

Created by event.video

1

00:00:00.080 --> 00:00:03.400

So, I think, uh, it is now

2

00:00:04.000 --> 00:00:07.900

safe for me to, uh, say good morning and welcome

3

00:00:08.420 --> 00:00:12.060

everybody in the room and online to this, uh,

4

00:00:12.120 --> 00:00:15.820

slightly delayed, um, issue-specific

5

00:00:16.020 --> 00:00:19.940

hearing three on the draft development consent

6

00:00:20.040 --> 00:00:24.000

order for the Green Hills Farm project.

7

00:00:24.560 --> 00:00:27.600

Uh, could I just quickly confirm that everybody in the room can hear me

8

00:00:27.700 --> 00:00:31.200

clearly? Great, thank you. Um, and just could I have an

9

00:00:31.220 --> 00:00:34.720

indication from people online that, um, they can

10

00:00:34.800 --> 00:00:37.860

hear? And again, thank you for your patience in

11

00:00:37.920 --> 00:00:40.170

waiting. Yeah, that's great. Thank you.

12

00:00:41.380 --> 00:00:45.210

Um, and can I just also confirm with the case manager that the, uh,

13

00:00:45.210 --> 00:00:47.680

live streaming and recording has commenced?

14

00:00:47.700 --> 00:00:51.160

Thank you. Um, so my name is Mark

15

00:00:51.170 --> 00:00:54.820

Harrison. I am a planning inspector and a chartered town planner.

16

00:00:55.220 --> 00:00:58.740

I've been appointed by the Secretary of State to be the lead panel

17

00:00:58.780 --> 00:01:01.180

member, uh, to examine this

18

00:01:01.190 --> 00:01:02.960

application.

19

00:01:04.720 --> 00:01:06.300

Good morning. My name is Catherine Beeby.

20

00:01:06.340 --> 00:01:08.860

I'm a town planner and examining inspector.

21

00:01:08.900 --> 00:01:11.170

I've been appointed as a panel member of the examining

22

00:01:11.260 --> 00:01:13.800

authority.

23

00:01:13.980 --> 00:01:15.650

Good morning. My name's Rebecca Norman.

24

00:01:15.700 --> 00:01:19.410

I'm a chartered town planner and examining inspector, and I've also been appointed

25

00:01:19.460 --> 00:01:22.760

as a panel member of the examining authority.

26

00:01:22.840 --> 00:01:26.750

Thank you. Together, we constitute the examining authority

27

00:01:26.780 --> 00:01:30.110

for this application. Our role is to examine the

28

00:01:30.160 --> 00:01:33.040

application and to report to the Secretary of State

29

00:01:33.600 --> 00:01:37.080

for, uh, Energy Security and Net Zero with a

30

00:01:37.140 --> 00:01:40.960

recommendation as to whether or not the development consent

31

00:01:41.060 --> 00:01:44.800

order should be made. I'd also like to introduce the members

32

00:01:45.060 --> 00:01:48.870

of the planning inspectorate's case team who are supporting us today.

33

00:01:49.840 --> 00:01:53.640

Um, we have in the room Ryan Sedgman, who is case

34

00:01:53.680 --> 00:01:57.640

manager for this project, and Jessica Dunlop, who is

35

00:01:57.660 --> 00:02:01.400

providing case team support. Another case officer, Sam

36

00:02:01.480 --> 00:02:05.460

Stevens, is providing support for those of you joining us

37

00:02:05.680 --> 00:02:09.560

online. In addition, uh, technicians from the

38

00:02:09.580 --> 00:02:12.980

audiovisual company, Event Video & TM

39

00:02:13.060 --> 00:02:16.900

Services, are in attendance, um, and working hard to

40

00:02:16.940 --> 00:02:20.510
make sure that we got online, uh, solely for the purpose of

41
00:02:20.600 --> 00:02:24.320
managing the recording and live streaming of this

42
00:02:24.380 --> 00:02:28.320
hearing. Uh, just a couple of, uh, housekeeping matters

43
00:02:28.720 --> 00:02:32.640
for those attending in person. Um, again, could we please ask

44
00:02:32.680 --> 00:02:35.980
people to set any devices and phones to silent?

45
00:02:37.720 --> 00:02:41.400
Uh, toilets are located immediately outside the doors

46
00:02:41.460 --> 00:02:43.920
into this room on the right-hand side,

47
00:02:44.820 --> 00:02:47.880
and there is no planned fire alarm test

48
00:02:47.940 --> 00:02:51.780
today. So, if the fire alarm does sound, please leave

49
00:02:51.980 --> 00:02:55.780
the building via the marked fire exits at the rear of

50
00:02:55.840 --> 00:02:59.600
this room, uh, and go into the hotel car park,

51
00:02:59.700 --> 00:03:02.700
which is the assembly point.

52
00:03:03.540 --> 00:03:07.280
Um, this meeting will follow the agenda published

53
00:03:07.480 --> 00:03:11.400
on the National Infrastructure Planning website on the 28th

54

00:03:11.480 --> 00:03:15.000

of November, um, examination library reference

55

00:03:15.240 --> 00:03:19.100

EV5001. Uh, it'd be helpful if

56

00:03:19.180 --> 00:03:21.630

you have a copy of this in front of you.

57

00:03:22.460 --> 00:03:26.380

Uh, and if they're as efficient as they were yesterday, uh, by the time I

58

00:03:26.440 --> 00:03:30.380

finish this sentence, uh, the agenda may well be displayed

59

00:03:30.420 --> 00:03:34.200

by the applicant's team, uh, on the screen.

60

00:03:34.260 --> 00:03:38.060

I think that's great. If I could just ask you perhaps just to scroll down

61

00:03:38.200 --> 00:03:41.380

a little. Yeah, that, that's great. Thank you.

62

00:03:42.860 --> 00:03:46.780

Um, so the agenda is for guidance only, and we may

63

00:03:46.880 --> 00:03:49.580

add other considerations or issues as we

64

00:03:49.600 --> 00:03:53.210

progress. We will conclude the hearing as soon as

65

00:03:53.300 --> 00:03:56.710

all relevant contributions have been made and all

66

00:03:56.740 --> 00:03:59.430

questions asked and responded to.

67

00:03:59.440 --> 00:04:03.320

But if the discussions can't be concluded, then it may be necessary

68

00:04:03.360 --> 00:04:07.109

for us to prioritize certain matters and defer other

69

00:04:07.140 --> 00:04:09.820

matters to further written questions.

70

00:04:10.080 --> 00:04:13.780

Um, likewise, if you cannot answer the question being asked or

71

00:04:13.820 --> 00:04:16.740

reti- require time to get the information

72

00:04:16.760 --> 00:04:20.680

requested, uh, then you, could you please indicate that you

73

00:04:20.760 --> 00:04:24.460

need to respond in writing? Uh, today's

74

00:04:24.520 --> 00:04:28.440

hearing is being undertaken in a hybrid way, meaning some of you are present

75

00:04:28.480 --> 00:04:32.180

with us at the hearing venue and some of you are joining us

76

00:04:32.240 --> 00:04:35.420

virtually using Microsoft Teams.

77

00:04:35.460 --> 00:04:39.120

We will make sure, however, um, that you have decided to attend

78

00:04:39.140 --> 00:04:42.420

today, you will g- be given a fair opportunity to

79

00:04:42.480 --> 00:04:43.440

participate.

80

00:04:45.140 --> 00:04:48.880

Um, a recording of today's hearing will be made available on the Green

81

00:04:48.940 --> 00:04:52.700

Hill project section of the National Infrastructure Planning

82

00:04:52.780 --> 00:04:56.660

website as soon as practicable after this hearing is

83

00:04:56.720 --> 00:05:00.540

finished. Um, with this in mind, please ensure that you

84

00:05:00.640 --> 00:05:04.440

speak clearly into a microphone, stating your name

85

00:05:04.560 --> 00:05:07.510

and who you are representing each time before you

86

00:05:07.600 --> 00:05:11.540

speak. Um, okay. A

87

00:05:11.680 --> 00:05:15.400

link to the planning inspectorate's privacy notice was

88

00:05:15.440 --> 00:05:18.760

provided in the notification for this hearing.

89

00:05:18.820 --> 00:05:22.680

We assume that everybody here today has familiarized themselves with this

90

00:05:22.720 --> 00:05:26.540

document, which establishes how the personal

91

00:05:26.660 --> 00:05:30.600

data of our customers is handled in accordance with the

92

00:05:30.620 --> 00:05:34.040

principles set out in data protection law.

93

00:05:34.080 --> 00:05:37.469

Please speak to our case manager if you have any questions

94

00:05:37.860 --> 00:05:39.320

about this.

95

00:05:41.980 --> 00:05:45.620

Um, so let me briefly explain the purpose of this

96

00:05:45.900 --> 00:05:49.520

issue-specific hearing. The draft development

97

00:05:49.600 --> 00:05:53.320

consent order, or draft DC0 as it may be referred

98

00:05:53.400 --> 00:05:57.360

to, is an important document. This hearing is

99

00:05:57.400 --> 00:06:01.090

being held on a without prejudice basis....

100

00:06:01.090 --> 00:06:04.770

therefore, in essence, even if your position is that

101

00:06:04.800 --> 00:06:08.600

development consent should not be granted, and therefore, that the

102

00:06:08.640 --> 00:06:12.540

Secretary of State should not make the draft DC0, um, you

103

00:06:12.600 --> 00:06:16.300

can still make representations in this hearing about the

104

00:06:16.340 --> 00:06:20.280

drafting of the DC0 without conceding your

105

00:06:20.360 --> 00:06:23.500

wider position that the draft DC0 should not be

106

00:06:23.520 --> 00:06:27.480

made. Um, that is important for us as the

107

00:06:27.560 --> 00:06:31.540

examining authority because we are under a duty to

108

00:06:31.560 --> 00:06:34.980

provide the Secretary of State with the best drafted

109

00:06:35.100 --> 00:06:38.340

DCO that we can, even if we end up

110

00:06:38.380 --> 00:06:41.700

recommending that the Secretary of State should not make the

111

00:06:41.740 --> 00:06:45.670

DCO. This is because we do not decide these

112

00:06:45.740 --> 00:06:49.430

applications. We make recommendations to the Secretary of

113

00:06:49.560 --> 00:06:53.500

State, and he or she makes the decision.

114

00:06:53.560 --> 00:06:57.280

So, even if our report to the Secretary of State were to recommend that development

115

00:06:57.380 --> 00:07:01.080

consent should not be granted, we must still

116

00:07:01.100 --> 00:07:04.840

append a draft DCO ensuring that the Secretary of

117

00:07:04.920 --> 00:07:08.200

State can decide to make the order if he or she

118

00:07:08.280 --> 00:07:12.100

wishes. Um, now with respect

119

00:07:12.180 --> 00:07:15.500

to timings for this hearing, as you will have seen from the

120

00:07:15.539 --> 00:07:18.930

agenda, um, we absolutely must finish by 1:00

121

00:07:18.980 --> 00:07:22.900

PM at the latest, um, because compulsory acquisition

122

00:07:23.000 --> 00:07:26.390

hearing number one follows on starting at 2:00

123

00:07:26.460 --> 00:07:30.280

PM. Um, we will look to take a short comfort break

124

00:07:30.380 --> 00:07:32.640

at a convenient point mid-morning.

125

00:07:34.260 --> 00:07:37.820

So, moving on now to introductions.

126

00:07:37.900 --> 00:07:41.860

Um, I'm now going to ask those of you who are participating

127

00:07:42.460 --> 00:07:44.900

in today's meeting to introduce yourselves.

128

00:07:45.720 --> 00:07:49.280

When I state your organization's name, could you introduce yourself

129

00:07:49.320 --> 00:07:53.000

stating your name and who you represent and which agenda

130

00:07:53.140 --> 00:07:54.680

item you wish to speak on?

131

00:07:55.480 --> 00:07:59.460

If you are not representing an organization, um, please

132

00:07:59.520 --> 00:08:03.330

confirm your name, summarize your interest in the application, and

133

00:08:03.380 --> 00:08:06.100
confirm the agenda item that you would like to speak

134
00:08:06.140 --> 00:08:10.070
on. And please could everybody, um, also let us know

135
00:08:10.080 --> 00:08:13.149
how you wish to be addressed, i.e. Mr., Mrs.,

136
00:08:13.180 --> 00:08:14.220
Ms.

137
00:08:15.100 --> 00:08:19.000
Um, so turning first to the applicant, um, who will

138
00:08:19.039 --> 00:08:22.400
be leading today and any other contributors,

139
00:08:22.460 --> 00:08:24.780
please.

140
00:08:24.840 --> 00:08:27.280
Uh, good morning. My name is Clare Brodrick.

141
00:08:27.340 --> 00:08:30.830
I'm a partner at Pinsent Masons LLP,

142
00:08:30.830 --> 00:08:34.780
solicitors for the applicant, Greenhill Solar Farm Limited.

143
00:08:34.919 --> 00:08:38.840
Um, the members of the applicant's team who, uh, may be required to speak

144
00:08:38.860 --> 00:08:42.620
today are in the room. We don't have anybody virtually attending, so I'll just let

145
00:08:42.680 --> 00:08:46.360
those who are sat at the table for the applicant, um, introduce

146

00:08:46.400 --> 00:08:49.929

themselves. In terms of the main, uh,

147

00:08:49.960 --> 00:08:52.840

contributions, I think it will be from myself and my colleague, Ms.

148

00:08:52.860 --> 00:08:56.590

Dablin, on, um, uh, the technical drafting of the,

149

00:08:56.680 --> 00:09:00.590

uh, DC0 application. Um, we also have, as well

150

00:09:00.620 --> 00:09:03.840

as sharing on the screen, if it would be of assistance, we can share the

151

00:09:03.900 --> 00:09:07.750

actual draft DC0 on the screen, the tracked version from

152

00:09:08.140 --> 00:09:09.660

deadline one we think might be the most

153

00:09:10.540 --> 00:09:14.350

useful one rather than the change application, uh, version, but,

154

00:09:14.420 --> 00:09:18.220

um, do let us know if that would be helpful. Um, and I can be referred to as Ms.

155

00:09:18.240 --> 00:09:19.920

Brodrick. Thank you.

156

00:09:22.180 --> 00:09:25.380

My name is Alison Dablin, I'm an associate at Pinsent

157

00:09:25.420 --> 00:09:28.960

Masons, and, uh, as my colleague says,

158

00:09:29.160 --> 00:09:33.060

um, I will be speaking on the, um, technical

159

00:09:33.140 --> 00:09:37.060

detail of the, uh, DCO, and I can be referred to as Ms. Dablin.
Thank you.

160

00:09:43.420 --> 00:09:46.980

I'm Charlotte Estrella, I'm senior EIA consultant at

161

00:09:47.079 --> 00:09:50.730

Landpro, um, and I can be referred to as Ms.

162

00:09:50.740 --> 00:09:53.700

Estrella and input into the DCO where

163

00:09:53.720 --> 00:09:55.740

required.

164

00:09:57.720 --> 00:10:01.500

Good morning. I'm Leslie Giles. I'm project development manager from
Island

165

00:10:01.560 --> 00:10:04.810

Green Power, uh, here on behalf of the applicant.

166

00:10:04.880 --> 00:10:08.440

Um, I don't have any particular, uh, points on the agenda to speak
to,

167

00:10:08.680 --> 00:10:11.900

um, but I'm here if required, um, and Ms.

168

00:10:11.960 --> 00:10:14.680

Giles is fine. Thanks.

169

00:10:14.800 --> 00:10:17.920

Uh, good morning. Uh, Jane Crichton on behalf of the applicant.

170

00:10:17.930 --> 00:10:21.140

I'm associate planning director at Landpro.

171

00:10:21.240 --> 00:10:24.640

Um, again, happy to answer any questions if required.

172

00:10:24.660 --> 00:10:27.539

I'm happy to be referred to as Ms. Crichton. Thank you.

173

00:10:31.990 --> 00:10:35.760

Thank you very much. Um, and, again, as with

174

00:10:35.880 --> 00:10:39.700

previous ISHs, um, is there somebody in the applicant's team who

175

00:10:39.720 --> 00:10:43.660

could, um, capture any action points that might arise during the course of

176

00:10:43.680 --> 00:10:46.660

the meeting? Great. I see a couple of nods.

177

00:10:46.680 --> 00:10:50.620

Thank you very much. Um, so could

178

00:10:50.680 --> 00:10:54.450

we then move on to the organizations and individuals,

179

00:10:54.540 --> 00:10:58.470

uh, who have given notice of their intention to speak?

180

00:10:59.339 --> 00:11:02.980

Um, so starting with North Northamptonshire Council,

181

00:11:03.040 --> 00:11:04.900

please.

182

00:11:06.480 --> 00:11:09.319

Um, good morning, sir. Uh, Gary Grant of

183

00:11:09.400 --> 00:11:11.600

council, uh, instructed

184

00:11:12.520 --> 00:11:16.460

by North Northants Council, um, and,

185

00:11:16.540 --> 00:11:16.700
um,

186
00:11:17.760 --> 00:11:21.380
so the contributions that I will make are on agenda item 3.1.

187
00:11:22.720 --> 00:11:25.900
Um, and if I can introduce, to my left,

188
00:11:26.000 --> 00:11:29.980
um, those that, that may contribute, although I

189
00:11:30.000 --> 00:11:33.500
think it will be myself and, uh, Nicola Thompson, who I'm about to introduce, who

190
00:11:33.540 --> 00:11:36.310
will make those contributions. So, if I could now ask

191
00:11:37.380 --> 00:11:40.620
others present at the table from North Northants to introduce

192
00:11:40.630 --> 00:11:42.000
themselves.

193
00:11:43.620 --> 00:11:47.310
Good morning. Uh, this is Nicola Thompson, uh, planning consultant for North

194
00:11:47.310 --> 00:11:51.210
Northants Council. Uh, I can be referred to as Nicola and,

195
00:11:51.300 --> 00:11:54.180
uh, I'm happy to answer any questions as we go through the

196
00:11:54.200 --> 00:11:56.400
process.

197
00:11:57.800 --> 00:12:01.360
Uh, good morning. Mrs. Nazneen Roy, um, principal planning solicitor at North

198

00:12:01.440 --> 00:12:03.250

Northants Council. I'm

199

00:12:04.319 --> 00:12:08.220

supporting, um, Councilor Grant and, um, Nicola this morning.

200

00:12:10.870 --> 00:12:14.490

Thank you. So I'm happy to be referred to as Mr. Grant.

201

00:12:14.569 --> 00:12:15.170

I- I thought it was

202

00:12:16.130 --> 00:12:20.050

blatantly obvious, but, uh, it's, um, perhaps I'll follow the,

203

00:12:20.089 --> 00:12:21.130

follow the tradition.

204

00:12:21.170 --> 00:12:24.910

Thank you (laughs) . Okay. And, uh, for West

205

00:12:24.990 --> 00:12:27.130

Northamptonshire Council, please.

206

00:12:28.670 --> 00:12:32.410

Good morning. I'm Mrs. Nikki Scaife, major projects team leader at West

207

00:12:32.430 --> 00:12:36.339

Northants Council. Um, happy to be referred to as Nikki or, or,

208

00:12:36.349 --> 00:12:40.050

or Mrs. Scaife. Um, likely to

209

00:12:40.069 --> 00:12:42.750

be having, contributing on, um, agenda item

210

00:12:42.890 --> 00:12:46.790

3.1. Uh, we also have online, I believe,

211

00:12:46.910 --> 00:12:50.430

our, um, a representative from our lead local flood authority, Ruth

212

00:12:50.469 --> 00:12:53.378

Burnham, who may wish to contribute as well.

213

00:12:53.390 --> 00:12:53.610

Thank

214

00:12:53.730 --> 00:12:58.270

you.

215

00:13:00.790 --> 00:13:04.469

Thank you. And for Milton Keynes City Council.

216

00:13:04.510 --> 00:13:06.559

Good morning. I'm Miss Elizabeth Burdegum.

217

00:13:06.610 --> 00:13:10.469

I'm the team leader of the strategic team in development management,
Mi- Milton

218

00:13:10.510 --> 00:13:14.130

Keynes City Council, and I'll, um, speak on any of the items w- as

219

00:13:14.209 --> 00:13:16.010

needed.

220

00:13:18.050 --> 00:13:21.630

Thank you. And, uh, turning on to the

221

00:13:21.790 --> 00:13:25.650

online participants for National Highways, please.

222

00:13:27.410 --> 00:13:31.209

Good morning, sir. Um, I'm Mrs. Um, Vicky Fowler, and I'm a

223

00:13:31.270 --> 00:13:34.209

partner and solicitor at Gowling WLG.

224

00:13:34.250 --> 00:13:37.990

And I'm joined by, uh, Miss Br- Brittany Grosvenor, who's

225

00:13:38.010 --> 00:13:41.230

assistant, a spatial planner at National Highways.

226

00:13:41.270 --> 00:13:43.980

And so we'll be talking to agenda items 3.1 and

227

00:13:44.170 --> 00:13:47.790

3.2. Um, and I'm happy to be referred to as Mrs. Fowler.

228

00:13:47.849 --> 00:13:50.069

Thank you.

229

00:13:50.589 --> 00:13:54.010

Thank you.

230

00:13:55.949 --> 00:13:59.449

Uh, now for the, um, Stop Greenhill Solar

231

00:13:59.530 --> 00:14:00.650

group, please.

232

00:14:02.349 --> 00:14:05.670

Uh, good morning. Uh, Philip Anthony from Stop Greenhill

233

00:14:05.810 --> 00:14:09.550

Solar. Uh, would be, uh, wishing to contribute

234

00:14:09.560 --> 00:14:13.410

to 3.1 as appropriate, and I'm

235

00:14:13.470 --> 00:14:16.050

happy to be referred to as Philip.

236

00:14:18.310 --> 00:14:19.489

Thank you.

237

00:14:20.970 --> 00:14:23.730

Sheila Howe, Stop Greenhill Solar.

238

00:14:23.829 --> 00:14:27.740

Um, I may contribute on 3.1, um, but

239

00:14:27.790 --> 00:14:28.910

I'm not sure at this stage. Thank

240

00:14:28.970 --> 00:14:32.189

you.

241

00:14:33.609 --> 00:14:37.380

Thank you. Uh, and for, uh, Wellingborough Walks

242

00:14:37.550 --> 00:14:39.410

Action Group.

243

00:14:41.050 --> 00:14:44.290

Good morning, um, colleagues. Um, Marian

244

00:14:44.329 --> 00:14:47.550

Turner-Hawes from Wellingborough Walks Action Group.

245

00:14:47.670 --> 00:14:51.410

Um, I may speak on, uh, 3.1 or m-

246

00:14:51.530 --> 00:14:55.410

may... I think... I see myself generally observing this morning,

247

00:14:55.430 --> 00:14:58.829

but mainly 3.1 and I'm happy to be referred to as

248

00:14:58.890 --> 00:15:02.410

Marian. Thank you.

249

00:15:05.770 --> 00:15:06.609

Thank you.

250

00:15:07.410 --> 00:15:11.370

So, I think that was everybody that we're aware of, um, who

251

00:15:11.510 --> 00:15:13.849

had, uh, registered an interest to

252

00:15:14.790 --> 00:15:17.980

speaking. Um, I'll just check, uh, that we haven't got

253

00:15:18.010 --> 00:15:21.939

anybody online, um, who wanted to speak that we're

254

00:15:21.990 --> 00:15:24.310

not aware of.

255

00:15:25.949 --> 00:15:26.849

I'm seeing no

256

00:15:27.770 --> 00:15:28.890

virtual hands up,

257

00:15:30.170 --> 00:15:33.730

so thank you all very much for your contributions

258

00:15:33.790 --> 00:15:37.490

there. Um, so in terms of

259

00:15:37.550 --> 00:15:41.150

matters for discussion, um, as I said, given the hard

260

00:15:41.250 --> 00:15:44.730

deadline of a 1:00 P.M. finish for this hearing, uh, I want to

261

00:15:44.870 --> 00:15:48.550

prioritize giving interested parties a full opportunity to

262

00:15:48.609 --> 00:15:52.430

voice, um, their issues. Um, so as

263

00:15:52.449 --> 00:15:56.109

set out in the agenda, I propose that we focus discussions

264

00:15:56.230 --> 00:15:59.920

first on, um, articles and schedules of the, uh,

265

00:15:59.970 --> 00:16:03.750

draft DCO, uh, excluding, that is, uh,

266

00:16:03.870 --> 00:16:07.750

schedule 15, and then, um, in the sort of distinct second

267

00:16:07.790 --> 00:16:11.689

part of th- of the agenda, um, we will, uh, discuss

268

00:16:11.849 --> 00:16:14.010

schedule 15, which is the protective

269

00:16:14.150 --> 00:16:16.250

provisions.

270

00:16:18.150 --> 00:16:22.130

So, um, starting with the discussion of the, uh, draft

271

00:16:22.189 --> 00:16:26.140

DCO, um, could I ask the

272

00:16:26.349 --> 00:16:29.530

applicant, uh, to provide, uh, a brief

273

00:16:29.609 --> 00:16:33.410

explanation of its approach to the drafting of

274

00:16:33.470 --> 00:16:37.199

the, um, development consent order, uh,

275

00:16:37.230 --> 00:16:40.930

explanatory memorandum, um, and highlight for us, um, any key

276

00:16:41.050 --> 00:16:44.930

changes, um, that have been made from the originally submitted

277

00:16:45.050 --> 00:16:48.170

version, please?

278

00:16:48.210 --> 00:16:51.349

Alison Dablin on behalf of the applicant.

279

00:16:51.390 --> 00:16:53.829

The draft DC0, which is

280

00:16:53.869 --> 00:16:57.650

Rep1-008, and indeed the, uh,

281

00:16:57.670 --> 00:17:01.270

latest version which was submitted for the change application is,
um,

282

00:17:01.550 --> 00:17:05.429

CR1-014. For the purposes of this

283

00:17:05.470 --> 00:17:09.369

hearing, um, as most changes are in the deadline one

284

00:17:09.409 --> 00:17:11.960

version, I will just use that reference number.

285

00:17:12.010 --> 00:17:15.650

The draft DC0 has been drafted having regard to the

286

00:17:15.770 --> 00:17:19.710

guidance on the content of a development consent order required for
nationally

287

00:17:19.810 --> 00:17:23.179

significant infrastructure projects that was issued by the Ministry
of Housing,

288

00:17:23.230 --> 00:17:26.869

Communities and Local Government and the Department for Levelling
Up, Housing and

289

00:17:26.929 --> 00:17:30.870

Communities, the PINS advice note number 15 on drafting development

290

00:17:30.950 --> 00:17:34.889

consent orders, and the practice and precedents established in other
made

291

00:17:34.929 --> 00:17:38.889

DCOs, in particular solar DCOs, including those that have

292

00:17:38.909 --> 00:17:42.129

been promoted by the applicant, and other energy

293

00:17:42.170 --> 00:17:45.770

DCOs. Additionally, regard has been had to national

294

00:17:45.850 --> 00:17:49.670

policy, including in the designated national policy statements for

295

00:17:49.750 --> 00:17:53.409

energy EN1 and for renewable energy infrastructure

296

00:17:53.629 --> 00:17:57.409

EN3. The draft development consent order is

297

00:17:57.429 --> 00:18:00.870

proposed to be called the Greenhill Solar Farm Order, and it would confer

298

00:18:01.090 --> 00:18:05.000

development consent for the construction, maintenance, operation, use, and

299

00:18:05.070 --> 00:18:08.949

decommissioning of the authorized development which comprises the works described

300

00:18:09.010 --> 00:18:12.994

in Schedule One to the order. In the order, the applicant is referred

301

00:18:13.053 --> 00:18:16.734

to as the undertaker and the proposed development is referred to as

302

00:18:16.793 --> 00:18:20.593

the authorised development. The order includes 49 articles

303

00:18:20.694 --> 00:18:24.533

which are grouped into six parts and 16 schedules which are given effect

304

00:18:24.573 --> 00:18:28.004

by and tie into the articles. The explanatory

305

00:18:28.033 --> 00:18:31.553

memorandum has been prepared to explain the purpose and the effect of each

306

00:18:31.563 --> 00:18:35.553

article of and the schedules to the order as required by

307

00:18:35.613 --> 00:18:39.394

the APFP regulations. It also explains why

308

00:18:39.454 --> 00:18:43.134

each article of the order and each schedule to the order is

309

00:18:43.154 --> 00:18:46.874

required for the scheme. (smacks lips) In terms of the key changes

310

00:18:47.014 --> 00:18:50.654

that were made in the version of the DCO submitted at, uh,

311

00:18:50.754 --> 00:18:54.293

deadline one, the, um, main

312

00:18:54.374 --> 00:18:58.014

changes were to Article 25, which relates to

313

00:18:58.053 --> 00:19:01.833

private rights. The change here was to provide a

314

00:19:01.874 --> 00:19:05.694

clarification that the u- undertaker may, by providing a

315

00:19:05.714 --> 00:19:08.374

positive notice, extinguish private rights.

316

00:19:08.394 --> 00:19:11.894

This amendment is consistent with the compensation provisions that were

317

00:19:11.994 --> 00:19:15.934

in, uh, what is now paragraph five of the DCO,

318

00:19:15.994 --> 00:19:19.514

and therefore this is, uh, considered to be a- a clarification

319

00:19:19.573 --> 00:19:22.974

only. Um, and it reflects that there may be some

320

00:19:22.994 --> 00:19:26.813

circumstances where the permanent acquisition or extinguishment of a private right

321

00:19:26.853 --> 00:19:30.674

is necessary for the scheme. The approach is less onerous than

322

00:19:30.853 --> 00:19:34.793

the equivalent provisions that have been contained in solar DCOs made to date,

323

00:19:34.853 --> 00:19:38.694

which automatically extinguish all private rights where land was a- uh,

324

00:19:38.734 --> 00:19:41.583

was acquired unless a notice was given to the

325

00:19:41.694 --> 00:19:45.533

contrary. The amendment to paragraph five

326

00:19:45.654 --> 00:19:49.394

also confirms that compensation is available where private rights cease to have

327

00:19:49.414 --> 00:19:53.174

effect, where they are inconsistent with the exercise of the compulsory acquisition

328

00:19:53.254 --> 00:19:56.553

powers, as well as in circumstances where private rights are

329

00:19:56.573 --> 00:20:00.194

extinguished. Again, this just reflects the change of

330

00:20:00.254 --> 00:20:04.194

approach to require a positive notice to extinguish as opposed

331

00:20:04.234 --> 00:20:07.693

to a positive notice to not extinguish private rights.

332

00:20:09.114 --> 00:20:12.474

The second amendment is in relation to Article

333

00:20:12.674 --> 00:20:16.504

39, which has been relabeled as planning permission, et

334

00:20:16.553 --> 00:20:19.813

cetera. What is now paragraph

335

00:20:19.894 --> 00:20:23.154

two, um, is the

336

00:20:23.214 --> 00:20:26.674

original, um, article in the first version of the draft

337

00:20:26.734 --> 00:20:30.254

DC0. That, um, provision as

338

00:20:30.293 --> 00:20:33.774

drafted was based on a model provision i- including numerous

339

00:20:33.813 --> 00:20:37.674

DC0s and it has the effect of ensuring that the land on which the

340

00:20:37.734 --> 00:20:41.444

authorised development is constructed will be considered operational

341

00:20:41.533 --> 00:20:44.884

land for the purposes of section 264 (3)

342

00:20:46.813 --> 00:20:50.102

of the Town and Country Planning Act 1990.

343

00:20:50.102 --> 00:20:54.014

This provides consistency with the development authorised by a

344

00:20:54.033 --> 00:20:57.914

DCO with development that is authorised by a Town and Country Planning Act

345

00:20:58.174 --> 00:21:01.754

planning permission, which for a statutory undertaker becomes

346

00:21:01.813 --> 00:21:04.454

operational land from the date that the planning permission is

347

00:21:04.514 --> 00:21:08.404

granted. In terms of the remainder of the changes

348

00:21:08.533 --> 00:21:12.494

to this article, the drafting is added to

349

00:21:12.553 --> 00:21:15.914

explicitly manage the potential for the authorised development to

350

00:21:15.974 --> 00:21:19.102

interact with planning permissions that have been granted under the Town and

351

00:21:19.154 --> 00:21:20.734

Country Planning Act 1990.

352

00:21:21.593 --> 00:21:25.384

The drafting is required to ensure that the authorised development does not

353

00:21:25.514 --> 00:21:29.394

extinguish existing planning permissions through the rationale that

354

00:21:29.474 --> 00:21:32.954

was explained by the Supreme Court in the case of Hillside Parks

355

00:21:33.033 --> 00:21:35.514

Limited and Snowdonia National Park in

356

00:21:35.634 --> 00:21:39.533

2022. The drafting also ensures

357

00:21:39.654 --> 00:21:43.174

that the carrying out of the authorised development will not result in an

358

00:21:43.234 --> 00:21:47.014

enforceable breach of any planning condition that may be

359

00:21:47.174 --> 00:21:50.214

contained in existing planning permissions.

360

00:21:50.274 --> 00:21:54.014

If it would assist the, uh, examining authority, I could, uh, provide further

361

00:21:54.053 --> 00:21:57.093

detail. However, this is also set out in paragraph

362

00:21:57.234 --> 00:22:01.073

4.6.9 of the explanatory memorandum, which is Rep

363

00:22:01.434 --> 00:22:03.813

1-010. Thank

364

00:22:03.853 --> 00:22:06.053

you.

365

00:22:09.313 --> 00:22:12.894

That's great. Thank you. And I think on that last point, um, the-

366

00:22:12.954 --> 00:22:16.313

explanation is sufficient in the, um, uh, explanatory

367

00:22:16.373 --> 00:22:20.194

memorandum. Thank you. Right.

368

00:22:20.234 --> 00:22:24.114

So if I turn first, um, to the

369

00:22:24.194 --> 00:22:28.053

local authorities for, um, their comments concerning the

370

00:22:28.094 --> 00:22:31.043

drafting of the proposed articles and- and

371

00:22:31.134 --> 00:22:34.714

schedules, um, perhaps starting with North

372

00:22:34.833 --> 00:22:37.813

Northamptonshire Council, please.

373

00:22:38.514 --> 00:22:42.454

Sir, thank you. Gary Grants, um, council instructed for

374

00:22:42.514 --> 00:22:45.293

North Northamptonshire. Um, sir,

375

00:22:46.114 --> 00:22:49.853

comments are, um, very limited, if I can put it that way, in terms of

376

00:22:49.873 --> 00:22:51.873

the, um, the drafting, because

377

00:22:52.934 --> 00:22:56.353

i- it's understood that, um, a considerable amount of work has gone

378

00:22:56.414 --> 00:23:00.293

into the drafting already, um, b- by

379

00:23:00.373 --> 00:23:04.274

the- um, by the applicant team. However, there

380

00:23:04.333 --> 00:23:08.293

are a few points that I wish to touch upon in order to

381

00:23:08.393 --> 00:23:11.594

ask for clarification, uh, and to see

382

00:23:11.674 --> 00:23:14.873

how- how the DCO will

383

00:23:14.954 --> 00:23:18.614

work. So if I can put it that way, in terms of without prejudice

384

00:23:18.754 --> 00:23:22.313

testing of the way in which the- the drafting has

385

00:23:22.353 --> 00:23:26.254

been done. Um, so- so sir, the- the

386

00:23:26.333 --> 00:23:30.174

first- the first, as it were, um, goes very

387

00:23:30.234 --> 00:23:33.373

much right to the end (laughs) of the document, if I can put it that way.

388

00:23:33.384 --> 00:23:36.853

And then I'll come back in to- to explain

389

00:23:37.474 --> 00:23:39.254

why it might be important and why

390

00:23:40.094 --> 00:23:44.033

it- it may w- warrant some further consideration, and that relates to

391

00:23:44.073 --> 00:23:46.154

the discharge of the requirements.

392

00:23:46.853 --> 00:23:48.114

Because, sir, if you turn to-

393

00:23:48.313 --> 00:23:48.934

Schedule 16?

394

00:23:48.994 --> 00:23:51.914

Yes, Schedule 16, sir. So... And it's the wording in

395

00:23:51.974 --> 00:23:54.174

that. And, uh,

396

00:23:55.214 --> 00:23:57.333

so if you can turn to, uh,

397

00:23:58.474 --> 00:24:02.373

Schedule 16, uh, within, uh, the

398

00:24:02.434 --> 00:24:06.293

inquiry document, which is, um, 008, which has been already

399

00:24:06.373 --> 00:24:09.353

correctly identified, uh, to you.

400

00:24:10.393 --> 00:24:14.350

Um, e- the- the first-The first point to make is that,

401

00:24:14.409 --> 00:24:18.090

having regard to Advice Note 15,

402

00:24:19.110 --> 00:24:22.610

um, this is a non-standard, um,

403

00:24:22.709 --> 00:24:25.870

uh, schedule. Uh, and the Advice Note

404

00:24:26.570 --> 00:24:30.389

15 is plainly a recent piece of

405

00:24:30.449 --> 00:24:33.169

government advice on DCOs

406

00:24:33.909 --> 00:24:37.850

and identifies the, the

407

00:24:37.929 --> 00:24:40.850
expectation, as it were, from discharge

408
00:24:40.909 --> 00:24:44.580
requirements, um, that have been identified and

409
00:24:44.649 --> 00:24:47.669
provides as an appendix, Appendix A, what they

410
00:24:47.689 --> 00:24:51.429
anticipated, um, a procedure should look

411
00:24:51.510 --> 00:24:54.889
like. And so, there is a

412
00:24:54.909 --> 00:24:58.610
difference, uh, which is clear from the

413
00:24:58.629 --> 00:25:01.949
drafting, um, in relation to a couple of points.

414
00:25:01.969 --> 00:25:05.330
And I've raised this informally outside the inquiry, uh, the

415
00:25:05.409 --> 00:25:08.689
examination process, to give some indication of that.

416
00:25:08.830 --> 00:25:12.639
Uh, I, I certainly would wish to see clear justification for, uh,

417
00:25:12.790 --> 00:25:16.748
the departure from the standard approach, which is, in

418
00:25:16.830 --> 00:25:17.248
fact,

419
00:25:18.810 --> 00:25:22.370
what one would expect in the circumstances.

420
00:25:22.389 --> 00:25:25.310
Because there is an appendix to an advice note which

421

00:25:25.330 --> 00:25:29.209

provides the mechanism for a DCO, and it's reasonable to

422

00:25:29.250 --> 00:25:32.830

anticipate that that is the working basis upon which a DCO should

423

00:25:32.879 --> 00:25:35.709

operate. So, that's the first point, sir.

424

00:25:35.750 --> 00:25:39.659

The second is, (clears throat) um, the justification that's been

425

00:25:39.689 --> 00:25:43.449

explained in those opening remarks makes reference

426

00:25:43.459 --> 00:25:47.330

to other DCOs that have been made. And so, in the Advice

427

00:25:47.429 --> 00:25:50.449

Note 15, I would ask you to note what is said in paragraph

428

00:25:50.629 --> 00:25:51.489

1.5

429

00:25:52.550 --> 00:25:55.989

within the advice note. Um, and f- for,

430

00:25:56.030 --> 00:25:59.469

for the benefit of the examination, I will read it.

431

00:25:59.530 --> 00:26:03.429

Uh, "If a draft DCO includes wording derived from other made DCOs, this

432

00:26:03.469 --> 00:26:06.350

should be explained in the explanatory memorandum.

433

00:26:06.360 --> 00:26:09.870

The explanatory memorandum should explain why that

434

00:26:09.889 --> 00:26:13.070

particular wording is relevant to the proposed draft

435

00:26:13.110 --> 00:26:16.520

DCO, for example, detailing what is factually similar

436

00:26:17.110 --> 00:26:21.069

for both the relevant consented N- NZIP and the proposed

437

00:26:21.189 --> 00:26:25.110

development. It is not sufficient for an explanatory

438

00:26:25.129 --> 00:26:29.070

memorandum to simply state that a particular provision has found

439

00:26:29.129 --> 00:26:32.949

favor with the Secretary of State previously.

440

00:26:32.969 --> 00:26:36.530

The examining authority and the Secretary of State will need to understand

441

00:26:36.750 --> 00:26:40.370

why it is appropriate for the scheme applied

442

00:26:40.449 --> 00:26:44.310

for. Any divergence in wording from the consented DCO

443

00:26:44.389 --> 00:26:46.870

drafting should also be explained.

444

00:26:46.929 --> 00:26:50.090

Note, though, that policy can change and

445

00:26:50.110 --> 00:26:52.399

develop." So I, my, my

446

00:26:53.570 --> 00:26:57.439

question and, and points that I raise are, are raised with

447

00:26:57.509 --> 00:27:00.870
that, as it were, advice, uh, at the

448
00:27:00.939 --> 00:27:04.810
forefront o- of why it is, uh, that I raise the

449
00:27:04.870 --> 00:27:08.730
points. (clears throat) So, when one turns from that

450
00:27:08.830 --> 00:27:12.290
to the actual drafting in Schedule 16,

451
00:27:12.989 --> 00:27:16.669
one can see that, when compared to the Appendix

452
00:27:16.790 --> 00:27:20.590
A drafting in Advice Note 15, that the

453
00:27:20.629 --> 00:27:23.530
mechanism, um, for discharge

454
00:27:24.110 --> 00:27:27.969
is, uh, if I can put a pejorative word upon it, and it's not

455
00:27:28.009 --> 00:27:30.009
intended to be pejorative, but it's more aggressive,

456
00:27:30.989 --> 00:27:34.520
um, and onerous, so far as the local planning

457
00:27:34.570 --> 00:27:37.439
authority is concerned. Because, um,

458
00:27:38.070 --> 00:27:41.750
firstly, you can ade- see that within,

459
00:27:41.759 --> 00:27:45.290
um, Schedule 16.2, applications made under

460
00:27:45.330 --> 00:27:49.009
requirements, um, there is a series of, um,

461

00:27:49.030 --> 00:27:52.790
dates within which a,

462

00:27:52.850 --> 00:27:56.689
a, a, a relevant, um, discharge application is

463

00:27:56.750 --> 00:27:59.969
made, and then, um, the

464

00:28:00.050 --> 00:28:03.909
all-important provision in this respect

465

00:28:04.050 --> 00:28:07.850
is, um, under 2.3, where one

466

00:28:07.870 --> 00:28:11.730
can see, sir, "Subject to paragraph 4, in the event

467

00:28:11.810 --> 00:28:15.649
that the relevant planning authority does not determine an
application

468

00:28:15.689 --> 00:28:18.629
within the period set out in subparagraph

469

00:28:18.730 --> 00:28:22.629
1," and then comma, I will, there's a drafting point that I

470

00:28:22.669 --> 00:28:26.580
will come back to from that. Um, "The relevant planning

471

00:28:26.629 --> 00:28:30.169
authority is to be taken to have granted all parts of the

472

00:28:30.230 --> 00:28:34.009
application without any conditional qualification at the end of

473

00:28:34.070 --> 00:28:37.169
that period." So, it's a deemed permission

474

00:28:39.250 --> 00:28:40.610
in accordance with

475

00:28:41.550 --> 00:28:45.209
the identified, um, uh,

476

00:28:45.750 --> 00:28:48.290
details provided for within the

477

00:28:48.330 --> 00:28:52.230
application. And so that is not, as you

478

00:28:52.270 --> 00:28:56.090
will see, within the Appendix A, um,

479

00:28:56.929 --> 00:29:00.189
DCO, um, discharge for approvals

480

00:29:00.509 --> 00:29:01.129
article.

481

00:29:03.270 --> 00:29:07.209
And so, sir, that has not been explained simply by saying that

482

00:29:07.250 --> 00:29:11.050
has been done in other previous DCOs, in my

483

00:29:11.090 --> 00:29:15.050
respectful submission. It's simply not being explained if it's said

484

00:29:15.090 --> 00:29:17.060
that that mechanism is necessary.

485

00:29:17.070 --> 00:29:20.830
And the point that is relevant, sir, is this, that the periods

486

00:29:20.870 --> 00:29:23.429
within which that is to take effect are

487

00:29:24.629 --> 00:29:28.129

short periods, and the result is of

488

00:29:28.230 --> 00:29:32.189

serious implications in a very large scheme over a

489

00:29:32.230 --> 00:29:36.169

wide geographical area, when you have three individual

490

00:29:36.230 --> 00:29:40.129

authorities that are being, that are, um, subject to that

491

00:29:40.189 --> 00:29:43.750

application. And therefore, that sort of drafting should only be

492

00:29:43.770 --> 00:29:47.429

inserted with extreme care, in, in, uh, my

493

00:29:47.509 --> 00:29:51.310

submission, uh, given the consequences for the environment that

494

00:29:51.330 --> 00:29:54.949

could flow i- i- in circumstances which may not be

495

00:29:54.969 --> 00:29:57.449

intended at this stage but could occur.

496

00:29:57.509 --> 00:29:59.870

So, that, that's my first point.

497

00:29:59.909 --> 00:30:03.889

And could I, uh, it may, (laughs) it may be that I'm, uh, jumping to what might be

498

00:30:03.909 --> 00:30:07.389

your second point, um, but the six-week period

499

00:30:07.449 --> 00:30:10.280

that's stated under subparagraph 2,

500

00:30:10.370 --> 00:30:14.330

um, I, I don't know. I, I, as I say, I may, may have jumped ahead

and that

501

00:30:14.370 --> 00:30:15.230

might be something that you-

502

00:30:15.239 --> 00:30:18.699

Yeah. Well, sir, you, you asked the question, and, and, and I'm going to, to bring

503

00:30:18.810 --> 00:30:22.499

in, in a moment, um... uh, Nicola Thompson to make an observation

504

00:30:22.910 --> 00:30:26.710

with respect to that six-week period and what is, what would need to be

505

00:30:26.750 --> 00:30:30.170

done, bearing in mind the, the level of detail that is involved.

506

00:30:30.670 --> 00:30:33.500

Um, so, so that is my first observation.

507

00:30:33.590 --> 00:30:37.280

Um, there is, and I, I, I cl-

508

00:30:37.310 --> 00:30:40.970

clearly can see, um, mechanisms for requesting

509

00:30:41.050 --> 00:30:44.990

further information that is contained, um, within the remainder of

510

00:30:45.010 --> 00:30:47.850

the schedule. There is also provision for

511

00:30:47.890 --> 00:30:51.730

appeal. But my, my first and fundamental point is that

512

00:30:51.770 --> 00:30:54.030

there is a, in, in my submission, a

513

00:30:54.110 --> 00:30:58.000

significant, uh, requirement for the applicants

514

00:30:58.090 --> 00:31:02.070

to justify such an approach of departure from the advice

515

00:31:02.150 --> 00:31:05.910

note in those circumstances. And I do not see that

516

00:31:05.970 --> 00:31:09.450

simply saying that that's been done elsewhere is a justification based on the

517

00:31:09.490 --> 00:31:10.770

advice note itself.

518

00:31:11.950 --> 00:31:15.530

Um, the, the drafting point that I'll go back to

519

00:31:15.670 --> 00:31:19.660

is, when one looks at, um, how that

520

00:31:19.710 --> 00:31:21.970

mechanism comes about,

521

00:31:22.750 --> 00:31:26.030

um, the way in which it's drafted says

522

00:31:26.130 --> 00:31:30.070

this, um, "Subject to paragraph

523

00:31:30.090 --> 00:31:33.160

four, 'In the event that that, the r- the relevant planning authority does not

524

00:31:33.190 --> 00:31:37.140

determine their application within the period set out in subparagraph one."

525

00:31:37.210 --> 00:31:41.000

Then going on consequences. Subparagraph one, I then

526

00:31:41.050 --> 00:31:44.790

look at, at subma- paragraph one says this, "Where an

527

00:31:44.850 --> 00:31:48.070

application has been made to the relevant planning authority for any consent, a-

528

00:31:48.130 --> 00:31:51.310

agreements or approval requirement, uh, required by requirement, the undertaker

529

00:31:51.350 --> 00:31:54.310

will also submit a copy of that application to any requirement

530

00:31:54.410 --> 00:31:57.670

consultee." There's no period.

531

00:31:57.710 --> 00:32:01.670

Yeah, I'd, I'd pick that up. I'm assuming it should say "subparagraph two,"

532

00:32:01.710 --> 00:32:05.320

but, um, perhaps, um, if, if it's okay with you, I

533

00:32:05.350 --> 00:32:09.130

might, uh, before we move on to other points, I might just turn to the applicant

534

00:32:09.210 --> 00:32:12.310

to, um, respond to what's been heard so far.

535

00:32:13.490 --> 00:32:14.670

Uh, Claire Broderick for the applicant.

536

00:32:14.710 --> 00:32:16.750

Um, just in respect to that very last point, that's correct.

537

00:32:16.790 --> 00:32:20.600

It's a cross-referencing error in the software, so that

538

00:32:20.610 --> 00:32:24.590

should be to sub-paragraph two which refers to that six-week,

539

00:32:24.650 --> 00:32:26.020
um, period. Um, as

540

00:32:26.850 --> 00:32:30.539
has been referenced, the appendix, um, to, um,

541

00:32:30.670 --> 00:32:34.360
advice note 15, um, includes a, um,

542

00:32:34.390 --> 00:32:38.270
suggested, uh, decision period of 42 days, which is the

543

00:32:38.310 --> 00:32:41.470
equivalent of six weeks. So that's why a six-week

544

00:32:41.590 --> 00:32:45.470
period, um, has been included. Um,

545

00:32:45.530 --> 00:32:48.840
however, the applicant is aware that there are, um,

546

00:32:49.430 --> 00:32:53.310
uh, other periods, um, in other DCOs,

547

00:32:53.550 --> 00:32:57.430
um, including the East Yorkshire Solar DCO, the

548

00:32:57.470 --> 00:33:01.190
West Burton, uh, DCO, and Cleeve Hill which provide, um, an

549

00:33:01.250 --> 00:33:05.110
eight-week period. And therefore, the applicant would be willing to
increase it

550

00:33:05.150 --> 00:33:08.710
beyond the standard period set out in the appendix to the

551

00:33:08.970 --> 00:33:12.690
advice note to eight weeks, um, if that would be

552

00:33:12.890 --> 00:33:15.930

of assistance, um, to the local planning

553

00:33:16.050 --> 00:33:19.430

authorities. In terms of providing a

554

00:33:19.490 --> 00:33:20.210

justification-

555

00:33:20.290 --> 00:33:21.290

Sorry, sorry to jump in.

556

00:33:21.450 --> 00:33:21.580

Yeah.

557

00:33:21.610 --> 00:33:25.590

But just could, could I just briefly return to, um, firstly North

558

00:33:25.650 --> 00:33:29.490

Northamptonshire Council, but also, uh, bring in West
Northamptonshire Council

559

00:33:29.550 --> 00:33:33.490

and Milton Keynes City Council, um, to, uh, on that

560

00:33:33.570 --> 00:33:37.070

offer of eight weeks instead of six weeks?

561

00:33:37.130 --> 00:33:41.010

Um, perhaps, sir, if I can... Um, um, obviously can't speak for

562

00:33:41.050 --> 00:33:43.990

West Northorn, Nor- uh, Gary Grant, North Northamptonshire

563

00:33:44.230 --> 00:33:48.070

Council. Sir. Um, I can't speak for West,

564

00:33:48.110 --> 00:33:50.759

uh, West Northants or, or Milton Keynes.

565

00:33:50.790 --> 00:33:54.370

What I would ask is that before one looks at that is if I could

566

00:33:54.490 --> 00:33:58.450

ask, um, Nicola Thompson to my left to make a contribution to

567

00:33:58.490 --> 00:34:02.450

explain, um, the position with regard to what ha- what needs to be done,

568

00:34:02.510 --> 00:34:03.750

practically speaking.

569

00:34:04.950 --> 00:34:08.050

Because that is relevant to, to your, to that issue.

570

00:34:08.090 --> 00:34:09.730

Yeah, please do.

571

00:34:11.170 --> 00:34:13.389

Nicola Thompson, North Northants Council.

572

00:34:13.510 --> 00:34:17.190

Um, so an eight-week period, yes, and i- uh, an extended

573

00:34:17.270 --> 00:34:19.889

period w- um, would be appreciated.

574

00:34:19.929 --> 00:34:23.630

However, in that eight-week period, our consultation of, um,

575

00:34:23.929 --> 00:34:27.810

period is 24 days. So, um, eight

576

00:34:27.889 --> 00:34:31.770

weeks would allow us to consult once and then make a decision.

577

00:34:31.810 --> 00:34:34.469

So it, it, it doesn't allow any opportunity for

578

00:34:34.530 --> 00:34:37.790

amendments, um, or, uh, additional

579

00:34:37.830 --> 00:34:41.610

information within that period, um, which is

580

00:34:41.670 --> 00:34:44.409

suggested further in the, um, in the draft

581

00:34:44.470 --> 00:34:46.050

DCO.

582

00:34:47.510 --> 00:34:48.570

Thank you.

583

00:34:48.650 --> 00:34:49.909

Thank you. And-

584

00:34:49.970 --> 00:34:53.070

So it probably, West Northants and Milton Keynes at this stage, I would have

585

00:34:53.090 --> 00:34:53.810

thought so.

586

00:34:53.870 --> 00:34:57.450

Yeah, I would, I would just, just ask, um, West Northants and,

587

00:34:57.530 --> 00:35:01.510

uh, uh, first for their views.

588

00:35:01.570 --> 00:35:05.230

Thank you, sir. Yes, um, similar concerns as, as raised by

589

00:35:05.490 --> 00:35:09.430

Mr. Grant in re- in respect to the time scales and the offer of eight weeks

590

00:35:09.810 --> 00:35:13.650

would be appreciated. I, I, I know there is, um,

591

00:35:14.010 --> 00:35:17.890

at, at, um, paragraph 2C that, that we can agree a longer period,

592

00:35:17.910 --> 00:35:21.550

but, but that is obviously, we're, we're beholden to the applicant

593

00:35:21.610 --> 00:35:25.040

agreeing that, so we would, um...

594

00:35:25.350 --> 00:35:29.150

Resourcing issues with local planning authorities do inevitably come in, into these

595

00:35:29.270 --> 00:35:33.029

matters as, as, as well. So, um, the

596

00:35:33.070 --> 00:35:35.430

eight-week period would be appreciated.

597

00:35:36.770 --> 00:35:39.150

Thank you. And for Milton Keynes City Council?

598

00:35:39.210 --> 00:35:41.170

Elizabeth Verdigan, Milton Keynes City Council.

599

00:35:41.230 --> 00:35:42.990

Um, kind of the same comments, really.

600

00:35:43.010 --> 00:35:46.790

Eight weeks is fine provided, um, you know, the applicant agrees to an

601

00:35:46.830 --> 00:35:50.490

extension of time for that. Um, so the deemed consent is the, is the

602

00:35:50.530 --> 00:35:53.270

issue, um, really.

603

00:35:53.450 --> 00:35:57.130

Okay. Thank, thank you for that. Um, uh, Mr. Grant?

604

00:35:57.190 --> 00:36:00.920

So, Gary Grant, um, uh, North, um, Northants, uh,

605

00:36:00.950 --> 00:36:04.670

Council. Um, so, so, so, y- yes, that, that's the, that's the

606

00:36:04.710 --> 00:36:07.620

first, um, concern in relation to-

607

00:36:07.630 --> 00:36:11.620

Um, sorry, sorry, Mr. Grant. Um, I, I think the, um...

608

00:36:11.650 --> 00:36:14.710

So I just wanted to come back to you on the eight-week point.

609

00:36:14.730 --> 00:36:14.880

Oh yeah.

610

00:36:14.890 --> 00:36:18.570

I was just going to allow the applicant... 'Cause I, I had, uh, cut Ms.

611

00:36:18.590 --> 00:36:22.150

Broderick off. I'm just going to allow her to respond to your first points and then

612

00:36:22.170 --> 00:36:23.280

I'll come back to you.

613

00:36:23.330 --> 00:36:23.850

Yes, sir.

614

00:36:23.870 --> 00:36:24.410

Thank you.

615

00:36:25.082 --> 00:36:26.502

Thank you. Clare Budgwick for the applicant.

616

00:36:26.562 --> 00:36:30.442

Um, yes, I think it might be helpful if we just briefly explain how the

617

00:36:30.482 --> 00:36:34.142

mechanism works, um, but before I do that, um, the

618

00:36:34.182 --> 00:36:38.022

explanatory memorandum does set out, um, that we have

619

00:36:38.062 --> 00:36:41.912

taken a bespoke approach. So, it specifically acknowledges, um, in

620

00:36:41.922 --> 00:36:44.622

section 5.16, um, that it is a bespoke

621

00:36:44.762 --> 00:36:48.721

procedure, um, and sets out some of the additional provisions, some of which we

622

00:36:48.762 --> 00:36:52.702

think are helpful. So, for example, um, sub- uh, paragraph two,

623

00:36:52.742 --> 00:36:56.512

sub-paragraph one, where there is a positive obligation on, um,

624

00:36:57.002 --> 00:37:00.742

the applicant to provide copies of, um, the- any

625

00:37:00.802 --> 00:37:04.502

application documents to any, uh, consultees that are

626

00:37:04.582 --> 00:37:08.242

noted in the requirements. We think that's a helpful addition to the standard

627

00:37:08.302 --> 00:37:12.062

provisions. Um, it also sets out that the,

628

00:37:12.142 --> 00:37:15.721

um, the reason for the deemed, uh,

629

00:37:16.182 --> 00:37:19.942

process that's in there, um, and it states that the

630

00:37:19.982 --> 00:37:22.012
reason for this is so that, um,

631
00:37:22.842 --> 00:37:26.242
nationally significant infrastructure projects aren't unnecessarily

632
00:37:26.250 --> 00:37:29.952
delayed. Um, it's important to note that these generation projects
are

633
00:37:29.982 --> 00:37:33.482
working towards a fixed generation date as part of their grid

634
00:37:33.502 --> 00:37:36.582
connection agreements, um, with National Grid.

635
00:37:36.622 --> 00:37:40.322
And therefore, it's very important that there are, um, prescribed

636
00:37:40.382 --> 00:37:43.652
periods which can be, uh, put into a construction

637
00:37:44.142 --> 00:37:47.402
program for these projects. And- and the reason we have this

638
00:37:47.462 --> 00:37:51.292
issue, um, with wanting a set period and a- a- and

639
00:37:51.382 --> 00:37:55.262
a- a decision, whether it's a deemed approval or a deemed refusal,
is because

640
00:37:55.322 --> 00:37:58.502
that then allows the applicant to appeal that decision.

641
00:37:58.522 --> 00:38:02.282
Whereas if there's no deeming provision at all, it sits there in

642
00:38:02.342 --> 00:38:06.312
a- in a void, essentially, and- and we can't progress, um, with

643

00:38:06.342 --> 00:38:10.192

the project. So, that's why a deeming provision is necessary.

644

00:38:10.221 --> 00:38:14.102

However, I just wanted to, uh, highlight, um, how the

645

00:38:14.122 --> 00:38:17.362

deeming provision works, because it's not quite as how it's been

646

00:38:17.442 --> 00:38:21.262

described. So, uh, the applicant will

647

00:38:21.322 --> 00:38:23.282

submit their application for discharge.

648

00:38:23.302 --> 00:38:26.742

What happens with nationally significant infrastructure projects is that those

649

00:38:26.802 --> 00:38:28.702

applications don't come out of the blue.

650

00:38:28.721 --> 00:38:32.082

The applicate will have worked closely with the, uh, planning

651

00:38:32.142 --> 00:38:35.202

officers, typically under a planning performance agreement, to

652

00:38:35.262 --> 00:38:39.221

discuss, uh, the documents beforehand, so it doesn't take the risk, as it

653

00:38:39.262 --> 00:38:42.502

were, of sending in an application that it knows is gonna be

654

00:38:42.542 --> 00:38:45.982

refused. Um, and then once that application has been

655

00:38:46.022 --> 00:38:48.912

received, the planning authority have, um,

656

00:38:49.682 --> 00:38:51.702
effectively three choices available to them.

657
00:38:51.721 --> 00:38:55.662
They can- they could immediately approve it, they could refuse it,
or they could

658
00:38:55.762 --> 00:38:59.502
ask for further information. If they ask for further information,
then the clock

659
00:38:59.602 --> 00:39:03.221
stops, and it doesn't start again until the applicant has

660
00:39:03.242 --> 00:39:05.042
provided that further information.

661
00:39:05.082 --> 00:39:08.982
So, when it was being talked about, about having a- a consultation
period

662
00:39:09.022 --> 00:39:13.002
with, um, external, uh, consultees, if, as a result of that

663
00:39:13.082 --> 00:39:16.922
consultation, um, a stakeholder said, "Actually, we need more
information

664
00:39:16.962 --> 00:39:20.422
about something," the ra- relevant planning authority can say to the

665
00:39:20.462 --> 00:39:24.282
applicant, "You need some- we need more information," and that- and
the

666
00:39:24.402 --> 00:39:27.872
clock stops. So, it's not- i- i- it

667
00:39:27.942 --> 00:39:31.332
allows for the provision of more information and then

668
00:39:31.382 --> 00:39:35.142

that's- that, um, six-week period here, but eight weeks as we

669

00:39:35.221 --> 00:39:38.702

discussed, effectively then starts again from the provision of that further

670

00:39:38.742 --> 00:39:41.892

information. So, there isn't any, um,

671

00:39:42.762 --> 00:39:45.922

disadvantage to the total determination period.

672

00:39:45.962 --> 00:39:49.952

You would then be able to consult again on that further information.

673

00:39:49.962 --> 00:39:53.522

And again, obviously it does allow for, um, the agreement, um,

674

00:39:54.002 --> 00:39:57.822

on any longer period. As part of the discharge application, the

675

00:39:57.862 --> 00:40:01.721

applicant has to submit under sub-paragraph four whether the

676

00:40:01.802 --> 00:40:05.782

information it's provided is likely to give rise to any materially new

677

00:40:05.842 --> 00:40:07.682

or materially different environmental effects.

678

00:40:07.721 --> 00:40:11.302

Again, that's a bespoke, um, provision, but we think it's helpful because

679

00:40:11.802 --> 00:40:15.742

then the local planning authority are not hunting around the ES trying to work

680

00:40:15.822 --> 00:40:19.762

out whether that, you know, accords with it, which may well have been

681

00:40:19.862 --> 00:40:23.721

several years previous since they read that document.

682

00:40:23.802 --> 00:40:27.782

In the event that the applicant identifies that their will give rise to materially

683

00:40:27.902 --> 00:40:31.622

new or materially different effects, sub-paragraph five says that then it's

684

00:40:31.642 --> 00:40:34.942

deemed to be refused. It's not deemed to be granted.

685

00:40:35.002 --> 00:40:38.202

So, if the a- local planning authority didn't do anything with that

686

00:40:38.262 --> 00:40:42.182

application, then it's a deemed refusal, not a deemed grant.

687

00:40:42.221 --> 00:40:45.862

It's only in the event that the local planning authority don't do anything with the

688

00:40:45.902 --> 00:40:49.522

application at all, and it doesn't give rise to any materially new or

689

00:40:49.562 --> 00:40:53.002

materially different effects, that there would be a deemed approval.

690

00:40:53.062 --> 00:40:56.582

So, we consider that protection in sub-paragraph five

691

00:40:56.942 --> 00:41:00.842

ensures that there is not a situation where an applicant puts

692

00:41:00.882 --> 00:41:04.862

in information that give rise to wholly new effects that weren't

693

00:41:04.902 --> 00:41:08.162
originally considered and it goes through because of a resourcing

694
00:41:08.202 --> 00:41:10.261
issue at the local planning authority.

695
00:41:10.322 --> 00:41:13.622
So, from the applicant's perspective, we consider those provo-

696
00:41:13.662 --> 00:41:17.202
bespoke provisions to be a fair and reasonable

697
00:41:17.282 --> 00:41:21.082
balance between ensuring a construction projec- uh, construction

698
00:41:21.182 --> 00:41:25.102
program for a project of this scale and complexity can-

699
00:41:25.142 --> 00:41:29.022
can be complied with, whilst also giving, um, the local planning

700
00:41:29.062 --> 00:41:31.682
authority, um, sufficient protection.

701
00:41:31.742 --> 00:41:35.122
So, it has been granted in other DCOs for exactly the

702
00:41:35.182 --> 00:41:38.602
same reasoning as I'm saying, um, in this hearing

703
00:41:38.802 --> 00:41:42.242
now, um, and that- that- that- those were the justifications given
and the

704
00:41:42.282 --> 00:41:46.162
Secretary of State has agreed that that provides that- that balance.

705
00:41:46.221 --> 00:41:46.742
So, I think

706
00:41:48.042 --> 00:41:51.462

it's perhaps something that maybe, um, the relevant planning

707

00:41:51.482 --> 00:41:53.122
authorities might wish to give

708

00:41:54.642 --> 00:41:58.522
some further consideration to, um, but hopefully that explanation of
how it

709

00:41:58.562 --> 00:42:02.022
works is helpful and that we're not trying to, um, push

710

00:42:02.062 --> 00:42:06.032
through, um, applications that they haven't had a chance to fully
consider.

711

00:42:06.042 --> 00:42:08.282
Thank you.

712

00:42:08.322 --> 00:42:11.702
Thank you. I think that- that's helpful. Um, turning back to Mr.

713

00:42:11.721 --> 00:42:12.862
Grant.

714

00:42:12.962 --> 00:42:16.542
Uh, Gary Grant, North- Northants, um, Council.

715

00:42:16.602 --> 00:42:20.122
Um, so thank you very much. 0- obviously those- those

716

00:42:20.142 --> 00:42:24.102
provisions are- are there and- and were acknowledged in my initial

717

00:42:24.642 --> 00:42:28.482
points. My- my- my initial observation is that, um,

718

00:42:29.202 --> 00:42:32.874
there needs to be-... a clear justification for

719

00:42:33.014 --> 00:42:36.384

departure, uh, recognizing the, um,

720

00:42:36.514 --> 00:42:40.454

importance of the processes that in- that are explained by

721

00:42:40.474 --> 00:42:44.314

Nicola Thompson. As indicated, um, we- we

722

00:42:44.394 --> 00:42:48.154

acknowledge that, um, eight weeks is obviously superior to six

723

00:42:48.194 --> 00:42:51.834

weeks, um, and- and potentially more realistic.

724

00:42:51.914 --> 00:42:55.353

Um, however, the si- and to be, um, as it were, the

725

00:42:55.414 --> 00:42:59.014

counterpoint to that, the six-week period plainly is within a,

726

00:42:59.114 --> 00:43:02.794

um, within an appendix which has no deeming provision, um,

727

00:43:03.034 --> 00:43:05.914

please note. (laughs) Um, there is a material

728

00:43:05.994 --> 00:43:09.364

difference. So, um, in so far as, um,

729

00:43:09.994 --> 00:43:13.374

there is a further point, it- it- it is in- it is really a related

730

00:43:13.474 --> 00:43:17.134

point, um, and- and- and is one that, as it

731

00:43:17.174 --> 00:43:20.774

were, um, potentially, um,

732

00:43:20.834 --> 00:43:23.574

runs through, um, the various

733

00:43:23.654 --> 00:43:27.194

requirements, particularly relating to environmental matters.

734

00:43:27.214 --> 00:43:30.994

Because if you turn to the explanatory memorandum, and I appreciate

735

00:43:31.094 --> 00:43:34.264

we're on, um, document, um,

736

00:43:34.533 --> 00:43:38.254

008 at the moment, but 00- 010 explains

737

00:43:38.654 --> 00:43:42.294

08. Uh, and, um, the point that,

738

00:43:42.334 --> 00:43:45.854

again, um, from the, um, North Northants Council

739

00:43:46.034 --> 00:43:49.904

perspective, clearly, uh, within this without

740

00:43:49.954 --> 00:43:53.574

prejudice hearing, demands some explanation in the context of this particular

741

00:43:53.654 --> 00:43:57.534

scheme, are two- two elements. One is the fact that you're dealing with a

742

00:43:57.574 --> 00:44:00.954

scheme which crosses, um, the boundary of three, um, local planning

743

00:44:00.974 --> 00:44:04.244

authorities. There is some wording within individual

744

00:44:04.314 --> 00:44:08.234

requirements which, um, through the drafting, seeks to pick that

745

00:44:08.314 --> 00:44:12.024

up. I- I flag a point which is, is there consistency

746

00:44:12.094 --> 00:44:15.494

throughout all of those requirements in relation to,

747

00:44:15.614 --> 00:44:19.584

um, the position with respect to, um,

748

00:44:19.614 --> 00:44:23.594

dealing with all- all- a number of authorities?

749

00:44:23.694 --> 00:44:27.274

Um, m- my individual reading of that shows that

750

00:44:27.614 --> 00:44:28.854

there are examples where

751

00:44:29.914 --> 00:44:33.274

n- not precisely the same wording has been used in relation to each and every one

752

00:44:33.334 --> 00:44:36.994

of those requirements, but I- I- I- I put that forward as a

753

00:44:37.094 --> 00:44:40.494

thought. Um, the point I have is this, that

754

00:44:40.574 --> 00:44:44.154

within the explanatory memorandum, phrasing

755

00:44:45.114 --> 00:44:48.214

is, um, considered at paragraph 1.5,

756

00:44:50.194 --> 00:44:53.854

and within that sec- within that section, uh, of the

757

00:44:53.874 --> 00:44:56.974

explanatory memorandum, and it's helpful in itself to have that,

758

00:44:57.594 --> 00:45:00.714

it- at 1.5.2,

759

00:45:01.454 --> 00:45:05.314

there's, um, an explanation that outside of the main

760

00:45:05.354 --> 00:45:08.584

construction period, there will be commissioning in connection to the National

761

00:45:08.694 --> 00:45:12.334

Grid. Uh, the timing of these works is dependent on the National

762

00:45:12.414 --> 00:45:16.314

Grid, um, and that 1.5.3,

763

00:45:16.794 --> 00:45:20.694

uh, notes that the different elements of the construction works mean that enabling

764

00:45:20.734 --> 00:45:24.694

works do not need to be complete in all areas of construction before

765

00:45:24.754 --> 00:45:27.294

solar farm construction commences on another part of the

766

00:45:27.414 --> 00:45:30.184

site. Um,

767

00:45:31.014 --> 00:45:34.914

a- and I also note that from the wording, and again it runs

768

00:45:34.974 --> 00:45:38.374

through all of the drafting of the requirement, deals with

769

00:45:38.454 --> 00:45:40.414

situations of part

770

00:45:41.274 --> 00:45:45.054

of the development coming forward, and I remind

771

00:45:45.814 --> 00:45:49.483

y- the examining authority that we're dealing with a number of

772

00:45:49.534 --> 00:45:50.884
individual parcels

773
00:45:52.334 --> 00:45:55.144
that will come forward. Um,

774
00:45:55.994 --> 00:45:59.154
but the question within this without prejudice section

775
00:45:59.314 --> 00:46:03.094
is, how are they going to come forward?

776
00:46:03.194 --> 00:46:07.134
Within what sort of phasing would they likely to be coming

777
00:46:07.234 --> 00:46:07.874
forward?

778
00:46:09.034 --> 00:46:09.434
And

779
00:46:10.614 --> 00:46:14.344
does that acknowledge and understand and explain that obviously one
is

780
00:46:14.394 --> 00:46:18.384
dealing with a scheme which is being submitted

781
00:46:18.434 --> 00:46:21.944
formally to, in certain circumstances, or only

782
00:46:21.974 --> 00:46:24.634
one, um, planning authority?

783
00:46:26.294 --> 00:46:30.214
So, this may be a point ultimately that is to be picked up

784
00:46:30.274 --> 00:46:33.964
within relevant management plans or relevant, um,

785
00:46:33.964 --> 00:46:36.604

documents which are cross-referred to within the various

786

00:46:36.674 --> 00:46:39.624

requirements. But the question that I

787

00:46:39.754 --> 00:46:43.674

have, really to place to the other side room to

788

00:46:43.714 --> 00:46:47.294

explain, is how is this scheme to come forward and be

789

00:46:47.314 --> 00:46:50.674

phased and come forward within a sequence which could be well

790

00:46:50.734 --> 00:46:54.674

understood, bearing in mind you have the deemed provisions

791

00:46:54.794 --> 00:46:57.094

right at the end of consent

792

00:46:58.034 --> 00:47:01.574

in certain circumstances that are going to be provide- that is going to be

793

00:47:01.654 --> 00:47:02.244

provided?

794

00:47:03.434 --> 00:47:06.154

So, is there a scheme

795

00:47:07.014 --> 00:47:10.934

which there will be control, and when, of

796

00:47:10.974 --> 00:47:14.464

the phasing of the delivery of the scheme?

797

00:47:14.464 --> 00:47:18.134

And how is that to be reflected in discharge of the

798

00:47:18.174 --> 00:47:20.274

individual requirements within the

799

00:47:20.314 --> 00:47:23.914

DC0? So- so that's the question that I put to

800

00:47:23.954 --> 00:47:26.034

you.

801

00:47:26.094 --> 00:47:28.834

Thank you. And I will put that to the

802

00:47:28.894 --> 00:47:31.514

applicant.

803

00:47:31.634 --> 00:47:33.403

Uh, Claire Budgick for the applicant.

804

00:47:33.494 --> 00:47:34.054

Um,

805

00:47:35.394 --> 00:47:38.774

as everyone will be aware, it's not uncommon for nationally significant

806

00:47:38.794 --> 00:47:41.514

infrastructure projects to be across multiple authorities.

807

00:47:41.554 --> 00:47:45.454

So, um, it's not an un- unusual, um, scenario

808

00:47:45.514 --> 00:47:49.034

where the discharging authority, um, can be multiple

809

00:47:49.534 --> 00:47:53.314

different local authorities, depending on how the scheme is

810

00:47:53.374 --> 00:47:56.434

designed and whether it's more in one local authority than another.

811

00:47:56.474 --> 00:48:00.094

Sometimes one local authority will take, um, the lead, but here, obviously we've

812

00:48:00.154 --> 00:48:03.954

got a split across, uh, um, different,

813

00:48:03.994 --> 00:48:07.934

um, local authorities. So it's been drafted on the basis that each of

814

00:48:07.994 --> 00:48:11.954

the relevant planning authorities would discharge in respect to

815

00:48:12.014 --> 00:48:15.974

their administrative area rather than, um, for example,

816

00:48:16.034 --> 00:48:19.224

the- um, them nominating that, say North

817

00:48:19.294 --> 00:48:22.574

Northamptonshire was the lead, um, discharging authority, for

818

00:48:22.614 --> 00:48:24.064

example. Um,

819

00:48:25.134 --> 00:48:28.814

the reason that there is reference to no part of the

820

00:48:28.874 --> 00:48:32.234

authorised development is to, um, allow

821

00:48:32.474 --> 00:48:36.114

for management plans to, um,

822

00:48:36.174 --> 00:48:38.814

deal with different elements of the scheme.

823

00:48:38.824 --> 00:48:42.234

Um, and I give by way of an example the fact that the solar

824

00:48:42.254 --> 00:48:45.982

installation works-... um, will typically be carried

825

00:48:46.082 --> 00:48:50.012

out by different contractors than the cable laying works, for

826

00:48:50.062 --> 00:48:53.542

example, um, or it might be a different, um,

827

00:48:54.342 --> 00:48:57.662

contractor, um, constructing the substation.

828

00:48:57.802 --> 00:49:01.122

Um, the mitigation measures, um, may well

829

00:49:01.222 --> 00:49:05.182

therefore, um, be known in respect of one element of

830

00:49:05.222 --> 00:49:08.362

the project in advance of, um, another element.

831

00:49:08.422 --> 00:49:11.782

So, by referencing no part, it allows

832

00:49:11.862 --> 00:49:15.682

for, um, there to be, if required, multiple,

833

00:49:15.782 --> 00:49:19.102

um, uh, management plans. And I give an example, for example,

834

00:49:19.162 --> 00:49:23.082

the, uh, construction environmental management plan

835

00:49:23.142 --> 00:49:26.842

may have different detailed provisions in it relating to the cable

836

00:49:26.882 --> 00:49:30.482

work installations that don't apply to the solar

837

00:49:30.522 --> 00:49:32.542

panel, um, sections, for example.

838

00:49:32.562 --> 00:49:35.922

And that would allow the option to have one

839

00:49:35.962 --> 00:49:39.612

global construction environmental management plan covering every

840

00:49:39.642 --> 00:49:43.502

single element of work, or be divided up into parts to deal

841

00:49:43.542 --> 00:49:46.942

with different sections of the authorized development.

842

00:49:47.022 --> 00:49:50.822

Um, that is reflective of the nature of how these large projects

843

00:49:50.902 --> 00:49:54.212

are constructed, um, and they may be following

844

00:49:54.722 --> 00:49:58.642

different time scales, albeit that the environmental statement has assumed that all

845

00:49:58.682 --> 00:50:01.182

works will be taken p- take part in that two-year period.

846

00:50:01.202 --> 00:50:04.882

It's not a phased project in the sense that some other

847

00:50:04.902 --> 00:50:08.722

nationally significant infrastructure projects have distinct phases where they'll

848

00:50:08.782 --> 00:50:12.682

build out one part and then several years later potentially build out

849

00:50:12.722 --> 00:50:16.462

another part. So, that's not what the environmental statement

850

00:50:16.542 --> 00:50:20.182

has considered here, but there will be different works taking place,

851

00:50:20.282 --> 00:50:22.942
um, throughout that two-year period.

852
00:50:22.952 --> 00:50:26.862
So, that level of detail is just not known at this stage in the

853
00:50:26.902 --> 00:50:30.402
process, so the applicant can't confirm

854
00:50:30.822 --> 00:50:34.372
whether it would be one global management plan or individual

855
00:50:34.422 --> 00:50:38.402
management plans. Um, it may also be appropriate, for example, to

856
00:50:38.442 --> 00:50:42.182
provide, um, individual LEMPAs for each of the solar

857
00:50:42.222 --> 00:50:45.662
sites if the mitigation measures are bespoke to that

858
00:50:45.702 --> 00:50:48.722
location or to have one global one.

859
00:50:48.742 --> 00:50:52.622
It g- i- it gives that flexibility because the detailed design

860
00:50:52.742 --> 00:50:55.642
is, is not known at this stage. Um,

861
00:50:56.942 --> 00:51:00.882
I'm not sure whether the question being raised was a, a resourcing

862
00:51:01.802 --> 00:51:03.142
point or

863
00:51:04.382 --> 00:51:08.242
a, as in, are, i- are, is there a concern that the,

864
00:51:08.282 --> 00:51:10.802
that they would, the planning authority would like sight of

865

00:51:10.902 --> 00:51:14.202

when the management plans are likely to

866

00:51:14.262 --> 00:51:17.382

come or, or another, another type of point?

867

00:51:17.402 --> 00:51:19.922

Because I th- I'm not, uh, I don't see

868

00:51:21.182 --> 00:51:25.002

the negative in having the ability to have bespoke management plans that each

869

00:51:25.042 --> 00:51:26.182

individually need to get

870

00:51:27.302 --> 00:51:30.942

approved. Um, planning authorities are obviously free to

871

00:51:30.982 --> 00:51:32.282

discuss between themselves

872

00:51:33.122 --> 00:51:37.022

should we have to submit one version of, or should, we're submitting a version of

873

00:51:37.062 --> 00:51:40.382

the LEMPA to one planning authority and, and a version of

874

00:51:40.442 --> 00:51:43.541

the, of the LEMPA to, to another. But it-

875

00:51:43.922 --> 00:51:44.011

I,

876

00:51:44.011 --> 00:51:44.802

I think I- I'm not quite sure I understand-

877

00:51:44.822 --> 00:51:45.282

Yeah.

878

00:51:45.291 --> 00:51:46.642

... quite where the issue arises.

879

00:51:46.662 --> 00:51:50.422

I think I interpreted it as a, a sort of resourcing perspective

880

00:51:50.482 --> 00:51:54.452

and phasing, and it would be useful for local authorities to know when

881

00:51:54.482 --> 00:51:57.812

things are coming in, but I don't want to speak for them, so I will just,

882

00:51:57.882 --> 00:51:59.782

um, check.

883

00:51:59.862 --> 00:52:03.582

So that's, uh, G- Gary Grant, North Northamptonshire Council.

884

00:52:03.682 --> 00:52:03.962

Um,

885

00:52:04.822 --> 00:52:07.052

so it is primarily driven by, um,

886

00:52:08.682 --> 00:52:12.042

work organization, resource implications, m- resource

887

00:52:12.122 --> 00:52:15.732

limitations, which really f- need to be frankly understood, um,

888

00:52:16.382 --> 00:52:20.342

a- and in the context of the deeming provisions which I've gone through

889

00:52:20.382 --> 00:52:22.162

first.

890

00:52:24.642 --> 00:52:25.222

So-

891

00:52:25.242 --> 00:52:25.252

S-

892

00:52:25.282 --> 00:52:26.282

So, yes, sir.

893

00:52:26.322 --> 00:52:30.122

S- so with that in mind, I wonder, is, is there anything that, um,

894

00:52:30.182 --> 00:52:33.802

the applicant could do, um, to

895

00:52:34.902 --> 00:52:38.682

provide more certainty to local authorities within that, that

896

00:52:38.782 --> 00:52:42.442

two-year period of when they might, um, ac-, uh,

897

00:52:42.502 --> 00:52:46.382

uh, you know, see, um, management plans for approval?

898

00:52:48.222 --> 00:52:51.862

Uh, Claire Burch of the applicant. Uh, we will definitely take that point away.

899

00:52:51.962 --> 00:52:55.442

Um, I am aware of, um, other orders

900

00:52:55.462 --> 00:52:59.322

providing sort of information, so it's not a, a phasing plan that

901

00:52:59.362 --> 00:53:03.282

needs to be approved, um, as such because it's not a phased project, but for

902

00:53:03.362 --> 00:53:06.842

information purposes, um, a sort of indicative

903

00:53:07.762 --> 00:53:09.762

timetable or program being provided.

904

00:53:09.802 --> 00:53:13.462

But, um, we will have to think about the actual drafting that might be required

905

00:53:13.522 --> 00:53:17.462

to, um, allow for that, um, and, and see if we can find some examples.

906

00:53:17.502 --> 00:53:19.942

I am aware of some but don't just have them to hand.

907

00:53:19.982 --> 00:53:22.262

Thank you. I, I think that would be welcomed by the local

908

00:53:22.302 --> 00:53:24.442

authorities.

909

00:53:24.482 --> 00:53:27.682

Gary Grant, North Northamptonshire. Yes, that would be helpful.

910

00:53:29.222 --> 00:53:32.962

Thank you. Yes.

911

00:53:33.082 --> 00:53:36.682

Um, so M- Mr. Grant was, uh, um, I know you, you

912

00:53:36.782 --> 00:53:39.782

started at sh- right at the back at schedule 16.

913

00:53:39.822 --> 00:53:43.262

Were there, um, other, um, points that you wished to

914

00:53:43.322 --> 00:53:45.782

raise?

915

00:53:47.642 --> 00:53:49.562

Um, Gary Grant, North Northamptonshire.

916

00:53:49.862 --> 00:53:53.422

Th- that is the main point, um, sir, so I'm really happy

917

00:53:53.502 --> 00:53:57.462

to, um, make, um, contributions, uh, over and

918

00:53:57.502 --> 00:54:01.382

above that as, as and when, sir, in terms of

919

00:54:01.422 --> 00:54:02.782

drafting.

920

00:54:02.842 --> 00:54:06.422

Thank you. Um, if I could turn now to

921

00:54:06.602 --> 00:54:09.282

West Northamptonshire, um, Council.

922

00:54:09.362 --> 00:54:12.982

Um, is there, um, anything that you particularly wanted to

923

00:54:13.022 --> 00:54:15.142

raise regarding the articles and

924

00:54:15.152 --> 00:54:17.602

schedules?

925

00:54:17.702 --> 00:54:20.602

Um, yes, sir. Thank you. Um, apologies.

926

00:54:20.642 --> 00:54:24.202

Just back to schedule 16 and the, the, the deemed

927

00:54:24.222 --> 00:54:27.152

discharge and the reference in paragraph, um,

928

00:54:28.802 --> 00:54:30.942

three about all parts of the application.

929

00:54:30.982 --> 00:54:33.162

I'm, I'm just conscious that quite often

930

00:54:34.102 --> 00:54:38.082

applications are submitted for the discharge of several requirements at, at,

931

00:54:38.102 --> 00:54:40.982

at one time. So it's whether there needs to be

932

00:54:42.302 --> 00:54:45.462

any wording or discussion about kind of partial discharge

933

00:54:45.502 --> 00:54:49.410

of... an application or, or yeah, it- it's just

934

00:54:49.450 --> 00:54:52.610

how we might deal with that, where some requirements might be acceptable within

935

00:54:52.650 --> 00:54:56.260

that time period and others not.

936

00:54:56.350 --> 00:55:00.170

Um, did- did the applicant have a initial view on that or is that something you'd

937

00:55:00.210 --> 00:55:04.030

like to, um, come back in writing or, or continue

938

00:55:04.070 --> 00:55:05.930

to speak to the local authority

939

00:55:05.990 --> 00:55:10.750

about?

940

00:55:13.890 --> 00:55:16.210

Uh, Claire Burchett, the applicant.

941

00:55:16.310 --> 00:55:16.550

Uh,

942

00:55:17.410 --> 00:55:20.670

we will have another look at the dra- the drafting, but generally

speaking, it's-

943

00:55:20.710 --> 00:55:24.630

it's per requirement. So even if, I don't know, there was

944

00:55:24.690 --> 00:55:26.880

a- a covering letter that said, "We're...

945

00:55:26.890 --> 00:55:27.910

Please find enclosed

946

00:55:28.910 --> 00:55:32.390

details to discharge multiple requirements." Each individual

947

00:55:32.670 --> 00:55:36.070

requirement would constitute an application, if that makes sense.

948

00:55:36.130 --> 00:55:39.159

So you then would be able to... The time periods would

949

00:55:39.210 --> 00:55:43.159

then relate to that particular requirement

950

00:55:43.270 --> 00:55:47.090

so you would be able to, I don't know, approve the fencing, but then ask for

951

00:55:47.130 --> 00:55:51.070

further information on, um, hydrology, drainage strategy, for

952

00:55:51.089 --> 00:55:54.990

example. But, um, we will have a look at the drafting to make

953

00:55:55.030 --> 00:55:56.660

sure that that is, um,

954

00:55:58.050 --> 00:55:59.410

clear. I think it-

955

00:56:01.050 --> 00:56:04.950

it- it, um, is work... It applies in the fees.

956

00:56:04.970 --> 00:56:08.070

I know that on... We gave some thought to making sure that the fee

957

00:56:08.110 --> 00:56:11.000

applied per requirement rather than

958

00:56:12.290 --> 00:56:14.820

per letter, if that makes sense, so you didn't...

959

00:56:14.820 --> 00:56:18.390

The local planning authority didn't lose out if you were putting in more than one

960

00:56:18.410 --> 00:56:21.950

requirement in at the same time. So, I think the wording's in there in the fees,

961

00:56:22.010 --> 00:56:24.550

but we can have another look and make sure it's there.

962

00:56:24.610 --> 00:56:27.090

Yeah, if you- if you wouldn't mind checking, that'd be helpful.

963

00:56:27.170 --> 00:56:30.220

Um, I was just having a quick look through to see whether there are any- when a-

964

00:56:30.230 --> 00:56:33.210

whether any of the requirements had sort of sub-requirements of different

965

00:56:33.270 --> 00:56:36.490

submissions within them, which I can't immediately see, but,

966

00:56:36.570 --> 00:56:40.310

um, um, Ms. Scaife, uh, does that,

967

00:56:40.370 --> 00:56:42.430

um, answer your point?

968

00:56:42.490 --> 00:56:45.290

Yes, thank you, sir. Um-

969

00:56:45.310 --> 00:56:47.270

And, uh, did you have some other points?

970

00:56:47.280 --> 00:56:48.630

I- I- I don't know whether now is the opportunity.

971

00:56:48.650 --> 00:56:52.190

I'm conscious that a- a- a colleague, um, from Lead Local Flood

972

00:56:52.230 --> 00:56:55.600

Authority is wanting to speak. I don't know whether now is the appropriate time in

973

00:56:55.630 --> 00:56:57.910

respect to the- the- the DCO.

974

00:56:57.990 --> 00:57:00.670

Uh, yes, please. Please do.

975

00:57:01.330 --> 00:57:05.040

I think it's Ruth, Ruth Burnham, if- if she's...

976

00:57:05.050 --> 00:57:05.860

Oh, I can see her.

977

00:57:05.860 --> 00:57:07.150

Oh, yeah.

978

00:57:07.160 --> 00:57:07.160

979

00:57:07.160 --> 00:57:10.710

Yeah. Yep. Thank you. Uh, yeah, so Ruth Burnham, I'm a principal flood and coastal

980

00:57:10.810 --> 00:57:14.559

consultant at Binnies. Um, so I'm representing the Lead Local Flood Authority for

981

00:57:14.630 --> 00:57:18.170
West Northants. Um, so the draft DCO

982
00:57:18.210 --> 00:57:22.090
proposes, uh, this Part Two, Clause 6.1 A

983
00:57:22.130 --> 00:57:26.000
and C to disapply Land Drainage Act 1991, uh, the provisions that

984
00:57:26.010 --> 00:57:29.190
enable the LLFA to review and consent proposed works to ordinary

985
00:57:29.230 --> 00:57:32.930
watercourses. Um, the applicant stated that,

986
00:57:33.010 --> 00:57:36.899
uh, provisions have been made through the draft DCO, but no specific

987
00:57:36.930 --> 00:57:40.850
reference has been made as to what, um, what- what those

988
00:57:40.870 --> 00:57:44.050
requirements are, so we're wanting a bit more clarity on that.

989
00:57:44.130 --> 00:57:47.990
Um, I w- I reference, there is a Requirement 11 for surface water

990
00:57:48.330 --> 00:57:51.790
drainage scheme, um, but that doesn't make any reference to works to

991
00:57:51.830 --> 00:57:55.530
watercourses. Um, so whilst I recognize that it

992
00:57:55.550 --> 00:57:58.679
proposed to use horizontal directional drilling for the water course

993
00:57:58.770 --> 00:58:02.700
crossings, and so there might be alternative methods used where
those watercourses

994
00:58:02.750 --> 00:58:06.710

are smaller, um, and that also doesn't include any

995

00:58:06.730 --> 00:58:10.570

other works such as culv- temporary culverting of watercourses, um,

996

00:58:10.590 --> 00:58:14.570

for cross- crossings during construction for vehicular access.

997

00:58:14.650 --> 00:58:17.839

Um, and those are the type of things that we would normally require for, um,

998

00:58:17.850 --> 00:58:21.370

scrutiny under that Land Drainage Act consenting process.

999

00:58:21.450 --> 00:58:25.190

Um, there is precedence set by other DCOs, uh, locally that have

1000

00:58:25.550 --> 00:58:29.390

these requirements in place where the Land Drainage Act has been, um,

1001

00:58:29.470 --> 00:58:33.090

disallowed, um, so wanting to get a bit further clarity as to what

1002

00:58:33.150 --> 00:58:35.200

provisions have been made, um,

1003

00:58:36.130 --> 00:58:39.790

through the draft DCO. And if- if not, whether an additional

1004

00:58:39.810 --> 00:58:43.670

requirement can be, um, implemented for any works within nine meters of a main- a

1005

00:58:43.690 --> 00:58:44.370

non-main river.

1006

00:58:45.980 --> 00:58:47.490

Thank you.

1007

00:58:49.810 --> 00:58:50.910
Thank you, Ms. Burnham.

1008
00:58:51.950 --> 00:58:54.910
Um, could I turn to the applicant, uh, for a response to that

1009
00:58:54.990 --> 00:58:56.490
please?

1010
00:58:56.570 --> 00:59:00.050
Alison Dablin for the applicant. Uh, yes.

1011
00:59:00.150 --> 00:59:03.990
So it's recognized that various works may be required

1012
00:59:04.070 --> 00:59:07.690
to the minor watercourses, uh, such as culverting.

1013
00:59:07.770 --> 00:59:11.730
Um, at present, the, um, it would be the landscape and

1014
00:59:11.910 --> 00:59:15.479
ecological management plan that, uh, contains the provisions in

1015
00:59:15.530 --> 00:59:19.440
relation to how those are carried out and ensuring that they are,
um,

1016
00:59:19.670 --> 00:59:21.810
done appropriately. Um,

1017
00:59:22.650 --> 00:59:26.290
we recognize that the requirement to, um,

1018
00:59:26.430 --> 00:59:30.350
obtain what is known as an ordinary watercourse consent is

1019
00:59:30.410 --> 00:59:34.190
one that requires the consent of the Lead Local Flood Authority in

1020
00:59:34.250 --> 00:59:36.650

order to disapply the requirement.

1021

00:59:36.890 --> 00:59:40.810

Um, and I- I think it is something that we would happily engage

1022

00:59:40.870 --> 00:59:44.530

with some further discussions, um, with the councils in

1023

00:59:44.570 --> 00:59:47.910

order to fully understand what they need in order to be comfortable with that

1024

00:59:47.930 --> 00:59:50.780

disapplication. Um, on other

1025

00:59:51.370 --> 00:59:52.170

projects-

1026

00:59:52.850 --> 00:59:52.860

Yeah.

1027

00:59:52.870 --> 00:59:56.230

... um, protective provisions have been provided in order

1028

00:59:56.330 --> 01:00:00.290

to, um, provide a- a clear, um, structure

1029

01:00:00.390 --> 01:00:03.170

for providing the- the level of detail

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01:00:03.230 --> 01:00:07.190

required, um, in the absence of the ordinary watercourse

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01:00:07.260 --> 01:00:11.180

consent, uh, process. So I think if we take that away and have some further

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01:00:11.230 --> 01:00:14.870

conversations with, um, the council's Lead Local Flood

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01:00:14.930 --> 01:00:16.750

Authorities, then I think we can

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01:00:18.150 --> 01:00:21.350

find a way forward and reach an agreement to make sure that, um, the councilors are

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01:00:21.390 --> 01:00:23.890

comfortable with that, if that's okay.

1036

01:00:25.710 --> 01:00:29.470

That- that sounds like a helpful way forward, if we could capture that as an

1037

01:00:29.530 --> 01:00:31.470

action, but we'll just turn back to Ms.

1038

01:00:31.510 --> 01:00:34.140

Burnham just to see if that's, uh, uh-

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01:00:34.150 --> 01:00:35.390

Yeah, thank you very much for that.

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01:00:35.410 --> 01:00:35.420

Mm-hmm.

1041

01:00:35.430 --> 01:00:36.770

Would be very helpful. Thank you.

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01:00:39.270 --> 01:00:43.110

Thank you. Um, were there any other

1043

01:00:43.130 --> 01:00:46.850

points that West Northamptonshire Council would wish to raise at this

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01:00:46.890 --> 01:00:47.490

stage?

1045

01:00:48.361 --> 01:00:52.122

Um, nothing specific, sir. I understand from highways colleagues that

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01:00:52.261 --> 01:00:55.801

di- discussions are, are still ongoing in respect to the, um, the draft

1047

01:00:55.861 --> 01:00:58.562

requirements as, as part of the statement of common ground as

1048

01:00:58.602 --> 01:01:00.341

well.

1049

01:01:02.301 --> 01:01:04.462

Thank you. Um, Mr. Grant?

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01:01:04.542 --> 01:01:07.102

Uh, Gary Grant, uh, North Northants Council.

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01:01:07.142 --> 01:01:10.781

Yeah, so yes, uh, in relation to all other matters

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01:01:11.102 --> 01:01:14.421

as indicated yesterday within the environmental session,

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01:01:15.122 --> 01:01:19.031

plainly issues are being progressed outside of the examination

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01:01:19.102 --> 01:01:21.142

process through the statement of common ground process.

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01:01:21.182 --> 01:01:25.062

And I've deliberately not commented on anything that clearly

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01:01:25.102 --> 01:01:29.002

falls within that category, um, but recognize, sir,

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01:01:29.042 --> 01:01:32.202

that, that is indeed, that is indeed the case.

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01:01:32.221 --> 01:01:36.171

And if, if something, as it were, is not resolved, it will come back, uh,

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01:01:36.182 --> 01:01:38.582

within later deadline process, I imagine.

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01:01:40.202 --> 01:01:44.122

Thank you. Uh, if I could turn now to, uh, Milton

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01:01:44.241 --> 01:01:48.221

Keynes City Council. Um, again, same, same question

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01:01:48.261 --> 01:01:51.942

of, uh, uh, whether there are any particular points regarding

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01:01:52.042 --> 01:01:55.221

the articles or schedules that you'd like to make?

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01:01:55.321 --> 01:01:58.582

Nothing to raise that's not already been covered by the other local authorities.

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01:01:58.622 --> 01:02:01.062

Thank you.

1066

01:02:01.122 --> 01:02:03.702

Thank you.

1067

01:02:04.221 --> 01:02:08.432

(clears throat)

1068

01:02:08.942 --> 01:02:11.881

If I could turn now to, uh, National

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01:02:12.022 --> 01:02:15.642

Highways. Uh, Mrs. Fowler, I think you indicated that

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01:02:15.741 --> 01:02:18.841

you did wish to raise something under this agenda item.

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01:02:20.182 --> 01:02:23.682

Uh, Mrs. uh, Vicky Fowler on behalf of National Highways, sir.

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01:02:23.692 --> 01:02:27.671

Uh, yes, sir. Um, th- there's a slight overlap between this and

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01:02:27.761 --> 01:02:31.542

obviously agenda item 3.2. So we do have concerns

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01:02:31.662 --> 01:02:35.522

with some of the articles, um, where they are granting the applicant powers

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01:02:35.622 --> 01:02:39.401

over the strategic road network. But as they do link into the

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01:02:39.482 --> 01:02:42.801

protective provisions, I, I will pick those up at 3.2.

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01:02:43.682 --> 01:02:47.401

So for this agenda item, sir, I th- I think the main, the main concern as, as with

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01:02:47.421 --> 01:02:51.361

the councils is just regarding the requirements, um, which are included

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01:02:51.421 --> 01:02:55.042

in schedule two of the draft DC0.

1080

01:02:56.062 --> 01:02:59.821

Um, and within the, uh, National Highways written

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01:02:59.861 --> 01:03:02.040

representation, uh, rep

1082

01:03:02.421 --> 01:03:04.542

1-180,

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01:03:05.442 --> 01:03:09.252

um, we did request that National Highways is consulted on a number of,

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01:03:09.281 --> 01:03:13.102

number of the requirements. And the applicant has pushed back on

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01:03:13.142 --> 01:03:14.022

those, um,

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01:03:14.841 --> 01:03:18.221

in terms of National Highways being added as a mandatory

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01:03:18.261 --> 01:03:22.142

consultee. Uh, so we've heard this morning that there are very

1088

01:03:22.202 --> 01:03:25.611

tight timescales for signing off on requirements.

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01:03:25.702 --> 01:03:28.812

Um, and if people aren't referenced as a specific

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01:03:28.881 --> 01:03:32.852

consultee, then they're unlikely to be consulted by the various planning

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01:03:32.901 --> 01:03:33.921

authorities.

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01:03:35.542 --> 01:03:39.482

So, in terms of the specific requirements, so I'll, I'll list out the

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01:03:39.522 --> 01:03:43.062

numbers and then I'll take you to some just to put a m- bit more flesh on, on why

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01:03:43.122 --> 01:03:47.022

we're concerned. So the particular requirements, I'll just, just give the

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01:03:47.062 --> 01:03:48.062

numbers, are 3,

1096

01:03:49.062 --> 01:03:51.442

7, 8, 10,

1097

01:03:52.361 --> 01:03:56.202
11, 12, 13, 14,

1098
01:03:56.241 --> 01:04:00.131
15, 16 and 21. So,

1099
01:04:00.582 --> 01:04:04.372
the s- the site of the works, um, or certainly part of the

1100
01:04:04.442 --> 01:04:07.392
site of the works are obviously close to the strategic road network
and in

1101
01:04:07.401 --> 01:04:09.421
particularly the A45.

1102
01:04:10.281 --> 01:04:13.982
So the protective provisions will deal with roadworks and cable

1103
01:04:14.042 --> 01:04:17.002
works on and beneath the strategic road

1104
01:04:17.162 --> 01:04:20.781
network. But they don't deal with activities necessarily near the

1105
01:04:20.801 --> 01:04:23.821
strategic road network. So, so by, by way of

1106
01:04:23.861 --> 01:04:27.841
example, uh, requirement 10 asks

1107
01:04:27.901 --> 01:04:31.261
for approval of proposed temporary fences, walls, or other

1108
01:04:31.321 --> 01:04:34.202
enclosures. And sir, there are construction

1109
01:04:34.281 --> 01:04:38.241
compounds, um, in the vicinity of the slip road

1110
01:04:38.281 --> 01:04:40.821

onto the A45. Um,

1111

01:04:41.721 --> 01:04:45.401

and, um, s- so for example, the National Highways would be

1112

01:04:45.502 --> 01:04:46.502

concerned

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01:04:47.542 --> 01:04:51.442

in terms of the details of those fences and the risk of

1114

01:04:51.502 --> 01:04:54.122

those fences, for example, being blown onto the strategic road

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01:04:54.202 --> 01:04:57.881

network. So as I say, at the m- at the moment, there's no

1116

01:04:58.821 --> 01:05:02.281

(sighs) there's no mechanism for National Highways to be

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01:05:02.341 --> 01:05:05.542

involved in those, those discussions.

1118

01:05:05.580 --> 01:05:09.402

So if it isn't through the requirements, then it needs to be through

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01:05:09.421 --> 01:05:13.162

something else. And, and, and obviously we're, we're talking to the applicant

1120

01:05:13.202 --> 01:05:16.961

about protective provisions. Uh, s- so

1121

01:05:17.022 --> 01:05:19.872

that, that's one example. Um,

1122

01:05:20.721 --> 01:05:24.361

I suppose I would also just note again the requirement 16, the

1123

01:05:24.402 --> 01:05:26.902

operational traffic management plan.

1124

01:05:26.942 --> 01:05:30.602

I mean, there's, there's reference to traffic and yet no reference to the highway

1125

01:05:30.642 --> 01:05:31.971

authorities, which again is the...

1126

01:05:32.002 --> 01:05:35.841

I find, I find surprising. And then ultimately, we

1127

01:05:35.902 --> 01:05:39.692

have requirement 21 which deals with decommissioning.

1128

01:05:39.721 --> 01:05:42.682

So, uh, so again, I mean there could be, um,

1129

01:05:43.142 --> 01:05:47.022

significant activity that could affect the strategic road,

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01:05:47.042 --> 01:05:50.982

road network. So as I say, that, that's a selection and we've, we've set out

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01:05:51.062 --> 01:05:54.202

in detail why we feel National Highways should be

1132

01:05:54.261 --> 01:05:58.042

consulted. Um, I would just also note requirement

1133

01:05:58.202 --> 01:06:01.622

three, which a- again I know the councils have touched on.

1134

01:06:01.642 --> 01:06:05.162

But, but again, that gives the right for the undertaker to submit any amendments to

1135

01:06:05.202 --> 01:06:08.852

any approved document. So again, the fact that,

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01:06:08.921 --> 01:06:12.902

um, we may be consulted, National Highways may be consulted as a

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01:06:12.921 --> 01:06:16.702

highway authority. But then, m- reference to no

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01:06:16.801 --> 01:06:20.482

consultation where there's actually amendments, um, to approve

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01:06:20.491 --> 01:06:23.122

documents that, that, you know, they could have an interest

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01:06:23.221 --> 01:06:27.202

in. So, so that, I'll, I'll, that sort of

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01:06:27.241 --> 01:06:30.502

ends my, um, my representations in terms of th- of the

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01:06:30.542 --> 01:06:33.642

requirements and for that particular agenda item.

1143

01:06:33.662 --> 01:06:36.602

As I say, there are, there are concerns about some of the articles, but I'll raise

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01:06:36.622 --> 01:06:40.502

that in the context of the protective provisions.

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01:06:40.522 --> 01:06:44.062

Thank you, Mrs. Fowler. Um, if I could turn to the

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01:06:44.122 --> 01:06:47.131

applicant for a, uh, response to those points

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01:06:47.221 --> 01:06:48.221

please?

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01:07:00.332 --> 01:07:04.252

Clare Boshick for the applicant. Um, yes, as was mentioned, we set

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01:07:04.332 --> 01:07:07.272

out our responses to those comments in, um, rep

1150

01:07:07.472 --> 01:07:10.692
2-048. Um, and we

1151

01:07:10.932 --> 01:07:14.772
maintain the position that it's not necessary, with the exception

1152

01:07:14.872 --> 01:07:18.432
of the reference to, um, requirement 16.

1153

01:07:18.512 --> 01:07:22.342
Um, and, um, having heard the submissions there, um,

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01:07:22.492 --> 01:07:25.542
we are happy to replicate, um,

1155

01:07:25.912 --> 01:07:29.412
the consultation element that's in requirement

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01:07:29.512 --> 01:07:33.382
15 regarding the construction traffic, traffic management plan,
which was,

1157

01:07:33.492 --> 01:07:36.902
um, subparagraph three, and add that

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01:07:36.992 --> 01:07:40.222
to, um, uh, requirement 16. So,

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01:07:40.232 --> 01:07:43.842
16 would also include, um, a

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01:07:43.872 --> 01:07:47.512
requirement to, um, for the relevant planning authority to

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01:07:47.552 --> 01:07:50.092
consult with the relevant highway authority on the

1162

01:07:50.912 --> 01:07:54.692
operational traffic management plan and that would apply both to
National Highways

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01:07:54.752 --> 01:07:58.672

as the, um, strategic road network operator, but also the

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01:07:59.072 --> 01:08:02.771

internally within, um, the planning, um, authority, their

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01:08:02.812 --> 01:08:06.432

highways department. And then we would, as the applicant under the

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01:08:06.472 --> 01:08:10.052

provisions in schedule 16 that were mentioned before, that would then trigger the

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01:08:10.092 --> 01:08:13.252

obligation on the applicant to provide a copy of that

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01:08:13.292 --> 01:08:17.022

document, um, before it's, um, uh,

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01:08:17.092 --> 01:08:20.852

submitted. Um, in terms of the other points,

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01:08:20.952 --> 01:08:24.792

um, the applicant's position is that for works that actually affect

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01:08:25.092 --> 01:08:28.422

the strategic road network, then the protector provisions will cover those

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01:08:28.452 --> 01:08:32.272

interactions and the approvals. Um, the work would need to be approved

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01:08:32.312 --> 01:08:34.642

before, um, it can be,

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01:08:35.692 --> 01:08:37.312

um, undertaken regardless of whether

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01:08:38.192 --> 01:08:42.152

the management plan relating to that work was, um, consulted on with the, with

1176

01:08:42.232 --> 01:08:45.692

National Highways. So the protective provisions provide sufficient,

1177

01:08:46.552 --> 01:08:50.212

um, control as to works that directly affect the strategic road

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01:08:50.252 --> 01:08:52.412

network. Thank

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01:08:52.532 --> 01:08:54.292

you.

1180

01:08:56.052 --> 01:09:00.032

Thank you. Um, Mrs. Fowler, was there, um, having heard that

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01:09:00.052 --> 01:09:03.412

response, was there anything further you wanted to raise at this stage

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01:09:03.532 --> 01:09:06.770

or, um, can we assume that discussions will be

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01:09:06.892 --> 01:09:08.231

ongoing?

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01:09:08.291 --> 01:09:11.132

Uh, Mrs. Vicki Fowler on behalf of National Highways.

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01:09:11.152 --> 01:09:15.052

Um, s- so I think, uh, uh, I, I will, will just like to stress the

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01:09:15.112 --> 01:09:18.192

point, I think the concern is that, you know, we accept

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01:09:18.252 --> 01:09:22.020

that, um, works and activities on the

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01:09:22.092 --> 01:09:25.992

strategic road network or beneath strategic road network will, will naturally

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01:09:26.032 --> 01:09:27.922

be, um... You know,

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01:09:28.932 --> 01:09:32.232

National Highways will have their, you know, will be consulted and there'll be

1191

01:09:32.312 --> 01:09:33.732

discussion and there'll be approvals.

1192

01:09:33.772 --> 01:09:36.532

I think it, I think it's just the fact that, that, you know, you've got the

1193

01:09:36.572 --> 01:09:40.242

boundary of the strategic road network and obviously acknowledging that, for

1194

01:09:40.272 --> 01:09:43.812

example, the, um, the grass verge et cetera, you know, the, the

1195

01:09:43.852 --> 01:09:47.672

landscaping strips along the A45 are also part of the strategic road

1196

01:09:47.772 --> 01:09:51.732

network. And I think it's just, you know, how, how do we have a say

1197

01:09:51.812 --> 01:09:55.752

on what's, o- o- on what's going on adjoining

1198

01:09:55.792 --> 01:09:59.712

that boundary, um, you know, when effectively the council are

1199

01:09:59.752 --> 01:10:03.592

under very tight timescales to approve details and plans and,

1200

01:10:03.612 --> 01:10:06.832

uh, and, and, and won't be coming out openly to, to

1201
01:10:06.912 --> 01:10:09.332
consult. So, thank

1202
01:10:09.412 --> 01:10:11.812
you.

1203
01:10:11.852 --> 01:10:15.792
No, thank you. I think, I think we, we hear that concern and
perhaps, um, we

1204
01:10:15.812 --> 01:10:18.932
could encourage the applicant to keep, um, talking with

1205
01:10:19.532 --> 01:10:23.332
National Highways, um, on whether there are options to

1206
01:10:23.412 --> 01:10:25.612
alleviate those concerns.

1207
01:10:25.732 --> 01:10:29.062
Uh, Clare Boshick for the applicant. Um, yes, we can continue those
conversations.

1208
01:10:29.092 --> 01:10:33.012
What I would say is that for this specific project, obviously it's,
it's

1209
01:10:33.072 --> 01:10:36.712
cabling underneath, um, the strategic road network

1210
01:10:36.852 --> 01:10:40.412
rather than other works in box. So the, the works are

1211
01:10:40.452 --> 01:10:43.832
associated with those cable construction, uh, works.

1212
01:10:43.852 --> 01:10:47.092
So for this particular project, our position is not proportionate.

1213
01:10:47.112 --> 01:10:50.412
That doesn't mean that for other projects that have, for example,

solar panels

1214

01:10:51.052 --> 01:10:54.692

adjacent to the strategic road network that it may or may not be

1215

01:10:54.732 --> 01:10:58.172

appropriate for those sorts of provisions to be included.

1216

01:10:58.212 --> 01:11:01.752

We just don't believe the specific, um, interactions of this

1217

01:11:01.772 --> 01:11:05.652

particular scheme with the strategic node network, uh, warrant,

1218

01:11:05.732 --> 01:11:08.982

um, that additional, um, reference to

1219

01:11:09.092 --> 01:11:12.672

consultation and the protective provisions are, um, sufficient.

1220

01:11:12.692 --> 01:11:16.472

We do however, have a, a call with, um, National Highways

1221

01:11:16.532 --> 01:11:20.272

solicitors, uh, next week, which I'm sure will be referred to later so we can

1222

01:11:20.432 --> 01:11:23.312

discuss that point further with them then. Thank you.

1223

01:11:23.332 --> 01:11:25.732

Thank you.

1224

01:11:28.272 --> 01:11:32.072

Okay, um, I, I will turn now, um, to

1225

01:11:32.082 --> 01:11:35.812

other interested parties, um, and, uh, is there

1226

01:11:35.852 --> 01:11:39.812

anything that the Stop Greenhill Solar group would like to

1227

01:11:39.852 --> 01:11:43.352

raise in relation to the articles and schedules of the

1228

01:11:43.492 --> 01:11:44.232

DC0?

1229

01:11:45.092 --> 01:11:48.432

Uh, yes, please. Uh, thank you. Philip Anthony, Stop Greenhill

1230

01:11:48.552 --> 01:11:51.792

Solar. Um, the draft DC0

1231

01:11:51.972 --> 01:11:55.172

states in 21:1,

1232

01:11:55.892 --> 01:11:59.742

"The date of decommissioning for each part of the authorisation-

1233

01:11:59.792 --> 01:12:03.192

authorized development must be no later

1234

01:12:03.812 --> 01:12:06.932

than 60 years following the date of final

1235

01:12:07.012 --> 01:12:08.472

commissioning."

1236

01:12:10.132 --> 01:12:13.912

In GH7.12

1237

01:12:13.952 --> 01:12:17.672

statement of need, paragraph 4.3.12,

1238

01:12:17.712 --> 01:12:19.352

Greenhill Solar state,

1239

01:12:20.332 --> 01:12:23.872

"The design life of solar panels should also be considered

1240

01:12:24.552 --> 01:12:28.352
'when determining the period for which consent is

1241
01:12:28.432 --> 01:12:31.732
required.' An upper limit of 40 years is

1242
01:12:31.792 --> 01:12:35.772
typical, although applicants may seek consent without a

1243
01:12:35.832 --> 01:12:39.152
time period or for differing time periods of

1244
01:12:39.232 --> 01:12:42.552
operation." Reference to paragraph

1245
01:12:42.792 --> 01:12:46.712
2.10.65. And the applicant notes

1246
01:12:46.792 --> 01:12:50.192
that a number of solar DCOs recently granted have a

1247
01:12:50.472 --> 01:12:54.392
60-year time limit, which is the proposed time limit for the

1248
01:12:54.492 --> 01:12:55.232
scheme.

1249
01:12:56.712 --> 01:13:00.392
Now in SBMP,

1250
01:13:00.452 --> 01:13:04.252
that's a response to a question by Sarah

1251
01:13:04.292 --> 01:13:07.084
Boole MP..... uh, G.H.

1252
01:13:07.224 --> 01:13:10.624
8.1.5, the applicant's

1253
01:13:10.644 --> 01:13:12.023
response is

1254

01:13:12.844 --> 01:13:16.824

that the proposed (coughs) maximum 60-year operational

1255

01:13:16.943 --> 01:13:20.684

time period is not uncommon. Several consented

1256

01:13:20.764 --> 01:13:23.224

solar DCO projects provide for the same

1257

01:13:23.304 --> 01:13:27.214

timescales, including the Mallard Pass Solar Farm,

1258

01:13:27.304 --> 01:13:31.264

Cotham Solar Project, West Burton Solar Project, Great Burton Energy

1259

01:13:31.384 --> 01:13:34.504

Park, and Tilbridge Solar Project.

1260

01:13:34.584 --> 01:13:38.424

It is noted, they say, that E.N.3, paragraph

1261

01:13:38.663 --> 01:13:42.424

2.10.65 states that

1262

01:13:42.604 --> 01:13:46.523

an upper time limit of 40 years is typical, though

1263

01:13:46.604 --> 01:13:50.244

applicants may seek consent without a time period or for

1264

01:13:50.384 --> 01:13:53.784

differing time periods of operation and does not

1265

01:13:53.824 --> 01:13:56.813

impose or suggest a time l- uh,

1266

01:13:57.544 --> 01:14:01.523

suggest a year limit is required. So

1267

01:14:01.644 --> 01:14:04.704
thus, in response to questions about the 60-year

1268
01:14:05.104 --> 01:14:07.744
limit, and that's also been raised by

1269
01:14:07.804 --> 01:14:11.474
CPRE, there are two answers by

1270
01:14:11.624 --> 01:14:12.504
Green Hill.

1271
01:14:13.344 --> 01:14:16.884
One is that greater than 40-year limit is

1272
01:14:16.943 --> 01:14:20.624
permissible, and secondly, that there are

1273
01:14:20.664 --> 01:14:23.344
precedents for that. Now,

1274
01:14:24.304 --> 01:14:27.724
an ordinary language understanding of E.N.3,

1275
01:14:27.764 --> 01:14:31.404
paragraph 2.10.65 would be that the

1276
01:14:31.523 --> 01:14:35.404
phrase "an upper time limit..." No, sorry,

1277
01:14:35.424 --> 01:14:38.943
"An upper limit of 40 years is typical,

1278
01:14:39.064 --> 01:14:43.044
although applicants may seek consent for more," an

1279
01:14:43.124 --> 01:14:46.844
ordinary understanding would be that a limit above 40

1280
01:14:46.943 --> 01:14:50.744
years requires explanation and justification

1281
01:14:51.304 --> 01:14:54.474
because it is not, quote, "typical,"

1282
01:14:54.504 --> 01:14:58.204
unquote. Hence, we believe that

1283
01:14:58.244 --> 01:15:00.804
examiners should seek clear

1284
01:15:00.924 --> 01:15:03.664
justification for the extended time

1285
01:15:03.704 --> 01:15:07.324
period. If the additional 20

1286
01:15:07.364 --> 01:15:11.064
years above the typical 40 is required for

1287
01:15:11.144 --> 01:15:14.583
financial purposes, then why is it that

1288
01:15:14.664 --> 01:15:18.174
various other projects do not need that length of

1289
01:15:18.244 --> 01:15:21.924
time? And furthermore, just to go back to

1290
01:15:21.983 --> 01:15:25.754
the beginning of this point, at a time when

1291
01:15:25.804 --> 01:15:29.404
technological developments are moving so quickly,

1292
01:15:30.004 --> 01:15:33.564
i- it is reasonable s- to suppose that the installed

1293
01:15:33.664 --> 01:15:37.344
hardware will be obsolete in even 10 or

1294

01:15:37.443 --> 01:15:41.204
15 years, and what happens then?

1295
01:15:41.284 --> 01:15:44.824
So we are challenging the 60-year

1296
01:15:45.264 --> 01:15:46.483
(coughs) limit

1297
01:15:47.344 --> 01:15:50.943
and saying that the justification does not

1298
01:15:51.023 --> 01:15:54.384
lie in precedent. Thank you, Mr.

1299
01:15:54.443 --> 01:15:56.144
Chairman.

1300
01:15:57.544 --> 01:15:59.464
Thank you, Mr. Anthony.

1301
01:16:00.504 --> 01:16:03.084
Um, would the applicant like to come back on that

1302
01:16:03.144 --> 01:16:04.584
point?

1303
01:16:05.483 --> 01:16:07.204
Uh, Claire Pritchett for the applicant.

1304
01:16:07.244 --> 01:16:07.794
Um, obviously this

1305
01:16:08.804 --> 01:16:12.664
point has been discussed in the issue-specific hearing so,

1306
01:16:12.764 --> 01:16:15.864
uh, we'll provide the cross-references for, in, in case you

1307
01:16:15.904 --> 01:16:19.804
weren't, uh, here for, for those, um, tho-

1308

01:16:19.844 --> 01:16:23.644

those discussions, both in issue-specific hearing one and issue-specific hearing

1309

01:16:24.443 --> 01:16:28.424

two. Um, as we set out before,

1310

01:16:28.504 --> 01:16:32.324

um, the applicant's position is that, um, we

1311

01:16:32.384 --> 01:16:35.684

don't con- so... At the moment, as I said in the application

1312

01:16:35.744 --> 01:16:39.704

materials, um, 40 years is, is typical and that's because

1313

01:16:39.784 --> 01:16:43.584

the current anticipated design life of a solar panel is

1314

01:16:43.744 --> 01:16:47.483

40 years. However, um, it's, uh, becoming

1315

01:16:47.523 --> 01:16:51.204

apparent that solar panels may well last for longer than that, and the

1316

01:16:51.224 --> 01:16:55.214

applicant's position is there shouldn't be, um, an automatic, um,

1317

01:16:55.364 --> 01:16:58.784

requirement to decommission a project even if it's still

1318

01:16:59.184 --> 01:17:02.264

operationally functional. So a strict 40-year cutoff

1319

01:17:02.744 --> 01:17:06.464

period, um, the applicant doesn't consider, um, to be

1320

01:17:06.504 --> 01:17:10.294

appropriate. Um, for this particular scheme, um, we have

1321

01:17:10.364 --> 01:17:14.284

also assessed, um, in the environmental statement, um, the

1322

01:17:14.324 --> 01:17:17.844

complete replacement of panels during the lifetime of the project.

1323

01:17:17.854 --> 01:17:20.904

So in the event that technology did,

1324

01:17:21.004 --> 01:17:24.864

um, uh, rapidly change and it made, um, sense to

1325

01:17:24.884 --> 01:17:28.224

replace the panels f- for either like-for-like or for a newer

1326

01:17:28.284 --> 01:17:32.064

model, um, that's the panels themselves, um, then that

1327

01:17:32.184 --> 01:17:35.654

has been assessed as part of the environmental statement and has been factored into

1328

01:17:35.684 --> 01:17:38.983

the consent that's being sought for, for this particular project.

1329

01:17:39.064 --> 01:17:42.864

Um, and that is justified on the basis that there is great need for

1330

01:17:42.924 --> 01:17:46.884

solar energy generation, um, and we don't believe that

1331

01:17:46.904 --> 01:17:50.764

there is a particular planning reason for this particular project for that

1332

01:17:50.784 --> 01:17:54.064

generation to be curtailed to 40 years.

1333

01:17:54.084 --> 01:17:54.304

Thank

1334

01:17:54.364 --> 01:18:06.084
you.

1335

01:18:06.094 --> 01:18:10.023
Thank you for that. Um, um, were there any other points,

1336

01:18:10.144 --> 01:18:13.164
um, that, at this stage that Stop Greenhill Solar wanted to

1337

01:18:13.224 --> 01:18:17.193
make? Okay. Thank you.

1338

01:18:17.193 --> 01:18:20.884
Um, and, uh, just turning to Wellingborough Walks Action Group, I
know you said

1339

01:18:20.943 --> 01:18:24.554
you're probably here to observe, but was there anything, um, perhaps
based on what

1340

01:18:24.564 --> 01:18:26.464
you've heard that you would like to, um,

1341

01:18:26.523 --> 01:18:28.884
raise?

1342

01:18:30.544 --> 01:18:32.494
Thank you very much, Chair. Um,

1343

01:18:33.724 --> 01:18:37.523
sorry, just move over a minute. Um, there are a couple of points

1344

01:18:37.584 --> 01:18:41.443
that, um, we have raised previously, but I just wanted

1345

01:18:41.504 --> 01:18:45.124
to, uh, further raise

1346

01:18:45.164 --> 01:18:48.664
again today. Um, first off, in

1347

01:18:48.684 --> 01:18:51.824

respect of schedule... Well, sorry, correcting

1348

01:18:51.844 --> 01:18:54.104

myself. First off in, in respect of

1349

01:18:54.164 --> 01:18:58.044

the, the point within the DC0 where it talks about

1350

01:18:58.104 --> 01:19:02.023

tree preservation orders under Part Six,

1351

01:19:02.064 --> 01:19:04.523

paragraph 41, which is page

1352

01:19:04.824 --> 01:19:08.820

32. Um-In

1353

01:19:08.880 --> 01:19:12.860

that note, uh, the, the applicant is requesting or

1354

01:19:13.100 --> 01:19:14.440

that, um

1355

01:19:17.560 --> 01:19:21.500

... (pauses) We're just wondering why this paragraph is needed if the

1356

01:19:21.540 --> 01:19:25.390

applicant, as has already been stated elsewhere,

1357

01:19:25.400 --> 01:19:29.310

does not plan, because it does not feel necessary,

1358

01:19:29.360 --> 01:19:33.340

to remove, uh, any affected tree preservation

1359

01:19:33.400 --> 01:19:37.210

order or TP0 trees on site. I'll

1360

01:19:37.300 --> 01:19:41.029

say firstly, because it might not see it necessary, and secondly because it is

1361

01:19:41.080 --> 01:19:44.370

already said throughout many of the documents that,

1362

01:19:44.440 --> 01:19:48.280

um, trees such as TPO trees would be protected

1363

01:19:48.320 --> 01:19:52.220

anyway. So we're wondering why this, uh, item, this

1364

01:19:52.360 --> 01:19:55.260

paragraph actually needs inclusion.

1365

01:19:55.300 --> 01:19:55.860

I just want to

1366

01:19:56.920 --> 01:20:00.620

just say a bit more about that. Um, Wellingborough Walks Action

1367

01:20:00.700 --> 01:20:01.040

Group

1368

01:20:01.880 --> 01:20:05.600

and residents of Wellingborough, um, this is, er, a point of

1369

01:20:05.640 --> 01:20:09.320

concern for us, um, 'cause we fought to save

1370

01:20:09.420 --> 01:20:12.860

TPO trees within Wellingborough, um, over the last couple of

1371

01:20:12.920 --> 01:20:16.400

years on the walks. And we are concerned to

1372

01:20:16.500 --> 01:20:20.360

see that the DC0 would effectively confer

1373

01:20:20.500 --> 01:20:24.380
dece- deemed consent on the applicant to undertake

1374
01:20:24.460 --> 01:20:28.140
works on TPO trees without first having to apply

1375
01:20:28.680 --> 01:20:31.740
for permission to the local authority to do that.

1376
01:20:31.760 --> 01:20:34.840
For local campaigners, any sense that the

1377
01:20:34.880 --> 01:20:38.700
DCO would give the applicant effectively a free

1378
01:20:38.840 --> 01:20:42.400
hand to decide, uh, whether to lop or fell

1379
01:20:42.500 --> 01:20:45.420
TPO trees that they may feel are

1380
01:20:46.540 --> 01:20:50.220
in the way of construction is concerning.

1381
01:20:50.260 --> 01:20:53.560
As the judgment in the case that Wellingborough Walks Action Group
took to the High

1382
01:20:53.700 --> 01:20:57.330
Court last year concluded, no felling was

1383
01:20:57.400 --> 01:21:00.760
automatically permitted under a planning permission if a reasonable

1384
01:21:00.780 --> 01:21:03.260
alternative to felling could be found.

1385
01:21:03.300 --> 01:21:07.120
Given the many mitigations and measures and technical, and technical

1386
01:21:07.240 --> 01:21:10.480

actions outlined by the applicant in APP

1387

01:21:10.900 --> 01:21:14.520

171, including the commitment not to fell or

1388

01:21:14.580 --> 01:21:18.400

lop TPO trees themselves, we would not expect to see

1389

01:21:18.460 --> 01:21:21.820

any TPO trees on the scheme that would be affected by

1390

01:21:21.920 --> 01:21:25.720

this. Therefore, we're wondering why the paragraph is

1391

01:21:25.740 --> 01:21:26.800

even necessary.

1392

01:21:28.960 --> 01:21:32.820

Moving on to a different point, uh, would you, do you want to pause now or shall I

1393

01:21:32.840 --> 01:21:34.040

do the two points?

1394

01:21:34.100 --> 01:21:37.420

Yeah, um, maybe the applicant would like to come back on that, on that point.

1395

01:21:37.430 --> 01:21:38.890

Thank you.

1396

01:21:38.980 --> 01:21:40.780

Uh, Claire Boggia for the applicant.

1397

01:21:40.860 --> 01:21:44.720

Um, the reason that this ... So the DCO

1398

01:21:44.840 --> 01:21:48.440

is, um, uh, intended to be, sort of, as it's called, a

1399

01:21:48.480 --> 01:21:51.460

one-stop shop so that there isn't a need for any further

1400

01:21:51.500 --> 01:21:52.960

consents, um,

1401

01:21:53.800 --> 01:21:55.730

to be applied for in order to, um,

1402

01:21:57.060 --> 01:22:00.260

implement the development. This particular provision has been

1403

01:22:00.300 --> 01:22:03.860

included to deal with a situation where

1404

01:22:03.880 --> 01:22:07.480

following the grant of an order, a tree then

1405

01:22:07.520 --> 01:22:10.520

becomes protected by a tree preservation order.

1406

01:22:10.530 --> 01:22:13.920

So obviously we've made various commitments to existing

1407

01:22:13.960 --> 01:22:16.240

trees where there's tree preservation orders.

1408

01:22:16.260 --> 01:22:19.880

So the very last line of article 41, subparagraph 1

1409

01:22:19.960 --> 01:22:23.600

says, "Provided the relevant tree preservation order was made

1410

01:22:23.780 --> 01:22:27.400

after the date of this order." So that's to deal with a situation

1411

01:22:27.460 --> 01:22:28.430

where, um,

1412

01:22:30.220 --> 01:22:32.700

in between the point of the order being made and construction

1413

01:22:33.060 --> 01:22:37.020

starting, um, a tree, um, becomes subject to a tree

1414

01:22:37.080 --> 01:22:40.980

preservation order. There is no need at that point in time to go and get

1415

01:22:41.020 --> 01:22:43.970

a further consent, um, but the, um,

1416

01:22:44.140 --> 01:22:48.120

provisions apply, um, in terms of what was mentioned which is

1417

01:22:48.160 --> 01:22:51.740

set out in subparagraph two which says we must not do unnecessary

1418

01:22:51.800 --> 01:22:55.720

damage, um, and, um, to those, to

1419

01:22:55.780 --> 01:22:58.390

those trees. So it's, it's to ensure that there ...

1420

01:22:58.420 --> 01:23:02.340

It changes that happen after the grant of the DCO and commencement

1421

01:23:02.400 --> 01:23:06.120

of construction don't require further consents to be applied

1422

01:23:06.200 --> 01:23:10.140

for, um, to ensure deliverability of the scheme, but

1423

01:23:10.160 --> 01:23:14.140

it only applies to, um, trees that become

1424

01:23:14.200 --> 01:23:16.640

subject to a TPO after the date of the order.

1425

01:23:16.650 --> 01:23:20.240

It's not seeking to permit works to trees that are

1426

01:23:20.320 --> 01:23:23.900
already protected. Um, and all trees obviously have been

1427
01:23:23.940 --> 01:23:27.180
assessed in the environmental statement who was discussed yesterday.

1428
01:23:27.220 --> 01:23:28.820
So appreciate it's

1429
01:23:29.840 --> 01:23:33.280
a bit confusing how the DC0 then works with all of the relevant documents, but

1430
01:23:33.320 --> 01:23:37.260
that's the reason, um, that provision has been included notwithstanding all

1431
01:23:37.280 --> 01:23:40.480
the commitments that have been made about existing TPO

1432
01:23:40.540 --> 01:23:43.900
trees. Thank you.

1433
01:23:44.740 --> 01:23:47.230
Well, I come ... Might I come back on that, Chair, if that's okay?

1434
01:23:47.230 --> 01:23:48.360
Indeed, please do.

1435
01:23:48.440 --> 01:23:51.489
Um, I mean that's helpful to hear. I think, um,

1436
01:23:52.720 --> 01:23:55.960
clearly because of the nature of this, uh, whole, uh,

1437
01:23:55.980 --> 01:23:59.820
site, um, development, uh, there may

1438
01:23:59.880 --> 01:24:03.790
be, uh, either the councils or local residents that

1439

01:24:03.820 --> 01:24:07.690

are considering TPO applications now anyway,

1440

01:24:07.760 --> 01:24:11.680

um, because they are wishing to protect trees or much loved

1441

01:24:11.780 --> 01:24:15.070

trees in the areas which they fa- feel may be under

1442

01:24:15.140 --> 01:24:19.100

threat. So I would hope that the applicant can take

1443

01:24:19.180 --> 01:24:22.680

into consideration if, uh, TPO trees did

1444

01:24:22.720 --> 01:24:26.510

become covered ... Um, you know, if trees did become covered by a

1445

01:24:26.560 --> 01:24:30.340

TPO going forward, that the ve- very reason for, for people or the

1446

01:24:30.360 --> 01:24:33.540

local authorities doing that would be in order to protect those

1447

01:24:33.580 --> 01:24:37.160

trees with a view to the development potentially landing if the

1448

01:24:37.200 --> 01:24:39.740

development consent order is given.

1449

01:24:39.760 --> 01:24:43.640

If you see what I mean. So clearly that would probably be the

1450

01:24:43.680 --> 01:24:47.450

motivation that people might be looking f- to register

1451

01:24:47.480 --> 01:24:50.000

TPO trees at this present time.

1452

01:24:51.140 --> 01:24:51.880

Is that okay?

1453

01:24:53.400 --> 01:24:54.850

Shall I carry on with another point, Chair?

1454

01:24:54.850 --> 01:24:58.120

Thank you for that. I, I can see the applicants got their, their heads together.

1455

01:24:58.160 --> 01:25:00.600

I don't know whether they m- might want to come back on

1456

01:25:00.640 --> 01:25:02.390

that.

1457

01:25:02.390 --> 01:25:08.520

(pauses)

1458

01:25:20.610 --> 01:25:21.670

Uh, Clare Bridge of the applicant.

1459

01:25:21.690 --> 01:25:24.630

Yeah, it's just to reiterate that the purpose of this provision is

1460

01:25:24.710 --> 01:25:28.450

to, m- is to avoid having to obtain a diff- a

1461

01:25:28.519 --> 01:25:31.370

statutory consent under a different mechanism.

1462

01:25:31.430 --> 01:25:34.760

The Landscape Environmental Management Plan and the Ecological

1463

01:25:34.830 --> 01:25:38.730

Protection Strategy all still need to appro- be approved by the relevant

1464

01:25:38.769 --> 01:25:42.309

planning authorities. So, in the event there was a circumstance where a

1465

01:25:42.330 --> 01:25:46.030

particular... You know, it's that, that works to trees through those

1466

01:25:46.070 --> 01:25:49.110

management plans would still be, need to be approved.

1467

01:25:49.190 --> 01:25:51.930

Um, it's just that's the mechanism for approval.

1468

01:25:51.970 --> 01:25:55.750

The applicant doesn't have to fill in the application form and get a consent

1469

01:25:55.809 --> 01:25:58.590

under their tree, um, under the Tree Preservation Order.

1470

01:25:58.610 --> 01:26:02.349

So, it's, it's a statutory pro- uh, power to prevent another

1471

01:26:02.410 --> 01:26:05.170

form of, form having to be filled in, essentially.

1472

01:26:05.190 --> 01:26:08.670

But all of the protections and the consenting is done under the requirements of the

1473

01:26:08.710 --> 01:26:12.470

management plans. So, it's not, we're not, it's, it's not a way of

1474

01:26:12.490 --> 01:26:14.440

getting out of doing the protection measures.

1475

01:26:14.470 --> 01:26:17.930

It's just the route that you have to go to to get it approved is, is why it's been

1476

01:26:17.970 --> 01:26:18.730

included.

1477

01:26:18.740 --> 01:26:22.650

Okay. Thank you. Ms. Turner, Pause, did you want

1478

01:26:22.690 --> 01:26:25.370
to, uh, raise your other point or points?

1479
01:26:25.490 --> 01:26:29.230
Thank you very much, Chair. Um, I'll take us on to the

1480
01:26:29.390 --> 01:26:32.830
Schedule 12 of the DCO, which I

1481
01:26:32.870 --> 01:26:36.830
mentioned yesterday in the Issue Specific Hearing number two.

1482
01:26:36.849 --> 01:26:38.950
But I'd like to come back to that, if it's okay.

1483
01:26:38.970 --> 01:26:42.950
This covers the request, um, within the DCO for the

1484
01:26:43.010 --> 01:26:46.680
removal of thousands of meters of hedgerow equal to

1485
01:26:46.710 --> 01:26:50.510
approximately about 25% of all hedgerow from all nine

1486
01:26:50.769 --> 01:26:54.610
s- from across all nine sites. Um, despite the comments from the

1487
01:26:54.650 --> 01:26:58.230
applicant yesterday at the Issue Specific Hearing number two,

1488
01:26:58.349 --> 01:27:02.300
and previously in writing, uh, which I welcome actually,

1489
01:27:02.390 --> 01:27:05.570
and, um, appreciate,

1490
01:27:06.390 --> 01:27:09.930
um, we remain concerned about the extent of this

1491
01:27:09.970 --> 01:27:13.710
request and it being in the DCO.

1492

01:27:13.809 --> 01:27:14.070

Um,

1493

01:27:15.030 --> 01:27:18.150

now I'd just like to, to read from a few points to do with

1494

01:27:18.210 --> 01:27:22.130

that. Whilst it is relief to hear that the developer

1495

01:27:22.450 --> 01:27:26.130

or the applicant plans to clear no more than 350

1496

01:27:26.210 --> 01:27:30.010

meters of hedgerow across the entire scheme, it is

1497

01:27:30.050 --> 01:27:34.019

concerning that the clearance of thousands of meters of hedgerow could be

1498

01:27:34.170 --> 01:27:37.890

noted and accepted, uh, and

1499

01:27:37.910 --> 01:27:41.750

accepted given the inclusion of this, uh, schedule in the

1500

01:27:41.790 --> 01:27:45.170

agreement of the DCO application and if that

1501

01:27:45.210 --> 01:27:48.970

application is accepted by the planning inspectorate.

1502

01:27:49.010 --> 01:27:52.870

We are concerned that this acceptance wi- within the DCO,

1503

01:27:52.930 --> 01:27:56.769

should it happen, may confer direct permission to the developer to do

1504

01:27:56.830 --> 01:28:00.130

much more hedgerow clearance than was previously

1505

01:28:00.250 --> 01:28:03.740

stated or indeed expected. And having this

1506

01:28:03.769 --> 01:28:07.320

permission will enable and embolden, could enable and

1507

01:28:07.349 --> 01:28:10.750

embolden the developer to go much further than initially

1508

01:28:10.809 --> 01:28:14.750

planned. We have seen locally that once developers

1509

01:28:15.070 --> 01:28:16.430

have permission for action,

1510

01:28:17.450 --> 01:28:21.370

s- some or many planning conditions, let alone smaller agreements,

1511

01:28:21.430 --> 01:28:25.349

are often overlooked by overstretched planning departments in

1512

01:28:25.390 --> 01:28:28.910

the developer's eagerness to deliver the scheme areas

1513

01:28:28.970 --> 01:28:32.390

often at pace. We request that no such

1514

01:28:32.470 --> 01:28:36.250

open-ended permission is given to the applicant at this stage within the

1515

01:28:36.290 --> 01:28:39.130

DCO process. And instead, should the

1516

01:28:39.170 --> 01:28:42.950

DCO be approved, uh, without that, the

1517

01:28:43.010 --> 01:28:46.669

applicant could seek permission for hedgerow

1518

01:28:46.730 --> 01:28:50.250

removal during the detailed, uh, delivery

1519

01:28:50.309 --> 01:28:53.130

stage via the local planning authorities.

1520

01:28:53.170 --> 01:28:56.769

Once the pre- precise requirements of e- on each

1521

01:28:56.870 --> 01:29:00.650

site, of each opening or whatever within the s- sites

1522

01:29:01.290 --> 01:29:05.000

and the exact, um, plans for the field opening, for

1523

01:29:05.050 --> 01:29:08.160

example, for cable, um, channels

1524

01:29:09.250 --> 01:29:11.930

is more clearly known. So, it could be

1525

01:29:12.769 --> 01:29:14.490

within that later stage.

1526

01:29:15.550 --> 01:29:19.500

In our previous submission, we talked about our concerns about the potential

1527

01:29:19.530 --> 01:29:22.730

high level of tree loss across the site.

1528

01:29:22.769 --> 01:29:26.710

Having further checked with the Greenhill Solar team about our

1529

01:29:26.950 --> 01:29:30.530

estimates of tree loss, it appears that our initial estimates

1530

01:29:30.930 --> 01:29:33.690

did not include smaller trees which are

1531

01:29:34.490 --> 01:29:38.470
within many of those hedgerows. Given

1532
01:29:38.530 --> 01:29:42.110
this, depending on the level of hedge clearance works the

1533
01:29:42.170 --> 01:29:45.889
applicant ultimately decides upon, it's likely,

1534
01:29:45.930 --> 01:29:49.850
regardless of the level of extent, that even more trees will also be

1535
01:29:49.900 --> 01:29:53.790
lost as hedgerows are cleared. This will

1536
01:29:53.850 --> 01:29:56.830
worsen our original tree loss estimates

1537
01:29:59.530 --> 01:30:03.330
and create further impact on top of the hedgerow loss,

1538
01:30:03.410 --> 01:30:06.630
uh, on the local landscape, the flora and fauna,

1539
01:30:07.150 --> 01:30:10.850
potentially the biodiversity ne- and the biodiversity net gains that
may be

1540
01:30:10.910 --> 01:30:14.670
assumed by the applicant. Given the above, the points

1541
01:30:14.790 --> 01:30:18.510
we raised in our, our last submission regarding hedgerow

1542
01:30:18.570 --> 01:30:22.380
removal and its negative impacts on the landscape, other

1543
01:30:22.410 --> 01:30:25.990
species and the communities, as well as flood and climate

1544
01:30:26.030 --> 01:30:29.210

impacts through the loss of, uh, vital

1545

01:30:29.330 --> 01:30:33.190

CO2 storage sinks, which are many hedgerows, will

1546

01:30:33.250 --> 01:30:37.090

be further heightened and if the applicant is given permission to include the full

1547

01:30:37.150 --> 01:30:41.050

list of hedgerow removal nate- noted in Schedule 12 of

1548

01:30:41.090 --> 01:30:42.330

the DCO agreement.

1549

01:30:43.150 --> 01:30:46.750

And whilst it is hoped that the applicant will exercise

1550

01:30:46.809 --> 01:30:49.850

significant restraint, of course this could not be

1551

01:30:49.889 --> 01:30:53.780

guaranteed. I think the other point we want to make that whilst

1552

01:30:53.809 --> 01:30:56.920

we're talking about the creation and the development of those

1553

01:30:56.970 --> 01:30:59.580

sites going forward, I imagine that

1554

01:30:59.610 --> 01:31:03.230

the, if this item is included in the development

1555

01:31:03.290 --> 01:31:07.139

consent order, that that permission would apply not just for the creation of the

1556

01:31:07.230 --> 01:31:10.630

sites but the life of the entire scheme.

1557

01:31:10.700 --> 01:31:14.670

So, at some point if, whilst I appreciate the applicant's intentions at

1558

01:31:14.730 --> 01:31:18.410

present, but going forward, if ownership of this

1559

01:31:18.470 --> 01:31:21.122

site is transferred to other people or...

1560

01:31:21.132 --> 01:31:25.102

they may not be as restrained, as it were, in terms of the

1561

01:31:25.182 --> 01:31:27.742

issues to do with hedgerow removal.

1562

01:31:27.762 --> 01:31:31.682

And whilst that is obviously more commonly gonna be acutely felt at

1563

01:31:31.722 --> 01:31:33.182

the creation of the sites,

1564

01:31:34.042 --> 01:31:36.322

we don't know what could happen later on.

1565

01:31:36.382 --> 01:31:36.762

So,

1566

01:31:37.722 --> 01:31:41.182

I feel, safety wise for communities,

1567

01:31:41.242 --> 01:31:44.852

that the inclusion of this item is- in Schedule tel- s- as

1568

01:31:44.922 --> 01:31:46.542

Schedule 12 in the DCO

1569

01:31:47.642 --> 01:31:51.432

is very concerning and, uh, that it could be addressed.

1570

01:31:51.442 --> 01:31:55.302

That the needs to meet the requirements, uh, of the applicant could

1571

01:31:55.342 --> 01:31:58.802

be more effectively met through the local planning authority

1572

01:31:58.902 --> 01:32:01.582

processes. Thank you.

1573

01:32:03.442 --> 01:32:07.422

Thank you. And now, I know we- we aired this a bit, um,

1574

01:32:07.642 --> 01:32:11.252

in ISH2 yesterday, um, but is- is

1575

01:32:11.342 --> 01:32:13.902

the- well, is there anything that the applicant would like to come-
come back on

1576

01:32:13.922 --> 01:32:16.742

on- on those points or, you know, is- is there

1577

01:32:17.602 --> 01:32:21.162

anything you could sort of go away and think about that may

1578

01:32:21.322 --> 01:32:25.262

provide some of the- the comfort that the, um, uh,

1579

01:32:25.321 --> 01:32:28.382

the Walks Action Group are seeking?

1580

01:32:29.142 --> 01:32:30.482

Uh, Claire Brodrick for the applicant.

1581

01:32:30.542 --> 01:32:31.512

Um, yes, there's, uh,

1582

01:32:32.542 --> 01:32:36.282

uh... I'll give it another go of trying to explain (laughs) how it-
how it works.

1583

01:32:36.382 --> 01:32:36.552

Um,

1584

01:32:37.982 --> 01:32:41.702

as I said in relation to the tree preservation orders, the purpose of the

1585

01:32:41.712 --> 01:32:45.482

DCO regime, um, is to, um, bring together

1586

01:32:45.642 --> 01:32:48.112

all of the consents required. So, um,

1587

01:32:48.982 --> 01:32:52.822

having to go back and apply for individual hedgerow, um,

1588

01:32:52.842 --> 01:32:56.762

consents is- is contrary to the principle of the DCO and-

1589

01:32:56.802 --> 01:33:00.702

but so the D- DCO is structured to provide a broad power

1590

01:33:01.342 --> 01:33:04.882

that a- um, removes the need t- to obtain all of those

1591

01:33:04.942 --> 01:33:07.742

individual consents for a scheme of this size.

1592

01:33:07.782 --> 01:33:11.662

Because the detailed design is not known, um, and

1593

01:33:11.722 --> 01:33:15.662

so we don't know exactly where in the hedgerow, um, the gap

1594

01:33:15.702 --> 01:33:19.062

will be required for cabling works, for example,

1595

01:33:19.122 --> 01:33:23.042

the removal of the need to obtain those individual consents

1596

01:33:23.102 --> 01:33:27.042

has to apply to the whole hedgerow because we don't yet know where that three

1597

01:33:27.122 --> 01:33:29.852

meters, seven meters will be in that hedgerow.

1598

01:33:29.882 --> 01:33:33.422

So, that's why the entirety of the hedgerow is listed in Schedule 12.

1599

01:33:33.502 --> 01:33:36.962

However, sub-paragraph four

1600

01:33:37.702 --> 01:33:41.102

makes it quite clear that the authorization to remove hedgerows

1601

01:33:41.222 --> 01:33:44.482

specified in Schedule 12 is only to the

1602

01:33:44.522 --> 01:33:48.172

extent set out in the final landscape and

1603

01:33:48.222 --> 01:33:51.802

ecological management plan that's approved by the local planning

1604

01:33:51.842 --> 01:33:55.462

authority. So, whilst it's a broad power, statutory power that

1605

01:33:55.502 --> 01:33:59.002

prevents the need for new consents, what the applicant can

1606

01:33:59.102 --> 01:34:02.602

actually do is going to be set out in that final LEMP.

1607

01:34:02.642 --> 01:34:05.912

And failure to comply with a management plan is

1608

01:34:05.982 --> 01:34:09.342

automatically a criminal offense under the DCO regime.

1609

01:34:09.422 --> 01:34:12.742

Um, so that is where, uh, the

1610

01:34:12.762 --> 01:34:16.262

protection is given and that, um, requirement to

1611

01:34:16.322 --> 01:34:19.962

comply with the terms of the LEMP applies not only

1612

01:34:20.062 --> 01:34:23.862

to the, um, applicant, um, but to anybody

1613

01:34:23.872 --> 01:34:26.322

else who becomes the undertaker under the DCO.

1614

01:34:26.362 --> 01:34:29.812

So, DCOs, these particular DCOs, are

1615

01:34:29.882 --> 01:34:33.422

personal to the undertaker, so the undertaker has to comply with that

1616

01:34:33.922 --> 01:34:37.722

and that is whoever is the, uh, person with the benefit.

1617

01:34:37.782 --> 01:34:41.722

So, whether that's Greenhill Solar Farm Limited or whether the, um,

1618

01:34:42.182 --> 01:34:46.022

project is, um, sold on in the future, however

1619

01:34:46.062 --> 01:34:50.022

that sale may take place, any subsequent owners and operators of the

1620

01:34:50.042 --> 01:34:52.232

project are subject to the requirements.

1621

01:34:52.262 --> 01:34:55.962

And that's because it's a piece of legislation, um, so it applies to

1622

01:34:55.982 --> 01:34:58.642

everyone and it- the commitments are in there.

1623

01:34:58.652 --> 01:35:02.402

Therefore, stronger than maybe in a typical

1624

01:35:02.482 --> 01:35:06.132

planning permission whereby, uh, a condition, um,

1625

01:35:06.562 --> 01:35:10.302

would need to be enforced and then you'd have to fail to comply before it becomes

1626

01:35:10.342 --> 01:35:13.882

an offense. Under a DC0, it is automatically an offense not to

1627

01:35:13.922 --> 01:35:17.502

comply with those provisions. So, from the applicant's

1628

01:35:17.522 --> 01:35:21.402

perspective, um, we feel that the scenario that

1629

01:35:21.522 --> 01:35:25.202

is, um, causing concern, uh, won't

1630

01:35:25.262 --> 01:35:28.902

arise here because of the control mechanisms in the DC0.

1631

01:35:28.942 --> 01:35:32.602

And as we were talking about in relation to Schedule 16, the

1632

01:35:32.662 --> 01:35:36.422

applicant has to tell the local planning authority when it

1633

01:35:36.462 --> 01:35:40.382

puts forward the final LEMP for approval whether it will result

1634

01:35:40.422 --> 01:35:42.442

in any materially new or different effects.

1635

01:35:42.482 --> 01:35:46.442

So, if, for whatever reason, the hedgerow loss

1636

01:35:46.562 --> 01:35:50.222

is going to be greater than was reported in the environmental statement or the tree

1637

01:35:50.282 --> 01:35:51.342

loss is gonna be greater,

1638

01:35:52.162 --> 01:35:55.762

we have to, um, explicitly confirm that.

1639

01:35:55.782 --> 01:35:59.642

And in the event that the local planning authority, for whatever reason,

1640

01:35:59.702 --> 01:36:02.862

didn't deal with the application within the time period, then it would

1641

01:36:02.882 --> 01:36:06.582

automatically be refused. So, there isn't a scenario

1642

01:36:06.622 --> 01:36:10.542

whereby it could get through the system, as it were, without

1643

01:36:10.582 --> 01:36:14.202

being noticed because of the controls and the requirements on the

1644

01:36:14.262 --> 01:36:17.822

applicant in terms of how it has to apply for the discharge.

1645

01:36:17.862 --> 01:36:21.742

So, the applicant is, as I said earlier, trying

1646

01:36:21.842 --> 01:36:25.762

to seek a balance between ensuring we can deliver this scheme

1647

01:36:26.462 --> 01:36:30.092

within the timeframe available to meet the grid connection date, um,

1648

01:36:30.222 --> 01:36:34.142

whilst also ensuring there's an appropriate level of protection, um, throughout

1649

01:36:34.182 --> 01:36:38.162

the process. And I keep saying it, this process has

1650

01:36:38.262 --> 01:36:42.222

been approved in other DCOs, um, as being a,

1651

01:36:42.342 --> 01:36:46.282

um, uh, a suitable control mechanism and

1652

01:36:46.322 --> 01:36:49.932

both on Cottam and West Burton DCOs, which were done by Elingreen Power as

1653

01:36:49.962 --> 01:36:53.922

well, this particular concern, um, was also shared by

1654

01:36:54.082 --> 01:36:57.882

a number of local people because it does, on the face of it, look very

1655

01:36:57.962 --> 01:37:01.822

alarming. Um, but we explained

1656

01:37:01.842 --> 01:37:05.622

how it works on that one and, um, the Secretary of State did agree that the

1657

01:37:05.682 --> 01:37:09.482

mechanisms were appropriate. So, I hope that explanation is

1658

01:37:09.542 --> 01:37:13.512

helpful but I- I do understand the concerns, um, and

1659

01:37:13.582 --> 01:37:16.562

how it appears to look on the face of the- of the DCO.

1660

01:37:16.582 --> 01:37:17.062

Mm.

1661

01:37:18.882 --> 01:37:20.562

Thank you. Thank you, Ms. Brodrick, for that

1662

01:37:20.902 --> 01:37:24.429
explanation.Um, so I

1663

01:37:24.510 --> 01:37:27.860
think, um, conscious we've been sitting for a little while now, so,

1664

01:37:27.950 --> 01:37:31.190
um, we've not quite got through this agenda item

1665

01:37:31.470 --> 01:37:34.990
3.1, but I think it's probably a good time, uh, to take a 15-minute

1666

01:37:35.030 --> 01:37:35.470
break.

1667

01:37:36.030 --> 01:37:36.370
Sir?

1668

01:37:36.380 --> 01:37:36.380

1669

01:37:36.410 --> 01:37:39.010
Sorry, can I just make one final point on the-

1670

01:37:39.170 --> 01:37:39.340
Yeah.

1671

01:37:39.349 --> 01:37:40.170
... on the (cross talk)

1672

01:37:40.230 --> 01:37:41.090
Please do, for-

1673

01:37:41.110 --> 01:37:44.269
Because I, I too have found schedule 12

1674

01:37:44.990 --> 01:37:48.670
slightly confusing. Is there any ability in the drafting to kind of

1675

01:37:48.910 --> 01:37:51.110

make some ref- bracketed reference

1676

01:37:52.170 --> 01:37:56.130

to the schedule that actually needs to be referred back to, to, to kind

1677

01:37:56.170 --> 01:37:57.530

of clarify the point about the

1678

01:37:57.570 --> 01:38:00.769

removal?

1679

01:38:07.110 --> 01:38:09.590

Um, did the applicant have a response to

1680

01:38:09.650 --> 01:38:12.290

that?

1681

01:38:15.769 --> 01:38:16.849

Claire Budgell for the applicant.

1682

01:38:16.910 --> 01:38:17.730

Um, do you mean

1683

01:38:18.530 --> 01:38:18.849

a,

1684

01:38:19.650 --> 01:38:21.330

some reference on, um,

1685

01:38:22.710 --> 01:38:24.610

on the schedule itself?

1686

01:38:24.620 --> 01:38:28.469

So, uh, on the schedule itself, subject to, um, basically

1687

01:38:28.530 --> 01:38:32.230

referring back to, to the approval of the LEMP, so subject to requirement

1688

01:38:32.309 --> 01:38:36.150

or, or the relevant schedule? Just to clarify it

1689

01:38:36.490 --> 01:38:37.809

a bit more.

1690

01:38:37.870 --> 01:38:39.090

Uh, Claire Budgell for the applicant.

1691

01:38:39.170 --> 01:38:39.830

Um,

1692

01:38:41.410 --> 01:38:45.110

potentially yes. I only say that because the drafting requirements are

1693

01:38:45.690 --> 01:38:47.870

quite strict because it's legislation.

1694

01:38:47.889 --> 01:38:51.429

At the moment, at the beginning of schedule 12, it does refer to article

1695

01:38:51.769 --> 01:38:54.309

40 which then takes you back to where it says that.

1696

01:38:54.349 --> 01:38:58.200

We will have a look and see if we can add a footnote to it, um,

1697

01:38:58.349 --> 01:39:01.710

but we might just need to double check that, 'cause they're, the government are

1698

01:39:01.750 --> 01:39:05.070

quite strict in what you can and can't (laughs) say in the footnotes.

1699

01:39:05.130 --> 01:39:08.950

So, leave that with us and see if we can add a, a, a footnote to that effect

1700

01:39:08.990 --> 01:39:12.950

that then, um, refers back to that specific subparagraph of article

1701

01:39:13.130 --> 01:39:16.230

40 which references the LEMP. Thank you.

1702

01:39:16.250 --> 01:39:19.990

Yeah, thank you. If you could, um, yes, possibly look into that as an action.

1703

01:39:20.010 --> 01:39:23.889

Thank you. Okay, um, yeah, as I was saying, I

1704

01:39:23.929 --> 01:39:27.769

think it's a good time to take a, a quick break, um, if only it means that

1705

01:39:27.889 --> 01:39:31.610

I can just, um, simply state that we'll come back at noon.

1706

01:39:31.690 --> 01:39:35.570

Um, I've got a few questions for the applicant, and then we'll move

1707

01:39:35.630 --> 01:39:37.870

on to look at protective provisions.

1708

01:39:37.910 --> 01:39:41.490

So, with that in mind, um, the meet- uh, this hearing is adjourned till

1709

01:39:41.530 --> 01:40:09.290

noon.