necessary.

00:56:58:07 - 00:57:07:22

So I just wanted to take the opportunity to reaffirm those points. I'd say we have made more detailed submissions at relevant stage, but I just wanted to put that on record as well.

00:57:07:24 - 00:57:29:23

I can I can see a general point. You're saying, well, if it's that benign, if there's none of these things will be affected by the powers kind of argument over, over, um, trees with preservation orders. On the other hand, I expect I could go to, um, other made orders and find those exact same powers in there. But I will ask the applicant to, um, respond to your points.

00:57:30:23 - 00:57:58:14

Thank you. Sir. Mr. Pennington, on behalf of the applicant, um, I think there's a relatively straightforward response to the CPO point in which is that right now there may not be, but in the future, that potentially will be. Or there's nothing preventing the local planning authority from imposing tree preservation orders in relation to trees which are within the outer limits. And so that's the reason for article 40. Um to future proofs project basically.

00:57:58:22 - 00:58:23:18

And I mean I did we were going to bring this up to say this these articles, but I think um, obviously have a look at them. But but if your defense is essentially they are relatively um, I hesitate to use a standard, but very well posted articles. Um, if you could just reiterate that if you think you need to, then, um, that'll be helpful in your, um, posting submissions. Yeah.

00:58:23:24 - 00:58:34:03

Thanks. So, um, Mr. Billington, for the applicant. Yes, of course, these are standard, um, model articles, but we will reiterate that point in our in our response. Thank you.

00:58:34:05 - 00:58:40:08

Okay. Just, just just so we have a trail of the of the, of the issue and hopefully the resolution hopefully. Um,

00:58:41:23 - 00:58:50:01

was anything else anybody in the room or online? Um, before I go to, um any other matters and then next steps.

00:58:54:02 - 00:58:55:04

Mr. Betts again?

00:58:55:06 - 00:58:56:14

Yeah. Mr. Betts. Yeah.

00:58:58:01 - 00:59:33:05

Thank you, sir. Simon Betts, new concert district council. Um, I just wanted to come back on that point, if I may. Yeah. Of course, in terms of the, uh, judgments about reasonably necessary to do so, I haven't looked at this in detail, but I think there was one other example of a DCO where, um, the applicant was required to notify or consult with the planning authority before undertaking works to the TPO trees. So in effect, a period was accounted for which allowed the applicant to draw that to the attention of the authority and then consider, um, the works to be undertaken.

00:59:33:07 - 00:59:37:10

So I make that as a practical suggestion in satisfaction.

00:59:37:16 - 00:59:57:06

Yes, I think I think you're still talking to the applicant, if you can, if there's opportunity to refine, amend, slightly, amend the words, and you can both agree to at least that amendment, then I think that's that seems to offer a possible way forward. I'll give the applicant. A chance just to respond. Finally, if they wish.

00:59:57:23 - 01:00:10:24

Thank you sir. Mr. Pennington for the applicant. Yeah. Of course, we're open to continued negotiation discussions on this. If the, um, the referenced order could be put forward in writing as well, and we'll we'll take that away. And considering.

01:00:11:01 - 01:00:29:15

Yeah. Yeah. Quite so. Quite soon. Yeah. Quite soon. Okay. Um, I think there should be nothing else now. I think we've had a fair opportunity there. Um, I've not seen anything on, um, any other matters, so I think I'll move forward to next steps. Um.

01:00:31:17 - 01:01:06:13

So I think all the actions, apart from utility plans, um, will be covered by posting submissions around articles. And I've, I've noted down articles nine and 48 to 51 that I think we discussed earlier updates to the draft um, Order, which would, uh. Yeah. Um. Any updates? The explanatory memorandum and any updates to the statements of Common Ground? I think those are all things that will occur, uh, identified in the timetable. And so deadline three will be the next update generally, and then the subsequent deadlines as, as we go from there.

01:01:06:22 - 01:01:29:04

Um, if we could receive, um, the utility plans that I mentioned by deadline. So that would be helpful as obviously that will inform us in relation to second. Second round of questions. So I think it is it's time for me to hand back to doctor McGeehan and to close this hearing. Thank you very much. Thank you, Doctor Brewer.

01:01:29:10 - 01:01:58:19

Um, and just to note that we have been noting down the actions as we've been go along. And so there will be an action list, um, uh, following, following the hearing. Um, but just to, uh, draw things to a close. Um, thank you to everybody for contributing to this meeting. We found it very helpful. Um,

may I remind you that both the notes and a digital recording of the proceedings today will be made available as soon as practicable on the project page of the National Infrastructure website.

01:02:00:07 - 01:02:35:03

Uh, also remind you that we are expecting post hearing submissions, including written summaries of any oral submissions made or representative representation representations even made um, today by deadline three. That's um as referred to Wednesday, the 18th of February. This afternoon we're going to be holding, um, compulsory acquisition hearing and that will start at 2:00. But for now, it remains for me to close this issue specific hearing to for the Great North Road Solar and Biodiversity Park project.

01:02:35:05 - 01:02:36:06

Thank you everyone.