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FULL TRANSCRIPT (with timecode)

00:00:12:00 - 00:00:13:09

Good morning everyone.

00:00:15:00 - 00:00:36:06

It's now 9:00. And time for this hearing to begin. I'd like to welcome you all to this issue specific hearing on the draft development consent order, the staple renewables project. Before I continue, can I just confirm that everybody can hear me clearly. Thank you.

00:00:38:11 - 00:01:01:11

Can I also confirm with Mr. Ray wood that the live streaming and recording of this event has commenced? Thank you. My name is Max Welch. I'm a chartered civil engineer and a planning inspector. I've been appointed by the Secretary of State to be the lead member of the panel to examine this application. I'm now going to ask my colleague to introduce himself.

00:01:03:05 - 00:01:14:22

Good morning. My name is Andrew Robinson. I am a chartered town planner and a planning inspector, and I've also been appointed by the secretary, Secretary of State to the panel to examine this application.

00:01:15:19 - 00:01:46:04

Thank you. Together, we constitute the examining authority for this application. For those who are present in the room, you may already have spoken to or heard from Mr. Ray wood, who is the acting case manager for this project. For those of you who have joined us virtually, then you will have spoken to Mr. Barrowman. Together they are the case team for this project. And if you have any questions or queries about today's event, they should be your first point of contact. I'll deal with a few housekeeping matters for those attending in person.

00:01:46:21 - 00:02:18:13

Please settle devices and phones to silent to get to the toilets. Outside this room there is a single toilet on the ground floor under the stairs. Ladies and gentlemen, toilets are located on the first floor at the

top of the stairs. I'm not aware of a fire test today, but should an alarm sound, it is an emergency and we will need to vacate the building. An emergency access is located to the side of the room where you can see the green light. Green sign above the fire assembly point is in the front car park.

00:02:18:25 - 00:02:22:03

If anyone needs assistance, can you please let the case team know?

00:02:23:19 - 00:02:54:01

As far as I'm aware that there are no requests have been made for any special measures or arrangements to enable participation in today's hearing, such as needing to take a break for medical reasons or having to leave the event at a certain time. If anyone does need a break or extra support later on, then please do let the case team know. We will aim to take a break every 90 minutes or so, and we will aim to finish by 1:00 today. Um.

00:02:54:24 - 00:03:29:00

Item two is agenda and logistics. Um. This hearing will follow the agenda published on the National Infrastructure Planning website on the 3rd of February, 2026. Examination library reference EV eight. Hyphen 001. It would be helpful if you had a copy of this in front of you. Today's hearing is being taken undertaken in a hybrid way, meaning some of you are present with us at the hearing venue and some of you are joining us virtually using Microsoft Teams.

00:03:29:04 - 00:04:03:15

We will make sure that however you have decided to attend today, you will be given a fair opportunity to participate. A recording of today's hearing will be made available on the Staple Renewables Project section of the National Infrastructure Planning website, as soon as practicable after the hearing has finished. With this in mind, please ensure that you speak clearly into a microphone stating your name and who you are representing each time before you speak. Um, there's a button on each of these microphones that you push, and when the light goes red.

00:04:03:17 - 00:04:33:23

The microphone is live. If you're not at a table with a microphone, there is a roving microphone. So please wait for one of these to be brought to you before you speak. A link to the planning inspector. Its privacy notice was provided in the notification for this hearing. We assume that everybody here today has familiarized themselves with this document, which establishes how the personal data of our customers is handled in accordance with the principles set out in data protection laws. Please speak to Mr.

00:04:33:25 - 00:05:22:25

Aylward if you have any questions about this. The agenda is for guidance only, and we may add other considerations or issues as we progress. 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 our second written questions, which are scheduled to be published on Tuesday, the 3rd of March. Likewise, if you cannot answer the questions being asked to require time to get information requested, then can you please indicate that you need to respond in writing? We can then defer the response either to an action

point to be submitted, the deadline for which is the 19th of February, or the second written questions in March.

00:05:24:27 - 00:06:00:27

I'm going to move on to item three, which is introductions and attendees. I'm now going to ask those of you who are participating in today's meeting to introduce yourselves. When I state your organization's name, could you introduce yourself stating your name and who you represent and which agenda item you wish to speak on? If you're not representing an organization, please confirm your name. Summarize your interest in the application and confirm the agenda item upon which you wish to speak, please could you also state how you wish to be addressed, i.e.

00:06:00:29 - 00:06:08:04

Mr. or Mrs.. Miss. Miss. Can we start with the applicant please and then any of their advisers?

00:06:10:07 - 00:06:41:13

Sir. Good morning. My name is Patrick Robinson. I'm a solicitor and consultant with the law firm Burgess Salmon. Uh, to my left, uh, Mr. Douglas Haycock, also a solicitor with Burgess Salmon. He'll be taking us through and presenting the applicant's case for the DCO. Uh, this morning, the same way he did on compulsory acquisition, uh, a couple of days ago. To my right, we've got, uh, Isabella Tafur of counsel, Mr.

00:06:41:19 - 00:06:52:20

bridges, uh, the project manager from res, Mr. Chris Binns of Pegasus. And they're here to deal specifically with item six of the agenda.

00:06:54:14 - 00:06:55:23

Thank you very much.

00:06:58:04 - 00:07:07:21

We then move on to the organizations and individuals that have given notice of their intention to speak, starting with Nottinghamshire County Council, please.

00:07:11:04 - 00:07:45:18

Thank you sir. My name is Stephen Pointer, team manager, planning policy. My team coordinates the responses to nationally significant infrastructure projects in Nottinghamshire. Uh, and, uh, we shall be, uh, speaking on items for, uh, and five today. Uh, I'm also accompanied by two colleagues. Um, and, uh, uh, I'll allow them to introduce themselves, I think, uh, directly, if they want.

00:07:45:20 - 00:07:49:16

Thank you sir. And I address by just Mr. Pointer. Thank you.

00:07:52:15 - 00:07:56:18

Good morning sir. My name is Charlotte Lockwood. I'm a solicitor with Nottinghamshire County Council.

00:07:58:10 - 00:08:02:11

I'll be speaking on or assisting my colleagues on items four and five this morning.

00:08:05:27 - 00:08:06:15

Thank you.

00:08:07:17 - 00:08:15:28

Good morning. I'm Peter Evans I'll representing Notts County Council highways and I'll be assisting the team on matters for the DCO.

00:08:19:11 - 00:08:20:10

Thank you.

00:08:22:05 - 00:08:27:06

So moving around the table. Um, the gentleman to your left.

00:08:27:13 - 00:08:51:05

If I could introduce, I'm Jonathan Welch of Council. I'm representing National Grid electricity transmission. I'm supported by Mr. Gordon Clarke, solicitor, and Mr. Gary Thorne. To my immediate right, who can speak to engineering matters. I'm also expecting moniker. Um.

00:08:53:02 - 00:09:14:21

Corso. Griffiths. Forgive me for getting a send in. Monica Corso. Griffiths. Also from N get. Who is the project director for North Humber? To him. Um, she is. I think this has already been communicated to pins only able to get here at 1030. So I think it's been agreed that we won't start agenda item six, which is the one we were interested in until after that time.

00:09:16:19 - 00:09:17:07

Thank you very.

00:09:17:09 - 00:09:17:25

Much.

00:09:18:09 - 00:09:48:24

Good morning, sir Mark O'Brien. I'm a barrister at Francis Taylor Building, and I'm instructed by Mr. Martin Jarvis of Town Legal, who's on the online call I represent this morning s m s e limited and s n s e d liberties who are landowners for both the project which is before you sir today and also part of the North Humber to high mining scheme in terms of agenda items that I'm here to assist you if I can, sir. Yes.

00:09:48:26 - 00:09:50:09

Agenda item six.

00:09:51:26 - 00:09:53:00

Thank you very much.

00:09:54:16 - 00:09:55:20

Moving around the table.

00:09:55:22 - 00:10:03:22

Good morning. Mrs. Emily Byatt, representing Stoughton, the Staple Parish Council, and agenda item five.

00:10:05:28 - 00:10:07:03

Thank you very much.

00:10:10:12 - 00:10:18:18

Anyone else in the room who wishes to speak? Um, could you put your hand up, please? Um, microphone will come to you. Thank you.

00:10:28:26 - 00:10:32:12

Yes, that. Will that be appropriate? Message one.

00:10:36:14 - 00:10:41:19

And virtually. Is there anybody who, um, needs to introduce themselves? Sorry.

00:10:41:21 - 00:10:57:09

Can I add one more to the teamsheet? Jonathan Welsh from National Grid. Um, we also have Mr. Richard Murphy, who is attending online on land matters and may contribute in that format. Forgive me for forgetting to introduce him at the outset.

00:10:57:15 - 00:10:59:04

Thank you very much.

00:11:04:00 - 00:11:10:18

Anyone else online who needs to introduce themselves? Could you raise your virtual hand, please?

00:11:14:24 - 00:11:17:10

Thank you. I think that's everybody.

00:11:25:05 - 00:11:34:18

Um. I've done that. Done that. Then we will move on to agenda item two, which is the purpose of the hearing,

00:11:36:18 - 00:12:14:23

the draft of the level and consent order or draft. DCO is an important document. Today's hearing is being held because we want to explore and discuss a number of matters relating to the draft SEO. This is to ensure that we have all the information we need to make our recommendations to the Secretary of State. Today's hearing will be a structured discussion led by the Examining Authority based on the published agenda. This hearing has been held on a without prejudice basis. So in essence, even if your position is that the development consent should not be granted, and therefore that the Secretary of State should not make the development and consent order.

00:12:14:27 - 00:12:46:27

You can make representations in this hearing on the drafting of the DCO, without conceding your wider position that the draft SEO should not be made. It is important for the examining authority because we are under duty to provide the Secretary of State with the best drafted DCO that we can. Even if we end up recommending that the Secretary of State should not make the development consent order. This is because we do not decide these applications. We make recommendations to the Secretary of State and they make the decision.

00:12:47:00 - 00:13:20:21

So even if our report to the Secretary of State were to recommend that the consent should not be granted, we must still append a recommended DCO, ensuring that the Secretary of State can decide whether to make the order if they wish. I'd like to reassure you that while we may not ask a question on a particular article or schedule in the draft DCO, it doesn't necessarily mean that we believe this matter has been fully addressed. The examination is predominantly written process, and it could be that we'll be examining it through further written questions.

00:13:21:18 - 00:13:38:26

Finally, I would like to remind everyone that this is not an inquiry. And unless we are specifically requested, there will be no formal presentation of cases or cross examination. This means that any questions that you have or other parties need to be asked through the examining authority.

00:13:42:05 - 00:13:51:21

Um, we. Yes, they'll be asked to the examining authority. Sorry. Are there any questions at this stage about the purpose of today's hearing?

00:13:54:12 - 00:14:07:15

As a reminder, our rule eight letter requires participants to provide a post hearing written submission of their oral cases made during this hearing or on or before deadline for which is Thursday, the 19th of February.

00:14:09:08 - 00:14:19:23

Action points when a point we discussed today requires further action, we will make this clear. We will also complete a list of action points for circulation following this hearing.

00:14:21:16 - 00:14:27:08

I'll now hold over to Mr. Robinson to lead us through items 3 to 7.

00:14:31:03 - 00:14:50:23

Thank you very much, Mr. Wiltshire. So, um, as per the agenda, if I can start by asking the applicant to provide everyone with a very brief overview of the draft development Consent order and the approach taken to its drafting to provide everyone with an understanding of the power sought and the context for discussions today.

00:14:53:21 - 00:15:01:24

Thank you, Sir Doug Haycock for the applicant. Um, just give me a moment. I will bring the DCO up on screen for everyone to have a look at.

00:15:20:16 - 00:16:08:20

The data that I'm showing up on screen is the most recent clean version of the draft development consent order. It's rep 3-005, and there is a tracked version against the version submitted at deadline two at rep 3-006. The DCO has been drafted with regard to Planning Inspectorate guidance and guidance. Notes. These include the Planning Act 2008. Content of a Development Consent Order required for Nsic projects, which has been published by MH, CLG and D Luck in April 2000 2024 and Advice Note 15, which has been published by the Planning Inspectorate in March 2025.

00:16:09:23 - 00:16:35:00

In addition, the applicant has presented a DCO which draws on influences from industry practice as demonstrated in other major DCS, and consideration has been given to model provisions notwithstanding their withdrawal, and these influences are presented throughout the explanatory memorandum, which can be found at Rep 2009.

00:16:36:21 - 00:17:09:21

When speaking in relation to this order, the applicant is the undertaker and the proposed development is referred to as the Authorised Development. The draft order is proposed to be called the Steeple Renewables Project Order, and would provide development consent for the proposed construction, operation, maintenance and decommissioning of the authorised development, which consists of the works set out in schedule one of the order.

00:17:11:22 - 00:17:37:05

The DCO consists of 44 articles in the front end, grouped into seven parts, and is accompanied by 12 separate schedules. The DCO then secures a number of certified documents, which should be read alongside the DCO and include various management plans referred to throughout schedule two, which function to mitigate the impacts of the development.

00:17:38:21 - 00:18:11:18

The powers of the order are referred to in this front section being the articles, and this section will provide the principal powers for the applicant to construct, maintain, operate and decommission. In particular, parts three, four, six and seven provide additional powers that include, amongst others, powers in relation to highways, trees and hedgerows. The discharge of water or powers for surveying.

00:18:13:09 - 00:18:34:04

Part five in particular includes powers of compulsory acquisition. These powers allow the applicant to acquire land on a permanent basis or acquire rights over land. Part five must be read across with the land plans and book of reference, and we've gone through that in detail earlier in the week. So.

00:18:37:09 - 00:18:54:17

As mentioned before, sir, the list here includes a number of schedules. When looking at the schedules themselves, you will note there is a shoulder article in relation to each one, which provides the cross cross-reference for the operative article that makes that schedule operative.

00:18:57:29 - 00:19:26:19

If I could draw your attention to three schedules in particular. Schedule one sets out the description of the development. Schedule two sets out the requirements of the order being in DCO language. The planning conditions and schedule ten sets out the protective provisions of the order, which are the protections for statutory undertakers. So I'll stop there as my general overview. Thank you.

00:19:27:09 - 00:20:13:21

Thank you for that, Mr. Haycock. And I think that was that was quite clear. So I don't have any particular questions on the structure unless anybody in the room wants to make any particular comment on the structure of the draft DCO. I don't see any hands up. So I will now move on to, um, agenda item four, which is a discussion of articles that have been highlighted in the agenda. And the first part of that that I want to touch on is the definition of maintain, which, um, was updated the deadline to in response to um, question 9.2.8, in our first written questions, to remove the words but not remove, reconstruct or replace the whole of the authorized development.

00:20:13:23 - 00:20:22:18

Could you just clarify what the amendment of this article would enable you to do against the assessments that you've done in the environmental statement?

00:20:24:23 - 00:21:12:15

Thank you, sir. Doug Haycock for the applicant. Um, I'm showing the definition of maintain on screen. As you can see, there's a, uh, contains a number of different verbs that were included in the wording maintain. But crucially, it includes a carve out which says essentially that it does not include. And I think that would give rise to a materially new or a materially different environmental effect. Um, the applicant removed the said wording around does not include, uh, the replacement of the whole, uh, simply because it was seen as that carve out being materially new, materially different was sufficient to bring that definition alongside the assumptions in the environmental statement.

00:21:13:00 - 00:21:20:23

And so it was a sort of repetitive drafting. Uh, it was it was removed for consistency and simplicity. Thank you sir.

00:21:23:22 - 00:21:58:00

Suggesting in terms of the extent of works that you could, um, do. Um, because there was a potential concern as to the extent that the wording could allow you to maintain or replace, in particular, the entire authorized development. But I do know that you also have a phasing as well as one of your requirements. So could you just explain how the two of those linked together in terms of how you would, um, carry out any maintenance or particularly any replacement of panels that would be required?

00:22:01:27 - 00:22:32:19

Okay. For the applicant, I think this definition is doing something slightly different to phasing. Um, the assumptions in relation to maintenance for the authorized development are that there might be, over the lifetime of development, uh, a sort of a residual need to replace different components, uh, panels, uh, battery infrastructure that would be at a low level,

00:22:34:08 - 00:22:35:26

uh, replacement rate.

00:22:37:18 - 00:22:56:18

The various assumptions are set out in regard to that, uh, maintenance activity in the operational sections of the environmental statement. The phasing in in the requirements is more about the phasing of construction. Thanks, sir.

00:23:01:24 - 00:23:09:01

I just asked Nottinghamshire County Council whether you have any comments on the provisions in this definition.

00:23:19:06 - 00:23:20:15

I think both of us.

00:23:23:06 - 00:23:55:04

Thank you for that. Um, I'll now move on. If there's any other parties, first, we wish to make a comment on maintain. No. That's fine. I'll move on to site. Preparation works. And this definition sets out a number of works that would fall under preparation works, which the explanatory memorandum, particularly paragraph 6.6 B explains, would allow the applicant to undertake certain site preparation works prior to the submission of relevant details for approval under the requirements.

00:23:55:06 - 00:24:35:06

And it then goes on to state that the works may need to be carried out to comply with pre commencement requirements, for example to inform assessment and proposals required to be submitted for approval. I note that Nottinghamshire County Council, in your response to first written question 9.2.4, which was a general question which asked whether any parties disagreed with the extent of operations. You commented that the definition should not allow for words which are so extensive that they would be likely to have significant environmental effects themselves, and would normally need consideration and approval by the discharging authority prior to such work started.

00:24:35:08 - 00:24:47:05

So can I ask Nottinghamshire County Council to expand further upon those comments and clarify whether there are any works included within that definition, and which raises concerns to you?

00:25:02:11 - 00:25:16:16

So I think our only query was with regards to, um, diversion and laying of services within the street infrastructure, and we were just querying how that interfered with, um, discharge of requirements related to that and approval of details.

00:25:20:09 - 00:25:28:09

That's criterion E. Um, could you explain that to us, please, Mr. Haycock?

00:25:28:19 - 00:26:02:04

Thank you sir. So on the screen, the definition is split, but I'm showing, uh, subparagraph E at the top of the page. Diversion and laying of services? I believe so, yes. Uh, the purpose of the definition of

site preparation works is it's in relation to the wording commence. In general, that's looking to identify certain works that can take place prior to discharging requirements. I believe the principal concern of Nottinghamshire County Council is in relation to highways and highway works.

00:26:02:12 - 00:26:09:12

And to that extent I turn to requirement eight, um, which I could flick to.

00:26:15:24 - 00:26:21:20

Time. At the top of the page there is requirement eight. So paragraph eight, subparagraph four.

00:26:26:11 - 00:26:58:09

And that states that the for the purpose of this paragraph commence includes any site preparation work. So by virtue of that would include the diversion and laying of services. So to the extent therefore that um a CMP is required for those works, um, it would be required for diversion of laying of services. So the key key interaction in that sense is if we're doing works in the highway, the carve out of diversion and length services doesn't apply.

00:26:58:26 - 00:26:59:14

Thanks.

00:27:01:13 - 00:27:04:00

Are you satisfied with that response?

00:27:04:24 - 00:27:07:17

Thank you. Thank you to the applicant for clarifying that.

00:27:08:26 - 00:27:30:21

Okay. Thank you very much. Um, I Do you have one other query? Um, about this. And it was the inclusion of, um, the definition. It was inclusion of demolition of buildings. Could you just explain to me why that's necessary?

00:27:36:20 - 00:27:43:28

Thank you sir. So, uh, subparagraph B states demolition of buildings and removal of plant and machinery.

00:27:47:06 - 00:27:50:27

I believe this was inserted as a precautionary measure

00:27:52:13 - 00:28:18:29

at the moment due to the current state of design. Um, it's not absolutely certain the extent of works that are going to be required. Clearly, any works would need to fall within the Rochdale envelope of the environmental statement, but this has been added in just as a precautionary basis. Should detailed design prove that work should be required.

00:28:28:29 - 00:28:41:18

Okay, thank you for that clarification. Is there anybody else in the room who wishes to make a comment on any of those? We have a couple of hands up in the room. We're just waiting for the microphone to come to you.

00:28:43:22 - 00:28:48:10

And if you could just introduce yourself, please, and address the question as to me. Thank you.

00:28:48:12 - 00:29:20:25

Thank you. Uh, morning, I'm Christine Warren. Um, I used to live underneath the power. The, um, cooling towers of West Burton Power Station until I was forced to leave by all the projects, um, around. Um, the highway is the, um, when you say you're going to put detours in and change it around. Can I just say that you don't. Um. You don't detour in our villages. You actually shut our villages down. If you are going to, um, shut roads in the village, you shut us down.

00:29:20:27 - 00:29:37:11

And when you look at the amount of projects that are coming through, not just areas, um, you've got fusion, you've got the national grid, you've got gas, you've got everybody coming in. You do not. You don't detour our villages. You shut our villages down.

00:29:39:21 - 00:29:43:26

Thank you for that submission. I'll come to you in a second. Um, yes.

00:29:44:19 - 00:29:46:20

Hi. Julie. Barlow. Apologies.

00:29:46:22 - 00:30:18:07

My brain's not working as quick as it should this morning. Um, on the definition of of maintenance, there was talk of, um, major replacement and carving that out. Um, and I'm just thinking. I know there was an event last year at another solar farm. I think it was on Anglesey, and there was severe damage cause which resulted in a large swathe of solar panels potentially having to be replaced. So how would that work? Where would that be covered so that it's not. And because that would be a major operation.

00:30:18:09 - 00:30:19:02

Thanks.

00:30:20:16 - 00:30:27:27

Okay. Thank you. I will ask you to respond to that point in a moment. But there was another hand up from the Stirton steeple.

00:30:29:00 - 00:30:59:18

Can you buy it? Um, representing the state in the steeple. It was just to offer to the examiners. Would you like us to share a copy of the diversion that Mrs. Warren mentioned? Because it is quite a substantial diversion for residents and through road access. It does cause significant disruption to our neighboring villages for people commuting to work, for example. So I think if we were to anticipate lots of, um, highways disruption, um, that would, would play into the cumulative impact.

00:31:00:13 - 00:31:29:23

Okay. Thank you very much. Yes, I think that would be useful if we can add that as an action point for you to submit that detail. And then the deadline for. And then I think it would be better than the applicant to respond to that deadline. Unless there's anything in particular you want to say on that point. Um, I, I see what if before and I see you've got your hand up. If you've just got a brief comment, you just a brief comment. Just wait for the microphone to come and then I'll ask the applicant.

00:31:29:28 - 00:32:02:29

Christine, Christine Warren again. Can I just say that when they put detours and shut the roads, we are we literally we wake up on Monday mornings and the roads are closed. We never get enough warning to to actually get to work, to do our, our tasks within the day because the roads are literally shut on Monday morning. You can't tell me that somebody goes to bed on Friday morning, Friday night and decides to go to the road on Monday morning without anybody knowing. But they never, ever tell the villagers what's going to happen.

00:32:03:21 - 00:32:31:06

Thank you for that. We had quite a discussion yesterday on traffic and transport matters, and we've heard the concerns loud and loud and clear. So thank you for that. For just ask the applicant to respond to the point that that was raised regarding the maintenance and particularly effectively, in the event of a, um, of something happened that requires large scale maintenance, also in replacement of the panels. Just briefly explain how your provision works.

00:32:32:07 - 00:32:53:12

Thank you sir. Um, at the moment it would be dependent on the facts on how large of that, how how big of a damage would take place. Um, what I would say is that the DCO doesn't bar quite large scale replacement. I would say that's

00:32:55:03 - 00:33:27:12

a sensible provision, sir. Otherwise, you end up with a position where the operator of a of of the plant would not be able to repair its authorized development and potentially have stranded infrastructure. The wording of maintain is very clearly pinned against the assumptions of the environmental statement, but it's not possible to put a very clear boundary on what extent of replacement is permitted.

00:33:27:14 - 00:33:42:26

That would have to be assessed at that time. And the reason being is because that assessment would have to account for the current conditions locally. It's sort of an assessment of baseline.

00:33:44:06 - 00:34:29:16

Okay. Thank you for that and for your position on that. I will move on to article six, um, which is the application of modification of legislative provisions. Um, firstly paragraphs A1A to see which display and various provisions of the Land Drainage Land Drainage Act. And we did ask some questions to the applicant on this in our first written questions. And within your response to our questions, you stated that you've not received consent to supply section 23 of the Land Drainage Act from the IDB, which is the um Drainage Board or the local flood authority.

00:34:30:04 - 00:35:01:06

Um section 151, section 150, paragraph one, I should say, of the Planning Act states in order, granting development consent may include provision for the effect, which is to remove a requirement for a prescribed consent or authorizing authorization to be granted only if the relevant body has consented to the inclusion of the provision. So does the lack of consent from those two parties means that you're yet to satisfy the requirements of section 150, paragraph one of the act.

00:35:04:04 - 00:35:42:12

Thank you sir. Okay. For the applicant. Um, so in relation to section 23. Yes, it's a prescribed consent. And in this case, we would need to seek the consent of the LLF and Trent Valley IDB in relation to the site. We have since obtained the consent from the LLF. That was obtained on the 7th of January this year, and we will submit, are happy to take that as an action point to submit with our speaking notes evidence of that consent in relation to Trent Valley.

00:35:43:04 - 00:36:05:20

That's still outstanding, sir. So it would be correct that by the time the Secretary of State comes to determine the order, if consent has not been provided, um, section 23 could not be supplied in relation to ID the IDPs undertaking and apparatus, so i.e. their drains.

00:36:08:12 - 00:36:31:17

We're continuing to push for engagement with the IDB. We do have a line of communication. I am confident we can provide an update before the end. I can't speak to the mind of the IDB currently what I would. So yeah. I'll leave it at that, sir, and we'll keep you updated.

00:36:32:08 - 00:36:41:09

No, that's fine for the time being. I know you're in the process of trying to create protective provisions which which would cover this, if my understanding is correct on that.

00:36:42:13 - 00:37:04:02

Sorry. So, yes, it's a slightly different point. Yeah. The protective provisions will apply in relation to balance against byelaws and the application of byelaws. The This application point is, is a statutory requirement. So it's all part of the same conversation but slightly different. Thank you.

00:37:05:00 - 00:37:06:16

Thank you very much. And.

00:37:09:08 - 00:37:28:01

In Nottinghamshire County Council I'm not sure whether it's either yourself or Bassetlaw District Council or the local legal authority. Um, I'm sure you could put you've heard said are you satisfied that whether this, um, whether you're satisfied with the provisions in this article.

00:37:30:20 - 00:37:52:19

So, yes, we've certainly heard from our colleagues, uh, over the past few days that they're really satisfied with the arrangements. And I certainly confirm that, uh, through our subsequent post

submission statements. If that's needed, uh, I certainly don't have anything to say further on this item at the moment.

00:37:54:12 - 00:37:56:20

I can confirm that.

00:38:00:08 - 00:38:41:17

I just have one quick question about the, um, other provision in this article that you're proposing to supply and which we did query, which is about the hedgerow Discipline Regulation six or of the hedgerows, sorry, modifying regulation six of the hedgerow regulations. And I've noted your comments on that. And also paragraph 6.24 of the explanatory memorandum, um, which sets the normal exception for development permitted by a planning permission, does not apply to development authorised by a DCO, and therefore this modification is necessary to extend the exception to development authorised by a DCO.

00:38:42:12 - 00:39:18:19

My question is, is it the case that the parent legislation in the hedgerow regulations provides the exemption to planning permissions because a planning commission does not have the power to override provisions set in legislation, whereas your what you're proposing, your draft development consent order does in what you have in article 34, would it in itself already provides that that power that you need such that it's effectively overriding what the hetero regulations already sets out? Good.

00:39:27:03 - 00:39:59:17

Thank you sir. I believe our initial statement on this in response to your excuse set up our position was that the modification of that paragraph of the hedgerow regulations was necessary to ensure that the DCO and the hetero regulations can speak to each other, and there's no sort of lacuna between them. Um, but I do take your point, and I'm happy to consider this further and, um, and provide sort of final written position on it.

00:39:59:19 - 00:40:18:00

Yeah. Yeah, I, I think that would be welcome. I'm happy for you to take that away. And I actually want to give some more consideration to that. It's more the necessity of this. I know what you're trying to do. It's just I'm. I'm sort of trying to ascertain whether it's absolutely necessary. But I would look forward to further comments that you may wish to say on that.

00:40:18:02 - 00:40:18:17

Thank you sir.

00:40:20:21 - 00:41:00:00

Does anybody else want to make any comments on article six before I move on to article nine? I don't see any hands up in the room or online, so I will move on. Um, so by way of a brief introduction and to article nine, um, this was added to the article nine is the application of the 1991 act, which we'll get on to our show in a moment of the exact meaning of this. Um, and it was added to the draft development consent order, a deadline to in favour of the Nottinghamshire County Council Permit Scheme Order 2020, which was requested by the council.

00:41:00:08 - 00:41:10:12

My first question is to the council. Um, just by way of background, could you explain to us what your permit scheme involves and what it regulates?

00:41:18:20 - 00:41:33:14

Yeah, Notts County Council, I'll try because it's not the actual, um, service I work in. But, um, basically we've got existing systems, um, for coordinating roadworks. You know, within the Nottinghamshire area.

00:41:33:21 - 00:41:59:03

Um, there's already existing permit scheme, so we can actually manage that to try and minimise disruption on the actual network. So, um, we believe it'd be a good idea to interface with that existing system through some kind of traffic liaison group. So it does actually minimize the disruption for affected residents and users of the highway.

00:42:03:10 - 00:42:37:05

Okay. That's that's fine. So this is so this is your main system or this is your sort of main consenting regime that you have for authorizing works, any works that somebody wants to undertake in the public highway. Okay. Um, that's fine for the time being. Um, I've noted your, the applicant's comments that why you've taken the approach that you have instead of going down the application of the 1991 act, which is from the new Streets of Lights away order, I think is.

00:42:37:20 - 00:42:38:05

Yeah.

00:42:38:07 - 00:42:38:27

Paraphrase.

00:42:38:29 - 00:42:40:27

New roads and street works. Yeah. Thank you.

00:42:41:15 - 00:43:02:25

Thank you. Um. Could you You've set out your reasons in your response to Nottinghamshire county councils, but could you just explain to me in simple terms, what are the main differences between the permit scheme wording requested by the council and what you've put forward in this particular article?

00:43:06:19 - 00:43:55:27

Thank you sir. Doug Haycock for the applicant, um, permit schemes, uh, believe introduced by the Traffic Management Act 2004, were introduced to provide local highway authorities with more control over street works compared to the regime set out in 1991. And that's because it essentially introduces a sort of consent procedure and introduces greater powers in terms of providing for timing as to, works with also potentials to include moratoriums, so extended periods when works can't be carried out on on on local highways.

00:43:57:07 - 00:44:27:25

One of the reasons this was considered necessary is because the majority of street works happening on local highways were by statutory undertakers under permitted development rights, and there was no planning nexus for the local highway to insert themselves to exert control over those works. Now the situation we're in is quite different. We are in a DCO regime.

00:44:28:12 - 00:44:38:19

The whole ethos of a DCO regime is to bring secondary consents within it, and to have a singular point and singular mechanism for consent.

00:44:40:26 - 00:44:52:06

There is very clear opportunity for discussion and coordination through our construction Traffic Management plan.

00:44:54:24 - 00:45:02:00

There are very clear requirements for approvals in the various articles where we are doing roadworks.

00:45:04:10 - 00:45:09:15

And therefore it's the applicant's position that applying a permit scheme

00:45:11:02 - 00:45:14:12

is an unnecessary duplication of consent.

00:45:17:16 - 00:45:25:21

Now an example was put forward by Nottinghamshire of local scheme, the Tilt Bridge solar order.

00:45:28:21 - 00:45:59:10

Now that scheme applied the permit scheme, but subject to a number of exceptions, and really taking the teeth out of a permit scheme order. And that so goes to my point of. Really, what you're doing here is you're just applying another approval, which is already required in this order. Um, and it doesn't really get you much further forward. Um, we've provided further reasoning of why streamlining is important in our submission, so I won't touch on that for now.

00:45:59:22 - 00:46:10:17

Hopefully that's an explanation of why we consider this particular regime not to be suitable to apply in a DCO setting. Thank you. Okay. So so.

00:46:10:19 - 00:46:11:04

So.

00:46:11:06 - 00:46:11:21

That.

00:46:11:23 - 00:46:12:08

I.

00:46:12:10 - 00:46:34:17

Understood effectively what you've got set out elsewhere in your draft order is effectively going to be covering what, what a permit scheme would do, but just in a different format through your setting out through a construction traffic management plan, for example, and other parts of your requirements. So that's what you don't want to duplicate.

00:46:36:09 - 00:46:52:03

Okay. Good for the applicant. Yes. Essentially, we see no reason why the construction traffic management plan can't put in the processes that enable all parties to be happy with how to carry out works on the highway. Thank you.

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

Okay. Thank you for that explanation. I will turn to Nottinghamshire County Council now for your comments. Based on what you've heard.

00:47:08:00 - 00:47:42:28

We appreciate the applicant's position, sir. Um, we we would prefer the wording from the Tilbury side of order 2025, um, to allow us to put in place the permit regime. This is really, um, more from a practicality point of view as well, because it's the way the Nottinghamshire County Council manage the network, um, for safety and also for time, as my colleagues just said, in terms of timings to avoid busy periods, school runs, etc.. Um, and it's basically the permit system is basically the management system for the operation of those, um, traffic works on the roads.

00:47:43:00 - 00:48:18:21

So that's why we are pushing for that wording to be included. We don't actually consider that the wording proposed by the applicant, um, goes far enough. It's quite a light touch, and it doesn't allow us to go through those processes in order for, you know, the booking systems and management, um, and things like that to get these roadworks booked in and managed effectively. Um, also also to avoid disruption for the local residents, which we've just heard is quite a concern for them. So that's why we're pushing for the permit scheme. And um, as I say, the wording that we prefer is the wording in article nine of the bridge Solar Order 2025.

00:48:24:24 - 00:48:34:03

Mr. Haycock, I'll bring you back in here, maybe just to help matters as part of the discussion. Maybe just explain briefly if you can, um, how your.

00:48:35:20 - 00:48:49:28

provisions that you've got in the development draft Development Center, or in particular on construction, traffic management, plan managers, timings and things like that, and whether it extends how it extends to the works that would be required in the in the public highway.

00:48:52:03 - 00:49:22:27

Thank you sir. Okay. Good for the applicant. Um, at the moment we have a outline construction traffic management plan that has been submitted into examination that is open for comment at this time. I'm just going to sort of hold that thought, and I'm going to actually turn down to paragraph eight. It might

be helpful. So sorry. The requirement of the traffic management plan. So we have an outline plan that we can be committed now.

00:49:23:29 - 00:50:13:29

What's the significance on commenting on an outline plan during examination. The more the outline plan is shaped now enables hooks, if you like uh, in which to demand or ensure that the final detailed MP, uh, is in accordance with that outline plan. Now, the order states at paragraph 81 that the undertaker cannot commence the authorized development, any phase of the authorizing authorized development until a CMP covering that phase prepared in accordance with the outline CMP has been submitted to and approved by the local planning authority in consultation with the Highway Authority.

00:50:16:03 - 00:50:28:23

It includes a number of specific requirements then at subparagraph two, including associated traffic movements and delivery vehicles, and the traffic management requirements.

00:50:31:11 - 00:50:44:11

So the applicant's position is that, yes, I can understand that there might be a desire for this scheme to be treated like any other statutory undertakers going on the highway.

00:50:46:12 - 00:51:11:23

However, this scheme is not like other schemes. The scheme is at ease here. It will be governed by a statutory instrument. The need for the scheme is established by the NPS. It is critical national infrastructure. There is clear policy supporting the efficient delivery of this infrastructure.

00:51:13:24 - 00:51:45:11

We see no reason why a separate procedure cannot be incorporated and accommodated by NCC through the TMP as there is. Absolutely there isn't an opportunity. We Oui, oui, oui. Consider that the concerns raised in relation to the management of traffic on the roads can be adequately encapsulated in the CMP and NCC have a protected position in relation to consultation and approval of that plan.

00:51:46:03 - 00:51:46:22

Thank you.

00:51:48:20 - 00:52:06:29

Thank you very much for that explanation. I don't know whether the council want to make any further comment now, or maybe wish to reflect upon what you've what you've heard and and provide any further comments. I understand I've heard your position. Um, clearly.

00:52:09:27 - 00:52:42:03

So yes, it is our position. It's been our position on a number of, um, dsos. So we are consistent on it. We're not treating this any differently. Um, there have been different treatments by different applicants of it. Uh, I accept it can be done with modifications to suit the DCO process. We certainly don't want the whole development up if it's being permitted, but it's making sure that development is accommodated on the network with minimal disruption to residents.

00:52:42:06 - 00:53:19:11

And, you know, the many operators need to undertake works on the highway at any time. It is that formal matter of just coordinating it and making sure it happens. In addition to Tilbury, it obviously hasn't been approved and only last week we were at um at the DCO hearings for Great North Road. Uh, I understand that, um, the Great North Road promoters have also accepted, um, the need to work with a permit scheme and, uh, are willing to embrace that.

00:53:19:13 - 00:53:55:09

And that is going through, um, its final examination at the moment, obviously, but, um, so it can be done. It can be embraced. Um, and it's simply a matter of bringing together the. The need to secure the appropriate works at the time. Um, with with the obligations to the local community to make sure that we can we can do things in a coordinated fashion. Um, and we have a, um, you know, it's just making sure it meets our systems and can be embraced within our, uh, systems controlling the, um, the highway.

00:53:57:07 - 00:54:01:13

I don't know if any other colleagues have got anything to add, but just.

00:54:01:15 - 00:54:23:12

One final question for me. And I've heard the applicant is said about the scheme being a, you know, a nationally significant infrastructure project, possibly a concern about timing, how what's the sort of timing implications for permits if the applicant had to submit a permit scheme to you, what's the sort of the timings in terms of, uh, obtaining any, any permit?

00:54:27:00 - 00:54:51:02

Peter Evans, Notts County Council. Um, I'm not exactly clear on the actual timings, but I think we could get that information and come back to you. Um, because I say it's actually a different service and I don't manage that area, but um, and it's actually managed by a partner that, um, our highway service provider via. But I'm sure they will supply that information for you.

00:54:51:13 - 00:55:12:02

If you could provide that information and any further information on how the process would, you know, sort of work, you've explained briefly the deadline for, um, that would be useful. And then we can consider that when we're looking at our second written questions. And then obviously the applicant will have any opportunity to comment on that in the next step. And I

00:55:13:25 - 00:55:35:04

there's a couple of hands up in the room I will go to. I will go to you now if you just want to make any further points, just particularly on on the, um, around the permit scheme? Obviously, we've heard a lot about the traffic concerns we heard yesterday, so no need to repeat that. But anything on the permit scheme that you want to add to, we'd welcome your comments.

00:55:35:06 - 00:56:06:21

Julie Barlow, local resident. Um, it's just that obviously Notts County Council are managing a number of large scale schemes in the county. But for us as a community, we have a lot of projects and insect net projects in the imminent next few years. And so if if Notts County Council are asking the other

schemes to all use their, it seems a bit counterintuitive. Not for all the schemes to be under the same umbrella, that's just.

00:56:08:08 - 00:56:41:18

I. Christine Warren again. Um, I'm exactly the same. Why should one project, um, have its own scheme when we've got multiple projects within the area? It just won't work. Everybody will start clashing into each other and as residents will never be able to move because, um, residents think they're above, um, anything because they think their Soul Farm is more important than anybody else. And that's what will happen if we don't have stick to the permit scheme of Nottingham County Council, because it's bad enough. Now, um, before all these projects have started.

00:56:41:20 - 00:56:46:00

So it'll be a nightmare if, uh, if they have their own, um, agenda.

00:56:46:12 - 00:56:47:06

Thank you.

00:56:47:12 - 00:57:00:05

Okay. Thank you. I we heard your point. Thank you. I will, um, unless the applicant. I'm not anticipating you to. It was an observation. Unless you want to come back on anything you've heard there.

00:57:01:06 - 00:57:01:21

Uh.

00:57:01:25 - 00:57:24:08

No. So not in particular. Only to point out that what the applicant proposing is not a novel. Uh, the vast majority of Dsos have an article much like article nine. The provisions of the 1991 act are entirely standard. Um, and, um, so. Yeah, I'll leave it at that. Thank you sir.

00:57:26:06 - 00:57:51:25

Okay. Thank you for that. Moving on to article ten, which is the power to alter layout. Um, so the applicant has added additions to this article. Deadline two um, which effectively is to provide a process for obtaining and the applicable consent. Um, and it differs to the wording suggested by the council, which

00:57:53:12 - 00:58:06:14

involved adding additional wording to the design requirement in terms of setting out various details that would be needed. Um, my question is in respect of um.

00:58:09:02 - 00:58:19:16

The details, could the applicant just explain the type of information and application for consent submitted under paragraph four if article ten would include.

00:58:27:16 - 00:58:28:08

Thank you sir.

00:58:33:00 - 00:59:06:19

Okay, so this is around the alteration of any, uh, layout to any street. Um, in terms of details, I think this is really what we're talking about. Uh, we touched on yesterday in issue specific hearing to, um, that the CMP will be designed and written in a way, uh, with discussion with NCC to include a process and a list of details that NCC would like to see at that stage.

00:59:07:18 - 00:59:20:15

Um, so at the moment, sir, I'm able to list those in a in any regard, but it would be The design of the applicant to set those out clearly in the TMP. Thank you sir.

00:59:23:16 - 00:59:31:18

And this in this article contains sufficient, um, reference to the CMP for that to be secured.

00:59:35:21 - 01:00:20:19

Thank you sir. Okay. For the applicant, this article doesn't reference the CMP. Um, I don't think it needs to necessarily. The CMP could make reference to this article. Um, to say when the applicant is making an application under article ten. These are the details that are needed. Um, but I don't think it's necessary to tie this into a particular management plan. Uh, at this stage, sir, only insofar as that would introduce a level of inflexibility, uh, in how the applicant and NCC are going to engage with each other in where they are agreeing that kind of further detail.

01:00:20:21 - 01:00:21:13

Thank you.

01:00:24:11 - 01:00:33:03

I'll turn to Nottinghamshire County Council. Um, whether you could provide comments on whether you're satisfied with the additions added by the applicant.

01:00:50:14 - 01:00:52:07

Anything further to add on that point, sir?

01:00:53:18 - 01:01:03:24

Okay. Okay. Nothing further. So, um, is is your position remaining as it was just for clarity?

01:01:16:27 - 01:01:27:16

So I think. I think it is. I may just have to take away just to speak to colleagues separately on this, but, um, yeah, I think it is okay.

01:01:27:18 - 01:01:37:02

I think if we'll just add as an action point whether it's a deadline for whether you can provide further comments on the, um, um.

01:01:39:14 - 01:02:01:28

If yes, if you could put that at the next deadline on the suitability of that. Thank you very much. Um, I'm going to move on to, um, article 12 now, which is just one very quick query about how, um, the word any would be interpreted in the first paragraph.

01:02:11:28 - 01:02:14:05

Sorry. Are you looking for input from?

01:02:14:17 - 01:02:30:05

Yes. So a question, um, is if you look at paragraph one in article 12, it basically says you can alter or divert any streets and public rights of way. I just want you to explain how any would be interpreted, how far it extends.

01:02:30:24 - 01:02:54:10

Thank you, sir. Doug Haycock for the applicant. Um, any can be interpreted on its normal meaning. Um, this paragraph is not limited to the order limits. That's standard drafting. So the power extends much wider. Um.

01:02:56:17 - 01:03:25:13

Obviously it has to be read in the round with the DCO. So this article is not providing powers for the applicant to do any works outside the order. It's not providing powers to compulsorily acquire anything out the order. It's providing a process for temporary stopping up outside the order. That's considered a reasonable position. There's no physical works going on here. This is around, uh, controlling a regulatory interface. Thank you sir.

01:03:27:13 - 01:03:45:27

Thank you very much. Your position on that. Does anybody want to make any comments on article 12? No, I don't see any hands up. So I will move on to article 34, which was previously article 36. And um, really what I want to

01:03:47:19 - 01:03:52:10

clarify is in the first paragraph.

01:03:54:13 - 01:04:12:14

It is how the wording near any part of the authorized development would be interpreted. I have noted your comments to our first written questions, where you said that it would be on a case by case basis, but could you explain further how this would be interpreted? Interpreted by the undertaker?

01:04:15:13 - 01:04:49:23

Thank you sir. Okay, good for the applicant. Um, so the wording should be read in the context of the full paragraph. So the undertaker may not may, may fell or lop any tree or shrub near any part of the authorized development or to cut back its roots, if it reasonably believes it to be necessary to do so to prevent the tree or shrub from. And then there is a list of qualifying criteria. Now the operation of the wording near any part is not the principal operating words of that paragraph.

01:04:50:11 - 01:05:20:00

The principal operating words are the criteria set out in subparagraph A to C. So I believe what I we, the applicant, may have been trying to get across and saying it'll be determined on a case by case basis is it's not possible, say, to determine a geographical scope of near any part that would entirely depend on the specific facts arising from sub paragraphs A to C.

01:05:22:09 - 01:05:22:27

Excellent.

01:05:30:27 - 01:05:42:07

In terms of precision, though, I do wonder whether there's any particular merit in in altering this wording so that it's, it's it could be more precise. Um,

01:05:44:00 - 01:05:52:10

rather than having near any part could that be changed to within the order limits, would that avoid any particular dubiously

01:05:54:01 - 01:06:02:10

or with it. Or it could even be within or overhanging the or the limits which I believe has been used on other, um, development consent orders.

01:06:04:20 - 01:06:37:03

Thank you sir. I'm happy to take the point away and respond in writing. Uh, in particular in relation to examples of limiting this to the order limits. Uh, if my experience is not generally limited to the order limits. Um, and I can provide some reasoning for that in terms of, um, clarification of that article. Another option is simply to remove the wording near any part of the authorized development, because it's already got the limits of A to Z.

01:06:37:05 - 01:06:48:21

However, I think I take your point to understand that you're you're wanting a little bit more certainty to hear, will review other orders and provide you with a written position.

01:06:50:04 - 01:07:12:28

Okay. And we'll add as an action point for you to consider the comments made in respect of our one, whether within or overhanging land within the order limits could be more precise. Does anybody wish to make any comments on article 34? I have one hand up in the room from this one.

01:07:16:18 - 01:07:28:03

Can I just ask Christine Warren again? Um, can I just ask the question? Are you saying that you could just chop a tree down if it's in any way? I have, I got the gist of what you've just said.

01:07:30:27 - 01:07:40:03

Is that what what what he's saying is that if a tree is in the way, or a hedge is in the way, you can just chop it down without any thought for whose tree or hedge it is.

01:07:42:01 - 01:07:50:01

I'll ask you to respond briefly in terms of what the general provision of the power applies and how it works.

01:07:52:19 - 01:08:20:13

Thank you sir. Um, so the standard position in in a TCA world. If one is granted planning permission, one then looks at the application of the Hedgerows Regulations of 1997, and that would provide general exemptions to the requirements of getting consent to carry out works to trees and shrubs, subject to whether or not they are protected separately under TPO.

01:08:22:18 - 01:09:02:06

This article, therefore, is adopting a standard provision. A standard basis for operating under development and incorporating that within the developed consent order. So, um, that's a caveat to what I'm about to say. But yes, essentially one would have to act reasonably in accordance with this article. But yes, under paragraph A, um, if an undertaker reasonably believes it to be necessary, um, that undertaker where a tree or shrub is obstructing or interfering with the construction, maintenance, operation, or decommissioning of the authorized development.

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

Then that tree or shrub may be felled or lopped. Thank you sir.

01:09:09:26 - 01:09:10:29

That just continued.

01:09:11:14 - 01:09:17:10

Just one very brief point. And then I will move to the state and Steve Parish Council. Yes.

01:09:17:26 - 01:09:43:17

And who would if he did? They just come along because they are more powerful than us. And they'll just come along and hack a tree down because it's in there without any thought for any what's around it, who's who's tree is what the environmental issues are. They can just hack it away because it says they're more powerful than anybody else. Because that's what it seems like to me.

01:09:45:11 - 01:09:50:00

Okay. Thank you for that observation. Um, yes. Would you like to be.

01:09:50:22 - 01:10:36:01

Representing Stanley Steeple and just like to to share an observation and reflection. Listening to the discussion today. I think what I'm observing is that the community are trying to work with the applicant to explain what's important to residents in our area, and to come up with suggestions around how we can protect what's important to us. If this is to go ahead, and my observation throughout this process has been that there's a rigidity and an inflexibility to hear the voice and come up with a compromise.

01:10:36:03 - 01:10:39:29

It seems like a hard note to every suggestion.

01:10:44:03 - 01:10:57:21

Okay, thank you for that observation. Um, I will give you the opportunity if you want to respond to that. I know this was touched upon a little bit yesterday, but I will allow you the opportunity to respond.

01:10:58:02 - 01:11:28:04

Yes, please. Thank sir. Thank you for the applicant. Um, I think I think this is coming from a position where the applicant considers that it's already put forward a reasonable position. However, we're only talking about part of the the question around trees and hedgerows. So if I can turn to, um. Well, firstly, the applicant has provided a list of particular, uh, works that it's doing to hedgerows and trees under schedule nine of the DCO.

01:11:28:15 - 01:12:06:15

Uh, and that sort of accords with the environmental statement provided. And in addition I turn to requirement five, which is set out in schedule two of the DCO, which covers an agricultural method statement. The states that no phase of the authorized development can come can commence into an agricultural method statement for that phase has been submitted to and approved by the local planning authority. And then that agricultural method statement submitted for approval must be in accordance with the tree retention and removal plan.

01:12:07:01 - 01:12:29:19

And then there's a requirement at subparagraph three. Then for the phase of the authorized development to comply with that agricultural method statement. So the applicant has introduced controls and a process for engagement with the local planning authority in regards to trees and hedgerows through the requirements. Thank you sir.

01:12:31:25 - 01:12:35:18

I'll take one. I'll take one more point and then I'm going to move on. Okay.

01:12:36:12 - 01:12:56:15

Thank you for that explanation. Um, we have heard other developers remove trees and then, of course, it's too late. Um, so I guess listening to the regulations and being told that, you know, things can be removed under this DCO creates anxiety for the community. Thank you.

01:12:57:10 - 01:13:05:03

Okay, thank you for that observation. I see one hand up if it is just a brief point. Miss Warren. Just one brief point. Yep.

01:13:05:22 - 01:13:07:23

Which planning authority

01:13:09:21 - 01:13:22:14

are you going to? Are you going to take the issue with. Because Bassetlaw aren't here to defend the people of Stoughton. So which planning authority will you engage with to get planning to hack down the trees.

01:13:24:24 - 01:13:57:16

All I'll say on that is it will be the local authority who will be responsible for, um, responsible for enforcing this development consent order. We've we know the concerns about Bassetlaw district councillors. There's not much that we can do about that today. Obviously, Nottinghamshire County Council also will have some involvement with that. Um, with the development consent order as well. So it is the local authority of the area that the development consent order is in. But that's. That's so I'm not I'm not going to ask the applicant to respond to that.

01:13:57:18 - 01:14:03:06

Um, but I hear what you're saying. But that's really all that we can say at this moment in time on that.

01:14:05:13 - 01:14:36:25

Yeah, yeah. We're aware of your concerns about that. We've heard them loud and clear. Um. Thank you. Okay. Um, I'll move on to article 35, um, which is operational land. Um, we did ask some questions on this in our first written questions, and it wasn't really the the wording of the article that we were particularly we know it's fairly standard provision. It was more the implications of what that wording and how it applies to the old limits.

01:14:37:07 - 01:14:40:09

Um, we did

01:14:42:00 - 01:14:49:05

request that the explanatory memorandum was updated further, which I don't think it was. And

01:14:51:00 - 01:15:29:03

if you take this away as an action point, it really needs to be updated to clearly explain what it actually what it does. Um, because it just refers to the model provisions at the minute which we're aware of. But I would say it needs to be a little bit more explicit of what the actual, um, article will achieve. Um, and because my understanding is the effect of this is if the development consent order was to be granted is that The Undertaker, um, would benefit from certain permitted development rights on the land that would apply to an an electricity statutory undertaker.

01:15:29:05 - 01:15:30:13

Is that correct?

01:15:34:29 - 01:16:08:28

Thank you sir. So in relation to the first point. Yes, of course, we'll take it as an action to update the expansion memorandum. And, um, we would probably start with the explanation as to the operation of the article we provided to yourself in response to excuse. Um. So yes, this this article provides for the potential for the land to, within the order limits to be operational land by certifying this development consent or as a special, uh, specific planning permission under section 264.

01:16:09:16 - 01:16:40:24

Um, the question about permitted development rights, we would have to take that away to be absolutely certain on it. However, we are operating in an envelope of a DCO. An environment with a requirement is an EIA development. So so that has implications as to the applicability of any PD

rights that would apply. Um, I don't want to go further than that. I will provide I think we'll take it away. Write you a clear, clear reasoning.

01:16:41:02 - 01:16:48:09

Can I just ask? And so is your question narrowly around PD rights?

01:16:48:18 - 01:17:19:24

Essentially, yes, because you have quite a number of areas within the order limits, particularly in the eastern part of the outer limits where there's no solar panels, for example, proposed in those areas. And my query is, um, if that was to be operational land, which to me it would be um, by the by the word, by the way, that the article is worded because it would be tied to the order limits. You've got large swathes of areas potentially, where there'd be no solar panels being sited.

01:17:19:26 - 01:17:26:13

And I'm, I'm wondering what to what extent any permitted development rights would be.

01:17:28:15 - 01:17:57:13

Justified over that, over that land. That's really what we're getting at. Does that does that make sense where the query is? Um, and that's really what we want you to consider further the implications of that and whether, if there are areas where you don't need that and just being proportionate, whether there's any way that you can have a mechanism that actually defines more clearly what the operational land refers to within the order limits.

01:17:59:09 - 01:18:38:06

Thank you sir. Okay. For the applicant. Um, yes. No. That's clear. The question relates to the applicability of PD rights. We'll take that further. Just in relation to the definition of operational land referenced at land to the far east of the site, which is the mitigation land. Um, the the, uh, definition of operational land is defined by section 263 of the Town and Country Planning Act of 1990 as being land use by our paraphrase about, uh, land used by a statutory undertaker in relation to their undertaking.

01:18:38:08 - 01:18:55:26

So I'd only go as far at the moment. Say, if that land out in the east. It's clearly being used for the purpose of the DCO. So there would be a good argument to assume that that would be operational land. But yes, we've got your point and will respond in writing. Thank you.

01:18:56:06 - 01:19:21:08

Okay. Thank you for that. Does the council wish to raise any points on what you've just heard? No. Okay. And I don't see any other hands up. So I will, um I will move on now to agenda item five, which is the schedules and particularly um, we'll start with with requirement three, which is the detailed design approval. Um.

01:19:24:14 - 01:19:27:12

My first question once I.

01:19:29:19 - 01:19:56:00

Turn to it is, um, if you look at the list in subparagraph two, which effectively is stating what any submitted scheme must accord with. Um, could you explain the purpose of the details to be submitted? Having to accord with the site location plan? The site location plan only identifies the order limits.

01:19:58:20 - 01:20:11:03

I think what my query is, is, is this should there also be reference to the the site layout within this requirement, which is document as dash 009?

01:20:18:06 - 01:20:42:13

Okay. For the applicant I can take that away, sir. Um, take the point. If the site location plan isn't showing something of substance, uh, then I can understand it might have been added just to sort of give a sort of a link to sort of wider context of the scheme. Um, but we can take that away and confirm in writing. Thank you sir.

01:20:48:13 - 01:21:19:01

Okay. Thank you very much for that. I just want to touch upon finally on this requirement of, um, the potential for a design review process and whether it would be appropriate for such a mechanism for this scheme or not. Um, I noted your response back to our question on this, um, which was the reference, um, 4.04 of our first written questions.

01:21:19:07 - 01:21:54:21

Um, and your response seemed to focus in terms of your, your position as to why this process wouldn't be required or necessary on the infrastructure and components to be in school, um, to be installed, It didn't seem to acknowledge the wider aspects of the proposal that would contribute to a design such as landscaping elements, which I think Nottinghamshire County Council referred to in their first written, um, response. Could you explain why an independent design review process would not add value to aspects such as this?

01:21:59:06 - 01:22:03:15

Thank you sir. Dirk Haycock for the applicant. Um,

01:22:05:12 - 01:22:35:14

firstly, I'd like to start with our understanding is that, um, an independent design panel isn't something that's being advocated for by NCC. I understand in their local impact report that they saw it as non-essential. Um, I think the the applicant's position is that in particular, elements such as landscape are heavily controlled within schedule two.

01:22:37:08 - 01:23:09:03

In particular, the requirement which sets out the requirement for the lamp. Um, and clearly, sir requirement three would also encompass external features, uh, landscaping features. I think the applicant was attempting to communicate that in the round. The principal development, which is seeking consent for, uh, has a highly functional infrastructure.

01:23:10:18 - 01:23:48:10

Uh. These are the key elements that are have a potential to cause impacts. And then the landscaping elements are seeking to mitigate those impacts. So in terms of looking at a design review that's looking at a principal development, there's a limited value in including that process there. But that's not to say so that design is not embedded into the DCO. There are very clear controls in that regard and the opportunity for participation by the local authorities.

01:23:49:03 - 01:23:49:21

Thank you sir.

01:23:50:04 - 01:24:15:12

Thank you for your explanation. I will turn to Nottinghamshire County Council just for your final comments on on this and whether this is something that you would wish to see in the draft event of a consent order, or whether you're content that there's sufficient provisions within the supporting documents, um, to secure, um, any good design going forward.

01:24:21:22 - 01:24:33:12

So yes, we did make reference, I think, in the context of a landscape assessment and the need for, um, you know, careful design at a local level. Um,

01:24:35:08 - 01:25:07:11

it was in that context. Um, of a kind of strategic assessment of, of of, of landscape impacts and, uh, the opportunities to help help mitigate and manage that and, um, you know, agree further for the design, potentially in consultation with local people further down the line. Um, I think I'd like to just take that away and just confirm our position on that. Um, in conjunction with our landscape.

01:25:07:13 - 01:25:15:13

Uh, um, colleagues, um, as to whether we we modify that position now or not.

01:25:15:26 - 01:25:20:06

Okay. I think that'll be useful. I'll just turn to your colleague who also wants to make a point.

01:25:20:13 - 01:25:47:02

So it's slightly unrelated. I just have a very minor drafting point, if I may, on the wording of the requirement. Um, under three one, where the bottom line rate suggests that approval is required by the local planning authority. I wonder if we could add the line in consultation with the local highway authority, where required or as necessary? Um. Just because there is an element there that relates to vehicle and pedestrian access, and obviously that's something of concern to the county council.

01:25:55:14 - 01:26:05:07

I think that's something more for the applicant to, to respond to. Um, whether you would consider that drafting necessary or not.

01:26:09:03 - 01:26:44:12

Thank you sir. Okay. For the applicant, I would have to take instructions as to acceptability of that change. Um, principally, this is, uh, an article that's designed to mitigate planning harm rather than being something that's, um, approving technical details in relation to highways matters. Um, so, uh,

my principal position. So is the drafting as appropriate as possible because it's aligning with the, the relevant functions of the local planning authority. Um, and, uh, thanks, but I'll take instructions on the matter.

01:26:44:14 - 01:26:45:03

Thank you.

01:26:45:18 - 01:27:25:17

Okay. So we've got two action points there, which is for the council to provide further detail of the design review process. I think also as well within that action pointed quite likely to also explain about the consultation that you do when you would do when you get this, and particularly how it would involve consultation with the local community and how that works as part of this requirement. So I won't ask you that now, but I quite like to see that in writing. So if you could also include that in the action point of how the community can involve be involved with looking at some of these, um, details that would come forward.

01:27:27:00 - 01:27:46:24

And then the second action point being for the outbreak to respond to the appropriateness of adding the wording in consultation with the local highway authority at the end of subparagraph one, if required. Three. Is there anybody who wants to make any comments on requirement three?

01:27:49:10 - 01:27:52:03

One comment from Miss Warren. Yeah.

01:27:56:16 - 01:28:26:20

Um, what concerns Christine Warren again? Um, what concerns me is when West Burton Solar was passed, um, it was all passed. And then they went to additions, which doesn't come under the Planning Inspectorate. Um, and it sounds as if, um, the applicant is going to do something, you know, it isn't written as in the proper document. That's going to be followed by the council. Bassetlaw Council if they ever, ever, um, join in.

01:28:26:22 - 01:29:01:07

But West Burton solo. They went to auditions, but nobody from from the around the table actually sits and um and decides whether their auditions are acceptable or not. Um, so if it's not in the document now, does it go at like West Burton Solar that they go and then it's a, it's added after it's passed so that they get away with more um, that little nudge, uh, a little bit more land or a bit a bit of another tree or another, whatever.

01:29:01:09 - 01:29:07:14

If it's not documented now, is that what's going to happen in the future? Because that's what's happened with West Burton's solar.

01:29:08:08 - 01:29:41:00

I think, um, I think your point is something that was touched upon yesterday about a process that if if this project was to be consented, whether an applicant can apply to the Secretary of State to modify an order which an applicant has that potential. But at the minute, we're only concerned in this process of

what's in front of us. So I think you're thinking one potentially one step ahead of the process. But I hear what you're saying and the possibility for that. Yeah, I yeah okay.

01:29:41:02 - 01:29:43:10

I hear what you're saying. Thank you.

01:29:46:19 - 01:30:04:03

Okay. Um, requirement six is my my question on this is, um, about the securing of biodiversity net gain. And you haven't, um, subparagraph two E will secure a minimum of 10% biodiversity net gain. Um.

01:30:06:14 - 01:30:43:21

I think what what my concern is, is, is because this is only minimum of 10%. And I think your response to our questions on this said that, um, you're not committing at this Stage and to more than that. And it ties into what the legislation is. But I think my question is if it's just a minimum of 10%, um, to what extent can we consider in terms of our of whatever weighting that we would apply at the decision making stage to the figures that you've quoted in your documents, which is substantially more than this.

01:30:46:29 - 01:30:59:24

Thank you, Sir. Doug Haycock, for the applicant. If we were in a world where there would be where there was a legislative requirement to deliver 10%,

01:31:01:14 - 01:31:39:00

we believe the case law on it, sir, is that no weight can be attached to a 10% gain, because it's not something, in addition, that the, uh, developers would be offering in that instance. It's a requirement set by law. In this case, we are in the DCO regime and there is no legislative basis or policy requirement to deliver a 10% gain. And therefore, sir, it's the applicant's firm position that you can attach positive weight or weight to the delivery of being.

01:31:41:03 - 01:31:43:27

Whether that's 10% or or not.

01:31:46:15 - 01:31:58:29

The applicant has provided for BNG workings, which does demonstrate the potential for a higher than 10% gain. However, the applicant has exercised its discretion

01:32:00:21 - 01:32:04:13

to decide to commit to 10% only.

01:32:06:05 - 01:32:31:13

And in that sense, sir, we would request that in any recommendation, report that you may draft to the Secretary of State. It is made clear that the weight attributed to being is limited to a 10% gain, and that no weight is attributed to any gain in excess of 10%.

01:32:33:26 - 01:32:34:14

Excellent.

01:32:43:13 - 01:32:50:01

I hear your position on that. Does anybody else want to make any comments on requirement six?

01:32:51:19 - 01:33:46:23

No. That's fine. I'll move on to requirement. Um, 17, which is archaeology. Um, and this is due to Historic England raising some concerns regarding the drafting of this requirement in their relevant representation, um, where they state there needs to be a mechanism whereby the results of any assessment stage trial trenching undertaken. Post DCO has a material bearing upon the subsequent phase of archaeological mitigation scheme, and your response has basically referred to the content of paragraphs within the outline documents that you've submitted, and other requirements within schedule two contain reference to effectively the final documents having to be in accordance with outline documents submitted as part of the application.

01:33:46:25 - 01:34:03:28

I don't see any reference to such documents in this requirement, such as the Archaeological Mitigation Statement or the Outline Scheme of Investigation for post content. Archaeological works. Can you explain why this is?

01:34:08:12 - 01:34:49:29

Thank you sir. Doug Haycock for the applicant in relation to the outline size, I would point to paragraph 17, paragraph three, which does reference the outline size in relation to the archaeological mitigation strategies. Those documents are essentially sit under the WSI. So form part of those documents. So the applicant's position is they don't need explicit reference in these in these paragraphs because they are embedded within those sites or integral part of those documents.

01:34:51:27 - 01:34:52:12

Excellent.

01:34:55:06 - 01:35:03:15

And that's that. And the link to those documents is at the end of paragraph three is what you're saying.

01:35:03:17 - 01:35:04:22

Yes, sir. Thank you.

01:35:08:25 - 01:35:20:09

Okay. Thank you very much Nottinghamshire County Council. got any comments on the content of this requirement, and particularly noting the discussions about trial trenching that was had yesterday.

01:35:23:08 - 01:35:48:27

Thank you sir. Yes, I'm afraid we haven't got Mr. Adams this this morning, but, um, Mr. Adams did, um, submit some suggested wording for a revised condition to, uh, to take account of the complexity of of this scheme and the the post consent, uh, phase of evaluation, if that's what,

01:35:50:13 - 01:36:32:04

uh, comes about. Um, basically to inform and update an archaeological mitigation strategy. Um, we have shared this with the, uh, the applicant just informally this morning. Um, I would obviously plan to submit this, uh, consideration at the next deadline? Um, it is it is to make, um, stronger reference to the role of the archaeological mitigation strategy, um, being submitted, approved by the relevant planning authorities, particularly obviously, the the county archaeological service.

01:36:32:14 - 01:37:05:28

Um, and and done in consultation with Historic England um, which includes schemes for trial trenching and uh, and so forth. Um, I won't go through the detail. Um, it only came in to us like, last night. Um, but it is, it is a, an amended wording to, um, as, as currently, um, we consider the wording insufficient in, in light of the scheme as, as proposed.

01:37:06:00 - 01:37:17:03

And, uh, Uh, you know, if we are in a, in a post content situation of of dealing with the evaluation of, of trial trenching so that.

01:37:18:11 - 01:37:31:11

Okay. So if you can submit that, that wording for or deadline for us, and that gives us an opportunity to consider it as far as first written, uh, questions, is there anything that you would like to come back on those? The haycock.

01:37:32:08 - 01:38:04:09

Thank you sir. Uh, Doug Haycock for the applicant. Um, I'm grateful to have been provided with the wording, uh, this morning by NCC. Uh, I've taken a look at it. Um, and we'll take away and we'll respond formally within the process. Um, I can't, uh, if it's helpful today, explain the operation of this paragraph, um, and explain why we consider the current wording to appropriately bind that mechanism for post determination trial trenching.

01:38:04:11 - 01:38:07:12

So happy to do that. But, sir. Thank you sir.

01:38:09:01 - 01:38:34:12

Okay. I think I think we'll just leave it there for the for the time being. I'll be interested to see the wording. You've obviously seen it both. So maybe if you can submit that if Nottinghamshire County Council can submit that wording to us. But deadline for as an action point and also as part of the same action point of view could provide any your position on that wording, if that's possible. If you've already seen it.

01:38:35:06 - 01:38:41:05

Yes, sir. Thank you. We'll respond at deadline for against the wording provided to us directly by NCC.

01:38:42:11 - 01:39:16:13

And then we can then see both parties positions. So when we consider written our written questions. Thank you. Does anybody else want to make any comments on the archaeological requirement. No. Okay. I'm going to move on to, um, the construction hours requirement. Uh, and I think I just, Um, I

want to start with, um, subparagraph two, which would permit certain works outside the hours stipulated under subparagraph one.

01:39:16:25 - 01:39:39:24

And I and we did query the terminology of emergency works in our first written questions. Um, and the applicant, you've responded stating it's a routine term made throughout construction agreements. Can you explain to us how emergency works would be and would be interpreted by the undertaker?

01:39:44:02 - 01:40:15:11

Thank you sir. Doug Haycock for the applicant. Um, I'd expand the use of the term emergency works to something that is routinely used in legislation as well. I believe we talked about the 1991 act. So New Roads and Street Works Act earlier this morning. That term is used throughout that and is undefined. Um, so only to start there. So saying it's not abnormal for legislation not to define this term.

01:40:15:15 - 01:40:51:24

Um, it's intentionally needed to be flexible. Uh, it's not possible to look forward and uh, uh, incorporate any possibility of what that wording might entail. I think the key part here is that that wording emergency works is balanced by subparagraph three, uh, which states that when the applicant is carrying out any emergency works, it must notify the local planning authority within 72 hours of their commencement.

01:40:52:00 - 01:41:17:27

Now, clearly. So that doesn't stop The Undertaker from taking a view at that time that their works constitutes emergency works. but what it does do is ensure that the local planning authority, i.e. the body that would be ultimately responsible for enforcement for breach of the order, is made aware, and they can make a determination against whether or not the Undertaker's view is appropriate or not.

01:41:20:04 - 01:41:37:18

Okay, that that provides some clarification in terms of, um, how subparagraph three works. So 72 hours before you were to undertake any emergency works, you have to notify the local authority.

01:41:37:21 - 01:41:45:22

Sorry, sorry. It's, um, uh, within 72 hours of their commencement. So I believe the intention of that is after the works.

01:41:47:00 - 01:41:58:19

Which was my initial understanding of of that. So if it's 72 hours after you've done the emergency works, what can the local authority do?

01:42:01:00 - 01:42:32:21

Thank you, sir. So the key point here is in in an emergency situation, it's important for the undertaker of the order to be able to react immediately without seeking approvals or consents. That is a safety position that that operates to protect everyone, not only the undertakers apparatus, but locals. It's important that those emergency procedures can be put in place with immediate effect.

01:42:34:05 - 01:42:45:19

So that is why there's not a consent procedure. The reason why there's a notification procedure is that, to put it sort of locally, everything's sort of above board.

01:42:47:18 - 01:43:30:13

If the Undertaker were to be seen to be carrying out emergency works. So it was using this our under two a and the local planning authority did not consider that appropriate. Um, there are steps that the essentially the local planning authority would be taking a view that the undertaker would have been acting outside the curtails of the order, i.e. there is a potential that a breach of section 161 of the Planning Act would have been committed, which is introducing, which introduces a criminal offence for breach of the terms of the order.

01:43:31:15 - 01:43:48:08

And any further action would clearly then be to the discretion of the local planning authority, but only to say, sir, if a criminal act has been a has occurred, the fact that that's in the past or not has no bearing as to whether or not an offence is occurred. Thank you.

01:43:50:13 - 01:44:23:18

Okay. I hear what you're saying. Um, your construction Environment Management plan, particularly part of 2.5 and 2.6, and table 3.6, in particular in respect of noise. It actually refers to certain works that may be required outside of these times and on other development consent orders. For my experience, particularly for the highway schemes have I have actually set out certain works that could be done out with those hours.

01:44:23:27 - 01:44:50:23

Um, so it's clearer to people as to what they might be able to expect. And I just wonder whether you can, um, consider that further, because you have made some reference to some in your construction environment management plan, and whether there needs to be some reference to that in this requirement that, um, would improve the precision of what type of works could potentially be undertaken.

01:44:54:00 - 01:45:12:22

Thank you, sir. We'll take it away. I think the key thing is, if we were to be adding any works under subparagraph two, they would be in addition, not in replacement of the wording of emergency works. But we're happy to add that wording in, um, if to aid clarity.

01:45:14:15 - 01:45:38:06

Okay. Yes. I think we'll put that as an action point for you to consider. Um, further additions to the, um, to requirement 19 to, um, improve precision. I will turn to Nottinghamshire County Council just for a local authority view on the, um, wording within this requirement. Is there anything that you would wish to add?

01:45:51:23 - 01:46:18:24

Yes, sir. Sorry. Yeah, well, it's a shame that Bassetlaw aren't here as the local planning authority. With more awareness of. Of hours and stuff. But I don't think we have any particular, um, comments. But

again, I can take that away and, uh, chat with colleagues. Um, if there's anything to say, and we can make that as a, as a subsequent submission. Thank you.

01:46:19:00 - 01:46:30:26

Okay. That's fine. I'll leave that for you to organise separately. Um, we've got a couple of hands up when I'll take a question from each of you, and then we will go for a break.

01:46:33:19 - 01:46:34:05

Thank you.

01:46:36:12 - 01:47:06:16

Thank you. Julie Barlow, resident. Um, fully appreciate the emergencies. You can't predict them. And you've got to react for the health and safety of wellbeing of workers, plant equipment and residents. But 72 hours is three days and it's a notification. So is it possible that the notification period could be reduced? So at least then Bassetlaw, as local planning authority could take a view on whether they are genuine emergency works.

01:47:06:18 - 01:47:14:02

I know what weekend that might not be possible, but at least it's been notified earlier and Bassetlaw can look at it earlier. Thank you.

01:47:15:15 - 01:47:49:21

All right. Christy Warren again. Um, what what will be classed as an emergency work? Um, on on the solar panels when they're down? Um, I don't understand fully, um, what type of emergency needs to be outside working hours? Um, I've just the, um, quarry. I've just proved they've worked out of hours because. No, um, because they chose to work out of hours. And does this give you the right then to say this is an emergency? So therefore we're going to work whenever we want.

01:47:49:23 - 01:47:56:11

Because that's what it seems to be like. Um, I don't understand what an emergency is with a solar panel.

01:47:59:28 - 01:48:30:16

I take your observation, and that was the point of this. The questions I was asking was to try and get some more clarity from that. And obviously the applicant is going to take that away to provide and potentially some more clarity on that. So hopefully that if when you look at those submissions, then if you've got any further queries on that, then that would be, you know, you're welcome to put those in. But we effectively that's what I'm sort of asking the applicant to produce. Um, in respect of the first question that was asked.

01:48:30:18 - 01:48:52:07

I probably won't ask you to do that now, but maybe if you did also include that as part of the action point, actually, when you're considering whether consideration can be given to the actual 72 hours and whether a different period could be considered, um, bearing in mind the concerns that have been raised by the community. I'll take one final quick point.

01:48:58:09 - 01:49:31:11

If it's a true emergency, and with all this power coming in with all this electricity, electricity, shouldn't we have an evacuation program for the people that live in the area? Because if it's such an emergency, maybe the residents need, um, some something in place that they. That not their lives aren't in danger. The fact that you need to work out of hours because of your emergency, that, you know, we don't want to lose lives, um, with people in the area. So we need an evacuation program as well as your emergency program.

01:49:34:00 - 01:49:39:05

Thank you for that. And is there anything you want to briefly come back on? Any of the points raised?

01:49:39:23 - 01:50:14:03

Uh, no, not not in particular, but it relates to an evacuation plan. I mean, at the moment we're talking about emergency works undefined. Um, I would, however, point to our fire risk management plan, which does include outline fire risk management plan, which does include a requirement for us to include an emergency response plan in relation to particularly the bears. So, um, there are documents that are going to be produced in conjunction with the LPA in relation to key emergencies.

01:50:14:05 - 01:50:14:24

Thank you sir.

01:50:16:00 - 01:50:29:12

Thank you for that clarification. And the time is now 10 to 11. I think it's time for us to take a 15 minute break. So this hearing is adjourned until 11:05.