Planning Inspectorate
Arolygiaeth Gynllunio

Hearing Transcript

Project:	Meridian Solar Farm
Hearing:	Issue Specific Hearing 2 (ISH2) - Part 1
Date:	10 November 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.

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1
00:00:03,200 --> 00:00:04,120
Good morning, everyone.

2
00:00:05,680 --> 00:00:08,800
The time is 10:00 o'clock and time for this hearing to begin.

3
00:00:09,760 --> 00:00:13,640
I'd like to welcome you all to this issue-specific hearing on the draft development

4
00:00:13,720 --> 00:00:16,520
consent order for the Meridian Solar Farm project.

5
00:00:17,420 --> 00:00:20,040
Can I confirm that everyone can hear me clearly?

6
00:00:21,560 --> 00:00:25,140
Thank you. And can I confirm with the case team that the live streaming and

7
00:00:25,180 --> 00:00:27,060
recording of the event has commenced?

8
00:00:30,360 --> 00:00:34,300
So my name is Mrs. Murphy, and I'm a chartered town planner and

9
00:00:34,380 --> 00:00:37,860
a chartered environmentalist, and I've been appointed by the Secretary of State to

10
00:00:37,900 --> 00:00:41,060
be a member of the panel of inspectors to examine this application.

11
00:00:41,620 --> 00:00:44,240
I'm going to ask the other panel members now to introduce themselves.

12
00:00:46,240 --> 00:00:48,300
Good morning, everyone. My name is Beth Davis.

13

00:00:48,820 --> 00:00:52,400
I'm a chartered geologist, and I've been appointed by the Secretary of State to be

14
00:00:52,440 --> 00:00:53,580
a member of this panel.

15
00:00:55,260 --> 00:00:58,400
Good morning. My name's Ms. Casini. I'm a chartered town planner.

16
00:00:58,460 --> 00:01:02,360
I've also been appointed by the Secretary of State to be the lead member of

17
00:01:02,400 --> 00:01:04,500
the panel to examine this application.

18
00:01:06,340 --> 00:01:09,760
Thank you. So together we constitute the examining authority or

19
00:01:09,860 --> 00:01:11,460
EXA for the application.

20
00:01:12,320 --> 00:01:16,160
Also present today are members of the case team. The case team is Ms.

21
00:01:16,220 --> 00:01:19,560
Margum, and she is supported at the venue by Mr. Stevens and Ms.

22
00:01:19,620 --> 00:01:22,180
Woodruff, and also colleagues online.

23
00:01:22,800 --> 00:01:26,140
If you have any questions or concerns about today's event, please contact one of

24
00:01:26,160 --> 00:01:29,000
the case team who are situated at the back of the room.

25
00:01:31,580 --> 00:01:34,720
We also have two observers from the Planning Inspectorate with us

today, and

26
00:01:34,740 --> 00:01:38,340
they're also sitting in the rear of the room and here for training purposes only.

27
00:01:39,380 --> 00:01:43,340
In addition, we have technicians from TM Services, and they're here

28
00:01:43,380 --> 00:01:46,180
to manage the recording and the live streaming of the event.

29
00:01:48,760 --> 00:01:50,140
Can I just check, are you having

30
00:01:51,140 --> 00:01:55,000
issues with the microphone and hearing? Very blurry.

31
00:01:56,000 --> 00:01:58,480
Don't know what you can do about it.

32
00:01:58,560 --> 00:02:01,060
The audio is blurry? Yeah.

33
00:02:02,180 --> 00:02:05,760
Would it help if I just spoke a little bit more slowly and clearly?

34
00:02:06,400 --> 00:02:10,000
Is that- Turn it up a bit. I don't know if we can turn it up.

35
00:02:10,081 --> 00:02:11,680
I think it's probably at maximum.

36
00:02:13,160 --> 00:02:13,360
No.

37
00:02:21,080 --> 00:02:24,820
The other option, if you wish to sit further forward at the table, you're

38
00:02:24,880 --> 00:02:28,400

most welcome to. I don't know if it'd help, but we'll sit here. Okay.

39
00:02:28,499 --> 00:02:29,660
It seems a bit empty a room.

40
00:02:32,660 --> 00:02:33,460
Mine's a bit fuzzy.

41
00:02:33,520 --> 00:02:39,280
Try

42
00:02:39,300 --> 00:02:42,680
that. Can I check it's not just this microphone because- No.

43
00:02:43,279 --> 00:02:44,520
No? No, I don't think so. Okay.

44
00:02:45,680 --> 00:02:45,801
That's all

45
00:02:45,799 --> 00:02:47,120
right. This one's a bit better. Okay.

46
00:02:48,520 --> 00:02:48,740
So,

47
00:02:49,740 --> 00:02:53,480
I'll just deal with a few housekeeping matters for those that are attending in

48
00:02:53,560 --> 00:02:54,040
person.

49
00:02:55,040 --> 00:02:58,220
So can you please set all your devices and phones to silent?

50
00:02:59,040 --> 00:03:02,800
There are no fire alarms planned for today, so if you hear an alarm, please

51

00:03:02,900 --> 00:03:03,620
leave the building.

52
00:03:04,520 --> 00:03:08,500
There are three exits in this room, and if you make your way outside from one of

53
00:03:08,560 --> 00:03:12,220
these, there is a fire assembly point on the grass at the back car

54
00:03:12,300 --> 00:03:14,140
park, which is viewable from this room.

55
00:03:14,960 --> 00:03:18,940
And in terms of timings, we hope to adjourn for a short break around half past

56
00:03:19,000 --> 00:03:22,080
11:00 and finish for lunch no later than 1:00.

57
00:03:23,300 --> 00:03:24,600
I will now hand over to...

58
00:03:25,560 --> 00:03:29,180
Oh, sorry. The

59
00:03:29,220 --> 00:03:33,160
meeting will follow the agenda published in the National Infrastructure website,

60
00:03:33,680 --> 00:03:37,480
published on the 30th of October, 2026, which has the examination

61
00:03:37,560 --> 00:03:40,920
library reference EV6001.

62
00:03:42,040 --> 00:03:44,280
The applicant will also display the agenda on screen.

63
00:03:45,240 --> 00:03:49,120
The agenda is for guidance only, and we may add other considerations or

64
00:03:49,180 --> 00:03:50,540
issues as we progress.

65
00:03:51,620 --> 00:03:55,200
We will conclude the hearing as soon as all relevant contributions

66
00:03:55,620 --> 00:03:58,740
have been made and all questions asked and responded to.

67
00:03:59,580 --> 00:04:03,440
But if the discussions can't be concluded, then it may be necessary for us to

68
00:04:03,500 --> 00:04:07,160
prioritize matters and defer other matters to further written

69
00:04:07,200 --> 00:04:07,800
questions.

70
00:04:09,020 --> 00:04:12,840
Likewise, if you cannot answer the question being asked or require time to get

71
00:04:12,900 --> 00:04:16,899
information requested, then can you please indicate that you need to respond

72
00:04:16,921 --> 00:04:17,519
in writing?

73
00:04:18,760 --> 00:04:22,560
Today's hearing is being undertaken in a hybrid way, meaning that some of you are

74
00:04:22,600 --> 00:04:26,420
present with us in the hearing venue and some are joining virtually

75
00:04:26,500 --> 00:04:27,720
using Microsoft Teams.

76

00:04:28,740 --> 00:04:32,360
We will make sure, however, that if you have decided to attend today, that you'll

77
00:04:32,380 --> 00:04:35,180
be given a fair opportunity to participate.

78
00:04:36,640 --> 00:04:40,400
A recording of today's hearing will be made available on the Meridian Solar Farm

79
00:04:40,500 --> 00:04:44,300
Project section of the National Infrastructure website as soon as

80
00:04:44,360 --> 00:04:46,560
possible after the hearing has finished.

81
00:04:47,740 --> 00:04:51,320
With this in mind, please ensure that you speak clearly into the microphone,

82
00:04:51,780 --> 00:04:55,720
stating your name and who you are representing each time before

83
00:04:55,760 --> 00:04:56,300
you speak.

84
00:04:57,260 --> 00:05:00,580
If you are not at a table with a microphone, there is a roving

85
00:05:00,620 --> 00:05:01,260
microphone,

86
00:05:02,100 --> 00:05:05,060
so please wait for one to be brought to you before you speak.

87
00:05:06,680 --> 00:05:09,700
A link to the Planning Inspectorate's privacy notice was provided in the

88
00:05:09,740 --> 00:05:13,200
notification for this hearing, and we have assumed everybody here

89
00:05:13,240 --> 00:05:17,120
today has familiarized themselves with that document, which

90
00:05:17,180 --> 00:05:21,160
establishes how personal data of our customers is handled in

91
00:05:21,220 --> 00:05:24,880
accordance with the principles set out in data protection laws.

92
00:05:25,860 --> 00:05:28,860
Please speak to the case team if you have any questions about this.

93
00:05:30,220 --> 00:05:33,620
So are there any further questions regarding agenda item one?

94
00:05:35,620 --> 00:05:38,080
And if not, we will now move on to agenda item two.

95
00:05:39,360 --> 00:05:42,880
Thank you. So agenda item two looks at the purpose of the

96
00:05:42,940 --> 00:05:46,700
hearing. So the purpose of this issue-specific hearing on the draft

97
00:05:47,140 --> 00:05:48,640
development consent order

98
00:05:49,920 --> 00:05:50,120
is

99
00:05:51,460 --> 00:05:53,060
in order that you can make comments...

100
00:05:54,560 --> 00:05:57,620
Sorry, let me start again. For those of you participating today, you
can make

101
00:05:57,680 --> 00:06:00,100
comments that affect how the DCO is drafted.

102
00:06:00,520 --> 00:06:04,220
For example, relating to requirements which are the equivalent to the

103
00:06:04,260 --> 00:06:06,040
conditions to a planning permission.

104
00:06:06,460 --> 00:06:10,360
You can do this even if your position is that the DCO should not be granted.

105
00:06:10,980 --> 00:06:14,460
It is important to note that this hearing is being held on a without prejudice

106
00:06:14,560 --> 00:06:18,420
basis. It's an important hearing as the ExA is

107
00:06:18,460 --> 00:06:22,200
under a duty to provide the Secretary of State with the best-drafted

108
00:06:22,280 --> 00:06:26,260
DCO that we can, even if we end up recommending that the Secretary of

109
00:06:26,320 --> 00:06:29,940
State should not make the DCO. This is because we do not

110
00:06:29,980 --> 00:06:33,780
decide these applications. We make recommendations to the Secretary of

111
00:06:33,860 --> 00:06:36,400
State, and he or she makes the decision.

112
00:06:37,060 --> 00:06:40,400
So even if our report to the Secretary of State were to recommend that development

113
00:06:40,460 --> 00:06:43,920
consent should not be granted, we must still append a draft

114
00:06:44,000 --> 00:06:47,960
DCO ensuring that the Secretary of State can decide to make the order if he

115
00:06:48,000 --> 00:06:48,800
or she wishes.

116
00:06:49,840 --> 00:06:52,920
I'm going to move on to introductions now and ask those of you who are

117
00:06:52,980 --> 00:06:55,980
participating today to introduce yourselves.

118
00:06:56,680 --> 00:07:00,220
When I state your organization's name, could you introduce yourself,

119
00:07:00,340 --> 00:07:04,180
stating your name, who you represent, and which agenda items you wish to speak on?

120
00:07:04,800 --> 00:07:08,580
If you aren't representing an organization, please just confirm your

121
00:07:08,640 --> 00:07:12,400
name, summarize your interest in the application, and confirm which agenda

122
00:07:12,480 --> 00:07:16,080
items you may wish to speak on. So can I turn to the applicant first, please?

123
00:07:17,360 --> 00:07:19,599
Good morning. My name is Taylor Power.

124
00:07:19,720 --> 00:07:23,640
I'm a managing senior associate at Pinsent Masons, and I'm here representing

125
00:07:23,660 --> 00:07:25,780
the applicant, Meridian Solar Farm Limited.

126
00:07:26,600 --> 00:07:30,520
I'm here with Ms. Kirsty Jacomb, who will also be presenting on

127
00:07:30,580 --> 00:07:34,280
some of the items today in respect of the draft DCO.

128
00:07:34,640 --> 00:07:36,820
She's a senior associate at Pinsent Masons.

129
00:07:38,260 --> 00:07:41,140
The rest of the team here is in a support capacity and won't necessarily be

130
00:07:41,220 --> 00:07:44,020
speaking today, but I can introduce them if that would assist.

131
00:07:44,080 --> 00:07:46,040
Do you just want to introduce as and when-

132
00:07:46,200 --> 00:07:46,821
Yes, perfect ...

133
00:07:47,099 --> 00:07:47,320
if they- Will do

134
00:07:47,479 --> 00:07:51,000
... participate. Thank you. So move on to organizations and

135
00:07:51,060 --> 00:07:52,860
individuals who've given their notice to speak.

136
00:07:52,920 --> 00:07:56,780
I know we've got Lincolnshire County Council in the room and virtually

137
00:07:56,860 --> 00:07:57,760
today. Is that correct?

138
00:07:59,820 --> 00:08:01,860
Yeah. Good morning, ma'am. I'm Justine Foster.

139
00:08:01,940 --> 00:08:05,040
I'm the infrastructure manager for Lincolnshire County Council.

140
00:08:05,600 --> 00:08:09,580
I'm joined in the room by Mr. Andrew Barton, who is the principal infrastructure

141
00:08:09,660 --> 00:08:10,140
officer.

142
00:08:11,120 --> 00:08:12,960
We're also represented online by Mr.

143
00:08:13,140 --> 00:08:15,640
Semakula, who is a barrister at Landmark Chambers.

144
00:08:16,140 --> 00:08:19,880
Excellent. Thank you. Is there anybody else in the room who wishes to

145
00:08:19,980 --> 00:08:23,700
speak? Ladies and gentlemen, are you just here to observe today, or are you

146
00:08:23,740 --> 00:08:24,640
planning on speaking?

147
00:08:26,480 --> 00:08:26,640
Sir?

148
00:08:28,160 --> 00:08:28,900
Roger Reed.

149
00:08:29,780 --> 00:08:33,020
Hello, Mr. Reed. Are you planning on observing or speaking today, or is it just

150
00:08:33,060 --> 00:08:33,581
you're going to see-

151
00:08:34,100 --> 00:08:35,740

I'll just make a comment when it's ready.

152
00:08:36,040 --> 00:08:37,220
That's fine. If you just

153
00:08:38,760 --> 00:08:40,900
indicate that you'd like to speak, that would be helpful.

154
00:08:42,280 --> 00:08:45,000
If we could move on to virtual attendees.

155
00:08:45,140 --> 00:08:48,200
Is South Holland District Council online yet?

156
00:08:51,680 --> 00:08:55,040
Yes, I am. Apologies. I had some joining problems this morning.

157
00:08:55,680 --> 00:08:56,420
Okay.

158
00:08:56,540 --> 00:08:58,940
We don't wish to speak specifically on any items.

159
00:08:59,000 --> 00:09:02,860
However, if required, I am available.

160
00:09:04,120 --> 00:09:04,640
Thank you.

161
00:09:05,880 --> 00:09:07,980
I think we have the Environment Agency as well.

162
00:09:12,100 --> 00:09:13,880
Hello, madam. Yes. My name's Liz Locke.

163
00:09:13,980 --> 00:09:17,000
I'm representing the Environment Agency.

164
00:09:18,340 --> 00:09:21,840
Don't necessarily wish to speak. I'm here more to

165
00:09:22,180 --> 00:09:25,820
observe, but may want to say something regarding item

166
00:09:25,980 --> 00:09:28,380
three or item four. Thank you.

167
00:09:28,980 --> 00:09:30,480
Thank you. And

168
00:09:32,280 --> 00:09:34,920
National Grid as well. I think you're online.

169
00:09:36,760 --> 00:09:40,360
Yes, madam. That's correct. Gordon Clark, solicitor for DLA Piper

170
00:09:40,800 --> 00:09:44,500
on behalf of NGET. Mainly just observing today,

171
00:09:45,240 --> 00:09:46,660
but will let you know if we wish to speak.

172
00:09:47,440 --> 00:09:49,240
Thank you. I think that is everybody.

173
00:09:50,540 --> 00:09:54,360
This is just an early marker reminder that at the last deadline in
the

174
00:09:54,400 --> 00:09:58,020
examination, the ExA and the Secretary of State

175
00:09:58,560 --> 00:10:02,360
require the applicant's development consent order validated in the

176
00:10:02,420 --> 00:10:05,720
statutory instrument format in both PDF and Word

177
00:10:05,800 --> 00:10:09,700
versions. These versions should be in addition to and separate from

178

00:10:10,020 --> 00:10:13,540
the normal clean track change versions of the DCO

179
00:10:14,100 --> 00:10:15,960
arising from the examination process.

180
00:10:16,340 --> 00:10:19,700
We are aware that the government is in the process of changing the software used to

181
00:10:19,760 --> 00:10:23,160
manage the DCO. Have you got any comments or

182
00:10:23,220 --> 00:10:25,960
concerns you want to raise about this process?

183
00:10:26,220 --> 00:10:29,440
Because we don't know much more than you do probably at this stage.

184
00:10:30,480 --> 00:10:34,400
Taylor Power for the applicant. Yes, we're also aware of the change

185
00:10:34,440 --> 00:10:36,700
in process. We're awaiting further updates.

186
00:10:36,740 --> 00:10:40,480
We've had an initial indication from the government that that process is

187
00:10:40,540 --> 00:10:44,100
changing, but we might make submissions later in the examination if it

188
00:10:44,180 --> 00:10:44,860
seems that

189
00:10:46,420 --> 00:10:50,340
the process might not change in time for us to shift to the new format or

190
00:10:50,820 --> 00:10:51,480
vice versa.

191
00:10:52,120 --> 00:10:54,800
Thank you. Can I just confirm? Are we having some

192
00:10:56,160 --> 00:10:57,360
sound issues?

193
00:10:58,680 --> 00:11:02,460
It's just clipping ever so slightly on Teams. It's fine. We're just fixing it.

194
00:11:02,500 --> 00:11:06,440
It's just not as perfect as it could be on Teams, so we're just trying to tweak

195
00:11:06,520 --> 00:11:06,720
it.

196
00:11:06,780 --> 00:11:07,321
If I

197
00:11:08,479 --> 00:11:10,060
can then my comments seem to be coming through.

198
00:11:10,100 --> 00:11:14,020
Close? Okay. Thank you.

199
00:11:14,100 --> 00:11:18,000
If we do continue to have problems in the room, we will probably

200
00:11:18,060 --> 00:11:21,720
adjourn to get it resolved, but if you could just keep me updated.

201
00:11:22,780 --> 00:11:25,780
Thank you. Sorry. Yeah, I think we'll just take it

202
00:11:25,860 --> 00:11:28,100
as it comes along. Yeah. Great.

203
00:11:31,320 --> 00:11:33,620
Sorry, I've got hands up from both Lincolnshire

204
00:11:34,540 --> 00:11:36,620
County Council and Environment Agency.

205
00:11:37,779 --> 00:11:38,620
I think they've gone down now.

206
00:11:38,660 --> 00:11:39,860
I think you've put them down now.

207
00:11:44,540 --> 00:11:45,380
I think you're on mute.

208
00:11:45,440 --> 00:11:45,740
Madam, that-

209
00:11:46,040 --> 00:11:46,200
Yeah.

210
00:11:49,400 --> 00:11:52,620
Joe Semakula, Lincolnshire County Council. That's coming through now okay?

211
00:11:53,820 --> 00:11:54,380
Yeah.

212
00:11:54,400 --> 00:11:57,200
Madam, that was just simply in response to your question around sound issues.

213
00:11:57,280 --> 00:11:57,740
Okay.

214
00:11:57,760 --> 00:12:01,380
We can hear those online quite clearly but are having a little bit of trouble

215
00:12:01,880 --> 00:12:03,420
hearing those in the room.

216
00:12:04,220 --> 00:12:06,660

Okay. When you say, is it just muffled or just quiet?

217
00:12:07,840 --> 00:12:08,640
It's slightly muffled.

218
00:12:08,880 --> 00:12:11,600
Okay. Thank you. Ms. Locke, was that the same

219
00:12:12,680 --> 00:12:13,680
comment you were going to make?

220
00:12:14,800 --> 00:12:15,880
Yes, it was. Thank you.

221
00:12:16,040 --> 00:12:19,880
Thank you. I think the RAV company are going

222
00:12:19,960 --> 00:12:21,220
to have a look

223
00:12:33,610 --> 00:12:37,550
Thank you. We'll continue on, but if it becomes a big issue, we

224
00:12:37,670 --> 00:12:38,290
will adjourn.

225
00:12:40,310 --> 00:12:43,790
Right. So if we can move on to agenda item three.

226
00:12:45,510 --> 00:12:49,450
I'd like to turn to the applicant. If we could look at potentially
the

227
00:12:49,490 --> 00:12:51,650
first three bullet points of the agenda

228
00:12:52,810 --> 00:12:53,390
together.

229
00:12:54,770 --> 00:12:58,550
I'd be grateful so if the applicant could provide a brief overview

of each

230
00:12:58,650 --> 00:13:02,470
part of the draft DCO and also highlight any changes that have

231
00:13:02,490 --> 00:13:06,470
been made since the original submission version so that everybody can follow the

232
00:13:06,510 --> 00:13:08,490
progression of the drafting of the

233
00:13:09,330 --> 00:13:13,210
applicant's draft DCO. Additionally, if you could, within your

234
00:13:13,330 --> 00:13:16,530
overview, explain how the draft DCO secures

235
00:13:16,570 --> 00:13:20,530
mitigation and the broad areas such mitigation covers, that

236
00:13:20,550 --> 00:13:23,690
would be appreciated. Thank you. So if I hand over to the applicant.

237
00:13:33,690 --> 00:13:35,470
Kirsty Jacom for the applicant.

238
00:13:36,330 --> 00:13:39,970
I'll first speak to agenda item 3.1, and then I'll

239
00:13:40,030 --> 00:13:40,350
cover-

240
00:13:40,410 --> 00:13:41,510
Can you speak close to the microphone, please?

241
00:13:42,970 --> 00:13:43,550
Is that better?

242
00:13:45,790 --> 00:13:46,010
There?

243
00:13:46,610 --> 00:13:46,810
Yeah.

244
00:13:46,870 --> 00:13:48,010
Yeah. Okay. Thank you.

245
00:13:49,730 --> 00:13:53,350
And then I'll speak to the third bullet point about how the DCO

246
00:13:53,610 --> 00:13:56,450
secures mitigation, and then I'll pass to Ms.

247
00:13:56,550 --> 00:13:59,910
Power to speak to the changes since the application version.

248
00:14:00,150 --> 00:14:00,970
That's fine, thank you.

249
00:14:03,310 --> 00:14:06,890
I'll now provide an overview of the most recent version of the draft

250
00:14:06,950 --> 00:14:10,730
DCO, which is Rep 3-008.

251
00:14:12,050 --> 00:14:15,650
The draft DCO has been drafted having regard to the guidance on the

252
00:14:15,690 --> 00:14:19,270
context of a development consent order required for a nationally

253
00:14:19,390 --> 00:14:23,190
significant infrastructure project issued by the Ministry of

254
00:14:23,250 --> 00:14:26,870
Housing Communities and Local Government and the Department for

255
00:14:26,950 --> 00:14:29,290
Leveling Up Housing and Communities.

256

00:14:30,130 --> 00:14:33,670
PIN's Advice Note 15, drafting development consent

257
00:14:33,810 --> 00:14:37,270
orders, and the practice and precedents established in other made

258
00:14:37,330 --> 00:14:37,910
DCOs,

259
00:14:38,790 --> 00:14:42,410
in particular, solar DCOs and electricity transmission

260
00:14:42,490 --> 00:14:43,150
DCOs.

261
00:14:44,110 --> 00:14:48,070
Additionally, regard has been had to national policy, including the

262
00:14:48,110 --> 00:14:51,970
designated national policy statements for energy, EN1,

263
00:14:52,890 --> 00:14:56,430
renewable energy infrastructure, EN3, and

264
00:14:56,570 --> 00:14:59,830
electricity networks infrastructure, EN5.

265
00:15:01,390 --> 00:15:05,230
The draft DCO comprises 49 articles

266
00:15:05,410 --> 00:15:09,390
divided into six parts and then 15 schedules, which

267
00:15:09,430 --> 00:15:12,510
are given effect by or tie into the articles.

268
00:15:14,430 --> 00:15:18,370
The order is proposed to be called the Meridian Solar Farm Order

269
00:15:18,430 --> 00:15:21,690
and provides the statutory framework for the

270
00:15:21,750 --> 00:15:25,370
construction, operation, maintenance, and decommissioning of the

271
00:15:25,450 --> 00:15:28,410
authorized development as described in Schedule 1.

272
00:15:29,830 --> 00:15:33,630
In the order, the applicant is referred to as the undertaker,

273
00:15:34,250 --> 00:15:37,590
and the scheme is referred to as the authorized development.

274
00:15:38,930 --> 00:15:42,710
Article 2 of the order sets out the definitions of terms

275
00:15:42,970 --> 00:15:44,090
used within the order.

276
00:15:45,010 --> 00:15:48,430
Part 2 of the order sets out the principal powers,

277
00:15:49,150 --> 00:15:52,610
including granting the undertaker consent for the authorized

278
00:15:52,650 --> 00:15:56,490
development as constrained by the order limits and numbered areas

279
00:15:56,550 --> 00:15:58,330
shown on the works plans.

280
00:15:59,290 --> 00:16:03,230
This part of the order also authorizes the maintenance and

281
00:16:03,290 --> 00:16:07,030
operation of the authorized development and establishes the
horizontal

282
00:16:07,110 --> 00:16:10,030
limits of deviation for the relevant overhead lines,

283
00:16:10,630 --> 00:16:13,970
underground cables, and nonlinear works with vertical

284
00:16:14,090 --> 00:16:16,730
parameters controlled through the design parameters.

285
00:16:18,470 --> 00:16:22,430
Part 3 of the order provides a suite of powers in relation to

286
00:16:22,510 --> 00:16:26,110
street works, including carrying out street works within

287
00:16:26,210 --> 00:16:29,570
streets, altering the layout of streets, creating

288
00:16:29,690 --> 00:16:33,470
accesses, temporarily prohibiting or restricting use of

289
00:16:33,570 --> 00:16:35,450
streets and public rights of way.

290
00:16:39,850 --> 00:16:43,650
Entering into agreements with street authorities and traffic regulation matters.

291
00:16:43,870 --> 00:16:46,829
These provisions give effect to Schedules 4 to 8.

292
00:16:48,030 --> 00:16:51,890
Part 4 contains supplemental powers relating to the discharge

293
00:16:51,950 --> 00:16:55,830
of water, protective works to buildings, and the authority to survey

294
00:16:55,890 --> 00:16:57,610
investigate the order land.

295
00:16:59,110 --> 00:17:03,070
Part 5 of the order sets out the powers of acquisition or temporary

296

00:17:03,110 --> 00:17:03,690
possession.

297
00:17:06,070 --> 00:17:09,610
These include powers to compulsorily acquire rights in

298
00:17:09,671 --> 00:17:13,570
land, to extinguish rights in land, or to take temporary possession

299
00:17:13,610 --> 00:17:14,151
of land.

300
00:17:15,050 --> 00:17:18,870
These articles relate only to the order land as shown on the

301
00:17:18,931 --> 00:17:22,510
land and Crown land plans. There are also standard

302
00:17:22,570 --> 00:17:26,431
provisions relating to compensation payable to affected persons

303
00:17:27,030 --> 00:17:30,850
and powers in relation to land and apparatus of statutory

304
00:17:30,950 --> 00:17:34,710
undertakings. These articles give effect to Schedule 9.

305
00:17:36,210 --> 00:17:40,010
Part 6 includes various miscellaneous or general provisions.

306
00:17:41,250 --> 00:17:44,610
The order then has a series of schedules, 1 through to

307
00:17:44,670 --> 00:17:48,310
15. Each schedule identifies its operative

308
00:17:48,410 --> 00:17:51,230
article in the order in the top right of the schedule.

309
00:17:53,590 --> 00:17:56,530
Schedule 1 sets out the authorized development.

310
00:17:56,790 --> 00:18:00,690
The works numbers align with the numbered areas on the works plans.

311
00:18:01,930 --> 00:18:05,670
Schedule 2 are the requirements which relate to construction,

312
00:18:05,810 --> 00:18:09,710
operation, and decommissioning of the scheme, including detailed design

313
00:18:09,750 --> 00:18:12,770
and the various environmental management and other plans.

314
00:18:14,670 --> 00:18:18,350
Schedule 3 sets out the legislation to be disapplied.

315
00:18:19,650 --> 00:18:23,630
Schedules 4 to 8 are a series of schedules which align

316
00:18:23,670 --> 00:18:27,590
with the street works and traffic regulations articles set out in Part

317
00:18:27,870 --> 00:18:31,770
2 of the order and as shown on the streets' rights

318
00:18:31,830 --> 00:18:35,610
of way and access plans and the traffic regulation measures

319
00:18:35,710 --> 00:18:36,230
plans.

320
00:18:38,086 --> 00:18:41,846
Schedule 9 is a new schedule added at deadline three in

321
00:18:41,886 --> 00:18:45,066
response to written questions by the examining authority,

322
00:18:45,806 --> 00:18:49,446
which identifies the land subject to compulsory acquisition,

323
00:18:49,686 --> 00:18:52,026
acquisition of rights, or temporary possession.

324
00:18:52,726 --> 00:18:56,646
It divides the powers into five classes, including outright

325
00:18:56,726 --> 00:19:00,526
acquisition, overhead line rights, underground cable

326
00:19:00,586 --> 00:19:03,886
rights, permanent access rights, and temporary possession.

327
00:19:04,666 --> 00:19:08,306
The applicant proposes to address this schedule in more detail in

328
00:19:08,346 --> 00:19:12,166
response to the agenda item to address changes made to the

329
00:19:12,206 --> 00:19:13,066
draft DCO.

330
00:19:14,946 --> 00:19:15,846
Schedule 10

331
00:19:16,766 --> 00:19:20,666
modifies existing compensation legislation, including the Land

332
00:19:20,786 --> 00:19:24,546
Compensation Act 1973 and the Compulsory

333
00:19:24,686 --> 00:19:26,786
Purchase Act 1965.

334
00:19:27,806 --> 00:19:31,666
Schedule 11 identifies the links and the locations of the

335
00:19:31,726 --> 00:19:32,326
hedgerow,

336

00:19:33,406 --> 00:19:37,206
rows to be removed, managed, affected, or potentially affected

337
00:19:37,366 --> 00:19:40,646
in alignment with Article 40 and the Hedgerow

338
00:19:40,726 --> 00:19:44,046
Regulations and Tree Preservation Order Removal Plan.

339
00:19:45,946 --> 00:19:49,746
Schedule 12 lists the documents that the undertaker

340
00:19:49,866 --> 00:19:51,926
must have certified as true copies

341
00:19:52,786 --> 00:19:55,846
by the Secretary of State pursuant to Article 42.

342
00:19:56,886 --> 00:20:00,046
Schedule 13 sets out the procedures for

343
00:20:00,106 --> 00:20:00,966
arbitration.

344
00:20:02,106 --> 00:20:05,806
Schedule 14 sets out the protective provisions, or

345
00:20:05,866 --> 00:20:09,626
PPs, for the benefit of statutory undertakings whose

346
00:20:09,686 --> 00:20:12,526
equipment may be affected by the authorized development.

347
00:20:13,426 --> 00:20:17,406
This schedule contains standard PPs and a suite of

348
00:20:17,446 --> 00:20:21,346
bespoke PPs. Some of these provisions are agreed with

349
00:20:21,386 --> 00:20:25,246
the relevant statutory undertakers, whereas others represent the

350
00:20:25,346 --> 00:20:29,186
applicant's latest position while the drafting is still being agreed with the

351
00:20:29,226 --> 00:20:31,006
relevant statutory undertaker.

352
00:20:32,206 --> 00:20:36,046
Schedule 15, procedure for discharge of requirements,

353
00:20:36,566 --> 00:20:40,466
sets out the procedure to be followed by the undertaker and local planning

354
00:20:40,526 --> 00:20:44,306
authorities for the discharge of the requirements set out in Schedule 2.

355
00:20:51,786 --> 00:20:55,586
I'll now turn to the third bullet point of agenda item three,

356
00:20:55,746 --> 00:20:59,726
which is to explain how the draft DCO secures

357
00:20:59,786 --> 00:21:00,486
mitigation.

358
00:21:02,606 --> 00:21:06,446
The scheme has incorporated a broad range of mitigation measures

359
00:21:06,526 --> 00:21:10,486
embedded directly into the design or proposed construction methodology

360
00:21:10,546 --> 00:21:14,426
for the scheme, or applied as additional mitigation to

361
00:21:14,486 --> 00:21:17,866
address residual effects which have been assessed in the ES.

362

00:21:19,366 --> 00:21:23,206
The Environmental Mitigation and Commitments Register, which

363
00:21:23,286 --> 00:21:27,226
is document REP1-057,

364
00:21:27,726 --> 00:21:31,126
provides the overarching record of the applicant's mitigation

365
00:21:31,186 --> 00:21:34,566
commitments, but it is not the securing mechanism itself.

366
00:21:35,486 --> 00:21:39,226
Instead, that mitigation is predominantly secured by four

367
00:21:39,286 --> 00:21:41,226
means. These are

368
00:21:42,046 --> 00:21:45,966
the embedded mitigation provided by the design parameters in place
for

369
00:21:46,006 --> 00:21:46,566
the scheme,

370
00:21:47,846 --> 00:21:51,606
the mitigation measures and best practice construction and
operational

371
00:21:51,666 --> 00:21:53,986
practices set out in the management plans,

372
00:21:55,026 --> 00:21:58,866
the compliance with the ES assessment, and lastly, any

373
00:21:58,926 --> 00:22:02,146
further mitigation which may be required under future consents or

374
00:22:02,186 --> 00:22:02,946
licenses.

375

00:22:06,006 --> 00:22:07,446
For embedded design,

376
00:22:08,286 --> 00:22:12,086
Schedule 1 defines the authorized development and individual work

377
00:22:12,146 --> 00:22:15,906
numbers. This sets the ultimate scope for the nature of

378
00:22:15,966 --> 00:22:18,846
activities which may be delivered as part of the scheme.

379
00:22:20,146 --> 00:22:24,046
If an activity is not listed within one of the categories captured in

380
00:22:24,086 --> 00:22:27,826
the work numbers or within the list of associated development

381
00:22:27,886 --> 00:22:31,006
included at the end of Schedule 1, it cannot be delivered.

382
00:22:33,166 --> 00:22:37,006
The geographical extent of that authorized development is then

383
00:22:37,066 --> 00:22:38,746
controlled through the works plans.

384
00:22:40,086 --> 00:22:44,006
These plans establish the physical envelope within which the scheme can be

385
00:22:44,046 --> 00:22:47,926
delivered. For example, this has ensured that works are avoided

386
00:22:47,986 --> 00:22:51,786
within the solar development area over those areas of greatest

387
00:22:51,866 --> 00:22:55,346
archaeological value or secures areas in which

388

00:22:55,446 --> 00:22:57,806
only ecological works may occur.

389
00:22:59,946 --> 00:23:03,406
The physical limits of the authorized development is instead

390
00:23:03,466 --> 00:23:07,026
controlled by Requirement 5 within Schedule 2 of the draft

391
00:23:07,086 --> 00:23:07,586
DCO,

392
00:23:08,486 --> 00:23:11,886
which requires the detailed design to accord with the design

393
00:23:11,946 --> 00:23:12,606
parameters.

394
00:23:13,826 --> 00:23:17,486
Those parameters establish maximum and minimum

395
00:23:17,546 --> 00:23:21,486
parameters for the scheme components and carry the embedded design

396
00:23:21,526 --> 00:23:24,006
mitigation into the detailed design stage.

397
00:23:24,606 --> 00:23:28,186
For example, they set the maximum height limits for buildings

398
00:23:29,086 --> 00:23:33,006
on the solar development area and the pylons

399
00:23:33,046 --> 00:23:34,666
within the grid connection route.

400
00:23:35,326 --> 00:23:38,846
The relevant planning authority reviews the final design of the

401
00:23:38,926 --> 00:23:42,846
scheme as against those parameters and must sign it off before works

402
00:23:42,886 --> 00:23:43,666
can commence.

403
00:23:46,206 --> 00:23:48,886
For mitigation measures and best practice,

404
00:23:49,986 --> 00:23:53,686
the remainder of the requirements within Schedule 2 secure a

405
00:23:53,746 --> 00:23:56,706
suite of management plans and strategies that set out

406
00:23:57,206 --> 00:24:00,366
mitigation measures for matters including, for example,

407
00:24:01,226 --> 00:24:05,146
the design, construction, and operation of the battery energy
storage

408
00:24:05,226 --> 00:24:09,186
system, the implementation of biodiversity net gain

409
00:24:09,246 --> 00:24:10,686
and drainage strategies,

410
00:24:11,646 --> 00:24:15,586
construction, operation, and decommissioning mitigations

411
00:24:16,366 --> 00:24:18,706
under the CEM OMP and DMP.

412
00:24:20,466 --> 00:24:24,066
Various other topics relating to the management and mitigation

413
00:24:24,166 --> 00:24:27,746
of the site, including landscaping, noise, fencing,

414
00:24:27,906 --> 00:24:30,026
traffic, waste, and soil management.

415
00:24:32,206 --> 00:24:36,106
The drafting approach to these requirements provides that the relevant

416
00:24:36,186 --> 00:24:37,966
parts of the authorized development

417
00:24:39,313 --> 00:24:43,153
... cannot commence until final management plans and strategies are approved

418
00:24:43,193 --> 00:24:44,854
by the relevant planning authority.

419
00:24:46,134 --> 00:24:49,894
The management plans and strategies, as approved, must be substantially in

420
00:24:49,934 --> 00:24:53,654
accordance with the outline versions which have been submitted with the DCO,

421
00:24:54,494 --> 00:24:58,314
and so have been subject to the review and input of interested parties through this

422
00:24:58,414 --> 00:24:59,614
examination process.

423
00:25:02,134 --> 00:25:04,094
Compliance with the ES assessment.

424
00:25:04,554 --> 00:25:08,354
As a further backstop to these management plans, the draft DCO

425
00:25:08,394 --> 00:25:11,534
provides an important overarching environmental control.

426
00:25:12,614 --> 00:25:16,434
Article 5 requires the scheme to be operated so that it does not

427

00:25:16,474 --> 00:25:20,214
give rise to materially new or different environmental effects

428
00:25:20,714 --> 00:25:24,534
from those reported in the ES. The ES has assessed

429
00:25:24,974 --> 00:25:28,714
the worst-case scenario permitted by the design parameters, and with

430
00:25:28,754 --> 00:25:32,174
reference to the assumed mitigation set out in the management plans
and

431
00:25:32,294 --> 00:25:32,914
strategies.

432
00:25:35,054 --> 00:25:38,814
Finally, for separate consents and licenses,

433
00:25:39,134 --> 00:25:43,034
it is noted that future mitigation requirements may be

434
00:25:43,094 --> 00:25:46,514
imposed on the final design, construction, and

435
00:25:46,634 --> 00:25:50,514
operation of the scheme by the future consents and licenses the
scheme

436
00:25:50,554 --> 00:25:51,474
must apply for.

437
00:25:52,354 --> 00:25:54,474
This will be discussed further at item four.

438
00:25:55,574 --> 00:25:56,754
I will now pass over to Ms.

439
00:25:59,414 --> 00:25:59,814
Power.

440

00:26:02,454 --> 00:26:05,194
Taylor Power for the applicant. Thanks very much, Ms. Jacob.

441
00:26:06,214 --> 00:26:09,954
I'll briefly highlight the changes which have been made to the draft DCO

442
00:26:10,054 --> 00:26:11,874
since the original submission version.

443
00:26:12,674 --> 00:26:16,514
So since submission, the draft DCO has been updated at deadlines one and three.

444
00:26:17,214 --> 00:26:19,394
Those changes respond principally to the

445
00:26:19,994 --> 00:26:23,594
examining authorities' written questions,

446
00:26:24,414 --> 00:26:28,094
representations in the local impact report from Lincolnshire County Council,

447
00:26:28,874 --> 00:26:32,734
representations from statutory consultees, including the Environment

448
00:26:32,854 --> 00:26:36,674
Agency and Natural England, and ongoing engagement with statutory

449
00:26:36,734 --> 00:26:37,474
undertakers.

450
00:26:38,494 --> 00:26:42,474
A full record of the substantive amendments and reasons is provided in the schedule

451
00:26:42,514 --> 00:26:46,294
of changes to the draft DCO, the latest version of which is Rep

452
00:26:46,814 --> 00:26:48,474
3-072.

453
00:26:49,574 --> 00:26:52,454
Although I note that minor typographical and drafting corrections are not

454
00:26:52,514 --> 00:26:56,114
separately recorded in that table. It focuses on substantive amendments.

455
00:26:57,054 --> 00:27:00,994
I don't propose to do a line-by-line update on the changes made in that schedule,

456
00:27:01,474 --> 00:27:05,394
but instead, I propose to highlight a few key amendments that have

457
00:27:05,434 --> 00:27:05,994
been made.

458
00:27:08,254 --> 00:27:12,174
So first, I note that the preliminary works definition has been amended

459
00:27:12,214 --> 00:27:15,994
to add advanced planting to that definition so that

460
00:27:16,094 --> 00:27:19,634
screening and mitigation planting can be established early ahead of the main

461
00:27:19,674 --> 00:27:20,654
construction works.

462
00:27:21,614 --> 00:27:25,314
This is consistent with the approach taken in other recent solar DCOs, including

463
00:27:25,354 --> 00:27:28,374
Tilbridge Solar, Fenwick Solar Farm, and One Earth Solar Farm.

464
00:27:29,974 --> 00:27:33,754
The amendment therefore enables beneficial mitigation to be

delivered

465
00:27:33,834 --> 00:27:37,474
earlier rather than requiring it to await commencement of the main works.

466
00:27:38,454 --> 00:27:42,274
However, it's still controlled by the outline landscape and ecology management

467
00:27:42,314 --> 00:27:46,274
plan because requirement seven, paragraph four requires

468
00:27:46,314 --> 00:27:49,854
the final LeMP to be approved by the relevant planning authority before

469
00:27:49,914 --> 00:27:52,194
advanced planting can commence.

470
00:27:54,574 --> 00:27:58,454
The next change I would highlight is the introduction of

471
00:27:58,514 --> 00:28:00,514
Schedule 9 to the draft DCO,

472
00:28:01,574 --> 00:28:05,394
which has been added at deadline three to capture directly within the

473
00:28:05,434 --> 00:28:09,374
draft DCO the relevant compulsory acquisition powers which apply to

474
00:28:09,454 --> 00:28:13,034
each plot and list each plot, and the purpose

475
00:28:13,534 --> 00:28:16,174
for which each power or right may be exercised.

476
00:28:16,754 --> 00:28:20,594
So that information was previously set out within the book of reference, and then

477
00:28:20,634 --> 00:28:23,434
the relevant articles referred out to the book of reference.

478
00:28:24,294 --> 00:28:27,814
But we've brought that directly into the draft DCO further to the examining

479
00:28:27,874 --> 00:28:29,454
authorities' written questions.

480
00:28:31,494 --> 00:28:35,294
The Schedule 9 drafting, also in response to the examining authorities' written

481
00:28:35,334 --> 00:28:38,654
question, incorporates a more detailed scope for the rights

482
00:28:38,734 --> 00:28:42,434
associated with each class, and that scope has been drafted with

483
00:28:42,474 --> 00:28:46,254
reference to precedent rights and other solar DCO Schedule 9s

484
00:28:46,414 --> 00:28:50,074
and within other recent National Grid overhead line

485
00:28:50,154 --> 00:28:53,994
DCO schemes, particularly in respect of those rights which relate to overhead

486
00:28:54,054 --> 00:28:54,494
lines.

487
00:28:58,014 --> 00:29:01,254
I could talk through that in more detail, but I wonder if it might be more

488
00:29:01,294 --> 00:29:05,194
appropriate for the compulsory acquisition hearing if there were questions on that

489
00:29:05,314 --> 00:29:08,414
schedule and its operation in respect of the compulsory acquisition powers.

490
00:29:08,574 --> 00:29:12,194
I think it probably does sit. I was going to say, actually, there is

491
00:29:12,534 --> 00:29:16,454
this week going to be quite a lot of overlap with topics, but that is how it is.

492
00:29:16,834 --> 00:29:17,694
So yeah, if we can

493
00:29:18,734 --> 00:29:20,134
maybe park that for the time being.

494
00:29:20,174 --> 00:29:21,074
It's useful for the

495
00:29:22,074 --> 00:29:24,934
overarching explanation and maybe deal with it this afternoon.

496
00:29:25,294 --> 00:29:26,474
Yes, of course. Thank you.

497
00:29:28,794 --> 00:29:32,474
So moving on. The applicant has removed standard

498
00:29:32,514 --> 00:29:35,394
references to demolition work throughout the order, and

499
00:29:36,234 --> 00:29:39,734
that reflects that there's not actually proposed in the final design to be any

500
00:29:39,774 --> 00:29:43,414
demolition works for the scheme, so those standard provisions could be removed.

501
00:29:45,494 --> 00:29:48,994

Following the examining authority's request to review time periods,

502
00:29:49,494 --> 00:29:53,274
several amendments have been made throughout the order to bring time periods in

503
00:29:53,334 --> 00:29:55,874
line with recent made solar DCOs.

504
00:29:57,914 --> 00:30:01,894
In response to requests from the County Council, the EA, and Natural England,

505
00:30:02,014 --> 00:30:05,594
several requirements have been amended to add them as consultees for the

506
00:30:05,654 --> 00:30:08,534
finalization of various management plans and strategies.

507
00:30:10,154 --> 00:30:13,854
The applicant notes various changes have also been made to Schedule 14 in

508
00:30:13,894 --> 00:30:16,594
respect of the protective provisions in place for the scheme.

509
00:30:17,394 --> 00:30:20,834
The latest status of those protective provisions and the status of engagement

510
00:30:20,894 --> 00:30:24,574
otherwise, though, is an agenda item for the compulsory acquisition hearing, so I

511
00:30:24,614 --> 00:30:26,734
don't propose to get into the detail of those either.

512
00:30:28,234 --> 00:30:31,654
And then finally, I would note that the procedure for the discharge of requirements

513

00:30:31,694 --> 00:30:35,254
has been amended in various places following comments from the County

514
00:30:35,334 --> 00:30:37,494
Council and the Environment Agency.

515
00:30:38,194 --> 00:30:41,674
So this has included extensions to the determination period and further

516
00:30:41,714 --> 00:30:42,934
information periods,

517
00:30:44,014 --> 00:30:47,914
and corresponding periods where consultation is required, as well as

518
00:30:48,654 --> 00:30:52,094
expressly including an appeal period within that procedure.

519
00:30:53,678 --> 00:30:57,618
So I think those are the main substantive changes, but if the examining authority

520
00:30:57,798 --> 00:31:01,458
or parties had any other questions about amendments made, we'd be happy to

521
00:31:01,498 --> 00:31:01,938
discuss.

522
00:31:02,638 --> 00:31:06,558
Thank you. That's helpful. I am going to move on to bullet point four in a moment,

523
00:31:06,618 --> 00:31:10,298
which looks at areas of disagreement, but does anybody have any comments or queries

524
00:31:10,358 --> 00:31:13,458
on what they've just heard, either in the room or online?

525

00:31:16,878 --> 00:31:16,978
No.

526
00:31:17,878 --> 00:31:21,218
Okay. I'll move on to bullet four.

527
00:31:21,618 --> 00:31:25,398
I'd like the applicant to highlight where you see the main

528
00:31:25,478 --> 00:31:29,258
areas of disagreement are in respect of content of the draft DCO with the local

529
00:31:29,298 --> 00:31:33,098
authorities, if any exist in your view, and

530
00:31:33,138 --> 00:31:35,918
whether you consider these matters will be resolved by the close of the

531
00:31:35,958 --> 00:31:36,698
examination.

532
00:31:39,358 --> 00:31:43,298
Taylor Power for the applicant. Yeah, so I think there are a

533
00:31:43,378 --> 00:31:47,338
few areas where there's still ongoing discussion between the applicant and the

534
00:31:47,398 --> 00:31:50,638
County Council in respect of the drafting of DCO

535
00:31:53,498 --> 00:31:57,458
articles. And largely, the applicant has gone back to the County Council in its

536
00:31:57,517 --> 00:32:01,078
deadline three responses, both in respect of where

537
00:32:01,478 --> 00:32:04,998
those articles were raised as part of examining authority-written

questions

538
00:32:05,478 --> 00:32:08,438
or through the ongoing engagement directly with the council.

539
00:32:09,278 --> 00:32:11,838
But broadly, I would say that the areas where the

540
00:32:12,758 --> 00:32:16,638
most further work is required between the parties relates to the discussion on

541
00:32:16,678 --> 00:32:20,638
the street works articles, which are articles 9, 10, 11, and

542
00:32:20,738 --> 00:32:23,978
13, and how they interrelate with the council's

543
00:32:24,778 --> 00:32:26,918
existing permit schemes and highways

544
00:32:27,838 --> 00:32:28,798
procedures.

545
00:32:30,418 --> 00:32:34,218
There is also, I think, ongoing discussion in respect of

546
00:32:34,298 --> 00:32:37,718
Article 41, which is the trees subject to preservation

547
00:32:37,798 --> 00:32:38,438
orders.

548
00:32:40,518 --> 00:32:44,498
The applicant is also aware that the County Council still has

549
00:32:44,538 --> 00:32:48,158
comments on the commencement period for the authorized development,

550
00:32:48,518 --> 00:32:52,078
and I understand that's a separate agenda item for later in this

hearing.

551
00:32:53,398 --> 00:32:56,858
And also, there's ongoing discussions in respect of

552
00:32:57,538 --> 00:33:01,378
extended outages of the solar farm and funding for decommissioning.

553
00:33:01,858 --> 00:33:05,598
So, the applicant has responded to all of these points in writing,

554
00:33:06,758 --> 00:33:10,518
but suggests that, well, we were expecting to hear further from the council

555
00:33:10,578 --> 00:33:11,978
today on some of these matters,

556
00:33:13,038 --> 00:33:15,658
and also then progress these through the statement of common ground.

557
00:33:15,718 --> 00:33:19,138
The applicant doesn't see why we shouldn't be able to come to agreement on these

558
00:33:19,178 --> 00:33:22,798
matters because similar drafting has been included in various other

559
00:33:22,838 --> 00:33:26,758
Lincolnshire-made solar DCOs. So, the applicant is hopeful that we

560
00:33:26,798 --> 00:33:28,738
can come to agreement on drafting,

561
00:33:29,738 --> 00:33:33,218
but wanted to recognize that those were kind of the key areas where

562
00:33:34,658 --> 00:33:37,238
there were still ongoing discussions required.

563
00:33:37,538 --> 00:33:41,438

I would note that there are various other minor comments

564
00:33:41,498 --> 00:33:45,158
that we've noted from, or more minor comments we've noted from the council,

565
00:33:47,038 --> 00:33:50,658
which the council may also wish to raise, and the applicant is happy to discuss.

566
00:33:50,718 --> 00:33:52,918
But I suppose those are the main ones to note.

567
00:33:53,838 --> 00:33:57,778
Thank you. Turning to Lincolnshire County Council, do you wish to

568
00:33:57,818 --> 00:34:01,778
add anything or comment further on those matters that are raised,

569
00:34:02,018 --> 00:34:03,338
and also how you see

570
00:34:04,158 --> 00:34:06,778
these matters being resolved by the close of the examination?

571
00:34:09,158 --> 00:34:09,558
Joel

572
00:34:11,419 --> 00:34:13,618
Samakula, Lincolnshire County Council.

573
00:34:14,118 --> 00:34:17,379
Madam, we welcome the applicant's updates to the DCO

574
00:34:18,018 --> 00:34:21,298
and agree that some matters have now been addressed, and we're progressing in

575
00:34:21,339 --> 00:34:23,339
respect of a number of other matters.

576

00:34:23,438 --> 00:34:25,319
But in addition to those raised

577
00:34:26,498 --> 00:34:28,498
by the applicant thus far, we'd also add

578
00:34:29,598 --> 00:34:33,538
continued disagreement in respect of Article 2 [1]

579
00:34:34,177 --> 00:34:36,339
, namely that being the definition of maintain.

580
00:34:38,419 --> 00:34:42,359
We'd also add Article 40 in addition to Article 41,

581
00:34:42,778 --> 00:34:45,899
those being the provisions in relation to trees and hedgerows.

582
00:34:47,798 --> 00:34:49,638
Article 47

583
00:34:50,498 --> 00:34:52,879
regarding the timeframes for certain approvals.

584
00:34:55,178 --> 00:34:59,158
The new requirement regarding the grid connection, which

585
00:34:59,238 --> 00:35:01,138
is an agenda item for today.

586
00:35:03,458 --> 00:35:04,278
Also seeking

587
00:35:05,798 --> 00:35:09,658
an additional request to be a consultee in respect of Requirements

588
00:35:10,138 --> 00:35:10,158
3,

589
00:35:11,318 --> 00:35:14,538
5, and 20 in the second schedule.

590
00:35:16,878 --> 00:35:20,758
And then, in respect of the new Schedule 15,

591
00:35:21,558 --> 00:35:24,578
there are two points there that we wish to raise today, one

592
00:35:25,118 --> 00:35:27,118
related to timescales, and then

593
00:35:28,658 --> 00:35:32,498
a second one related to the validity of applications and the

594
00:35:32,538 --> 00:35:35,698
definition provided therein. Now, our hope, of course, is that

595
00:35:36,538 --> 00:35:40,478
we'll be able to reach resolution on all of these matters before the

596
00:35:40,498 --> 00:35:44,178
examination. But at the moment, there is still some outstanding work
to be done in

597
00:35:44,198 --> 00:35:47,098
respect of those articles and requirements.

598
00:35:49,278 --> 00:35:52,618
Thank you. That's useful. Obviously, if I can just, as you would
expect me,

599
00:35:53,938 --> 00:35:57,898
suggest that you liaise together and communicate as effectively as
you can so

600
00:35:57,918 --> 00:36:00,778
we can get them resolved in the statement of common ground as we
move further.

601
00:36:00,858 --> 00:36:02,698
Is there anybody else that wishes to speak?

602

00:36:03,378 --> 00:36:03,838
Is there anything,

603
00:36:04,718 --> 00:36:06,918
South Holland District Council, do you have anything?

604
00:36:07,018 --> 00:36:10,238
Are you happy at the moment with everything you've heard?

605
00:36:14,178 --> 00:36:16,738
Yes. Hi. Sam Dewar for South Holland.

606
00:36:16,798 --> 00:36:20,498
Yes, I'm happy with everything that I've heard, and we would

607
00:36:20,558 --> 00:36:24,398
defer to Lincolnshire County Council on some specific technicalities as

608
00:36:24,438 --> 00:36:24,598
well.

609
00:36:25,058 --> 00:36:28,838
Okay. Thank you. Is there anything else from Lincolnshire? No.

610
00:36:28,978 --> 00:36:31,618
Does the applicant have any further comments on that agenda item?

611
00:36:32,098 --> 00:36:34,138
Taylor Power for the applicant. No.

612
00:36:34,638 --> 00:36:37,338
Just to confirm that we'll continue discussing with the County Council.

613
00:36:38,498 --> 00:36:42,078
Excellent. If we move to bullet five of agenda

614
00:36:42,158 --> 00:36:42,498
three,

615

00:36:43,938 --> 00:36:47,218
this is in respect of whether there's a need for a requirement restricting the

616
00:36:47,258 --> 00:36:50,198
commencement of the construction of the proposed development, so whether a

617
00:36:50,238 --> 00:36:52,018
Grampian-style requirement is necessary.

618
00:36:54,274 --> 00:36:57,974
I've obviously heard both parties' comments on this, but I am going to turn to

619
00:36:58,014 --> 00:37:01,094
Lincolnshire County Council in the first instance.

620
00:37:01,314 --> 00:37:05,034
As in your local impact report, which has examination library

621
00:37:05,094 --> 00:37:08,594
reference REP.1 106. At paragraph

622
00:37:08,774 --> 00:37:12,374
8.6, it was stated that requirements should be imposed to restrict the

623
00:37:12,414 --> 00:37:16,234
commencement of the development, including any preparatory works,

624
00:37:16,734 --> 00:37:20,454
until such time as consent has been secured for connection into the Western

625
00:37:20,554 --> 00:37:24,494
Marsh substation. I'd just like to confirm whether this is still

626
00:37:24,554 --> 00:37:28,474
your position, and to clarify how such a requirement would meet the

627
00:37:28,514 --> 00:37:32,034

legal tests as set out in the National Planning Policy

628
00:37:32,094 --> 00:37:32,614
Framework.

629
00:37:36,294 --> 00:37:39,254
Joe Samukula, Lincolnshire County Council.

630
00:37:39,894 --> 00:37:41,994
Yes, madam, it does remain our position

631
00:37:43,114 --> 00:37:45,214
that such a requirement is

632
00:37:46,854 --> 00:37:48,154
necessary, and it would be

633
00:37:49,274 --> 00:37:50,394
proportionate. Now,

634
00:37:51,254 --> 00:37:53,274
madam, as a starting point for context, we say

635
00:37:54,094 --> 00:37:57,574
there is a tension in the applicant's position.

636
00:37:58,694 --> 00:37:59,554
What they seek is

637
00:38:01,474 --> 00:38:05,454
to justify a seven-year commencement period in requirement two, precisely

638
00:38:05,494 --> 00:38:08,814
because of the uncertainty surrounding the NESSA connection

639
00:38:08,854 --> 00:38:12,814
reforms and the timing of a firm gate two offer, which

640
00:38:13,074 --> 00:38:15,294
they accept is outside of their control.

641
00:38:15,954 --> 00:38:19,834
And we said that if that grid connection is that uncertain, it's all the

642
00:38:19,894 --> 00:38:23,794
more important that the order does not permit works to begin on

643
00:38:23,834 --> 00:38:27,774
the ground, with the attendant disturbance to land and to local communities, before

644
00:38:27,814 --> 00:38:31,134
there's confidence that the scheme can actually connect and

645
00:38:31,314 --> 00:38:31,934
operate.

646
00:38:32,814 --> 00:38:36,374
In my submission, such a requirement would be precise,

647
00:38:37,214 --> 00:38:39,574
and we'd be happy to assist with that wording.

648
00:38:40,013 --> 00:38:42,374
It would be enforceable, and it would

649
00:38:43,794 --> 00:38:46,114
be directly related to the development.

650
00:38:46,634 --> 00:38:48,254
We don't accept that it would

651
00:38:49,114 --> 00:38:50,934
necessarily prevent the scheme from proceeding.

652
00:38:51,214 --> 00:38:54,514
What we say is it would simply ensure that construction follows

653
00:38:55,034 --> 00:38:58,614
rather than precedes a secured means of connection.

654
00:38:59,454 --> 00:39:02,674
Now, we know this is going to be explored even further at

655
00:39:03,634 --> 00:39:07,374
the issue-specific hearing tomorrow, and we can address the substantive

656
00:39:07,434 --> 00:39:11,174
position there in more detail. But

657
00:39:12,054 --> 00:39:15,574
it does seem that this is probably one of the biggest areas of disagreement between

658
00:39:15,834 --> 00:39:19,694
the County Council and the applicant that is going to take quite a bit of

659
00:39:19,754 --> 00:39:23,194
work if it's to be resolved before the end of this examination.

660
00:39:24,774 --> 00:39:28,234
Thank you. Can you remind me, did you provide any draft wording

661
00:39:28,654 --> 00:39:29,934
for such a requirement?

662
00:39:32,254 --> 00:39:36,234
Madam, we haven't provided draft wording for such a requirement, but we can

663
00:39:37,094 --> 00:39:37,654
provide that

664
00:39:38,934 --> 00:39:41,054
wording with our post-hearing submissions.

665
00:39:41,474 --> 00:39:44,914
That would be useful. Could we record that as an action point, please?

666
00:39:45,014 --> 00:39:46,354
Yeah, that would be useful.

667
00:39:48,694 --> 00:39:51,574
I'll turn to the applicant. Obviously, I'm aware of your

668
00:39:52,754 --> 00:39:54,794
position, which was made at deadline two.

669
00:39:55,354 --> 00:39:59,254
Is there anything you would like to add from what you've just heard or in

670
00:39:59,334 --> 00:40:00,374
terms of your position?

671
00:40:01,894 --> 00:40:03,554
Yes. Taylor Power for the applicant.

672
00:40:04,674 --> 00:40:04,974
So

673
00:40:05,914 --> 00:40:09,334
the applicant understands the comments by the council, but

674
00:40:09,854 --> 00:40:11,834
our position would be that the tension

675
00:40:12,874 --> 00:40:15,914
doesn't necessarily undermine the position by the applicant.

676
00:40:16,074 --> 00:40:16,374
So

677
00:40:17,274 --> 00:40:21,094
the applicant accepts that there's uncertainty regarding the timing of a

678
00:40:21,134 --> 00:40:24,294
grid connection, and that's the basis for the seven-year commencement.

679
00:40:24,874 --> 00:40:28,834
But that doesn't therefore proceed to the scenario which the

680
00:40:28,874 --> 00:40:30,294
applicant can see the council,

681
00:40:31,154 --> 00:40:34,754
or presumes is behind the council's concern, which is that the

682
00:40:34,834 --> 00:40:38,514
applicant would go ahead and construct in advance of getting a grid

683
00:40:38,574 --> 00:40:41,034
connection. So the concern seems to be about

684
00:40:42,054 --> 00:40:45,414
acquiring land or proceeding with impacts to land,

685
00:40:46,494 --> 00:40:50,374
only for stranded assets to occur should a

686
00:40:51,234 --> 00:40:52,834
grid connection not be put in place

687
00:40:53,694 --> 00:40:55,694
following the commencement of construction.

688
00:40:55,854 --> 00:40:59,834
So I suppose the applicant's position is just that that scenario

689
00:40:59,874 --> 00:41:03,834
would not occur because of the commercial realities of how

690
00:41:03,914 --> 00:41:07,814
schemes like this are funded, which is that the final investment
decision for

691
00:41:07,874 --> 00:41:11,674
a scheme would not be committed to until the grid

692
00:41:11,734 --> 00:41:13,374
connection has been obtained.

693
00:41:14,333 --> 00:41:17,934
And I would note that this is something that's been discussed in various other

694
00:41:19,074 --> 00:41:21,234
recommendation reports and decisions for energy

695
00:41:22,494 --> 00:41:25,814
projects, including five estuaries, where the examining

696
00:41:25,874 --> 00:41:29,494
authority there considered it highly improbable that an undertaker would

697
00:41:29,834 --> 00:41:33,694
make their final investment decision for a project without

698
00:41:33,754 --> 00:41:37,254
certainty as to connection to the grid, and therefore a Grand

699
00:41:37,334 --> 00:41:39,934
Penn-style condition of this type wasn't required.

700
00:41:40,454 --> 00:41:44,294
And that position was accepted by the Secretary of State in their decision letter.

701
00:41:44,934 --> 00:41:48,774
And similar discussions happened on Morgan Offshore Wind Project and

702
00:41:48,854 --> 00:41:50,414
also on

703
00:41:51,674 --> 00:41:51,914
the

704
00:41:53,114 --> 00:41:56,714
Hinkley Point C decision, where similarly, grid

705
00:41:56,754 --> 00:41:58,234
connections were secured or

706
00:41:59,034 --> 00:42:02,234
the infrastructure to deliver them was secured post-consent.

707
00:42:02,754 --> 00:42:06,534
So the applicant's position is that this has been well considered in various

708
00:42:06,614 --> 00:42:10,234
other energy projects at this stage, and it's accepted that these sorts of

709
00:42:10,274 --> 00:42:11,914
commercial decisions would not occur.

710
00:42:11,934 --> 00:42:12,374
And so the

711
00:42:13,234 --> 00:42:17,134
tests set out in the National Planning Policy Framework and in the MPS

712
00:42:17,214 --> 00:42:19,334
around reasonably necessary

713
00:42:21,034 --> 00:42:24,494
planning basis for requirements simply aren't met for this type

714
00:42:26,414 --> 00:42:27,174
of a requirement.

715
00:42:28,794 --> 00:42:32,674
Thank you. I suppose my question to that is, if you flip that on its head, if I've

716
00:42:32,734 --> 00:42:33,654
listened to what you've said,

717

00:42:35,194 --> 00:42:38,994
maybe setting aside the comment you've just made about the tests, why would you not

718
00:42:39,074 --> 00:42:40,394
accept a condition then?

719
00:42:41,434 --> 00:42:42,974
That requirement, sorry.

720
00:42:44,674 --> 00:42:47,894
Taylor Power for the applicant. Well, I think it does come back to those tests,

721
00:42:47,974 --> 00:42:51,514
which are that you should be including requirements which are only necessary or

722
00:42:51,554 --> 00:42:52,214
reasonable in the

723
00:42:53,854 --> 00:42:57,654
planning context. And so if there's not a need for the requirement,

724
00:42:58,614 --> 00:42:58,974
why

725
00:43:00,334 --> 00:43:04,194
litter your schedule, too, with requirements for actions that are already going

726
00:43:04,254 --> 00:43:08,094
to occur? Because on that basis, you could include requirements for

727
00:43:08,154 --> 00:43:08,834
various other-

728
00:43:10,610 --> 00:43:14,250
legal matters that the applicant will have to comply with

729
00:43:14,310 --> 00:43:16,910
anyway due to other regulatory regimes or the like.

730
00:43:17,670 --> 00:43:18,850
No, thank you. Just thought I'd ask.

731
00:43:19,910 --> 00:43:22,710
Lincolnshire, I can see you've got your hand up online.

732
00:43:24,690 --> 00:43:27,290
Joel Semakula, Lincolnshire County Council.

733
00:43:28,350 --> 00:43:30,070
Madam, two brief points. The first is,

734
00:43:31,350 --> 00:43:34,770
we say that relying on the commercial realities here does not provide the county

735
00:43:34,830 --> 00:43:36,810
council with sufficient protection given

736
00:43:37,890 --> 00:43:41,550
some of the potential concerns that it's identified, particularly in relation to,

737
00:43:41,630 --> 00:43:45,610
for example, preliminary works, which in our experience can

738
00:43:45,650 --> 00:43:46,670
be harmful.

739
00:43:47,530 --> 00:43:51,250
And we have seen, I think we directed the XA to, for

740
00:43:51,290 --> 00:43:52,470
example, the Springwell,

741
00:43:53,590 --> 00:43:57,250
to language proposed in the Springwell DCO dealing with this

742
00:43:57,270 --> 00:43:58,150
particular issue.

743
00:43:59,050 --> 00:44:01,370
And so we'd direct you there again.

744
00:44:01,390 --> 00:44:03,690
And so given that potential impact,

745
00:44:04,690 --> 00:44:08,630
in our submission, we do meet that test of being reasonably necessary

746
00:44:08,710 --> 00:44:11,050
in the planning context, and so we'll continue to push

747
00:44:12,550 --> 00:44:15,570
for this particular pre-commencement requirement,

748
00:44:16,570 --> 00:44:19,410
and hope we can persuade the XA that it is

749
00:44:20,250 --> 00:44:23,890
necessary for the purpose of granting if you are minded to recommend the grant of

750
00:44:23,930 --> 00:44:24,430
this DCO.

751
00:44:26,290 --> 00:44:30,250
Thank you. Does anybody else, online or in the room, have any comments?

752
00:44:31,990 --> 00:44:35,850
No. I'll move on to bullet number six of agenda

753
00:44:35,930 --> 00:44:39,850
item three. I'm going to ask a range of questions

754
00:44:39,910 --> 00:44:43,450
now in respect of the draft DCO, mainly to the applicant, although I think there

755

00:44:43,490 --> 00:44:46,150
might be a few to Lincolnshire County Council as well.

756
00:44:46,650 --> 00:44:50,590
If anybody else does want to come in with comments or questions, in the room or

757
00:44:51,630 --> 00:44:53,790
online, please let me know.

758
00:44:54,670 --> 00:44:58,310
It is also likely that further questions on the drafting of

759
00:44:58,990 --> 00:45:02,410
the draft DCO will be included in our second round of

760
00:45:02,470 --> 00:45:05,850
questions, which will be issued on the 11th of December.

761
00:45:07,170 --> 00:45:10,890
So if we move to the actual DCO part one, preliminary

762
00:45:10,990 --> 00:45:13,110
article two, which is interpretation.

763
00:45:13,990 --> 00:45:17,570
I think this might just be an error that's happened

764
00:45:18,390 --> 00:45:22,110
following the insertion of Schedule Nine into the draft DCO at

765
00:45:22,150 --> 00:45:23,010
deadline three.

766
00:45:23,850 --> 00:45:27,230
The previous Schedule 11 documents and plans to be

767
00:45:27,290 --> 00:45:30,170
certified has been updated to Schedule 12.

768
00:45:30,990 --> 00:45:34,930

Please could I ask the applicant to review the draft DCO to cross-check

769
00:45:34,990 --> 00:45:35,110
that

770
00:45:36,230 --> 00:45:40,090
all of the Schedule 11 references have now been changed

771
00:45:40,630 --> 00:45:43,670
to Schedule 12. That is just a drafting

772
00:45:45,170 --> 00:45:45,570
issue.

773
00:45:46,430 --> 00:45:49,430
If we look at part two, principal powers, so

774
00:45:50,050 --> 00:45:53,970
article 3 (2) , development consent, et cetera, granted by

775
00:45:54,010 --> 00:45:57,050
this order, and Article 6 (1) , limits of

776
00:45:57,150 --> 00:45:58,090
deviation.

777
00:45:58,990 --> 00:46:02,890
So Article 3 (2) provides that each numbered work must remain

778
00:46:02,930 --> 00:46:05,510
within its corresponding numbered works areas.

779
00:46:06,490 --> 00:46:10,250
Article 6 (1) provides that certain works may deviate

780
00:46:10,970 --> 00:46:14,630
within the applicable limits of deviation and further states that the

781
00:46:14,690 --> 00:46:18,610

undertaker may carry out the authorized development anywhere within the

782
00:46:18,670 --> 00:46:19,490
order limits.

783
00:46:20,830 --> 00:46:24,650
I suppose our question is whether the current drafting creates

784
00:46:24,830 --> 00:46:28,750
a potential conflict between the spatial controls established by Article

785
00:46:29,110 --> 00:46:32,910
3 (2) and the flexibility granted under Article 6

786
00:46:32,910 --> 00:46:33,270
(1)

787
00:46:34,789 --> 00:46:37,790
. As we see it, potentially, unless carefully

788
00:46:38,330 --> 00:46:42,090
confined, there is the potential that the wording in Article

789
00:46:42,450 --> 00:46:45,650
6 (1) risks undermining Article 3 (2)

790
00:46:47,109 --> 00:46:48,530
. So we think that

791
00:46:50,030 --> 00:46:53,530
the AXA considers that the current drafting could be interpreted in two

792
00:46:53,630 --> 00:46:57,370
ways. Firstly, Article 6 allows only the identified

793
00:46:57,470 --> 00:47:01,250
overhead line, underground cable, and non-linear works to

794

00:47:01,310 --> 00:47:04,790
move within their applicable limits of deviation, or the

795
00:47:04,830 --> 00:47:08,690
concluding works permit the whole of the authorized development to be

796
00:47:08,750 --> 00:47:12,350
carried out anywhere within the order limits, which would obviously substantially

797
00:47:12,410 --> 00:47:15,530
dilute the purpose of the numbered work areas.

798
00:47:18,350 --> 00:47:21,910
We would like the applicant to review both of these articles, and

799
00:47:21,950 --> 00:47:25,590
consideration should be given to whether it would be necessary to redraft to ensure

800
00:47:25,670 --> 00:47:29,489
each relevant work may only deviate within the limits of deviation

801
00:47:29,549 --> 00:47:33,110
shown for that work and within its corresponding numbered works

802
00:47:33,230 --> 00:47:37,070
areas and with the order limits and subject to obviously applicable design

803
00:47:37,110 --> 00:47:40,930
parameters and requirements. I appreciate that is a lot to take in now.

804
00:47:41,590 --> 00:47:45,330
Do you have any comments or do you want to take that one away and have a think

805
00:47:45,390 --> 00:47:45,850
about it?

806

00:47:46,550 --> 00:47:50,130
Taylor Power for the applicant. I take the point made by the examining

807
00:47:50,190 --> 00:47:54,030
authority and I can see how there might be some lack of clarity there.

808
00:47:54,090 --> 00:47:57,530
So yes, I think we'll take that away and see whether that could be resolved by

809
00:47:57,590 --> 00:48:01,510
amendments or appropriate cross-referencing between the articles

810
00:48:01,530 --> 00:48:03,750
to ensure that they work closely together.

811
00:48:05,170 --> 00:48:07,870
Thank you. I'll turn to Lincolnshire too, if you've got any comments.

812
00:48:08,150 --> 00:48:11,950
I appreciate that was a lot to take in and you may need

813
00:48:12,050 --> 00:48:12,310
to

814
00:48:13,790 --> 00:48:14,310
re-watch.

815
00:48:19,150 --> 00:48:20,930
Joel Semakula for Lincolnshire County Council.

816
00:48:21,590 --> 00:48:25,070
Madam, I have nothing immediately to respond on that, and it's a point on which

817
00:48:25,110 --> 00:48:27,250
we'll have to give some thought and may return with

818
00:48:28,290 --> 00:48:29,250

our comments.

819
00:48:30,310 --> 00:48:31,870
Thank you. Did you have any?

820
00:48:33,430 --> 00:48:34,390
Nothing additional. Thank you.

821
00:48:34,530 --> 00:48:34,790
Great.

822
00:48:35,590 --> 00:48:35,830
If we

823
00:48:37,010 --> 00:48:40,550
move on to article or staying with Article 6, limits of deviation.

824
00:48:42,050 --> 00:48:45,850
A standalone limits of deviation article is not generally a common feature

825
00:48:45,890 --> 00:48:47,930
within other made solar DCOs.

826
00:48:48,950 --> 00:48:52,930
Other made DCOs generally secure flexibility through a combination of

827
00:48:52,970 --> 00:48:56,850
numbered work areas, works plans, maximum design parameters, detailed

828
00:48:56,870 --> 00:48:58,490
design parameters, et cetera.

829
00:48:59,510 --> 00:49:02,670
The question we have to the applicant is whether the inclusion of this article

830
00:49:02,690 --> 00:49:06,390
would provide a broader development envelope than is typically

831
00:49:06,430 --> 00:49:08,330
secured within solar DCOs.

832
00:49:09,890 --> 00:49:13,610
I note the content of the explanatory memorandum, but can you provide

833
00:49:13,770 --> 00:49:16,650
further justification for why Article 6 is required, please?

834
00:49:18,402 --> 00:49:20,042
Yes, Taylor Power for the applicant.

835
00:49:20,802 --> 00:49:24,702
So Article 6 was drafted in reference rather than to

836
00:49:24,762 --> 00:49:28,722
solar DCOs, but to other overhead line DCOs, and

837
00:49:28,762 --> 00:49:32,562
that's because the limits of deviation approach

838
00:49:32,622 --> 00:49:36,202
that's adopted in respect of the overhead lines and the underground cables within

839
00:49:36,242 --> 00:49:36,802
the scheme.

840
00:49:37,842 --> 00:49:41,822
The approach taken to drafting the works plans and the land plans for

841
00:49:41,882 --> 00:49:45,422
those types of features have adopted the National Grid's standard

842
00:49:45,462 --> 00:49:49,362
approach. And so we wanted to ensure that the article that sat within

843
00:49:49,402 --> 00:49:52,862

the DCO that interacted with those works plans and land plans

844
00:49:54,522 --> 00:49:58,102
similarly mirrored that National Grid approach, and

845
00:49:58,162 --> 00:49:59,302
ensured that the--

846
00:50:01,222 --> 00:50:04,422
I don't propose to bring it up on screen, but if you're familiar with the grid

847
00:50:04,482 --> 00:50:08,302
connection route works plans for the scheme, the dotted line

848
00:50:08,342 --> 00:50:12,002
limits of deviation that show where the pylons and the conductor

849
00:50:12,102 --> 00:50:15,122
swing can occur within for the grid connection route

850
00:50:15,982 --> 00:50:17,522
is controlled by an

851
00:50:18,662 --> 00:50:20,522
article that sits within the DCO itself.

852
00:50:20,582 --> 00:50:23,622
So that's the source of this limits of deviation.

853
00:50:24,582 --> 00:50:28,442
The reason why it's not another made solar DCOs is because there aren't other

854
00:50:28,502 --> 00:50:32,322
made solar DCOs with an INCEP scale overhead line scheme

855
00:50:32,502 --> 00:50:33,902
as in this project.

856
00:50:34,702 --> 00:50:35,302

And so

857
00:50:36,242 --> 00:50:40,202
it's a slightly novel area for solar DCOs, but we don't consider it a

858
00:50:40,242 --> 00:50:43,122
novel area for overhead line INCEPs.

859
00:50:44,122 --> 00:50:47,582
Thank you. That's helpful. Lincolnshire County Council, have you got any comments

860
00:50:47,642 --> 00:50:48,482
on that approach?

861
00:50:52,062 --> 00:50:53,782
George Samakula, Lincolnshire County Council.

862
00:50:54,642 --> 00:50:57,102
Madam, we understand the applicant's explanation there, and we have no comments on

863
00:50:57,142 --> 00:50:57,422
that.

864
00:50:59,302 --> 00:51:02,902
Thank you. Staying with Article 6 again, we note the introduction of

865
00:51:03,082 --> 00:51:06,762
nonlinear works at deadline three into Article

866
00:51:06,842 --> 00:51:07,362
six.

867
00:51:11,182 --> 00:51:15,142
In respect of the amendments made to Article 6, we do consider there is

868
00:51:15,182 --> 00:51:18,762
some uncertainty in respect of this term and question whether it's sufficiently

869
00:51:18,802 --> 00:51:19,422
precise.

870
00:51:20,722 --> 00:51:23,702
Is there actual definition of nonlinear works?

871
00:51:24,842 --> 00:51:28,622
I can work out what a nonlinear work is, obviously, but

872
00:51:28,881 --> 00:51:32,862
there doesn't appear to be a definition provided, and it

873
00:51:32,902 --> 00:51:33,762
might be useful.

874
00:51:35,122 --> 00:51:38,442
Taylor Power for the applicant. No, that's taken in respect to the DCO.

875
00:51:38,862 --> 00:51:40,402
Where this came from was the

876
00:51:41,542 --> 00:51:45,422
end cross-referencing to the works plans, particularly

877
00:51:45,462 --> 00:51:48,582
the description of the cable sealing and compounds within the

878
00:51:49,342 --> 00:51:52,262
grid connection route section of the works plans

879
00:51:53,202 --> 00:51:54,922
captures those as nonlinear work.

880
00:51:54,962 --> 00:51:58,342
So it was sought to align the language between the works plans

881
00:51:58,942 --> 00:52:02,702
and the DCO. But I do take the point that perhaps we need to

882
00:52:02,742 --> 00:52:06,542
ensure there's also a further definition within the DCO itself, to

883
00:52:06,622 --> 00:52:10,542
appropriately capture what we mean by nonlinear works for the purposes of this

884
00:52:10,602 --> 00:52:11,342
article. So,

885
00:52:12,162 --> 00:52:15,362
I can go away and consider that, whether we need a further definition there.

886
00:52:15,602 --> 00:52:19,462
I think that would just be useful for those who aren't maybe as familiar

887
00:52:20,242 --> 00:52:21,462
with the documents.

888
00:52:21,702 --> 00:52:21,942
Yeah.

889
00:52:22,002 --> 00:52:23,122
Lincolnshire, is there anything

890
00:52:24,422 --> 00:52:25,042
from yourselves?

891
00:52:26,122 --> 00:52:28,022
George Samakula, Lincolnshire County Council.

892
00:52:28,202 --> 00:52:31,822
Madam, we'd welcome the introduction of a definition to increase the

893
00:52:31,862 --> 00:52:33,942
clarity in respect of this particular article.

894
00:52:34,022 --> 00:52:36,802
So we'd support the approach as advised by the EXA.

895
00:52:37,922 --> 00:52:41,882
Thank you. I was going to move on to works number 14, which

896
00:52:41,962 --> 00:52:42,062
is

897
00:52:43,922 --> 00:52:47,802
quite lengthy. So what I'm proposing now is that we adjourn for

898
00:52:48,042 --> 00:52:50,582
a 20-minute break. So if we

899
00:52:50,642 --> 00:52:54,362
come back at a quarter past

900
00:52:54,642 --> 00:52:58,222
11. So this hearing is now adjourned till

901
00:52:58,462 --> 00:53:00,722
quarter past 11. Thank you.