



## Hearing Transcript

<b>Project:</b>	Lime Down Solar Farm Project
<b>Hearing:</b>	Transcript of issue specific hearing 1 (ISHF) - Part 1
<b>Date:</b>	22 April 2026

**Please note:** This document is intended to assist Interested Parties.

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

FULL TRANSCRIPT (with timecode)

00:00:10:11 - 00:00:44:26

Good morning everyone. It is now 10 a.m. and time for this hearing to begin. I would like to welcome you all to the first issue specific hearing for the Lyme Down Solar project. Can I just confirm that everyone can hear me clearly? Yeah. Great. Can I also confirm with the case team that the live streaming and recording of this event has been commenced? Excellent. Thank you. My name is Ben Northover. I'm an examining inspector and an architect, and I have been appointed by the Secretary of State to be a member of the panel to examine this application.

00:00:44:28 - 00:00:48:18

I'm now going to ask the other panel members to introduce themselves.

00:00:50:00 - 00:00:55:05

Good morning. My name is David Love. I'm an examining inspector and a chartered town planner.

00:00:56:29 - 00:01:06:15

Good morning. My name is Janine Leaver. I'm a chartered town planner and a member of this panel. I've been appointed to be the lead inspector for this project.

00:01:08:18 - 00:01:39:10

Thank you. Together, we constitute the examining authority for this application. We may abbreviate that. Abbreviate that to Xa or Xa. There are other colleagues from the Planning Inspectorate who are joining us today, both here and online. Our case manager is Deborah Allen, who is supported by a number of case officers in the room and online. It is the case team you should contact regarding the application process in general and for today's arrangements, including any online connection issues.

00:01:40:04 - 00:02:18:17

I'll now deal with a few housekeeping matters. There are no planned fire drills today, so if it happens, it's the real thing for everyone in this room. There are fire exits behind the curtains to my right hand side of the room, and there are also fire exits at the front and back of the room. And the meeting point is T.G. Jones. If anyone's in the room upstairs, there are clearly marked fire exits to the side of the room. Can everyone please make sure all devices and phones are set to silent and online? Participants should make sure their cameras are switched off and microphones muted unless the panel have requested them to speak.

00:02:20:05 - 00:02:29:03

No requests have been made for any special measures or arrangements to enable participation in this hearing. If you do need assistance, please speak to the case team.

00:02:30:27 - 00:02:49:29

If at any point in the meeting you can't hear us or have something you wish to raise with the SEC. Please could you raise your hand and virtual attendees? Could you use the raised hand function on

teams? Um, and there may be a delay before we acknowledge this, but we will come to you as soon as we can.

00:02:53:00 - 00:03:12:28

Um, and I believe it's been explained by the case team to all virtual participants. What to do if you lose connection at any point during the hearing, we will break for lunch around 1 p.m. for 45 minutes and we all have a short mid-morning break. We will be closing the hearing by 3 p.m. at the latest.

00:03:14:18 - 00:03:19:13

Can I just check? Are there any representatives of the media here today?

00:03:21:26 - 00:03:24:08

No. Okay. Thank you.

00:03:26:14 - 00:03:48:10

So this meeting will follow the agenda published on the National Infrastructure Planning website on the 9th of April. The examination library reference number for that is EV3 001. It will be helpful if you had a copy of this in front of you. And could I ask the applicant to also display the agenda on screen, please?

00:04:00:17 - 00:04:03:18

Thank you. And if you could just scroll down to the the

00:04:05:12 - 00:04:37:24

agenda items. Excellent. Thank you. This 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 further written questions. Likewise, if you cannot answer the questions being asked or require time to get the information requested, then can you please indicate that you need to respond in writing?

00:04:39:14 - 00:05:15:01

Today's hearing is being 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. We will make sure that however you have decided to attend today, you you'll be given a fair opportunity to participate. A recording of today's hearing will be made available on the Lyme Downs Solar 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're representing each time before you speak.

00:05:15:16 - 00:05:47:16

For those sitting in front of a microphone at the tables at the front, please, please press the large button on the base when you're asked to speak and when the red lights are shown, the microphone is active and then simply press the same button to turn off when you're finished speaking. Um, I believe only three microphones can be operated at the same time, so if we all remember to turn our microphones

off when we finished speaking, that would be much appreciated. Um, if you're not at a table with a microphone, there's a roving microphone.

00:05:47:18 - 00:05:56:22

So please put your hand up and wait for one of these to be brought to you before you speak. There's no need to press any buttons on the roving microphones. You can just start speaking.

00:05:58:22 - 00:06:20:18

A link to the Planning Inspectorate. Privacy notice was provided in the notification of this hearing. We assume that everyone 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 the case team if you have any questions about this.

00:06:23:08 - 00:06:53:29

Moving on to introductions. The Case team have provided me with a list of those interested parties who has expressed a wish to be heard today, as we did yesterday, due to the number of participants, and because of the limited time available and the number of items we hope to get through. I will ask the applicant councils, the main statutory organisations and interest groups that intend to speak to introduce themselves, and I will then read out the remaining interested parties names that have registered to speak.

00:06:54:12 - 00:07:13:22

When you do speak later in the hearing, please introduce yourself stating your name and if you, if relevant, who you represent and which agenda item you wish to speak on, please could you also state how you wish to be addressed, i.e. Mr.. Mrs.. Miss. Miss. Um, can we start with the applicant, please?

00:07:16:14 - 00:07:43:23

Good morning. My name is Claire Broderick. I'm a partner at Pinsent Masons LLP and we're solicitors for the applicant, Lime Down Solar Park Limited. I can be referred to as Miss Broderick. I'm joined by a number of members of the applicants team today. I will let those who are set up against the microphones introduce themselves first, and then I'll confirm who else is here on behalf of the applicant. Thank you.

00:07:44:00 - 00:07:44:21

Thank you.

00:07:47:01 - 00:07:55:21

Good morning, I'm Rosie Horton. I'm a principal town planner at Aecom, appearing on behalf of the applicant. And you can refer to me as Miss Horton.

00:08:00:06 - 00:08:06:17

Sorry, can I just. When you speak, can you go a bit closer to the microphone? But it's a miss Horton, isn't it?

00:08:07:07 - 00:08:08:25

Yes. That's correct. Thank you.

00:08:11:24 - 00:08:17:11

Good morning sir. My name is Simon Gillett. I'm the director at Honeybee Limited, supporting the applicant today.

00:08:21:04 - 00:08:32:03

Good morning. William Barrett, technical director at Aecom, environmental consultants to the applicant, and referred to me as Mr. Barrett.

00:08:35:28 - 00:09:06:08

Clare project. The applicant, in addition to to the people who've just introduced themselves, we also have Mr. Chris Jackson, who is the applicant's landscape and visual expert who can also talk to the landscape led elements of design. Should you have any questions relating to that? And we also have Mr. James Darryl, who is the applicant's traffic and transport consultant.

00:09:07:06 - 00:09:45:20

In terms of obviously, there were a number of issues raised at yesterday's open floor hearing in relation to matters such as flooding and hydrology, etc.. So whilst obviously this agenda item is or the agenda is relating to sort of the, I guess the more overview approach to the scheme and site selection, which does have elements of consideration of flood risk in relation to that site selection process. I just wanted to make it clear we don't have the hydrology expert here today to talk about the actual assessment that was undertaken and the flood risk assessment and the approach to drainage.

00:09:45:22 - 00:10:05:22

So I had understood from the preliminary meeting that it's highly likely that there will be a further issue specific hearing relating potentially to matters of hydrology, and they will be available to attend that hearing. But I just wanted to be clear who was here for for the purposes who who can answer technical questions today and what we might need to take away.

00:10:05:25 - 00:10:08:08

Thank you. Okay. Thank you for confirming that.

00:10:11:14 - 00:10:17:27

I will now ask the local authority to introduce themselves. Can Wiltshire Council make their introductions, please?

00:10:18:18 - 00:10:39:04

Yes. Good morning. My name is Joel McCullough of Council from Landmark Chambers. I'm here on behalf of Wiltshire Council. Will be speaking. Make some brief comments in relation to item up for the draft eco. Um, and I'd now like to let other members of my team introduce themselves as well.

00:10:41:09 - 00:10:44:26

Yes. Frank Heydon and house lawyer for Wiltshire Council.

00:10:47:24 - 00:10:54:05

Good morning, Karen Jones, strategic planning projects lead for Wiltshire Council. And please refer to me as Miss Jones.

00:10:56:27 - 00:11:04:22

Good morning. Nick Thomas, so I'm Wiltshire Council's director of planning, economy and regeneration and please refer to me as Mr. Thomas.

00:11:08:12 - 00:11:09:08

Thank you.

00:11:10:26 - 00:11:18:28

Turning to parish councils, I understand we have a representative registered to speak from Chippenham without parish council.

00:11:20:17 - 00:11:22:15

Do we have a Howard Ham?

00:11:27:04 - 00:11:35:28

No. Are there any other parish councils who registered to speak and present today, either in the room or online?

00:11:38:03 - 00:11:40:01

No, I'm not seeing any hands.

00:11:42:09 - 00:11:57:18

I'll now move to the statutory organizations, other organizations and interest groups that have given notice of their intention to speak. So I believe we have National Highways joining us online. If so, could you please introduce yourselves?

00:11:58:17 - 00:12:26:07

Good morning. My name is Julie Russell. I'm a solicitor at Gowling at, um. I'm representing National Highways. Um, I'm joined this morning by, um, my client, Mr. Simon Chaplin. Um, we don't intend to speak on any particular agenda item. Um, but we're here to insist. Assist the examining authority. Should the need arise. You can refer to me as Mrs. Russell. Thank you.

00:12:31:13 - 00:12:36:25

Thank you. Um, can I then move to stop lying down? Could you make your introductions, please?

00:12:38:14 - 00:12:58:14

Thank you, sir. Daniel Gazelka of Council, 36 chambers for. Stop lying down. I'll allow my colleague to introduce herself in a moment. It's likely we will seek to speak to items 4 to 6, depending on where the discussion goes. I'll just hand it over to my colleague.

00:12:59:24 - 00:13:05:18

Hi, I'm Celia Reynolds from 39, Essex Chambers, counsel on behalf of stop line down. Thank you.

00:13:11:03 - 00:13:41:14

Thank you. A number of interested parties have also registered to speak. Uh, due to the number of people here are now, um, mentioned, those who have registered to speak either in person or on Microsoft Teams. This list is in no particular order. Um, so we have Michael Pitt, Philip Emsley, Simon Cox, Paul Raci. Richard Skeffington. Sue. Godwin. Sean McGee.

00:13:41:24 - 00:13:59:10

Stuart. Fisher. Charles Purkiss. John Eavis. Hugh Roche. Peter Phillips. Henry. Jodrell. Christina. Jodrell. And Jill. Rixon. If there are any mispronunciation, please speak up now.

00:14:02:00 - 00:14:10:24

No. Is anyone else in the room? Is there anyone else in the room or online who has registered to speak whose name? I did not say.

00:14:15:12 - 00:14:15:28

No.

00:14:18:10 - 00:14:22:27

Project for the applicant. I think the gentleman in the blue shirt just raised his hand there.

00:14:23:16 - 00:14:26:13

Oh, sorry. Could you raise your hand and wait for a microphone?

00:14:35:11 - 00:14:38:04

If you could raise your hand so that the case team can

00:14:40:00 - 00:14:40:16

see.

00:14:52:08 - 00:14:56:16

It from the local flood authority, Wiltshire Council.

00:14:57:18 - 00:14:59:16

Sorry, could you repeat that, please?

00:14:59:21 - 00:15:06:10

I'm from Wiltshire Council. Uh, I, I'm the lead local flood authority officer.

00:15:06:12 - 00:15:07:00

Okay.

00:15:07:11 - 00:15:08:15

And your name, sir?

00:15:08:29 - 00:15:09:26

Rohit Singh.

00:15:09:29 - 00:15:11:03

Okay. Thank you.

00:15:22:28 - 00:15:44:29

Okay. Thank you. May I remind you that if you do wish to speak during the course of morning's proceedings, for example, to make comments in response to representations made by other parties. You should raise your hand either physically or using the function in Microsoft Teams. Please do not just shout out. Are there any comments or questions anyone has? Under this agenda item?

00:15:46:23 - 00:15:47:10

No.

00:15:47:21 - 00:15:49:11

I'm not seeing any hands.

00:15:51:06 - 00:16:19:11

Moving on to agenda item two. The purpose of the hearing. Let me briefly explain the purpose of this issue. Specific hearing. This hearing seeks to consider a range of issues which come under the broad umbrella of scope of development. This hearing will consider high level matters relating to the scope of the proposed development, the development consent order, consideration of alternatives and electrical generation, storage capacity, and the grid connection.

00:16:20:28 - 00:17:03:18

I know many of you will be keen to have your say today. You will have heard our proposed timings and we're keen to ensure that these are adhered to. As mentioned previously, we will need to finish by 3 p.m. at the latest and if necessary, any items not considered during the day will be carried into our first written questions. We have a number of questions which are primarily aimed at the applicant, but questions may also be aimed at other parties, including the local authorities. Um, the purpose of this hearing is to enable us, as the assessor, to gain a further understanding of the evidence relating to the topics within the agenda, and all three of us will be asking questions today.

00:17:05:03 - 00:17:48:13

This is the first issue specific hearing, and as such we will be discussing discussing matters at a fairly high level. It is likely that we will be delving into all these matters in further detail, by way of written questions, and or further issue specific hearings as required to help the hearing run as smoothly as possible. We will run through all of our questions on each topic. agenda item before then asking for contributions from interested parties. Any oral representations from interested parties must relate to the discussion undertaken on each agenda item, and it's important to say that today is not an open floor session to give wider, more general submissions.

00:17:48:22 - 00:18:06:23

Um, on the proposed development, if you do have wider points to make, please provide these in writing at deadline one. Um, and note that written submissions do have exactly the same weight as oral submissions. Are there any questions so far on the purpose of the hearing?

00:18:09:22 - 00:18:17:21

No. Okay. In that case, I'll hand it over to Mrs. Leaver to take us through agenda item three. Scope of the proposed development.

00:18:20:09 - 00:18:51:18

Good morning everyone. So we're on to the substance of the agenda now. And to start the discussion, we've requested that the applicant give a short introductory statement about the nature of the proposed development, covering the series of points that are indicated in the agenda, which is still on the screen. Now we've given the applicant a guide time of of ten minutes. Now before handing over to the applicant. It might be useful just for me to highlight some of the documents that are likely to form the basis of my questions under this item.

00:18:52:04 - 00:19:24:19

These are essentially environmental statement in chapter three. And that's L reference the examination library reference app 055 in relation to the scheme s appendix three three which is app 184. And those are illustrative drawings. And then s figure three three which is AP 083. And that's figure three three which is the 400 kilovolts substation and the best layout.

00:19:24:21 - 00:19:41:23

And then the last document which is likely to feature is the Design Principles and Parameters document, which is app 269. Now with that clarified, Miss Broderick, the floor is yours. To provide the overview, please.

00:19:43:11 - 00:19:52:27

Claire. Budget for the applicant. Before I begin, I just wanted to check whether you still wanted the agenda to be shown. It just makes it smaller for those participating online.

00:19:53:01 - 00:20:02:06

I'm not necessarily needing the agenda shared. It's just if you think it's helpful in your discussion, you can leave it up. But it's not necessary.

00:20:02:15 - 00:20:34:26

Uh, for the applicant, I think we'll take the agenda down in that case. Then. And then we'd be with the team is ready to display any of those documents that you mentioned in case that would be be useful. Um, so as requested, we are just going to provide a very brief overview of the lime down solar park. and providing some context around the UK's need to decarbonise with home grown, affordable low carbon generation and how large scale solar technology will help meet that need.

00:20:35:06 - 00:21:05:14

We will then describe the order limits and the key components of the scheme. I will provide a brief overview of the approach to site selection. However, we note that alternatives is later on on the agenda and some of those some matters relating to site selection might be better placed in that agenda

item. And then briefly explain how the application has demonstrated that the scheme is compliant with the national policy statements. As was mentioned, I think, at the preliminary meeting.

00:21:05:19 - 00:21:45:02

But just to reiterate, the relevant national policy statements applicable to this scheme are those designated in January 2024, and those are the National Policy Statement for energy. N1 and N3 and N5, which relates to electrical network infrastructure. And those apply for the purposes of section 104 of the Planning Act. The more recent energy MPs, which were designated in January 2026, are still considered to be important and relevant, so we will be referring to those where relevant.

00:21:45:04 - 00:22:30:04

But generally speaking, unless said otherwise, when we're saying paragraph numbers in respect of the MPs, then we're referring to the 2024 versions. Um, part one, part three. Sorry of MPs n1. Both in those are the versions that are applicable, and the more recent designated versions set out the urgent need for significant amounts of large scale energy infrastructure in meeting the government's energy objectives. This is set out in MPs paragraph 2.3.3, which says that ensuring that the supply of energy always remains secure, reliable, affordable and consistent with meeting the UK's legally binding target to cut GHG emissions to net zero by 2050.

00:22:30:18 - 00:23:27:03

The Government's Clean Power 2030 Action Plan established an aim to deliver clean power system by 2030 and keep it clean beyond 2030. As electricity demand increases to take fossil fuels out of traditionally non electricity sectors such as transport, heat and industrial processes, in 2025, the MPs were updated. So those are the 2026 versions I mentioned to reflect the Clean Power mission. Um. The current MPs explains that solar energy is at the heart of the Clean Power 2030 mission, and paragraphs 2.1, 2.5 and 2.10 point six of MPs m3, which is the 2026 designated versions, go on to explain that this is because solar is an established source of renewable energy, electricity in the UK and the cheapest form of electricity generation and solar farms can be built out quickly.

00:23:27:21 - 00:23:59:21

There is therefore an urgent need for unprecedented capacity of new large scale solar schemes over the next ten years and beyond, and the scheme is being brought forward to contribute to meeting that need. The key benefit of the schemes are the contribution it will bring to delivering a low carbon, secure and affordable electricity system. The government has concluded that there is a critical national priority for the provision of nationally significant low carbon infrastructure, such as the scheme, and that is set out in paragraph 4.2.4 of MPs.

00:23:59:23 - 00:24:07:15

In one. Much further detail on the need for the scheme is set out in the statement of need, which is app 266.

00:24:09:12 - 00:24:52:00

I'll now go on just to briefly explain the order limits and the key components of the scheme. The scheme comprises a solar PV electricity generating station and associated development, including battery energy storage substations and grid connection infrastructure. The order limits for the scheme cover an area of 1.1 thousand 237 hectares of land, largely located in Wiltshire, with a small area in

South Gloucestershire relating to highway works. The extent of the order limits is shown spatially on the works plans, which is App 007, and this constitutes all of the land required to both construct and operate and maintain and decommission the scheme.

00:24:52:18 - 00:25:31:17

There are a number of figures referenced at the open floor hearing as to the size of the site, so we thought it might be useful just to clarify the figures that comprise the final area contained in the order limits, which is less than the areas that were consulted out both at scoping and at statutory consultation. So the final order limits for the scheme include the solar PV sites, and that's the land for all of the solar infrastructure landscaping mitigation. And that covers an area of approximately 749 hectares, which is 1851 acres.

00:25:31:19 - 00:26:08:24

Of that total amount, approximately 479 hectares, which is 1184 acres. Is land actually required for the installation of the solar panels, the battery storage, and the associated electrical infrastructure? The remaining 269.5 hectares, or 665.9 acres, is areas of land dedicated to ecological mitigation, biodiversity, net gain, landscaping, offsets and areas of land that would be agriculturally managed for environmental enhancement and habitat creation.

00:26:09:03 - 00:26:43:27

So I just provide those figures to give clarity over the contrast between the area, the total area and the order limits, and the actual areas that will be developed for solar infrastructure. A detailed description of the scheme is set out in chapter three of the Environmental Statement, which is app Dash 055. The cable route corridor runs for approximately 22km from lime down D. That's the 400 kV substation to the National Grid substation in Melksham. This covers an area of approximately 463.2 hectares.

00:26:44:15 - 00:26:46:22

The cable corridor, um,

00:26:48:18 - 00:27:22:09

the actual corridor on which the cable route will be constructed, has a typical width of 50m along the majority of its length, but that does increase in various locations to provide sufficient space for the use of trench construction techniques to cross certain infrastructures, such as roads and railways, and temporary construction compounds, and Also, wider areas have been, um, set out in certain locations in order to microsite the cable around particular environmental features such as specific trees, hedgerows and field boundaries.

00:27:23:23 - 00:27:46:20

In addition, there are a number of highway improvement areas and this is 17.8 hectares of the order limits, and these are improvements to sections of the existing highway network to facilitate access to the scheme. These include improvements to the road edge traffic management, minor works to enable construction vehicle movements and the provision of visibility displays.

00:27:49:01 - 00:28:23:06

There is an area of highway improvement um to the north of Littleton, which is located within the Cotswold National Landscape, so that is the only element of the works that are actually within the

national landscape itself. And that area is approximately 2.16 hectares. Um, in terms of construction, traffic, routing of the HGV. Construction. Traffic routes are shown at figures 13.1 and 13.2 of the Environmental Statement. Stats. App 146 and app 147.

00:28:23:13 - 00:29:00:26

The Ale routes are shown in the Outline Construction Traffic Management plan, which is app Dash 287, which is appendix D. We have noted that there has been some confusion over to the distinction between HGV construction, traffic routes and ale construction traffic routes out of some of the comments that were made at the open floor hearing. So in the updated version of the Outline Construction Traffic Management plan that will provide for deadline one, we will include both the HGV routes and the Ale routes on separate plans, so it's quite clear which routes are being used, by which types of vehicles.

00:29:01:21 - 00:29:44:17

The design of the scheme has evolved within a framework of a design, vision and principles, which in turn informed parameters which are secured by requirement five of the draft DCO, which is AP Dash 016. The design evolution of the scheme is described in the Design Approach document, which was App 268 and the parameters set out in the Design Principles and Parameters document, which is app Dash 269. The applicant's approach to site selection is summarised in chapter four of the Environmental Statement, which is app 056 and the Site Selection Assessment Report, which is app 185.

00:29:45:07 - 00:30:41:29

The site selection process is based on the requirements of planning policy, including the need to demonstrate how specific requirements have been taken into account, such as the sequential test. As the examining authority will be aware, there is no prescribed approach in to the way in which the applicant must approach site selection, and this can vary for project project which is recognised in M3 at paragraph 2.3.2. However, the approach taken by the applicant isn't novel and is consistent with that taken by a number of made solid echoes and the site selection process considered a five stage six or a six stage process, and we can provide further details of that either in this agenda item or under the alternatives section in relation to how the scheme complies with the National Policy Statements and other important and relevant matters.

00:30:42:02 - 00:31:16:14

The applicant's planning case is set out in the planning statement, which is App 267 and the appendices to that. Consider compliance with each of the national policy statements and then goes on to consider local planning policies. And those are appendix A and appendix B to that planning statement. Section nine of the planning statement covers the planning balance, including the positive impacts of the scheme such as need, greenhouse gas emission savings, biodiversity enhancements, permissive paths, jobs creation, skill training, etc.

00:31:16:16 - 00:31:48:14

and then balances those against the reported negative impacts of the scheme relating to landscape and visual impacts, public rights of way and BMV land, etc.. Tourism and recreation. Overall, the planning statement concludes that there are no adverse impacts of sufficient weight, either on their own or collectively. That would mean that the DCO should not be made and the adverse impacts

identified are clearly outweighed by the public benefits and the national need for the scheme. That's been identified in Ian one.

00:31:49:16 - 00:32:10:00

So that concludes the sort of ten minute summary of the key elements of the scheme. Um, I appreciate that was quite a brief summary of all of the components. So happy to answer any particular questions or if you would like more detail now on the site selection process, then we can go into that now or at the later agenda item. Thank you.

00:32:10:17 - 00:32:42:08

Yeah, thanks. I will have one question about site selection, but primarily it will be dealt with under alternatives later. Um I appreciate that was an overview. That's what we asked for. But I do have some particular questions around some of the components, uh, with regard to the best, which is work. Number two, uh, the Design Principles and Parameters document, which is AP 269, it says the best will have a maximum height of 4.5m.

00:32:43:02 - 00:33:02:00

The maximum width and length is not stated, and neither is the level from which the height is taken from, whether that be above ordnance datum, above existing ground level, above proposed ground level. And I'm just inquiring as to whether there's any reason why these parameters are not clear and secured.

00:33:07:05 - 00:33:16:07

For the applicant. We will just double check in terms of the above ground level point. I don't know, Mr. Marriott, if you have that answer. Thank you.

00:33:19:05 - 00:33:27:00

Yes. William Barrett for the applicant. So for the substation. Yeah.

00:33:27:02 - 00:33:29:11

Just inquiring about the bet at this point.

00:33:29:13 - 00:33:30:00

Yeah.

00:33:30:02 - 00:33:30:17

Okay.

00:33:31:27 - 00:34:07:06

Thank you. William Barrett for the applicant. So the best. The first question is on the dimensions. So there is a, an area is a hectare area that is specified for the base. Um, so there is not a, a length and a width specified in the design principles or in ES chapter three. The approach was very much to identify a maximum area. So for the base that is five and a half hectares for the compound area.

00:34:07:08 - 00:34:34:19

And the reason for that is the need for micro siting at the detailed design stage. So for the purposes of the environmental assessment, we have confirmed that maximum hectare area and shown that area within the plans for the assessment to allow all of the disciplines to undertake assessment on that maximum scenario. Um, the length and width is not specified because there will be detailed design to follow.

00:34:36:13 - 00:34:58:28

I appreciate that. Um, I'm just wondering from a landscape and visual perspective, for example, with not having those parameters specified, I realise that you've got an area specified, but that's not the same as actually trying to determine the scale of the actual structure that you're going to put on the ground. And so from a landscape and visual perspective. There could be some implications for the assessment.

00:35:00:24 - 00:35:43:12

William Barrett for the applicant. So we do have the landscape and visual team here today. We can take that question now. Um, I do know that the broad approach is to define a the envelope with the maximum height. Um, now, I'm not a visual expert, but I know it's effectively a box, an envelope that is used to undertake the assessment and the reporting of effects. I know we're not going to go into the detail of effects at this hearing today, but for the approach and the definition of the parameter for the purposes of visual assessment, um, Chris Jackson or his colleague Jackie would be happy to answer that question.

00:35:43:18 - 00:35:45:19

Um, either now or later on today.

00:35:45:21 - 00:36:46:00

Yeah. Claire. Project just I guess there's two elements. Obviously. The bears, the beds themselves consists of individual containers. And so for the purposes of assessment, we have assumed that the containers could cover that entire area. So that's how the assessment has been undertaken. In terms of the specific dimensions of any individual container that's not currently known. And that will depend on what's available on the market, but as to make sure we've assessed a worst case, for example, from an Elvia perspective, then the assumption has been that those best containers could be any, anywhere and all over that area so that we've, um, we don't feel that it's necessary for the purposes of planning to prescribe at this stage a particular length and width of each individual container, because the assessment has considered containers being all over that 5.5 um hectare area that Mr.

00:36:46:02 - 00:36:47:04

Barrett mentioned.

00:36:47:12 - 00:37:22:28

That's actually helpful because my follow up question was going to be around the number of containers because you've specified in the documentation. Approximately 270 best containers. And I suppose what I was would have then gone on to ask. You know, you haven't specified a maximum and therefore what's to prevent you going beyond the maximum. But what you're saying is you're looking at the just the area that you've allocated. You've specified the height. So from a landscape and visual

we get a sense of that's what we will see. That will be the maximum height. But we could see the maximum height across the entire um, section, that entire area.

00:37:23:09 - 00:37:33:28

So irrespective of whether it's 270 or it's 290, depending upon when you come to detailed design, you don't know, but it could cover the entire space.

00:37:34:18 - 00:37:40:13

Claire Bozek, the applicant. Yes. That's correct. So the the total number of, um,

00:37:42:07 - 00:38:15:20

actual containers isn't known. We have included an approximate number for the purposes of other elements of the EIA. So for example, to calculate anticipated traffic movements, that that figure has been used for those purposes. But the actual, um, specific dimensions and the quantum of of bears units will be dependent on, on the detailed design. But I think we'll go into probably in the DCO, um, agenda item, how that sort of Rochdale envelope approach is then secured in the DCO.

00:38:15:22 - 00:38:38:23

So if for example, if for example, there was a different type of base unit which would increase the traffic movements at the detailed design stage, the applicant would have an obligation to demonstrate that there were no materially new or different impacts from those assessed in the environmental statement. So whilst there is a flexibility, we're still within what we've assessed and that is as you set out. Thank you.

00:38:40:26 - 00:39:02:04

Okay. So coming on then to the substation, um, particularly the 400 kV substation. That's work. Number three. A. I just want to check if the technology has been selected, as in air insulated or gas insulated. I think it's air insulated because I seem to recall reading it was air insulated. But I just want to clarify.

00:39:10:19 - 00:39:13:01

For the applicant at air insulated.

00:39:13:22 - 00:39:38:14

Okay. So as I understand it, air insulated substations have a much larger footprint than gas insulated, um, 70 to 90% larger. Um, so gas insulated substations would comprise smaller buildings, shallower foundations, and thus reduce land acquisition. Can you advise why you've selected air insulated?

00:39:43:03 - 00:39:49:12

William, the applicant for the detailed design question. We take that one away and come back in writing.

00:39:50:24 - 00:39:55:12

Okay. Thank you. I can't. If you haven't got the people in the room, that's understandable.

00:39:55:21 - 00:40:17:16

Clare, project the applicant. Equally. Where can we appreciate the layout? Just a little bit. Um, it's difficult for us to liaise where we can get an answer in. Perhaps the break. We will also come back in today's hearing if we're able to come back with an answer in the break as well. Thank you. Um, keen to obviously not have too much time with us conferring with people behind us. So we'll try and come back in the break.

00:40:17:26 - 00:40:50:18

Okay. Well, one way, we're on the, um, the substation, uh, as what I asked previously about the best and the height. Um, the applicant documents state the height to the top of the buzz bars. Is it bus bars? Buzz bars for the 400 kV substation would be 13m, while for the 132 kV substations, it would be seven meters. Again, I'm inquiring where these heights are taken from. Above. Ordnance Datum, existing ground, proposed ground. And again why these are not clear and secured.

00:40:54:20 - 00:41:38:29

William Barrett for the applicant. So this is again back to the concept design approach. So the Rochdale envelope approach has been adopted throughout the DCO. And the parameters that are identified for the purposes of this initial concept of design and therefore to allow the environmental assessment to be undertaken. What I would say is that each of the maximum parameters have been developed by looking at the technology that's available now on the market, but understanding that that technology and design may well change before the point of construction.

00:41:39:08 - 00:42:20:07

I think the key point to make on the parameters and the heights, for example, that you've referred to, and also the distances, the width, lengths, hectares is that they are very much a maximum. I think that's the most important point for this point of the application, that they are the maximum dimensions and the approach when we come to detailed design and submitting the detailed design subsequent to approval. Should approval be granted, is to ensure that all of the individual components will be well within those those parameters that are set.

00:42:20:09 - 00:42:41:20

And there's a lot of design development, technical work behind these effectively concept and dimensions that are set out here and that that point is made because the levels of confidence that we are within those parameters is very important. And I think I might ask outside too?

00:42:41:22 - 00:43:13:24

Yeah. So Clare, project the applicant. So in paragraph 1.3.2 of the design parameters document, it does say that all heights in the document are referred to are above ground level, unless otherwise specified for the purposes of constructing. I think your point was about whether that's the existing ground level or the, um, the level. Any after any levelling works have been done. I think that's the specific question you had had asked. So we will double check that point.

00:43:13:26 - 00:43:58:21

I think for the purposes of, um, the assessment, we don't those highest elements of the substations, um, it hasn't yet been determined the exact configuration of the, um, of the substation. So the assessment from an Avia perspective, again, sort of considers a sort of a box element. So it's considered that the highest parts of um, of the infrastructure could be located anywhere within in the

box. So for the purposes of assessment, we've um, the applicant considers it's considered the reasonable worst case, which is those highest elements of both the one, three, two kV substations and the 400 kV substations could be anywhere within the allocated work number on the works plans.

00:44:00:25 - 00:44:13:11

I think that we could I don't know if it's helpful to have the they are there as I speak. So um, yeah those show the elevated and I think I think you were saying whether it zooms in to show the, um.

00:44:15:17 - 00:44:20:10

Heights in more detail, it's probably going to take a while to

00:44:22:00 - 00:44:33:27

become clear. But anyway, for the purposes of assessment, we've considered the box. But the specific question on what we're measuring that height from, we will just double check and come back.

00:44:33:29 - 00:44:41:21

Thank you. Um, can you just tell me if what you're displaying on the screen is EES. Appendix three three, app 184.

00:44:47:00 - 00:45:20:07

Yeah. Because actually I had a point I wanted to make about that particular document. Um, the images within that document, um, certainly on some of them are extremely grainy. Um, it's really difficult to read the dimensions that are on some of those documents. Um, the one for the 400 kV substation also doesn't show a fence yet, presumably wants to be erected. Um, so I think this document needs to be resubmitted. Um, and I would like to issue an action point that this document is resubmitted so that it is properly readable so that it isn't grainy.

00:45:20:09 - 00:45:21:21

Dimensions are clear.

00:45:22:25 - 00:45:35:05

For the applicant. Um, yes. We'll take that as an action. It may be because we have a file size limit when we upload documents. It may be that we just need to separate it into individual sheets in order for you to get that zoom in level of detail.

00:45:35:07 - 00:46:06:25

Yeah, that would be helpful. I think it's helpful for all IPS to be able to be clear, and certainly for the exa about what's happening in those plans. Um, just then, one further thing about the substations. Are there any lightning conductors proposed for on top of the substations? Because normally they'd be the tallest structures. And you'd I just expected that I would see some lightning conductors on some of that substation, but they're not on those drawings. And that could have an implication for the landscape assessment.

00:46:08:10 - 00:46:11:02

And if you don't know, then I'm happy to come back.

00:46:33:13 - 00:46:49:02

So the we will confirm the point about the lightning conductors. But for the purposes of the Elvia that has, that's the maximum height that's been considered. But we will check the point about lightning conductors. But they would be within those maximum parameters.

00:46:49:04 - 00:47:26:05

Okay. Thank you very much. Um, so I don't want to ask a lot of questions on this section about site selection, as I said, but I do have one point that I want to raise. Um, I think given what's happening right now internationally with the fuel and the energy crisis, we can appreciate the government's push towards a self-sufficient supply of energy alongside its net zero aspirations. But in January this year, Defra published a national security report which emphasised the severe vulnerability of Britain's food systems.

00:47:26:17 - 00:47:51:17

Now, in recent weeks since the outbreak of the conflict in Iran, Britain's food security issue has been getting additional media coverage. So where am I going with this? Um, the NSA considers that the need for this proposal should be balanced with the protection of best and most versatile agricultural land. So can the applicant explain how it's sought to avoid the use of such land where possible?

00:47:55:06 - 00:48:29:06

Rosie Horton, on behalf of the applicant. Yes. The applicant took a staged approach to site selection, which is set out in the site selection report, which is appendix for one app reference app 185. And as part of that staged approach, it did consider ALK grade. That was also in compliance with the relevant policy regarding the protection of AAC land and the requirement to seek to use lower grade BMV land or brownfield land.

00:48:29:15 - 00:49:08:13

Um In instead of the higher grade BMV land. So in order to to carry out that staged approach, um, we initially excluded Arc grades one, two and three from the area of search for potential development areas in order to not focus our initial search on BMV land that resulted in, um for potential development areas being identified at stage three of the assessment.

00:49:08:15 - 00:49:46:06

However, none of those were deemed appropriate for the scheme or available due to other constraints. So those are strengths were things like site size and heritage assets and built development or proposed development within those areas. It was only then at that stage that the search area was looked at again and broadened to include grade three agricultural land, so that the applicant has has applied a sequential approach in order to protect the best and most versatile land as part of its site selection.

00:49:51:27 - 00:50:27:03

We will almost certainly be returning to the discussion around best and most versatile agricultural land. I just wanted to plant that seed. Really. Um, so it will also come up again later. Um, when we talk about alternatives. Um, so I don't want to press any further on that. I just have one last question in this section before I open up to other IPS. Um, Miss Broderick, you mentioned the highway improvement areas in your Summary.

00:50:28:11 - 00:50:54:27

And I suppose I'm a little slightly perplexed by the word improvement. I suppose the word improvement is really to improve the roads, to facilitate movements for this development, isn't it? It's not improvements for the better good of Wiltshire roads. It's just about. So the highway improvements of highway improvements for your HGV movements. I just want to be clear about that.

00:50:55:00 - 00:51:03:10

Er for the applicant. Yes. The improvements to the highway to facilitate construction traffic or potentially operational traffic for the scheme.

00:51:03:21 - 00:51:20:08

Thank you very much. Okay. So I'd like to come to Wiltshire Council, um, who've to see if they've got any comments on the discussion that we've just had. Please, Mr. McCullough or any colleagues.

00:51:24:10 - 00:51:27:07

Uh, madam, at this stage. We have nothing else to add on that point. Thank you.

00:51:27:25 - 00:51:31:09

Okay, um. Stop lying down, please. Mr. Gazelka.

00:51:32:13 - 00:52:03:10

Danny Gazelka, first, stop lying down. Two very small questions, madam. Arising directly out of the questions that you asked. Um, the first was in relation to the design parameters which are secured by the DCO, um, in requirement five of schedule two. Um, it was just about paragraph 1.3.2. I wondered whether the applicant might issue a new version once it knows the answer to the question of where the 13m are, the heights are measured from, so we know it's secured in the DCO.

00:52:03:12 - 00:52:37:27

If the time comes that what how that height is precisely set. Um, just serves clarity in the documents and underpinning the DCO itself. Um, would you like the other question I have at the same time? And then the second question was, um, there was a discussion of the position on agricultural land that you asked about madam. Um. I wondered whether the applicant could clarify its position on using selection by reference to grade three at stage five, the SSR, rather than grade three A and grade three B over reason being.

00:52:37:29 - 00:52:50:12

But obviously BMV applies to three A, but doesn't apply to three B, and whether there should have been a stage in the air where that line was drawn.

00:52:51:25 - 00:53:00:02

I think those are both quite valid questions. So, Miss Broderick, um, could you ask your team to answer both, please?

00:53:00:22 - 00:53:29:27

Uh, Clare, project for the applicant in respect of the first point, in terms of adding, um, clarification in terms of the ground levels, we will add some clarification text to the next version of the Design

Principles document on that point. Um, in relation to the second point, which related to the staged approach. I'll hand over to Miss Horton to explain that, but a large part of that is based on the, um,

00:53:31:26 - 00:54:03:06

the data that's available. Um, for carrying out those high level exercises in terms of the data distinguishing between grade three, um B and grade three A. So I think the first approach that was taken, um, in respect of the mapping exercise was to discount all grade three land, because that was the available mapping that that was undertaken. And then further information was then used during the later stages. But I'll hand over to Miss Horton to just provide some more detail on that process.

00:54:03:08 - 00:54:03:28

Thank you.

00:54:05:21 - 00:54:39:11

Rosie Horton, on behalf of the applicant. Um, yes. Miss Broderick has summarized that. Um, really? So it is a case of available data. Um, the applicant wants to assess the whole of the search area and the 1970s provisional ALC mapping provides a broader data set across that 20 kilometer search area. The 1988 mapping is much more limited across the search area, and didn't really provide the the breadth of data that would allow us to to make a reasonable assessment of of all sites across that search area.

00:54:39:13 - 00:55:24:23

So it wasn't used in our initial, um, search for sites. And we have subsequently looked at the 1988 data to check whether that would have changed our approach when we, um, initially identified those first four PDAs. However, the data is quite sporadic over the search area. There's a few areas around around Chippenham and Melksham, but they are relatively small. They wouldn't have made a great difference to the overall PDA areas that we'd assess those first four PDA areas, and it's also worth noting that those first four PDA areas were Um, discounting on other, other reasons because they all have constraints unrelated to to Ark grade.

00:55:24:25 - 00:55:30:27

So it's unlikely that it would have changed the conclusions on those first four PDA areas.

00:55:33:08 - 00:55:46:13

Okay. Thank you. I don't have any evidence of my own to dispute what you say there, but I suspect we will be receiving some representations, um, about that, Mr. Gazelka. Is that sufficient for the time being to address your question?

00:55:46:15 - 00:55:49:25

Um, for SLD? Yes. No. That answers the questions.

00:55:49:27 - 00:56:00:09

Thank you. Okay. Thank you. Is there any other IP that's registered to speak that wants to raise any points on item three on the agenda?

00:56:02:14 - 00:56:47:03

Not seeing any. Okay. So we can move then on to item four which is in relation to the draft development consent order. Now I did mention yesterday or maybe in one of my colleagues mentioned that we will be holding further hearings at the back end of June and into July, and almost certainly one of those will be on the draft development consent order. So today's summary is just an overview, and my questions won't be in significant detail on the DCO, but just more for IPPs to be aware that there is a more detailed hearing which is going to be held in relation to this.

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But

00:56:50:04 - 00:57:33:12

the DCO need to explain is a really important document. Um, any discussion that we have on the DCO is held with on a without prejudice basis. So in essence, even if your position is that the development consent order should not be granted and therefore the Secretary of State should not make the DCO. Um, we still have to make a recommendation to the Secretary of State with the best DCO that we could put forward. Should the Secretary of State decide to grant the DCO so you can make and you should make representations in the hearing on the drafting of the DCO without conceding your position that the DCO should not be made.

00:57:33:14 - 00:57:36:05

So I just want to be clear. Um.

00:57:40:03 - 00:58:15:06

All the questions that we ask don't mean that we're prejudged on the direction of the DCO. But as I said, we are trying to to come to a point where we are able to put forward the best version of the DCO. So without further ado, um, I just want to say to the applicant, you might need to be primed to share the draft DCO on the screen. I did flick up very briefly, so I know that you have it ready. It's AP. I need my glasses for the last number 016 of the examination library because I will have some questions on part of it.

00:58:15:08 - 00:58:34:17

Now, I don't think you necessarily need to leave it up for your summary, unless it's helpful to you when you're referring to certain parts of it. So, Miss Broderick, if you can take up to ten minutes to give us an overview of each part of the DCO, please, and I will probably ask some questions after that.

00:58:35:19 - 00:59:09:22

Claire Patrick, the applicant. Thank you. As you have mentioned, the the draft DCO is the document to control how the development will be built out, how it be operated and how it will be decommissioned. Should the Secretary of State be minded to grant consent for the scheme? It is a statutory instrument, so it is different to a planning permission under the Town and Country Planning Act regime in that it both grants sort of planning consent for the development.

00:59:09:24 - 00:59:52:06

But it also contains a wide range of other statutory powers, including compulsory acquisition powers. This is all designed as part of the Planning Act 2008 process, being effectively a one stop shop.

Consent. So all of the consents that you require for your scheme, with some exceptions, are contained within within that one document. It is, however, more akin, I suppose, to an outline planning permission, in that it requires the detailed design of the project to be undertaken post consent, and those detailed elements to be approved by the local planning authority, which primarily will be Wiltshire Council.

00:59:52:19 - 01:00:36:24

In this case, um. Details of the purpose of each of the provisions in the draft echo are set out in the explanatory memorandum, which is app Dash 017. Um, I will briefly summarize each of each of the provisions, um, as part of this overview, but that's the document to find more information. Um, and it is a live document as was mentioned, and it will be amended and updated throughout the examination, both as a result of issues arising out of these sorts of hearings, but as also as part of ongoing discussions with um Butcher Council and other statutory bodies.

01:00:37:09 - 01:01:14:21

Um, it has been drafted to have regard to the guidance that's been issued by the government on um, development consent orders and also PIMs advice. Note 15 the practice and precedents established in other medicos, in particular solar echoes, um and other energy DCS have also been taken into account. And the explanatory memorandum does list where similar drafting has been found in other made dsos in the DCO itself, the applicant is referred to as the Undertaker and the proposed scheme is referred to as the Authorised Development.

01:01:14:23 - 01:01:47:08

So that's just the distinction in the terminology. It contains a number of articles which are divided into six parts, and then a number of separate schedules, which are given effect by those articles. It's very important to note that the DCO includes a broad range of powers, but those powers are restricted by the requirements in schedule two to the draft DCO. So whilst the power may be broad, the outline management plan will control the exercise of that power.

01:01:47:10 - 01:02:19:00

And I'll touch on one example of that as we go through as it came up in the open floor hearing yesterday. Failure to comply with any of the provisions of the DCO, or any of the management plans secured under the DCO is automatically an offence. And that is another difference between the DCO regime and the Town and Country Planning Act. Application. The first part is the preliminary section of the DCO. It includes primarily things to do with definitions, so interpretations.

01:02:19:07 - 01:02:52:06

It also sort of includes some preliminary text. Part two is the principal powers which grant development consent for the scheme. It also includes provisions relating to the operation of a generating station, and also includes powers relating to the misapplication of other legislation, and that can be done because it is a statutory instrument where legislation has been applied, for example, in relation to certain drainage matters.

01:02:52:16 - 01:03:26:06

Control of that power is then converted into protective provisions, so there isn't, um, a lack of oversight or approval of the works that the applicant is going to be doing. It is just managed under the

DCO rather than under a separate legislative regime. Um, part three deals with highways and street works powers. Um, that includes works to do, uh, works under the highway. So the installation of the grid connection, cable works, but then also the works.

01:03:26:08 - 01:04:00:22

Um, which was mentioned earlier in terms of alterations to the highway to facilitate construction traffic. Installation of new access points, for example. Um, again, those powers are very fairly broad. They relate to a list of roads that are listed in the schedules, but also allow for works to be done outside of those listed roads with with approval. Um, I come back to the point that the actual works to the highways will be managed under the construction traffic management plan.

01:04:00:24 - 01:04:33:04

So the extent and nature of those powers is very much controlled. And that management plan is a document that is approved by Wiltshire Council. Part four is a range of supplemental powers relating to um, discharge of water, um, removal of human remains and protective works to buildings. Again, those are to prevent the need to apply for separate consents under different regimes. The consensus facilitated by the DCO,

01:04:34:20 - 01:05:10:17

uh part five deals with um powers of compulsory acquisition. Um and these include powers to compulsorily acquire land. So the freehold of land, but also the acquisition of rights and the imposition of restrictions in relation to, for example, the cable route. Um sections of the project. It also includes um And temporary possession powers. So where it has been considered that a lesser power is associated is appropriate, so there is no need for permanent rights or land.

01:05:10:19 - 01:05:41:28

Then the works can be undertaken using, um, temporary possession powers. Um, those powers also have a number of controls set out in them in terms of notice that needs to be given, um, obligations on restoration of land following completion of the works, and obligations to pay compensation to affected landowners. Part six contains a range of different um provisions, primarily relating to transfer of the benefit of the order.

01:05:42:00 - 01:06:15:23

So unlike a planning permission, these dsos, um, are, uh, personal to the undertaker, and they would need Secretary of State approval to be transferred to another entity, except in a number of exceptions. So, for example, they can be transferred to other holders of electricity at licences. It also includes provisions relating to the felling or lopping of trees and removal of hedgerows. And I will just mention this point particularly because it came up yesterday.

01:06:15:25 - 01:06:47:13

So the power applies to all of the hedgerows that are listed in the, in the schedules. So that is a large number of hedgerows within the order limits. So that power is a very broad power. And that is because the detailed design of the scheme has not yet been fixed. And where there are going to be gaps in hedges, the actual micro siting of those gaps in the hedges can't be specified at this point in time.

01:06:47:15 - 01:06:57:02

So if power is needed over the entirety of the hedgerows from a sort of consensus perspective. However, um, the.

01:06:59:03 - 01:07:35:09

Location and the extent of hedgerow removal is secured via the management plan, so it is not an unlimited power to remove hedgerows across the across the entirety of the scheme. For example, article 40, subparagraph four specifies that the um, that that power is subject to those hedgerows to the extent set out in the um ecological Management Plan. And that sets out in the outline version, the um, the widths of hedgerows that we're anticipating to be removed as part of this scheme.

01:07:35:11 - 01:08:25:16

So I just wanted to make it very clear that the applicant is not intending to remove all of the hedgerows that are listed in the schedule. It's just the power applies to those hedgerows, because the specific gap and its location hasn't yet been determined. Um, the schedules themselves set out in schedule one. The the elements of the development that are where we are seeking development consent. That includes the actual solar generating station itself, which is what we would call the the n element of the development, and then lists out a variety of other types of works which are considered to be associated development, and those include the bears and the substations, the grid connection access works, and also the various mitigation measures.

01:08:25:23 - 01:08:54:04

Um other um schedule two, as I mentioned, sets out the requirements. So those are the control mechanisms for the actual works that are going to be undertaken and how it will then be operated and decommissioned. Um, the remaining schedules set out those roads and hedgerows that I mentioned, um, a number of amendments to legislation, etc. they also then contain protective provisions for the benefit of

01:08:55:25 - 01:09:30:25

statutory undertakers. So those with apparatus within with the scheme that schedule 15. We are also contains protective provisions for the benefit of drainage authorities, and it will be updated at to include protective provisions for the benefit of Wiltshire Council as highway authority in its next iteration. And then finally, schedule 16 provides a procedure for the discharge of requirements, so the timing and how that process will take place.

01:09:31:21 - 01:09:42:17

I think that's sort of a high level overview of the draft DCO, but happy to explain any of the particular articles or schedules in more detail. Thank you.

01:09:44:13 - 01:10:00:20

Thank you very much. I have lots of questions on some of the articles and schedules, but there isn't enough time in this hearing for me to go through them so they will be deferred. But I do want just to come to a point around the life of the development,

01:10:02:09 - 01:10:38:15

um, which in essence is picked up in schedule two, requirement 20. Let me just get it. So which is in relation to decommissioning and restoration? Now we're told the lifespan of the development will be 60 years. And as I said this is referred to in requirement 20. But this is predicated on the date of final commissioning. Now, it's not clear to me if each of the solar sites A to A to E will have one collective final commissioning date or a phased final commissioning date to the grid.

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So what I mean is, if for argument's sake, site A is built out and ready to go, but site E is still under construction, can you start generating electricity on a commercial basis from site A, rather than waiting for site E to catch up. Or is it you're going to build out all of the solar sites and then go for one final commissioning date?

01:11:03:10 - 01:11:43:10

For the applicant, I think we're just trying to maybe bring the relevant requirement on to the screen. Yes. It's a point that, um, I came up at, um. Other other hearings that we've recently done. So we are intending to update the draft DCO for the next deadline to make it clear that it relates to any part of the work, number one, so that for each, in the event that the sites were brought forward and commissioned, um, independently of the of the others, um, then it would be no later than 60 years following the date from that.

01:11:43:12 - 01:11:44:12

That part.

01:11:44:16 - 01:11:45:08

Right?

01:11:46:02 - 01:11:46:22

Um.

01:11:48:12 - 01:12:22:05

Yeah, I think it would be helpful to put up a requirement 20 on the screen because it certainly does say in that requirement. Um, the date of decommissioning, um, means this is actually the interpretation section means in respect of each part of the authorized development, but the date notified under requirement 20 then that that that is to that, that that part of the authorized development has permanently ceased. So it gives the impression it's a phased final commissioning, but it isn't clear, um, in the documentation.

01:12:22:07 - 01:12:25:20

So we would need some firming up on that.

01:12:26:20 - 01:12:41:20

Uh, if the applicant, it's not um, whether or not it will be commissioned in in phases isn't yet known, but the wording will allow for it to be commissioned in phases, if that makes sense. So we're not saying it would definitely be.

01:12:41:22 - 01:12:57:13

No no no. Absolutely. It just requirement 20. And the interpretation of the data. Decommissioning is all predicated or is seemingly. Allows for a phased approach, so if one site comes on sooner, then at some point it's got to come off the grid sooner and be decommissioned sooner.

01:12:59:01 - 01:13:32:28

Clare Bridget, the applicant. Yes. And I think the revised drafting that we will add to requirement 20, paragraph one for deadline one will hopefully make that distinction clearer. It also then makes it clear that if um, if, for example, and we're not saying that this would happen, but if there is, if the solar panels, for example, on one site were decommissioned, but there was infrastructure within that site connected to another part that was still generating, then the obligation to deliver the decommission, those cabling for cables that relate to another part.

01:13:33:00 - 01:13:50:23

There isn't an obligation to decommission those elements that as well. So it's the drafting just distinguishes between the solar panel infrastructure and then other infrastructure that might be shared between the various cellular sites. So it's just to add some greater clarity to that.

01:13:50:25 - 01:13:51:26

Yeah, that would be welcome.

01:13:52:00 - 01:14:18:00

And that drafting has been used in a number of made dsos. So um, as a general point where the drafting has sort of evolved in other hearings and as a result of Secretary of State's decisions on other solar projects, we are keeping a review of those and seeing whether those drafting changes should be included within this draft DCO as a way of reflecting, like the most up to date drafting that the Secretary of State considers to be appropriate.

01:14:18:02 - 01:14:50:06

So on from that, then, to what you're suggesting is you if, for example, as you said, one site or one part of a site, you know, you decided or that the solar panels, you know, ceased to operate and they were no longer going to generate electricity and you weren't going to replace them. I guess what we would be looking for for those solar panels too. So for there to be a control for them to be removed. But what you're saying is that there is still potentially cabling and other associated development that would be connected, but you would want some way for that not to be removed.

01:14:51:06 - 01:15:18:22

Claire. Patrick. Yes, that's the case. And I suppose as an example, um, for site B that doesn't contain a substation within the site, it connects into a substation located on another site. So if, if, if in the in the event that site B continue to operate, but the the site where substation is didn't, did it still need that substation to allow for site B to continue operating?

01:15:18:24 - 01:15:19:22

So I understand.

01:15:19:24 - 01:15:39:02

To clarify that distinction and allow for that flexibility should that arise during the operational life. But there is the commitment is definitely when when the panels have ceased to operate, then there is the requirement to decommission that part, even if other parts are. Yes, still.

01:15:39:06 - 01:16:10:00

And I think for residents and the council, that would certainly be the clarity they'd be looking for as well. Um, okay. Well, as I said, I will have many more questions around the lifespan and how we look at decommissioning, but I will hold those back for another time. Um, first written questions and certainly the next hearing. But before I move on to item 4.2 and 4.3 in the agenda, um, does the council have any comments they wish to make?

01:16:14:17 - 01:16:36:07

Uh, Joseph McCullough for the council. Madam, we welcome that, uh, indication of further clarity, particularly regarding, um, um, regulation 20. You know, this is an area where we continue to have concerns. We've expressed those to the applicant. Um, and we'll be providing that additional detail in our response at nine one.

01:16:39:09 - 01:16:40:26

Mr. Zuko, please.

01:16:41:29 - 01:17:13:06

Thank you madam. Again, Dana Kosaka, for stop lying down. Noting the indication that there will be opportunity to raise detailed drafting points later. I don't intend to raise ours now. There is one point arising out of a discussion that you've just had, though, which I think is a consequential effect of what has just been suggested might be the correction to the bit of drafting that decommissioning. My understanding from a definition of commence in this DCO and the definition of relevant period.

01:17:13:08 - 01:17:51:21

So for anyone who doesn't know of a relevant period within which to commence the DCO is five years. Is that commence? Applies to the entire scheme. Um, and so it would appear to me that if decommissioning is by by the area that is built out, you could have a situation where the development is commenced and then let's say lying down Site A is built out, and then there could be a period well in excess of five years before another part of the development is built out, such that you end up with decommissioning happening 80 to 100 years later, because each part will be done separately.

01:17:51:26 - 01:18:07:19

I'm not suggesting that's a sleight of hand. I just I would like we would welcome clarity to stop that effect as a result of an amendment to that nature. And one option might be a long stop date on the overall DCO, which isn't tied to commencement of the initial development.

01:18:07:25 - 01:18:39:20

Mr. Gazelka, so if you could see my script, you'd see that that was one of the questions I parked. But absolutely, it is something which is a question which I would have been putting in writing and I would have been raising it the next DCO. But you've touched upon it now, um, so that potentially there is a, without a doubt, could be much longer than 60 years from the start of the commencement of this to

the point even of final commissioning because of the time it takes. Possibly there could be a delay getting a grid connection.

01:18:39:22 - 01:18:59:00

So you start your your works. You don't quite get to the point of your data final commissioning, but there isn't a backstop date and that then means your data final decommissioning is also pushed out. So I could put it much nicer than I did, and I think it is something. Now we're on it. I would like you to respond to pleas.

01:19:00:04 - 01:19:38:24

Of the applicant. And do you have a response? Because we did discuss this comment that was raised by Wiltshire Council, and we are going to update the draft DCO at deadline one to include some wording around providing a written scheme that sets out the phasing of the project as a prior comment prior to commencement. So the phasing of the project and the timetable for construction of those phases, and a plan identifying the phasing areas would be provided prior to commencement and then that will give an indication of the duration of the construction period when that commissioning is due to take place.

01:19:38:26 - 01:20:26:10

And so therefore there is transparency over when those time periods would start operating from. Obviously, there are a range of different reasons why a construction programme could potentially be delayed or the commencement of construction could be delayed, including things like supply chain issues, for example. So an element of flexibility at this stage in the process is required. But that phasing requirement has been used on other draft dsos and may dsos to try and give more transparency over when the time periods are going to start running from and when the construction period would take place, and which of the sites would be constructed over which time period.

01:20:27:18 - 01:20:40:18

Okay, well, I think we'll just wait till deadline one to see the detail of that. Before we can determine if it's a position that we can settle. Mr. Gazelka, is there anything else that you wanted to come in on?

01:20:40:20 - 01:20:41:07

That's it for now.

01:20:41:14 - 01:21:13:17

Okay. Thank you. Is there any other IP? Wants to talk about anything about that first item on number four? Okay. No. So, um, then back to the applicant. So items 4.2 and 4.3, which I think we can really cover together. Um, sorry, I'm looking at the second screen I've got here, um, which is in relation to the different powers of acquisition, um, and rights of statutory undertakers.

01:21:13:19 - 01:21:19:25

I think you can take them together in, um and give us your summary. Before we come on to my questions, please.

01:21:20:25 - 01:21:55:25

Uh, Clare, project for the applicant. Um, yes. As I mentioned, the draft DCO does include, um, compulsory acquisition powers for land and rights, but also temporary use of powers. Sections 120 and one, two, two of the Planning Act 2008 provide the statutory basis for including compulsory acquisition powers. In a draft DCO. Before granting compulsory acquisition powers, the Secretary of State must also be satisfied that there is a compelling case in the public interest for the inclusion of those compulsory acquisition powers under

01:21:57:18 - 01:22:35:16

article 21 of the draft, DCO includes the power to acquire the freehold of land that's shown etched black and shaded pink on the land plans, and then the permanent acquisition of rights, new rights and imposition of restrictions is set out in article 24. Those areas are shown aged black and shaded blue on the land plans and then in terms of temporary use of land for construction or maintenance. The powers are set out in articles 31 and 32 of the draft eco, and those are shown shaded yellow on the lamp plans.

01:22:35:21 - 01:23:09:20

Those powers of temporary possession also apply over the land, shown coloured pink and shown coloured blue. The reason for seeking temporary possession powers over over all of the order land is that it allows the applicant, if voluntary agreements have not been reached, with landowners, to enter onto the land for carrying out particular purposes, such as site preparation works, in advance of establishing the area of land that might be required on a permanent well for the duration of the of the scheme.

01:23:09:22 - 01:23:45:09

This means that the applicant only has to compulsory acquire permanent rights over the minimum amount of land necessary. So, for example, the actual installation of the cable route may be undertaken under temporary possession powers, so temporary possession powers would be used over the the working width of that corridor. But then compulsory acquisition of rights would only be sought in respect of the Adelaide cable itself, and that reduces the spatial extent of the compulsory acquisition powers.

01:23:45:17 - 01:24:20:09

The applicant's use of compulsory acquisition powers is intended to be proportionate and therefore where lesser powers can be used, they will be. We have sought to acquire the relevant land by voluntary agreement. The Land Rights Tracker, which is app Dash 021, is as effectively a live document throughout the draft, throughout the examination process, and that sets out the current status of discussions with with landowners. In terms of the actual solar PV sites, the applicant has option agreements with each of those landowners.

01:24:20:11 - 01:24:31:08

So the majority of the land rights tracker relates to the cable route and the discussions with landowners in respect of the cable route corridor. And

01:24:32:27 - 01:25:06:14

there is another document called the Statement of Reasons, which is app 018. And that sets out in more detail the justification for the inclusion of compulsory acquisition powers and the nature of the rights being sought. Um, in terms of statutory undertakers. That Land Rights tracker also includes an

update on discussions with statutory undertakers. Um, there are additional tests in the Planning Act 2008 that need to be satisfied.

01:25:06:19 - 01:25:50:07

Um, where um rights or apparatus belonging to statutory undertakers may be affected by the scheme. Further details on those tests are set out in the statement of reasons. The applicant's position is that there won't be any serious detriment to statutory undertakers land rights or apparatus, on the basis that the protective provisions contained in the draft DCO provide adequate protection and approval mechanisms for the detailed design of the works. In terms of the status of negotiations with each of the statutory undertakers, I'm happy to provide an update if that would be useful, but as a as an overview, those negotiations are ongoing and further agreed.

01:25:50:09 - 01:26:41:17

Amendments to the protective provisions will be included in the updated draft of the DCO and that will be submitted at deadline one. The applicant is confident that protective provisions will be agreed with statutory undertakers prior to the close of the examination. A number of the statutory undertakers impacted by this scheme were also impacted by a um, another project of Bowling Green powers, which is Green Hill Solar Farm, which examination closed a couple of weeks ago. And the intention is that the agreed versions of protective provisions and side agreements agreed on that scheme will be carried across onto this scheme, to the extent there aren't any need for any specific locational differences, so that progress on protective provisions for this particular scheme had been waiting for the conclusion of the discussions on those other on those other schemes.

01:26:41:19 - 01:26:47:06

Um, but um, but a, a bigger update should be able to be provided for deadline one.

01:26:48:28 - 01:26:56:09

Thank you. Could you just explain to me? Green Hill solar farm, is that a planning application or a DCO project?

01:26:56:11 - 01:27:33:15

The applicant that is a DCO project in Northamptonshire that is promoted by another entity belonging to Ireland, Green Power. So the discussions with statutory undertakers have been cross Project Ireland. Green power also has another a number of other DCO applications in the in the system. Um another one to Due to start examination soon and another one that's in the pre examination period. So there is a desire to agree an element of consistency amongst those statutory undertakers in terms of generic provisions.

01:27:33:17 - 01:27:38:09

And then if there's any site specific additional requirements then those are being agreed separately.

01:27:38:11 - 01:27:45:13

Okay. Thank you for that clarity. Um, was that the end of the summary? Miss Roger, I don't want to cut you off because I'd asked a question.

01:27:47:08 - 01:27:55:07

If the applicant that was. I have got an update on each of the statutory undertakers, if that would be of assistance. But I'm happy to be guided by you.

01:27:56:00 - 01:28:37:16

I think I can wait until deadline one for that update on the status of negotiations. Thank you. Um, so you referred at the outset to the order land, the land shown coloured pink and blue on the land plans. Um, the definition of the order limits in the DCO obviously says order land means the land is shown coloured pink or blue on the land plan, which is required for or is required to facilitate or is incidental to the authorized development, and which is within the limits of land to be acquired or used and described in the Book of Reference.

01:28:39:08 - 01:28:42:25

Can you clarify what is meant by incidental.

01:28:48:12 - 01:29:12:27

Project for the applicant? Um, the wording that's used for the definition is fairly standard across draught acres, and it mirrors the wording in section one, two two of the Planning Act 2008. So it's a replication of the wording that's in the and the relevant statutory provision that, um, confirms that those are the purposes for which compulsory acquisition powers can be sought.

01:29:13:20 - 01:29:26:02

Thank you. I was aware of that. I just wondered if, for the benefit of all parties, if what the word incidental means in in your project.

01:29:26:08 - 01:30:02:16

Clairvoyance of the applicant in terms of its. It's not a defined term for the purposes of the Planning Act 2008. What it means is that if you um, if, for example, it allows, um, a property right to be sought, um, even if there isn't necessarily a related, um, physical element of construction being sought under the um, under the development consent order. So you may have, um, a property power to access, um, across land, but you're not seeking a, um, a development consent to build an access road.

01:30:02:18 - 01:30:11:18

So it enables, uh, property powers to be sought, even if there is not a physical development associated with that property. Right.

01:30:12:13 - 01:30:20:21

Thank you. So I want to focus now on article 24 which is compulsory acquisition of rights.

01:30:22:28 - 01:30:30:07

It might be helpful to have it displayed. I'm not necessarily going to read the wording of it. I just think as we're talking about it.

01:30:47:12 - 01:31:15:14

So article 241 appears to be drafted to enable compulsory acquisition of new rights over all of the order land. Now, article 242 limits the compulsory acquisition power in defined plots to the defined

rights listed in schedule nine, but it doesn't seem to prevent new rights over any other part of the order. Land being acquired under article 24.

01:31:15:16 - 01:31:16:05

One

01:31:17:21 - 01:32:03:09

clear project for the applicant. Yes. That's correct. So it enables rights to be sought over any of the pink land. So the pink heart, the pink land, um, enables the compulsory acquisition of the freehold, but the DCA permits a lesser power, which is compulsory acquisition of rights to be sought over that land if necessary. So in a situation where the voluntary agreements, for example, fell away and the location of the substation, for example, had been cited, there could be a scenario where you acquired the land for the substation, but then you only you didn't need the wider area, so you would only seek rights for the cabling to connect into that substation.

01:32:03:15 - 01:32:16:24

So there's not an obligation to compulsorily acquire land. You don't need to have the freehold of, you can acquire a lesser right over any of that pink land, but it would still need to be for the purposes of the project.

01:32:19:20 - 01:32:49:26

And understand the flexibility of that approach and understand the rationale behind it. But it's really at this point in time, they're undefined rights, aren't they? So there will be people who aren't listed in schedule nine who may be affected by that provision. Um, and I just wonder what evidence you can provide to show that persons with an interest in any part of the order land were aware of those undefined new rights that could be sought over their land.

01:32:50:19 - 01:33:32:05

Er, the applicant. So just to be clear, this only this provision only applies to the pink land. So the blue land can only have rights over it, which is that second, um, subparagraph. And then the yellow land, which is the temporary possession land, can only have temporary possession Powers over it. So in terms of the spatial and which landowners could be subject to rights, they are only the landowners who are currently subject to acquisition of freehold. Um, and um, it's considered as part of the applicant's obligation to take a proportionate and only acquire the rights that it needs, enables the applicant to take a lesser right.

01:33:32:07 - 01:34:01:12

But as I say, it has to be for the purposes of of the scheme. So it can't be a right for something unconnected with the scheme because the the power is limited in, in that way. But the practical example I gave would be that you would, if there was an area of land that the fruit where the freehold wasn't required. Based on the detailed design of the scheme, the applicant would be able to acquire rights for the cabling over that land. It wouldn't have to acquire the freehold. Yeah.

01:34:01:14 - 01:34:04:20

Okay. Yeah, I understand that better now. Um.

01:34:06:29 - 01:34:15:25

Also then, in relation to article 241, can you clarify the types of restricted covenants that the applicant may impose?

01:34:23:10 - 01:35:03:05

For the applicant. So the restrictive the type of restrictive covenants that would be imposed are those that are sort of referred to in schedule nine. And so those are things such as um, the ability to restrict and remove the erection of buildings, alter ground levels and plant trees, for example, that would interfere with the exercise of the rights or would damage equipment. So there is a need to, um, uh, have a restriction on what a landowner can do once, um, uh, for example, the cable route has been installed.

01:35:03:07 - 01:35:32:14

It's intended to allow ongoing agricultural operations, but there would be restriction on, for example, putting a building over the cable route corridor or planting trees that were where the roots of those trees would potentially damage the cable routes. So the imposition of restriction and the rationale for that is set out in the in the statement of reasons, but it's restrictions that would interfere with the exercise of the rights or would damage the proposed development.

01:35:34:07 - 01:36:04:26

Okay, thanks. The only reason I asked for that clarity is because in 2042, obviously there's a reference to schedule nine, which is why I tried to draw the distinction about the order limits overall and those parcels which are listed in schedule nine. Um, but under 241, it says, or impose such restrictive covenants, but there's no reference to schedule nine for obvious reasons, because you're covering the whole of the order limits and therefore but then the restrictive covenants are not necessarily captured. Which is why I was asking for the clarity.

01:36:07:19 - 01:36:45:14

Uh, for the applicant. Um, so. Again, it applies to, um, only to the pink land because, um, and so the restrictive covenants would be, um, where you're the freeholder of the land, obviously you do. You're not imposing restrictive covenants because you own, own the land. So it would be any land that you didn't acquire the freehold of that you were seeking lesser, lesser rights over. For example, in that scenario where I said about the cable route corridors. Um, that it would be any white that would any restrictions that would be required to protect apparatus.

01:36:45:18 - 01:36:58:24

So it's not the practical application of the power, is that you you wouldn't if you if you if you acquired the freehold of the land, you are the landowner. So you're not imposing restrictive covenants on your yourself.

01:37:00:17 - 01:37:57:17

Yeah. Okay. So I want then to go to article 25 which is in relation to private rights. Um, and you in your summary, you had said overall lots of the drafting has come from other made solar orders and some previous model orders. And I know article 25 is broadly based on on model orders, but article 259 extends the definition of private rights to include to up on the screen any right of way, trust, incident, restrictive covenant, easement, liberty, privilege, right or advantage annexed to land and

adversely affecting other land, including any natural right to support and include restrictions as to the user of land arising by virtue of a contract agreement or undertaking having that effect.

01:38:00:05 - 01:38:10:24

So there's a lot of words in there. Um, but can the applicant set out how it's consulted with relevant parties regarding this approach and going beyond the model order?

01:38:15:23 - 01:38:17:20

To just fairly extensive.

01:38:21:02 - 01:38:56:00

Uh, the applicant. Um, so the purpose of the the purpose of this provision is to ensure that there isn't in any impediment to delivery of the scheme. Um, the book of reference includes all of the known, um, private rights that the applicant has identified following diligent inquiry. All of those persons have been consulted, um, through the pre-application process, either under qualifying, under section 44, in terms of the statutory consultation.

01:38:56:09 - 01:39:32:19

and they would also have been consulted or sent a section 56 notice. As a result of the acceptance of the DCO application so that those known private rights. The applicant has consulted with those persons. However, the subparagraph nine is. Is also designed to capture any unknown interest that haven't come about as a result of the applicant's diligent inquiries and needs to be sufficiently broad to encompass any kind of right that could interfere with the delivery of the of the scheme.

01:39:32:21 - 01:40:13:15

And the reason why that is so broad is because of that unknown. And also, as we mentioned before, the critical national priority of delivering schemes such as this by their grid connection date. So that's the reason why it's so broad. However, um, as I mentioned, it does include, um, compensation provisions. So in the event that somebody was identified as having a right or came forward that hadn't been, um, that wasn't made aware of to the applicant during this process, they would still be entitled to the same amount of compensation as, as anyone else in the event that their right was interfered with.

01:40:13:22 - 01:40:44:02

And it's perhaps useful to just be clear that that those powers to interfere with private rights are only to the extent that they interfere with the scheme and the powers required for the scheme. So if the two thing if the if it can coexist with the scheme, the applicant is not seeking to, um, clean the title or remove any rights that can happily coexist with the scheme. It does state that it's only where its purpose is inconsistent with the scheme.

01:40:44:04 - 01:40:58:00

So um, and then in in the event that something wasn't consistent with the scheme, then compensation would be payable for anybody who suffered a loss as a result of the interference with their their rights. Thank you.

01:40:58:16 - 01:40:59:19

Okay. Thank you.

01:41:05:09 - 01:41:13:03

Okay. So article 31 is temporary use of land for constructing the authorized development.

01:41:15:25 - 01:41:47:29

So provides temporary possession which may later be the subject of seeA. And you did refer to the flexibility of this in your summary where you said this pretty much mostly applies to the cable corridor where you don't know how much land you're going to take. So you're not going to acquire all of it. You're going to obviously wait and see how much the location is known definitively of where you're going to put your apparatus before you decide which bit of land you acquire permanently.

01:41:48:01 - 01:42:14:18

Am I understanding that correctly? Yeah. Um, do the parties that whose land are potentially affected by this understand that there could be any bit of that land that could be taken? Um, just I'm trying to understand the type of engagement you've had with those parties who are potentially affected by article 31, because it leaves an element of doubt over for those landowners.

01:42:15:13 - 01:42:51:18

Uh, Claire, the applicant? Um, yes. In terms of, uh, discussions, it has been made clear that the cable could be cited anywhere within the area that's shown coloured blue on, on those land plans, so that flexibility is still required. There are specific discussions going on with certain landowners in terms of whether, um, whether further work can be done to give greater clarity. Um, but at the moment, that flexibility is still required because a number of other surveys will need to be undertaken.

01:42:51:26 - 01:43:19:06

If consent is granted for the scheme on the cable route corridor to assess ground conditions, for example, that would be perhaps relevant to the micro siting. Um, I imagine if at a subsequent compulsory acquisition hearing, we can go into more detail and I'll have the applicants land agents here who can give a bit more detail, but that the requirement to microsite within that corridor has been explained to landowners.

01:43:19:19 - 01:43:44:16

Yeah. I mean, without a doubt I will have other questions on article 31. Um, but I'll park those for a later time. Um, that's all the questions I have for item four. At this point, I want to come to the interested parties. Um, to Wiltshire Council if you have. I think you expressed a right to speak on this item.

01:43:45:07 - 01:44:15:16

Also for Wiltshire Council. Indeed. Madam two. Two brief points on land acquisition where we just left. This is a matter we're still looking into. Our current position is that we will be providing a full response in our written reps to the book of reference, but currently we found the plans quite difficult to interpret, so we really would appreciate some greater clarity over exactly what rights are being sought over land in which we have an interest.

01:44:15:18 - 01:44:24:16

And that's the point where you ended with there. And we'll be reiterating that point in our written reps with the applicant of discussions. Move forward. And then the second point is.

01:44:26:26 - 01:44:58:21

We are pleased to report you heard yesterday, we are engaged in active discussions regarding the DCO. And we've made some progress, for example, in relation to protected provisions on highways and transport matters. But there are a number of additional matters. We have a number of outstanding issues on this in relation to this draft SEO. And again we'll set those out. I think in the first stage, really in our, uh, near the deadline one and then, uh, we'll have all sorts of efficient input in, uh, at the ish stage for those draft SEO hearings.

01:45:00:00 - 01:45:04:23

Wonderful. Thank you. I'm coming to stop lying down. Thank you.

01:45:06:01 - 01:45:37:28

Um. Thank you, madam. Um, Daniel Gazelka, stop lying down. Um, one very, very small point of clarification. Um, the applicants, I think, at the start of that summary referred to the the main PvE areas. Um, so it was flagged that it's likely that these powers are mainly to relate to the cable route. Um, just for clarification on that. So we correct understand that the applicant currently has option agreements that extend to the full length of the scheme.

01:45:38:00 - 01:45:41:04

So for the full 60 year operational period of the scheme.

01:45:43:11 - 01:45:45:00

I think it's a valid question.

01:45:48:06 - 01:46:14:19

For the applicant. I don't have the details of the individual leases here. That's a factual response. It is correct that some of those leases are not for a 60 year term. So in the event that the applicant was not able to extend the terms of the lease, then it would be required to decommission that point, part of the scheme earlier.

01:46:15:15 - 01:46:16:06

Thank you.

01:46:18:14 - 01:46:31:19

Thank you. We will certainly be returning to that point. Um, subsequent compulsory acquisition and possibly DCO hearing. Mr. Gazelka, do you want to press anything further on that?

01:46:36:02 - 01:46:36:20

Um.

01:46:37:24 - 01:47:03:14

Danny Gazelka for stop lying down. Um, I don't for the moment. So what? Actually, can I just get a slight further bit of clarity then? So in respect of those situations where you don't have the 60 years,

um, of course your compulsory acquisition powers are time limited. So that's presumably how you end up in the situation where you just have to decommission. Um, I can see nodding. So I'm sorry.

01:47:06:12 - 01:47:07:18

Yes. Could you comment, please?

01:47:07:22 - 01:47:44:18

Can I watch the applicant? Yes. That's correct. So there is a time limit for the exercise of compulsory acquisition powers, which is the five years which can run concurrently with the um, time limit for commencing the scheme so that that scenario is correct. So, um, the applicant, um, at the point where the term of the lease expires, um, and the applicant has not been able to secure an extension of that lease should they wish to continue operating that particular part of the scheme, the compulsory acquisition powers wouldn't be available to them.

01:47:44:22 - 01:48:02:08

They would have expired, so the applicant would need to decommission that element of the scheme. I think it's important to distinguish the time limit for the scheme from a planning perspective. And the

01:48:03:26 - 01:48:47:06

land right powers that the applicant has got. At the moment the applicant's position is that that is a commercial issue for the applicant, but it is fully assessed a 60 year period. And that doesn't consider that there is a planning reason to impose a shorter period, and 60 year period has been granted in other draft dsos. I appreciate you'll be asking a written question on this particular point, as you'd mentioned earlier, and we'll be setting out in more detail why we think a 60 year period is appropriate for this scheme from a planning perspective that that is a commercial risk for the applicant in terms of having shorter periods in its currently agreements.

01:48:47:08 - 01:48:47:25

Thank you.

01:48:48:05 - 01:49:21:01

I guess the follow on from that, um, is if you haven't got 60 years over all of that solar array area, um, will be one leads into your benefits argument. Um, you know, behind the proposal. And the second is where that information is captured. So the next day we understand which parcels are likely to be decommissioned earlier. It will almost certainly come up in, in the in the balance.

01:49:22:01 - 01:49:27:17

I'm not expecting you to have a position on that now, but we will need something follow up in writing.

01:49:29:03 - 01:49:56:07

Uh, Clare, project for the applicant. Yes. We'll take it away and consider obviously, the terms of those, um, option agreements are confidential, so the applicant will need to liaise with the relevant landowners in terms of what information it can provide into the examination in terms of specifics. Um, but the point is noted. Um, and we will consider that and I'm sure it will form part of our responses.

01:49:56:27 - 01:49:58:25

Thank you, Mr. Gazelka.

01:49:59:01 - 01:50:33:18

Just to, um, because I could stop lying, um, just to just to follow on from your point there, madam. That was why I was asking the question as well, which is not about the 60 years, but what about the less than 60 years? Um, I mean, it seems to me obviously it is an agreement that the applicant has with its commercial partners and that that is ultimately a matter for it. But, um, our submission certainly would be, but it is relevant to the weight that you give to the benefits. Um, and so it seems to me and I if not inviting you now, I may invite you in the future to direct the applicant, give you the time limits that it does have.

01:50:33:20 - 01:50:52:14

It may be that they say that there are commercial sensitivity problems with that. We would submit just for length of an agreement, doesn't particularly engage commercial sensitivity problems, and it will allow you to answer that question. Because if you can answer that question, our submission is likely to be you should assume a reasonable worst case and what the length actually might be for the scheme.

01:50:53:17 - 01:50:56:16

Point noted. Thank you much. Appreciate it. Um,

01:50:58:03 - 01:51:06:26

unless anybody else has anything to raise on item four, I'm going to suggest we take a ten minute break at this point.

01:51:09:02 - 01:51:12:28

Oh, I have a hand raised in the room. Can I have a roving microphone, please?

01:51:24:22 - 01:51:25:16

Thank you.

01:51:25:18 - 01:51:32:06

Matthew had a question of clarity. The applicant described the solar panel areas as the tip.

01:51:32:08 - 01:51:32:23

Area.

01:51:32:25 - 01:51:33:21

Of the scheme.

01:51:33:24 - 01:51:47:19

Does that mean that other elements of the scheme do not have the full protection of the National infrastructure project planning application parts, or is it all covered by that?

01:51:51:04 - 01:51:57:07

Mr. Broderick, do you want to just give some clarity to the to the interested party, please?

01:51:58:04 - 01:52:36:14

Uh, Claire, the applicant, um, without trying to get too technical. So the there are certain types of development that have to be consented by way of a development consent order and a generating station, now over 100MW is is a type of development that must be consented by way of a development consent order. So the Planning Act 2008 requires us to consent that element by way of a development consent order, but it also allows other development that's required or Associated with that generating station to be permitted via the development consent order.

01:52:36:16 - 01:53:13:26

So that's why you see a distinction between talking about the generating station and talking about what's called associated development. And the policy support for generating stations includes all of the elements that are required to make that generating station actually work and operate. So, um, uh, the policy statements also include reference to um, energy storage, for example. Um, the fact that you need a substation to connect into the, uh, the National to provide a connection to the national grid, etc..

01:53:13:28 - 01:53:42:19

There are different policies that apply to designs of substations, for example, compared to designs of the actual generating station itself. Um, but the suite of MPs are supportive of energy generation as a whole, and that includes all of the elements that you need. To make that generating station work. But it's a technical distinction in how we draft. The actual schedule, one of the DCA.

01:53:44:08 - 01:54:10:27

Mr. hood, does that help? To put it in short, you've obviously got the energy. Generator, which is the solar array. But there's ancillary development that supports that. And those as. Miss Broderick has suggested is the substations. The Bess there will we will have questions on on the purpose of the Bess. So maybe that's where your question was leading. Those questions will come, but hopefully that's helped.

01:54:11:06 - 01:54:13:00

Yes it has. Thank you very much.

01:54:13:03 - 01:54:20:13

Wonderful. Okay, so if there are no further questions, I'm going to break for ten minutes. Can we come back, please, at 512?