Planning Inspectorate
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Hearing Transcript

Project:	Meridian Solar Farm
Hearing:	Issue Specific Hearing 2 (ISH2) – Part 2
Date:	10 November 2026

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

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1
00:00:03,920 --> 00:00:07,440
It's now 11:15, and time to reconvene

2
00:00:07,720 --> 00:00:11,440
the DCO hearing. So we're going to turn to works number

3
00:00:11,520 --> 00:00:15,460
14, turning to the applicant. We note the answers that

4
00:00:15,520 --> 00:00:19,100
you'd given at EXQ 7.2.4 in respect of this

5
00:00:19,160 --> 00:00:22,480
matter and previous information you provided.

6
00:00:23,300 --> 00:00:26,780
But if possible, at this point, we'd like you to be specific and
confirm what

7
00:00:26,840 --> 00:00:30,640
design uncertainty remains and what limits could be

8
00:00:30,680 --> 00:00:34,380
introduced into the description of works number 14 to provide

9
00:00:34,600 --> 00:00:38,120
greater certainty and control over the development that could

10
00:00:38,200 --> 00:00:41,940
ultimately be constructed. We do understand that you are seeking

11
00:00:41,980 --> 00:00:45,540
flexibility in works number 14 as the detailed design has

12
00:00:46,180 --> 00:00:48,320
not yet been finalized.

13
00:00:49,840 --> 00:00:53,400
But as we've previously discussed, the current wording permits the

construction of

14
00:00:53,460 --> 00:00:55,160
a new overhead line, underground

15
00:00:56,700 --> 00:01:00,380
transmission cables, or combination of both.

16
00:01:02,140 --> 00:01:06,060
Yeah, so we'd just like you to maybe revisit it, and just

17
00:01:06,120 --> 00:01:06,640
give us

18
00:01:07,760 --> 00:01:11,620
the specifics about where the uncertainty remains in regards to

19
00:01:11,660 --> 00:01:12,900
work number 14, please.

20
00:01:14,180 --> 00:01:16,020
Yes. Taylor Power for the applicant.

21
00:01:16,660 --> 00:01:20,400
Yes, so agree that this has been a point that's been worked through
the various

22
00:01:20,440 --> 00:01:21,800
deadlines to date.

23
00:01:22,700 --> 00:01:26,320
And where, I suppose, the ongoing complexity in respect

24
00:01:26,420 --> 00:01:30,220
of that design is also this

25
00:01:30,260 --> 00:01:33,860
relates to the predominant pinch point with National Grid
electricity

26
00:01:33,920 --> 00:01:36,480

transmissions infrastructure for Grimsby to Walpole.

27
00:01:36,820 --> 00:01:39,400
And so, the tension that the applicant is

28
00:01:41,120 --> 00:01:43,480
carrying through this is ensuring that

29
00:01:43,580 --> 00:01:47,520
the environmentally worst case scenario

30
00:01:47,560 --> 00:01:50,560
that's been assessed in the ES, and which I understand is also going to be the

31
00:01:50,880 --> 00:01:53,660
focus of some of the discussion at the issue-specific hearing tomorrow,

32
00:01:53,720 --> 00:01:57,620
particularly in respect to landscape and visual effects, that that is clearly

33
00:01:57,660 --> 00:02:01,260
enough stated within the work number and within the design

34
00:02:01,300 --> 00:02:05,220
parameters that relate to the work number, while also providing

35
00:02:05,240 --> 00:02:06,520
the flexibility for

36
00:02:07,340 --> 00:02:11,320
National Grid and the applicant to agree that final

37
00:02:11,360 --> 00:02:13,140
detailed design through this pinch point,

38
00:02:14,060 --> 00:02:17,840
once National Grid is ready and willing to engage in the

39

00:02:17,880 --> 00:02:21,220
progression of its scheme, the Grimsby to Walpole scheme, has progressed far

40
00:02:21,260 --> 00:02:25,240
enough that there's certainty on both sides as to the design through this area.

41
00:02:25,360 --> 00:02:28,600
So that's the purpose behind the

42
00:02:29,620 --> 00:02:31,480
approach to date. The

43
00:02:32,480 --> 00:02:34,500
controls that are in place already,

44
00:02:35,480 --> 00:02:39,120
there are design parameters that have been included within the design

45
00:02:39,160 --> 00:02:42,360
parameters document, and there's been addition to that in respect of

46
00:02:43,000 --> 00:02:44,900
interactions with the Wykeham Chapel.

47
00:02:46,240 --> 00:02:47,720
The applicant would also note that

48
00:02:48,620 --> 00:02:52,340
once the final connection solution's been determined through that detailed

49
00:02:52,380 --> 00:02:52,900
design,

50
00:02:53,920 --> 00:02:57,880
the landowner rights required will reflect that solution, so that there is

51
00:02:57,920 --> 00:02:59,460

controls in the sense that

52
00:03:00,300 --> 00:03:02,660
the Article 5 requires

53
00:03:03,880 --> 00:03:07,540
effects no worse than those that have been assessed within the ES to be

54
00:03:09,160 --> 00:03:11,460
undertaken by the final operation of the scheme.

55
00:03:11,740 --> 00:03:15,620
And also, the compulsory acquisition articles only permit acquisition in

56
00:03:15,640 --> 00:03:19,480
this area to the extent that so much of the land is

57
00:03:19,500 --> 00:03:22,140
required to facilitate the authorized development.

58
00:03:22,500 --> 00:03:26,420
So to the extent there are options and routes through that final

59
00:03:26,480 --> 00:03:29,400
work number 14 around the farm and the center of,

60
00:03:30,920 --> 00:03:34,640
for lack of a better phrase, the kind of donut of the work number 14,

61
00:03:36,080 --> 00:03:38,540
the applicant would only be able to take that land

62
00:03:39,420 --> 00:03:41,120
that needed for the connection route.

63
00:03:41,440 --> 00:03:44,500
So there's not a scenario in which it could take both

64

00:03:45,200 --> 00:03:46,920
directions surrounding the farm.

65
00:03:48,460 --> 00:03:50,620
Saying that, I think in reflection of the

66
00:03:51,700 --> 00:03:55,400
inputs from the examining authority and also from the local councils on this point

67
00:03:55,480 --> 00:03:59,420
and National Grid, the applicant is thinking about

68
00:03:59,520 --> 00:04:02,920
how further design parameters could be added

69
00:04:02,980 --> 00:04:06,860
into the design parameters document, perhaps in the form of an addendum to that

70
00:04:06,900 --> 00:04:08,240
document, which

71
00:04:09,080 --> 00:04:10,700
indicates where the

72
00:04:11,520 --> 00:04:15,400
possible locations for infrastructure like cable sealing and

73
00:04:15,460 --> 00:04:18,339
compounds could be located within that area

74
00:04:19,440 --> 00:04:21,500
due to the interactions with National Grid.

75
00:04:21,839 --> 00:04:25,300
And whether those could be more clearly delineated within the work number

76
00:04:25,340 --> 00:04:29,020
14 area via an update to the design parameters

77
00:04:29,080 --> 00:04:32,900
document, just to provide that certainty and

78
00:04:32,960 --> 00:04:33,080
the

79
00:04:35,740 --> 00:04:39,620
greater ease for the local planning authority when it comes to the sign-off

80
00:04:39,660 --> 00:04:42,540
of the final detailed design for works in this area.

81
00:04:43,060 --> 00:04:46,860
That the ultimate worst case that has been assessed within the ES is

82
00:04:49,600 --> 00:04:53,020
being complied with by the final design, because we do understand that

83
00:04:53,860 --> 00:04:57,740
it's not the case of saying, "This one route is the worst case."

84
00:04:59,180 --> 00:05:00,800
So I think that's the applicant's

85
00:05:01,880 --> 00:05:04,680
response in the sense that we acknowledge the concern.

86
00:05:05,100 --> 00:05:08,740
We are intending on coming back with some further design parameters

87
00:05:09,120 --> 00:05:10,980
at the next deadline and presenting those.

88
00:05:11,040 --> 00:05:14,280
And I don't want to get into the detail of what those are, because I think those

89
00:05:14,300 --> 00:05:18,120
are largely led by the landscape and visual matters

90
00:05:18,280 --> 00:05:20,880
and the design matters, and I don't have that team with me today.

91
00:05:21,360 --> 00:05:25,220
But I think that's the applicant's proposal in respect of how we

92
00:05:25,260 --> 00:05:28,820
might further constrain work number 14, just to give the examining

93
00:05:28,840 --> 00:05:32,720
authority and relevant planning authorities comfort that we're not going to put in

94
00:05:32,760 --> 00:05:36,740
place a design here that presents effects far beyond what have been assessed in the

95
00:05:36,820 --> 00:05:37,180
ES.

96
00:05:38,240 --> 00:05:41,740
Thank you. That's useful. Said there will be a lot of overlap this week.

97
00:05:41,900 --> 00:05:42,160
I think

98
00:05:44,480 --> 00:05:48,340
when we look at work number 14, the concern we have is about the wording

99
00:05:48,420 --> 00:05:48,860
and/or.

100
00:05:49,940 --> 00:05:53,280
And it is not our position to tell you, obviously, how to

101
00:05:53,880 --> 00:05:56,620
draft your DCO. But

102

00:05:57,820 --> 00:06:00,100
we are concerned. We will just refer to it as a donut.

103
00:06:00,160 --> 00:06:03,280
We have been doing so since issue specific one when you called it that as well.

104
00:06:03,540 --> 00:06:06,360
So our concern is if

105
00:06:07,592 --> 00:06:10,272
The Secretary of State was to grant consent, that we would end up with development

106
00:06:10,372 --> 00:06:14,212
on both sides. You have just said that that

107
00:06:14,312 --> 00:06:15,192
is not

108
00:06:16,172 --> 00:06:18,552
what you are proposing. Am I correct in... Yeah.

109
00:06:18,912 --> 00:06:22,472
So, I suppose we're looking at what controls there can be to

110
00:06:22,692 --> 00:06:23,012
stop

111
00:06:24,072 --> 00:06:27,932
that, to make sure there's certainty that work number 14

112
00:06:28,312 --> 00:06:31,092
doesn't... It's the and/or wording that we have the concern.

113
00:06:31,372 --> 00:06:32,612
Whether consideration can be

114
00:06:33,452 --> 00:06:37,352
given to splitting it into A and B works, I

115

00:06:37,392 --> 00:06:41,332
don't know. That is obviously, you are looking at that, and we

116
00:06:41,372 --> 00:06:44,632
are grateful for that. But we do have currently the wording is

117
00:06:45,632 --> 00:06:47,412
not sitting particularly comfortably.

118
00:06:48,472 --> 00:06:51,272
Yes. Taylor Power for the applicant. Yes, I understand that point.

119
00:06:51,532 --> 00:06:55,252
And I think there's a distinction there in respect of

120
00:06:55,372 --> 00:06:58,652
and/or when it comes to overhead and/or

121
00:06:58,732 --> 00:07:02,112
underground, because the reason for the use of and/or in that

122
00:07:02,172 --> 00:07:05,352
circumstance is that it might be a combination of both-

123
00:07:05,432 --> 00:07:05,492
Mm

124
00:07:05,971 --> 00:07:08,292
... overhead and underground in work number 14.

125
00:07:08,952 --> 00:07:09,352
But

126
00:07:10,512 --> 00:07:14,292
the intention is not at all that it's and/or in respect

127
00:07:14,392 --> 00:07:17,733
of the left route around the farm or the right-hand- Right

128
00:07:17,811 --> 00:07:21,492
... route around the farm. And so, it may be that we could include

129
00:07:21,552 --> 00:07:25,372
parameters within the design parameters that make it clear that only one of the

130
00:07:25,432 --> 00:07:27,572
routes around the farm could be undertaken.

131
00:07:28,252 --> 00:07:32,232
And so, the applicant will give further thought to that and respond in writing

132
00:07:32,272 --> 00:07:34,292
with some suggested parameters if that would assist.

133
00:07:34,332 --> 00:07:35,212
But if there were any other

134
00:07:37,252 --> 00:07:40,872
elements of that optionality that the examining authority had concern

135
00:07:40,932 --> 00:07:44,432
with that it would like us to consider in the development of those

136
00:07:44,472 --> 00:07:48,012
parameters, other than those that have already been put to the applicant in writing

137
00:07:48,392 --> 00:07:48,892
to date,

138
00:07:50,312 --> 00:07:54,132
we can take that into account as we prepare something for Dev 4 and understand

139
00:07:54,192 --> 00:07:54,312
if

140
00:07:55,232 --> 00:07:58,852
that might be discussed in more detail tomorrow at the issue specific hearing.

141
00:07:59,852 --> 00:08:03,772
No, thank you. That's useful. If we have any further thought on that this week,

142
00:08:03,852 --> 00:08:07,772
we will verbally obviously let you know, and if necessary, we will put it

143
00:08:07,812 --> 00:08:10,092
into ExQ too as well. But thank you.

144
00:08:11,832 --> 00:08:15,672
Over to anybody else on comments on work number 14 from what you've heard or any

145
00:08:16,911 --> 00:08:18,552
other views on work number 14?

146
00:08:31,012 --> 00:08:32,512
Justine Foster for Lincolnshire County Council.

147
00:08:32,533 --> 00:08:33,913
There's nothing else further at this stage.

148
00:08:34,372 --> 00:08:36,832
There are perhaps some points that will be picked up when we start looking at the

149
00:08:36,872 --> 00:08:39,812
landscape section at the subsequent DISH.

150
00:08:40,033 --> 00:08:40,972
Thank you.

151
00:08:41,012 --> 00:08:44,532
Thank you. If we move on to Schedule 2 requirements, if we look at

152
00:08:44,572 --> 00:08:47,712
Requirement 5, which is detailed design approval.

153

00:08:49,812 --> 00:08:53,792
The applicant in response to ExQ 7.3.5 stated

154
00:08:53,852 --> 00:08:57,652
it did not consider it necessary to list Lincolnshire County Council

155
00:08:58,112 --> 00:09:02,072
as the local highway authority as a consultee under Requirement 5.

156
00:09:02,892 --> 00:09:06,112
You explained that this was because by doing so would duplicate existing

157
00:09:06,152 --> 00:09:06,892
controls.

158
00:09:08,732 --> 00:09:12,392
Given the scope of Requirement 5, I'd like to turn to Lincolnshire County

159
00:09:12,472 --> 00:09:16,132
Council. I think you've already said that you have some

160
00:09:16,192 --> 00:09:20,112
concerns about consultees, yourselves as consultees

161
00:09:20,172 --> 00:09:22,312
for Requirement 5. Was it 3 and

162
00:09:23,152 --> 00:09:26,772
20? Was I correct on... Yeah. So turning back to

163
00:09:26,812 --> 00:09:30,672
Requirement 5, is it still the case that you wish to

164
00:09:30,712 --> 00:09:33,392
be a consultee on this requirement?

165
00:09:36,212 --> 00:09:39,472
Joel Samakukoro, Lincolnshire County Council. Yes, madam, that's right.

166
00:09:39,472 --> 00:09:43,412
It was 3, 5, and 20. And 5 remains one of the ones in which we wish to

167
00:09:43,452 --> 00:09:44,372
be added as a consultee.

168
00:09:47,072 --> 00:09:51,052
Thank you. Does the applicant have any further comments on

169
00:09:51,952 --> 00:09:52,692
that request?

170
00:09:54,032 --> 00:09:57,752
Taylor Power for the applicant. The applicant's happy to discuss this further with

171
00:09:57,772 --> 00:09:59,372
the county council. But yes,

172
00:10:00,312 --> 00:10:03,552
the position is that the details set out within

173
00:10:04,992 --> 00:10:08,752
the list within paragraph one of Requirement 5

174
00:10:09,412 --> 00:10:11,272
doesn't include highways matters.

175
00:10:11,292 --> 00:10:15,272
It includes accesses off highways and accesses within the sites

176
00:10:15,292 --> 00:10:19,212
and parking within the sites. But the highways matters are instead controlled

177
00:10:19,252 --> 00:10:23,012
by the street works provision. So it's on that basis that the

178
00:10:23,072 --> 00:10:26,932
applicant considers the local highways authority has appropriate

input and

179
00:10:26,992 --> 00:10:30,672
approval over highways matters under all of the street works provisions in Part 2,

180
00:10:31,192 --> 00:10:33,532
and so it wouldn't need to be included here.

181
00:10:33,572 --> 00:10:37,552
But if there was other reasons by which the county council wanted to be included

182
00:10:37,612 --> 00:10:40,132
as a consultee other than highways matters,

183
00:10:41,032 --> 00:10:44,992
the applicant's happy to discuss that further with the county council team.

184
00:10:45,732 --> 00:10:47,512
Lincolnshire, you have your hand up.

185
00:10:49,172 --> 00:10:51,332
Yeah. Joel Samakukoro, Lincolnshire County Council.

186
00:10:52,092 --> 00:10:55,992
Madam, our position is that Requirement 5, it covers aspects such as

187
00:10:56,472 --> 00:10:59,352
the access points already mentioned, parking and circulation.

188
00:10:59,852 --> 00:11:02,152
These are matters that necessarily interact with our

189
00:11:03,052 --> 00:11:03,492
highway

190
00:11:04,392 --> 00:11:05,252
approvals. Now,

191

00:11:06,932 --> 00:11:09,492
we can see there, of course, that South Holland District Council has been listed as

192
00:11:09,572 --> 00:11:09,692
a

193
00:11:11,252 --> 00:11:15,152
consultee. We're quite happy to be consulted by

194
00:11:15,192 --> 00:11:17,912
them, but we just want it to be set out there on the face of the

195
00:11:17,952 --> 00:11:21,752
requirements. We also think this has the potential to affect the CTMP,

196
00:11:22,212 --> 00:11:25,552
and so we think it's important that LCC remains a consultee here.

197
00:11:27,932 --> 00:11:29,252
Thank you. While you're

198
00:11:30,152 --> 00:11:33,692
there, with regard to Requirements 3 and 20, what

199
00:11:34,232 --> 00:11:37,172
are the issues with those two requirements?

200
00:11:39,032 --> 00:11:42,032
The same point applies in that we're quite happy for the approach to be that

201
00:11:43,372 --> 00:11:46,052
we're consulted by South Holland District

202
00:11:46,972 --> 00:11:50,292
Council. But I guess in respect of Requirement 3, now that permits

203
00:11:50,612 --> 00:11:54,152
amendments to any approved document plan or scheme, including those

204
00:11:54,172 --> 00:11:57,972
that have been approved by the county council under other requirements.

205
00:11:58,072 --> 00:12:01,732
And so if there are going to be amendments to those, we wish to be consulted

206
00:12:02,252 --> 00:12:05,512
again by whichever mechanism the applicant deems most appropriate.

207
00:12:05,532 --> 00:12:09,180
And in respect of Requirement 20- There we have a requirement that

208
00:12:09,200 --> 00:12:12,900
relates to skills, supply chain, and employment.

209
00:12:12,980 --> 00:12:16,500
And that's an area in which we have a direct interest,

210
00:12:17,040 --> 00:12:17,220
as

211
00:12:18,080 --> 00:12:19,780
we'll address slightly later in the SISH.

212
00:12:19,860 --> 00:12:19,940
So

213
00:12:20,780 --> 00:12:24,740
that's why, in addition to the requirements, what we've already been added as

214
00:12:24,800 --> 00:12:28,000
a council team, we say these three should also be added to that list.

215
00:12:29,160 --> 00:12:32,800
Thank you. In respect of requirements three and

216
00:12:32,980 --> 00:12:35,400

20, does the applicant have any comments to make?

217
00:12:36,900 --> 00:12:40,800
Taylor Power for the applicant. No, I think the same comments apply as in

218
00:12:40,980 --> 00:12:43,660
respect of Article 5 when it comes to

219
00:12:44,820 --> 00:12:45,780
Requirement 5 as it

220
00:12:47,140 --> 00:12:50,660
responds to Requirement 3 in respect of the details.

221
00:12:51,880 --> 00:12:55,620
Because the detailed design for any highways interactions is still

222
00:12:55,660 --> 00:12:59,600
required to be approved by the local highways authority under the street works

223
00:12:59,660 --> 00:13:03,600
provisions. So it would then be the applicant's responsibility to ensure that

224
00:13:04,300 --> 00:13:08,160
its approved design under the street works provisions aligns with its approved

225
00:13:08,200 --> 00:13:11,580
design under Requirements 3 and 5.

226
00:13:11,620 --> 00:13:15,560
Or otherwise, it would be in breach of either 3 and 5 or the approved

227
00:13:15,580 --> 00:13:16,140
design in

228
00:13:17,380 --> 00:13:20,940
the street works provisions. And then in respect of Requirement

229
00:13:21,160 --> 00:13:24,680
20, the applicant understood that that

230
00:13:25,120 --> 00:13:28,360
element of the scheme more appropriately sat with South Holland District Council in

231
00:13:28,380 --> 00:13:32,140
respect of its capacity. But to the extent that Lincolnshire

232
00:13:32,200 --> 00:13:34,680
County Council wanted to have a conversation with an applicant about

233
00:13:35,560 --> 00:13:38,960
what elements of that plan it considers relevant to its remit,

234
00:13:39,120 --> 00:13:40,840
then we could discuss that further.

235
00:13:41,380 --> 00:13:45,340
But the applicant hadn't received justifications from the council yet as to

236
00:13:45,960 --> 00:13:49,300
why the elements within that plan fell within its remit rather than just its

237
00:13:49,340 --> 00:13:49,820
interest.

238
00:13:52,440 --> 00:13:56,380
Okay. If I could leave those for, obviously, discussions external to the

239
00:13:56,420 --> 00:13:59,680
hearing. Do you want to move on to Requirement 10?

240
00:13:59,700 --> 00:14:02,720
And it is again for Lincolnshire County Council.

241

00:14:03,620 --> 00:14:05,900
Requirement 10 is surface and foul water drainage.

242
00:14:06,460 --> 00:14:10,080
I'm just wanting to check whether Lincolnshire are content that the

243
00:14:10,120 --> 00:14:11,660
drafting of Requirement 10

244
00:14:12,600 --> 00:14:16,439
in respect of consultation with the LPA sufficiently covers the lead

245
00:14:16,499 --> 00:14:20,000
local flood authority, or do you require the wording to be more

246
00:14:20,040 --> 00:14:20,600
explicit?

247
00:14:22,160 --> 00:14:23,080
That's to Lincolnshire.

248
00:14:24,720 --> 00:14:26,440
Joel Semakula, Lincolnshire County Council.

249
00:14:27,340 --> 00:14:27,580
We

250
00:14:28,780 --> 00:14:32,700
weren't requesting any further amendments to the consultation
requirements under

251
00:14:32,720 --> 00:14:35,800
Requirement 10, so we're quite happy with the way it's currently
drafted.

252
00:14:37,240 --> 00:14:41,060
Thank you. To the applicant, are you... Yeah. Sounds like. Okay.

253
00:14:41,980 --> 00:14:45,660
If we move on to time periods within the draft DCO.

254

00:14:46,960 --> 00:14:50,740
Lincolnshire County Council raised some concern in respect of the proposed

255
00:14:50,800 --> 00:14:54,560
time periods within the draft DCO, in respect that some seem to be

256
00:14:54,620 --> 00:14:57,640
quite short in duration. At EXQ

257
00:14:57,940 --> 00:15:01,860
7.0.8, the applicant was asked to undertake a review of the

258
00:15:01,920 --> 00:15:05,800
timescales contained within the draft DCO and made,

259
00:15:06,600 --> 00:15:08,200
I think, three amendments, which you've already

260
00:15:09,040 --> 00:15:12,540
alluded to earlier when we were discussing the changes made to the draft DCO.

261
00:15:13,060 --> 00:15:16,520
Other time periods were considered to be consistent with other made

262
00:15:17,000 --> 00:15:20,380
solar DCOs, and as such, no changes were made.

263
00:15:20,720 --> 00:15:24,180
I'm just turning to Lincolnshire County Council again for your views on this,

264
00:15:24,640 --> 00:15:28,340
and whether the concerns regarding the time periods

265
00:15:28,480 --> 00:15:28,880
remain.

266
00:15:32,100 --> 00:15:34,420
Joel Semakula, Lincolnshire County Council.

267
00:15:35,480 --> 00:15:37,240
Madam, perhaps if I can take this article by

268
00:15:39,140 --> 00:15:43,040
requirement. On Article 47, this is of course, one of the areas

269
00:15:43,100 --> 00:15:43,500
where we

270
00:15:44,980 --> 00:15:48,880
welcome the increase in the period, particularly in Article 47 [4]

271
00:15:49,320 --> 00:15:52,400
from six to eight weeks in that deadline three draft.

272
00:15:52,820 --> 00:15:56,600
But we can still consider the period provided to be

273
00:15:56,660 --> 00:16:00,540
too short. Of course, our key concern here relates to the fact

274
00:16:00,600 --> 00:16:03,420
that under Article 47 [4]

275
00:16:04,479 --> 00:16:07,000
, it operates as a matter of deemed approval.

276
00:16:07,140 --> 00:16:10,060
So for us, the consequences of a period that is too short are

277
00:16:10,340 --> 00:16:13,680
significant. What we've requested here in Article 47 are 13-

278
00:16:15,940 --> 00:16:19,620
Oh. Oh. Power cut. I apologize. Thank you, County

279
00:16:19,700 --> 00:16:22,880
Council. You were cut off mid-conversation.

280
00:16:23,280 --> 00:16:26,740

We got to the point where you were discussing Article

281
00:16:27,400 --> 00:16:31,280
47 [4] about the deemed approval periods being too

282
00:16:31,320 --> 00:16:34,480
short in your view. Would you like to continue,

283
00:16:35,600 --> 00:16:35,920
please?

284
00:16:37,560 --> 00:16:39,780
Joel Semakula, Lincolnshire County Council.

285
00:16:40,320 --> 00:16:43,520
My hope is that power cut's not at all related to the strength of my submissions,

286
00:16:43,580 --> 00:16:47,280
but I'll keep going here. And I know what I'm

287
00:16:47,440 --> 00:16:51,080
going to do, I'll continue with Article 47 and I'll move on to a

288
00:16:51,339 --> 00:16:52,800
new Schedule 15.

289
00:16:54,360 --> 00:16:58,140
What we're requesting, and we continue to request 13 weeks, which

290
00:16:58,520 --> 00:17:02,160
is the period opted in the One Earth solar order.

291
00:17:02,760 --> 00:17:05,901
At the very least, one to see is consistency between the period

292
00:17:06,421 --> 00:17:09,780
provided here in Article 47 and the period provided

293
00:17:11,080 --> 00:17:14,681
for approvals under Schedule 15, that being discharge of

294
00:17:14,720 --> 00:17:18,641
requirements. To us, it seems as though obvious reason why these approval

295
00:17:18,700 --> 00:17:20,500
subjects were shorter period,

296
00:17:21,440 --> 00:17:22,040
and it's not

297
00:17:23,080 --> 00:17:26,720
sufficient engagement here for there's been ability to agree a longer

298
00:17:26,800 --> 00:17:30,700
period in writing. That's not an adequate substitute for an

299
00:17:30,740 --> 00:17:32,600
appropriate default period. So that's what we said.

300
00:17:32,640 --> 00:17:32,740
Now,

301
00:17:33,680 --> 00:17:35,600
47, and as far as

302
00:17:36,440 --> 00:17:40,260
Schedule 15 is concerned, here

303
00:17:40,760 --> 00:17:44,500
we welcome the increase in that submission period there in paragraph

304
00:17:45,300 --> 00:17:47,260
2 [2] from six to 10 weeks.

305
00:17:48,580 --> 00:17:52,280
But standing by our position of 13 weeks would be

306
00:17:52,560 --> 00:17:56,120
preferable, and also we welcome the increase in the consultation

period in

307
00:17:56,180 --> 00:17:59,960
paragraph 3 there to 20 working days, which

308
00:18:00,360 --> 00:18:01,580
we consider acceptable.

309
00:18:03,420 --> 00:18:06,600
Here again, we have, of course, the issue of deemed

310
00:18:07,020 --> 00:18:10,440
consent and the consequences that necessarily flow from that

311
00:18:11,532 --> 00:18:13,712
That's in relation to the time period.

312
00:18:13,772 --> 00:18:15,592
Madam, we do have another point

313
00:18:16,812 --> 00:18:19,112
relating to Schedule 15 as to

314
00:18:19,152 --> 00:18:23,132
determining when that time period, from when

315
00:18:23,152 --> 00:18:26,792
that time period runs. Is now the appropriate time to deal with that
or should

316
00:18:26,832 --> 00:18:30,472
you maintain our discussion around

317
00:18:30,772 --> 00:18:31,932
just the period itself?

318
00:18:32,132 --> 00:18:35,872
No, that seems a reasonable time to bring that discussion to the

319
00:18:35,932 --> 00:18:36,672
table. Please do.

320
00:18:38,432 --> 00:18:42,312
It's a practical point that's arisen for Lincolnshire County Council on other

321
00:18:42,692 --> 00:18:44,212
similar DCOs,

322
00:18:45,232 --> 00:18:48,112
which we hope the ExA will give some attention.

323
00:18:48,152 --> 00:18:51,932
It's namely in relation to when an application is to be treated as validly

324
00:18:52,012 --> 00:18:55,572
made. Now, I should say the applicant hasn't had a chance to consider this point

325
00:18:55,672 --> 00:18:55,832
yet.

326
00:18:57,132 --> 00:19:01,052
But our position is that the period should begin only once the

327
00:19:01,112 --> 00:19:05,072
application documents and the prescribed fee have

328
00:19:05,112 --> 00:19:08,492
both been received. So if we look at

329
00:19:08,992 --> 00:19:12,412
paragraph 2 [2] of Schedule 15,

330
00:19:12,812 --> 00:19:16,532
currently the period runs from the day after the application is

331
00:19:16,792 --> 00:19:20,312
received. And if we go further down there at paragraph

332
00:19:20,792 --> 00:19:23,992

5 [1] , that requires a fee to be paid for each application,

333
00:19:25,252 --> 00:19:29,112
and paragraph 5 [4] contemplates applications being rejected

334
00:19:29,512 --> 00:19:33,172
as invalidly made. Now, when we read these provisions together,

335
00:19:34,712 --> 00:19:38,652
we read them as meaning that an application is not duly made until a fee

336
00:19:39,212 --> 00:19:43,012
is paid. However, the order as currently drafted does not expressly say

337
00:19:43,072 --> 00:19:45,992
so. And for us, this concern is not theoretical.

338
00:19:46,352 --> 00:19:50,112
We have another scheme in Lincolnshire with virtually identical wording as that

339
00:19:50,452 --> 00:19:54,192
proposed by the applicant here, where we have a developer contending

340
00:19:54,632 --> 00:19:57,712
that the determination period runs from the submission of the application,

341
00:19:58,032 --> 00:20:01,392
irrespective of when the fee has been paid, and has

342
00:20:01,732 --> 00:20:05,272
indicated that it will indeed treat its application as deemed approved on that

343
00:20:05,672 --> 00:20:06,312
basis.

344
00:20:07,292 --> 00:20:11,052
We also have experience of fees being received several weeks

345
00:20:11,152 --> 00:20:11,972
after submission.

346
00:20:12,792 --> 00:20:16,592
And we end up in a situation where if officers work without the fee,

347
00:20:17,532 --> 00:20:21,452
the council incurs costs, potentially without a recovery, and

348
00:20:21,492 --> 00:20:25,352
must spend time chasing payment. And if they wait, then of course, a significant

349
00:20:25,712 --> 00:20:28,672
part of that determination period may be lost.

350
00:20:29,432 --> 00:20:33,012
If we look at other consenting regimes, so for example, the discharge of conditions

351
00:20:33,072 --> 00:20:36,792
under the TCPA 1990 or indeed,

352
00:20:37,612 --> 00:20:41,392
the submission of DCO applications themselves, payment of the fee

353
00:20:41,472 --> 00:20:43,132
forms part of the validation

354
00:20:44,492 --> 00:20:48,332
of an application. So what we're asking for in Schedule 15

355
00:20:48,412 --> 00:20:51,652
is that we make it explicit that an application is not to be treated as

356
00:20:51,712 --> 00:20:55,552
received, and the determination period does not begin until that application is

357

00:20:55,592 --> 00:20:59,452
accompanied by all required documents and the relevant fee has been

358
00:20:59,892 --> 00:21:03,772
paid. What we seek to do is to avoid disputes such as this, and we suggest this

359
00:21:03,852 --> 00:21:06,552
really is in the interest of both parties.

360
00:21:06,972 --> 00:21:09,792
And we're quite happy to provide that suggested drafting with our

361
00:21:09,852 --> 00:21:12,212
post-hearing submissions.

362
00:21:13,272 --> 00:21:15,472
And just to finish here, just a minor drafting point.

363
00:21:16,052 --> 00:21:19,852
The applicant may wish to be aware that if it looks at Article 10,8,

364
00:21:20,932 --> 00:21:24,752
47,3,4, and 6, these still refer to

365
00:21:24,792 --> 00:21:27,892
Schedule 14 as the procedure for the discharge of

366
00:21:28,152 --> 00:21:31,972
requirements. Although that schedule, of course, is now changed to number 15, so

367
00:21:31,992 --> 00:21:33,992
you may wish to correct those cross-references.

368
00:21:37,152 --> 00:21:40,212
Thank you. Does the applicant wish to respond to any of the points made?

369
00:21:41,772 --> 00:21:43,792
Thank you very much. Taylor Powell for the applicant.

370
00:21:45,692 --> 00:21:49,392
I think this is a matter that's probably best discussed between the applicant and

371
00:21:49,452 --> 00:21:53,432
the County Council. The applicant understands the points made by the County

372
00:21:53,512 --> 00:21:57,392
Council and wants to ensure that there is a clear process in place

373
00:21:57,452 --> 00:22:00,892
between the County Council and the undertaker when it comes to the discharge of

374
00:22:00,912 --> 00:22:03,552
requirements, so that we're not in positions of dispute.

375
00:22:04,072 --> 00:22:04,352
So,

376
00:22:05,632 --> 00:22:06,592
I think this might be one

377
00:22:07,412 --> 00:22:11,192
we look to set up a meeting on after the hearing and reflect this in the

378
00:22:11,332 --> 00:22:15,132
SOCG for the examining authority, just to see whether further amendments can be

379
00:22:15,192 --> 00:22:17,732
made to ensure that the process is clear for both sides.

380
00:22:19,592 --> 00:22:22,172
Thank you. Is that acceptable to Lincolnshire County Council?

381
00:22:24,112 --> 00:22:25,892
Joel Samakula, Lincolnshire County Council.

382

00:22:26,352 --> 00:22:29,571
Yes, we appreciate this is the first time the applicant's heard this, so that's

383
00:22:29,631 --> 00:22:30,251
acceptable to us.

384
00:22:31,631 --> 00:22:35,012
Thank you. Does anybody else have any comments on

385
00:22:35,092 --> 00:22:37,072
this agenda item, item

386
00:22:38,272 --> 00:22:38,632
three?

387
00:22:41,212 --> 00:22:41,352
No?

388
00:22:43,812 --> 00:22:47,732
Can I just flag that my screen keeps flickering on

389
00:22:47,772 --> 00:22:50,912
and off. I don't know whether that is anything to do with the power cut, so just to

390
00:22:50,952 --> 00:22:54,552
make everyone aware in the room. I don't know whether anyone else is having any

391
00:22:54,612 --> 00:22:58,052
issues or it's just mine, but just to be aware.

392
00:22:58,712 --> 00:23:00,672
Okay, if we move on to

393
00:23:01,832 --> 00:23:05,592
agenda item four, which is consents, licenses, and other agreements.

394
00:23:06,612 --> 00:23:09,532
I've reviewed the applicant's response to EXQ

395
00:23:09,792 --> 00:23:13,232
7.9.1. Thank you for the update, and I have no further

396
00:23:13,292 --> 00:23:17,012
questions. However, in respect of EXQ

397
00:23:17,332 --> 00:23:21,272
108, which asked about planning performance agreements, I notice

398
00:23:21,292 --> 00:23:24,472
that the PPAs exist with both local authorities in respect of the

399
00:23:24,532 --> 00:23:27,072
pre-examination and examination stages.

400
00:23:28,332 --> 00:23:31,952
To the applicant, can you clarify if there were any negotiations in respect of a

401
00:23:32,012 --> 00:23:35,132
PPA relating to the discharge of requirements should

402
00:23:35,172 --> 00:23:37,212
consent be granted, please?

403
00:23:40,612 --> 00:23:44,572
Taylor Powell for the applicant. No, negotiations haven't started on a PPA

404
00:23:44,652 --> 00:23:48,592
for post-consent, but it would be something the

405
00:23:48,632 --> 00:23:50,792
applicant is open to discussing with the councils if

406
00:23:51,892 --> 00:23:55,792
they would like a PPA to be entered into alongside the procedure that's set out in

407
00:23:55,852 --> 00:23:56,632
Schedule 15.

408
00:23:57,912 --> 00:23:58,072
Okay.

409
00:23:59,152 --> 00:24:02,412
I'm not suggesting that that is something that should be done.

410
00:24:02,472 --> 00:24:06,292
It's just I was asking the question whether or not negotiations were

411
00:24:06,352 --> 00:24:09,992
undertaken. Does Lincolnshire County Council have any comment to make

412
00:24:10,292 --> 00:24:10,932
on that issue?

413
00:24:15,344 --> 00:24:17,184
Justine Foster for Lincolnshire County Council.

414
00:24:18,044 --> 00:24:21,564
I'll just confirm we haven't had those discussions to date.

415
00:24:22,304 --> 00:24:26,244
But a PPA would be something that we would look to engage with you on, and

416
00:24:26,264 --> 00:24:29,524
we do have information on cost recovery we can signpost you to.

417
00:24:32,304 --> 00:24:36,244
Thank you. Does anybody have any other issues relating to consents,

418
00:24:36,364 --> 00:24:38,304
licenses, and other agreements at all?

419
00:24:41,104 --> 00:24:44,884
No. Okay, we'll move on to agenda item number five,

420
00:24:45,004 --> 00:24:48,544
which is other matters relating to the draft DCO. It's...

421
00:24:49,484 --> 00:24:50,204
Sorry, Lincolnshire?

422
00:24:52,444 --> 00:24:53,544
Joel Semukulu.

423
00:24:55,164 --> 00:24:57,244
Joel Semukulu, Lincolnshire County Council.

424
00:24:59,024 --> 00:24:59,844
Madam, there is,

425
00:25:00,764 --> 00:25:04,684
still on item four. Now, perhaps this is best covered in ISH4, but I just

426
00:25:04,724 --> 00:25:08,644
wanted to signpost it here. We, of course, do seek a planning obligation securing

427
00:25:09,044 --> 00:25:11,404
a skills and employment contribution.

428
00:25:12,364 --> 00:25:15,664
I can go into that in more detail here, or indeed, we can leave that for

429
00:25:15,724 --> 00:25:18,724
ISH4, if that would be the preferred place.

430
00:25:19,224 --> 00:25:23,044
I was going to discuss that at ISH4, so if we could just leave that

431
00:25:23,064 --> 00:25:26,464
point and we'll discuss it under, I think it's sitting under the socioeconomics

432
00:25:26,544 --> 00:25:27,304
agenda item.

433

00:25:28,704 --> 00:25:29,484
Yes, madam. That's fine.

434
00:25:30,424 --> 00:25:34,204
Thank you. Any other points on agenda item four?

435
00:25:35,624 --> 00:25:39,484
No. Move on to agenda item five, other matters relating to the draft

436
00:25:39,524 --> 00:25:39,964
DCO.

437
00:25:40,784 --> 00:25:44,264
I only have one issue I'd like to discuss at this point, and it's whether

438
00:25:44,304 --> 00:25:48,164
Lincolnshire County Council are happy that the draft DCO, as

439
00:25:48,204 --> 00:25:52,024
currently drafted, captures all the required maximum

440
00:25:52,144 --> 00:25:54,104
parameters of the proposed works.

441
00:25:57,444 --> 00:25:59,304
So over to Lincolnshire County Council.

442
00:26:01,304 --> 00:26:04,024
Joel Semukulu, Lincolnshire County Council. Yes, madam, we're happy.

443
00:26:04,524 --> 00:26:07,064
The department have no comments to make on this at this stage.

444
00:26:09,244 --> 00:26:13,144
Thank you. Are there any other comments in respect of the draft DCO

445
00:26:13,164 --> 00:26:16,664
that anyone wishes to make that haven't been covered to date this morning?

446

00:26:20,104 --> 00:26:23,884
No. So we will move on to agenda items

447
00:26:24,524 --> 00:26:27,944
six and seven, and I shall hand over to Mrs. Murphy.

448
00:26:30,464 --> 00:26:30,904
Thank you.

449
00:26:32,184 --> 00:26:35,704
We haven't been notified that anyone else wishes to raise any other matters

450
00:26:35,824 --> 00:26:39,524
at all, so before we close, can I check if there is anything else

451
00:26:40,304 --> 00:26:42,844
anyone wishes to raise on what we've discussed today?

452
00:26:44,204 --> 00:26:44,304
No.

453
00:26:46,224 --> 00:26:50,064
I have taken some action points, which I can run

454
00:26:50,084 --> 00:26:50,364
through.

455
00:26:51,984 --> 00:26:55,664
I have that Lincolnshire County Council are going to be providing some wording for

456
00:26:55,704 --> 00:26:58,144
a Grampian-style condition for works 14.

457
00:27:01,004 --> 00:27:04,904
I have the applicant is undertaking to look at the drafting issues following

458
00:27:04,944 --> 00:27:07,024
the insertions of Schedule 9,

459
00:27:08,164 --> 00:27:11,524
and taking away the point about the conflict between

460
00:27:11,604 --> 00:27:14,744
Articles 3 (2) and 6

461
00:27:14,744 --> 00:27:18,704
(1) , and that's also with Lincolnshire County Council as well.

462
00:27:20,884 --> 00:27:24,404
The applicant is going to look at providing a definition of non-linear works,

463
00:27:25,644 --> 00:27:29,544
and the applicant is also going to be providing consideration

464
00:27:30,184 --> 00:27:33,244
of how the design parameters will sit with the

465
00:27:33,724 --> 00:27:37,644
doughnut to prohibit works around both sides of Wolf Farm,

466
00:27:37,704 --> 00:27:38,904
if I've understood that correctly.

467
00:27:40,004 --> 00:27:43,964
And then lastly, I have Lincolnshire will be providing some draft wording with

468
00:27:43,984 --> 00:27:47,864
regards to the definition of validly made for Schedule

469
00:27:47,964 --> 00:27:48,584
15.

470
00:27:52,004 --> 00:27:55,924
I have a hand raised on the screen. Sorry, Ms. Lock?

471
00:27:58,704 --> 00:27:59,404
Hello. Yes.

472
00:28:00,464 --> 00:28:02,824
Liz Lock on behalf of the Environment Agency.

473
00:28:03,004 --> 00:28:06,924
Sorry I was slow to respond when you called for other

474
00:28:06,964 --> 00:28:07,544
matters.

475
00:28:08,504 --> 00:28:10,744
But can I just make a point now

476
00:28:11,704 --> 00:28:12,764
regarding other matters?

477
00:28:13,724 --> 00:28:14,984
Yes, please do. Go ahead.

478
00:28:15,384 --> 00:28:17,364
Right. Sorry I'm slow.

479
00:28:18,804 --> 00:28:20,484
Just a quick point regarding

480
00:28:21,304 --> 00:28:22,944
Article 33.

481
00:28:24,104 --> 00:28:27,904
I wanted to bring to your attention that we did respond to

482
00:28:28,604 --> 00:28:30,044
an examiner's question,

483
00:28:31,263 --> 00:28:34,124
and stated that we were satisfied with this article.

484
00:28:35,184 --> 00:28:36,943
But on further reflection, we are

485
00:28:38,164 --> 00:28:41,624

reviewing our position with regard to Article 33

486
00:28:43,483 --> 00:28:47,344
, as we do have Environment Agency land still within the order

487
00:28:47,404 --> 00:28:51,004
land, as shown on the Crown and Crown Land plans.

488
00:28:51,784 --> 00:28:54,924
That is specifically land parcels A1-1 and

489
00:28:54,984 --> 00:28:55,884
A1-2.

490
00:28:57,464 --> 00:29:01,304
And we're currently reviewing the implications of Article

491
00:29:01,464 --> 00:29:02,024
33

492
00:29:02,944 --> 00:29:06,764
on those parcels of land. But we will respond

493
00:29:07,084 --> 00:29:09,724
in writing at the next deadline,

494
00:29:10,664 --> 00:29:13,384
when we've resolved that dilemma. Thank you.

495
00:29:14,244 --> 00:29:17,584
Thank you. So I can just confirm that you'll be responding in writing at deadline

496
00:29:17,744 --> 00:29:18,064
four?

497
00:29:19,124 --> 00:29:19,824
That's correct, yes.

498
00:29:19,864 --> 00:29:20,124
Thank you.

499
00:29:20,144 --> 00:29:20,484
Thanks.

500
00:29:20,824 --> 00:29:21,544
I will add that

501
00:29:22,544 --> 00:29:25,404
also further to it as an action as well. Thank you.

502
00:29:29,884 --> 00:29:30,304
Thank you.

503
00:29:32,024 --> 00:29:35,644
So that now brings us to the end of this issue specific hearing on the draft

504
00:29:36,004 --> 00:29:39,964
DCO. Thank you for everybody who has taken part today, and I'll remind you

505
00:29:40,004 --> 00:29:43,924
that written summaries from those who have spoken today are invited for

506
00:29:43,964 --> 00:29:47,884
deadline four, which is the 27th of November, 2026.

507
00:29:48,844 --> 00:29:52,664
As you are aware, we have a compulsory acquisition hearing this afternoon,

508
00:29:52,724 --> 00:29:54,264
which commences at half past 2:00.

509
00:29:55,144 --> 00:29:59,084
So before we close, I would like to thank all of today's participants for

510
00:29:59,104 --> 00:30:02,164
their time and contributions. The time is now

511
00:30:02,244 --> 00:30:06,184
11:47, and this issue specific hearing is now closed.

512
00:30:06,644 --> 00:30:06,984
Thank you.