



Hearing Transcript

Project:	EN010170 - Green Hill Solar Farm
Hearing:	Issue Specific Hearing 6 – Part 1
Date:	12 March 2026

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

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1

00:00:00.080 --> 00:00:03.920

Well, good afternoon, everyone. Uh, it is now two PM

2

00:00:04.140 --> 00:00:06.980

and time for this hearing to begin.

3

00:00:07.040 --> 00:00:10.780

I would like to welcome you all to this issue-specific hearing

4

00:00:10.960 --> 00:00:14.340

on the draft development consent order for the

5

00:00:14.860 --> 00:00:18.540

Green Hill Solar Farm project, which we may

6

00:00:18.620 --> 00:00:22.480

refer to as ISH six during the course of the

7

00:00:22.560 --> 00:00:26.220

hearing. It follows on from the previous

8

00:00:26.300 --> 00:00:30.000

ISH on the draft DCO held in

9

00:00:30.040 --> 00:00:32.759

December last year, ISH

10

00:00:32.840 --> 00:00:36.680

three. Um, could I just confirm that everybody can

11

00:00:36.740 --> 00:00:40.540

hear me clearly in the room? Thank you.

12

00:00:40.640 --> 00:00:44.470

Um, and, could I have an indication please from anyone online that

13

00:00:44.500 --> 00:00:47.060

they can hear? Great, thank you.

14

00:00:48.380 --> 00:00:52.200

Uh, could I also confirm with the case manager that the live streaming

15

00:00:52.360 --> 00:00:55.560

and recording of the event has commenced? Thank you.

16

00:00:57.080 --> 00:01:01.020

My name is Mark Harrison. I'm a chartered town planner and planning

17

00:01:01.060 --> 00:01:05.000

inspector. I've been appointed by the Secretary of State to be

18

00:01:05.140 --> 00:01:08.260

the lead member of the panel to examine this

19

00:01:08.320 --> 00:01:11.730

application. I'll now ask the other members of the

20

00:01:11.820 --> 00:01:15.240

panel, one of whom is joining us online, to introduce

21

00:01:15.260 --> 00:01:17.960

themselves.

22

00:01:18.020 --> 00:01:19.740

Good afternoon. My name's Rebecca Norman.

23

00:01:19.760 --> 00:01:22.620

I'm a chartered town planner and examining inspector.

24

00:01:22.680 --> 00:01:25.960

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

25

00:01:28.540 --> 00:01:30.300

Good afternoon. My name is Catherine Beebe.

26

00:01:30.310 --> 00:01:32.900

I'm a town planner and examining inspector.

27

00:01:32.920 --> 00:01:35.060

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

28

00:01:35.120 --> 00:01:37.540

authority.

29

00:01:38.340 --> 00:01:41.800

So together, we constitute the examining authority for this

30

00:01:41.840 --> 00:01:45.620

application. Our role is to examine the

31

00:01:45.680 --> 00:01:49.640

application and to report to the Secretary of State for

32

00:01:49.760 --> 00:01:52.760

Energy Security and Net Zero with a

33

00:01:52.800 --> 00:01:56.780

recommendation as to whether or not the development consent order should be

34

00:01:56.840 --> 00:01:57.280

made.

35

00:01:58.220 --> 00:02:02.160

Um, I'd also like to introduce the members of the Planning Inspectorate's case

36

00:02:02.280 --> 00:02:06.120

team who are supporting us today. Um, we have in the room

37

00:02:06.320 --> 00:02:10.280

Ryan Sedgman, who is the case manager for this project, and Sam

38

00:02:10.361 --> 00:02:14.320

Stevens, case officer. Uh, another case officer,

39

00:02:14.360 --> 00:02:18.180

Gerwyn Rigby, provided initial support for those of you joining

40

00:02:18.220 --> 00:02:21.720
us online this afternoon. In addition,

41
00:02:21.740 --> 00:02:25.120
technicians from the audiovisual company Event

42
00:02:25.380 --> 00:02:29.350
Video and TM Services are in attendance at the back of

43
00:02:29.380 --> 00:02:33.360
the room solely for the purpose of managing the recording

44
00:02:33.420 --> 00:02:35.640
and live streaming for this

45
00:02:35.700 --> 00:02:38.120
hearing.

46
00:02:38.980 --> 00:02:42.650
Um, similarly to this morning, I think it's all familiar faces
around the, the

47
00:02:42.740 --> 00:02:46.680
table, so I can skip, housekeeping, but for anybody who

48
00:02:46.860 --> 00:02:50.820
wasn't, here, just to reiterate that

49
00:02:50.880 --> 00:02:53.860
there isn't a planned fire alarm test today.

50
00:02:53.920 --> 00:02:57.400
So if the alarm does sound, then

51
00:02:57.460 --> 00:03:01.320
please leave the building, by the door at the rear of this room

52
00:03:01.760 --> 00:03:05.620
and go to the fire assembly point, which is the hotel car

53
00:03:05.680 --> 00:03:07.240

park.

54

00:03:08.080 --> 00:03:11.760

So this hearing will follow the agenda that was published on

55

00:03:11.880 --> 00:03:15.640

the National Infrastructure Planning website on the

56

00:03:15.680 --> 00:03:19.240

third of March with examination library reference

57

00:03:19.520 --> 00:03:22.840

EV thirteen zero zero one.

58

00:03:24.900 --> 00:03:28.160

Uh, a recording of today's hearing will be made

59

00:03:28.280 --> 00:03:32.120

available on the Green Hill project section of the National

60

00:03:32.280 --> 00:03:35.960

Infrastructure Planning website as soon as practicable

61

00:03:36.100 --> 00:03:39.400

after the hearing has finished. And with that in

62

00:03:39.440 --> 00:03:42.960

mind, please ensure that you speak clearly into a

63

00:03:43.000 --> 00:03:46.840

microphone, stating your name and who you are representing

64

00:03:46.920 --> 00:03:48.600

each time before you speak.

65

00:03:49.400 --> 00:03:53.060

If you are not at a table with a microphone, there

66

00:03:53.160 --> 00:03:56.900

is a roving microphone, so please wait for one of those to be brought to you

67

00:03:56.960 --> 00:04:00.640

before you speak. Um, a link to the Planning

68

00:04:00.680 --> 00:04:04.600

Inspectorate's privacy notice was provided in the notification for

69

00:04:04.640 --> 00:04:08.580

this hearing. We assume that everybody here today has familiarized

70

00:04:08.620 --> 00:04:12.300

themselves with this, which establishes how the

71

00:04:12.340 --> 00:04:16.340

personal data of our customers is handled in accordance with the

72

00:04:16.380 --> 00:04:19.180

principles set out in data protection laws.

73

00:04:19.880 --> 00:04:23.560

Um, please speak to our case manager if you have any questions on

74

00:04:23.620 --> 00:04:24.100

this.

75

00:04:26.180 --> 00:04:30.040

Uh, let me briefly explain the purpose of this issue-specific

76

00:04:30.080 --> 00:04:33.820

hearing. So as we explained during

77

00:04:33.880 --> 00:04:37.820

ISH three, the draft development consent

78

00:04:37.940 --> 00:04:41.500

order, or draft DC0, is an important

79

00:04:41.510 --> 00:04:45.140

document. This hearing is being held on a

80

00:04:45.240 --> 00:04:48.240
without prejudice basis. Therefore, in

81
00:04:48.320 --> 00:04:51.760
essence, even if your position is that development

82
00:04:51.820 --> 00:04:55.420
consent should not be granted, and therefore that the

83
00:04:55.460 --> 00:04:58.760
Secretary of State should not make the

84
00:04:58.800 --> 00:05:02.640
DCO, you can still make representations in

85
00:05:02.700 --> 00:05:05.780
this hearing on the drafting of the DCO

86
00:05:06.360 --> 00:05:10.340
without conceding your wider position that the draft-- that the DCO

87
00:05:10.380 --> 00:05:11.300
should not be made.

88
00:05:12.860 --> 00:05:16.760
Um, this is important for us as the examining authority because

89
00:05:16.820 --> 00:05:20.680
we are under a duty to provide the Secretary of State with

90
00:05:20.700 --> 00:05:24.680
the best-drafted DCO that we can, even if we end

91
00:05:24.720 --> 00:05:28.540
up recommending that the Secretary of State should not make the DCO.

92
00:05:29.440 --> 00:05:33.200
Um, this is because we do not decide these applications.

93
00:05:33.260 --> 00:05:37.020
We make recommendations to the Secretary of State, and they make the

94

00:05:37.060 --> 00:05:41.020

decision. So even if our report to the Secretary of

95

00:05:41.160 --> 00:05:44.920

State were to recommend that development consent should not be

96

00:05:44.960 --> 00:05:48.540

granted, we must still append a

97

00:05:48.640 --> 00:05:52.360

draft DCO ensuring that the Secretary of State can

98

00:05:52.400 --> 00:05:55.940

decide to make the order if he or she

99

00:05:56.200 --> 00:05:56.840

wishes.

100

00:05:58.540 --> 00:06:02.380

Moving on now to introductions. I'm

101

00:06:02.400 --> 00:06:06.140

now going to ask those of you who are participating in this

102

00:06:06.220 --> 00:06:09.800

afternoon's hearing to introduce yourselves.

103

00:06:09.880 --> 00:06:13.680

Uh, when I state your organization's name, could you introduce

104

00:06:13.760 --> 00:06:16.420

yourself stating your name and who you

105

00:06:16.500 --> 00:06:20.140

represent. Um, if you are not

106

00:06:20.180 --> 00:06:23.880

representing an organization, please confirm your name,

107

00:06:23.940 --> 00:06:25.400
summarize your interest,

108
00:06:26.240 --> 00:06:30.040
and, if you could let us know how you wish to be addressed,

109
00:06:30.120 --> 00:06:32.220
i.e, Mr, Mrs, Ms, etc.

110
00:06:33.640 --> 00:06:37.620
Um, could we start with the applicant, please, who will be leading,

111
00:06:37.700 --> 00:06:39.840
and any other contributors?

112
00:06:42.040 --> 00:06:44.040
Good afternoon. My name is Claire Broderick.

113
00:06:44.120 --> 00:06:47.800
I'm a partner at Pinsent Masons LLP, representing the

114
00:06:47.880 --> 00:06:50.020
applicant, Green Hill Solar Farm Limited.

115
00:06:50.660 --> 00:06:54.500
Um, I'm joined by a number of members of the applicant's team, and I will let

116
00:06:54.560 --> 00:06:58.360
them introduce themselves. In terms of today's hearing, it will be

117
00:06:58.370 --> 00:07:02.149
predominantly myself and my colleague, Ms Dablin, responding to

118
00:07:02.180 --> 00:07:04.280
questions on the drafting of the DCA.

119
00:07:04.300 --> 00:07:06.320
Thank you.

120
00:07:06.360 --> 00:07:09.800

My name is Alison Dablin. I am an associate at Pinsent

121

00:07:09.860 --> 00:07:12.280

Masons, and here on behalf of the applicant.

122

00:07:12.300 --> 00:07:15.080

Thank you.

123

00:07:15.860 --> 00:07:19.780

I'm Lesley Giles. I'm project development manager for Island Green Power,

124

00:07:20.160 --> 00:07:23.280

here on behalf of the applicant.

125

00:07:24.160 --> 00:07:27.880

Uh, Jane Crichton. I'm a technical director of planning at

126

00:07:27.900 --> 00:07:30.610

Lampro, leading on planning and EIA matters for the

127

00:07:30.640 --> 00:07:32.140

applicant.

128

00:07:32.820 --> 00:07:36.460

Hi, I'm Charlotte Strela. I'm an associate EIA consultant at

129

00:07:36.480 --> 00:07:39.900

Lampro, also leading on EIA and planning matters for the

130

00:07:39.940 --> 00:07:42.100

applicant.

131

00:07:43.620 --> 00:07:47.200

Thank you. Uh, can we then move on

132

00:07:47.380 --> 00:07:51.320

to, organizations or individuals who have given

133

00:07:51.380 --> 00:07:54.940

notice of their intention to speak,

134

00:07:56.040 --> 00:07:58.670

starting with North Northamptonshire Council,

135

00:07:58.680 --> 00:08:00.480

please.

136

00:08:00.620 --> 00:08:04.600

So good afternoon. Um, I'm Gary Grant of council,

137

00:08:04.660 --> 00:08:08.040

a member of King's Chambers, instructed on behalf of North

138

00:08:08.080 --> 00:08:10.960

Northants Council.

139

00:08:14.640 --> 00:08:18.160

Nicola Thompson, planning consultant on behalf of North Northants

140

00:08:18.240 --> 00:08:19.680

Council.

141

00:08:21.980 --> 00:08:25.120

Thank you. And for West Northamptonshire Council?

142

00:08:26.770 --> 00:08:30.420

Nikki Scaife, West Northamptonshire District Council .

143

00:08:34.780 --> 00:08:37.800

And for Milton Keynes City Council?

144

00:08:37.821 --> 00:08:41.240

Um, I'm Elizabeth Ferdigum. I'm a team leader in the strategic team for Milton

145

00:08:41.280 --> 00:08:44.040

Keynes City Council.

146

00:08:46.200 --> 00:08:49.940

And I believe, joining us online we have

147

00:08:50.240 --> 00:08:53.520

National Highways.

148

00:08:54.640 --> 00:08:57.900

Good afternoon. Uh, Mrs Vicky Fowler, and I'm from

149

00:08:58.280 --> 00:09:01.880

Gowling WLG, partner and solicitor, and here

150

00:09:01.920 --> 00:09:04.740

representing National Highways. Thank you.

151

00:09:06.900 --> 00:09:10.860

Thank you. Um, I think, I think we may have,

152

00:09:11.800 --> 00:09:13.010

Stop Green Hill Solar

153

00:09:13.340 --> 00:09:15.240

group.

154

00:09:17.680 --> 00:09:19.960

Uh, Philip Anthony, Stop Green Hill

155

00:09:20.040 --> 00:09:24.720

Solar.

156

00:09:26.500 --> 00:09:26.750

Thank you.

157

00:09:26.750 --> 00:09:28.200

Sheena Howe, Stop Green Hill

158

00:09:28.300 --> 00:09:33.300

Solar.

159

00:09:34.920 --> 00:09:37.480

Dr Marie Midgley, Stop, Green Hill

160

00:09:37.520 --> 00:09:39.000

Solar.

161

00:09:41.560 --> 00:09:44.080

Kay Brown, Stop Green Hill Solar.

162

00:09:48.940 --> 00:09:52.780

Right. Thank you. So I think that was everybody who'd indicated

163

00:09:52.800 --> 00:09:56.340

before the, hearing that they

164

00:09:56.360 --> 00:10:00.320

would possibly want to speak. Um, but before I

165

00:10:00.360 --> 00:10:04.040

move on to item three, is there anybody

166

00:10:04.080 --> 00:10:07.060

else in the room who might want to

167

00:10:07.080 --> 00:10:09.850

participate? Uh, yes, Mr

168

00:10:10.060 --> 00:10:14.600

Burrell?

169

00:10:14.680 --> 00:10:15.040

Uh,

170

00:10:16.000 --> 00:10:19.420

Keith Burrell. I'm a resident of thirty years in the

171

00:10:19.459 --> 00:10:23.180

Holcott Parish wishing to speak on various matters.

172

00:10:23.200 --> 00:10:23.380

Thank

173

00:10:23.420 --> 00:10:28.460

you.

174

00:10:28.540 --> 00:10:30.100

Okay. And just to check, have we got anybody

175

00:10:30.140 --> 00:10:33.020

online?

176

00:10:34.480 --> 00:10:35.440

Okay. No.

177

00:10:36.880 --> 00:10:40.740

Right. Thank you. So moving on to agenda item

178

00:10:41.040 --> 00:10:41.560

three.

179

00:10:42.400 --> 00:10:46.190

So following the same approach as ISH3,

180

00:10:47.060 --> 00:10:50.580

for the first part of the agenda, the discussion will

181

00:10:50.640 --> 00:10:54.160

cover the majority of the, the DCO

182

00:10:54.380 --> 00:10:58.050

articles and schedules, excluding

183

00:10:58.060 --> 00:11:01.200

Schedule Fifteen. Um, and just to

184

00:11:01.300 --> 00:11:05.160

clarify that the latest version

185

00:11:05.240 --> 00:11:08.560

of the DCO being Revision

186

00:11:08.760 --> 00:11:12.660

D and having an examination library reference

187

00:11:12.800 --> 00:11:15.640

of Rep five zero zero

188

00:11:16.040 --> 00:11:20.020

eight. Um, we didn't have a library reference for that at the time

189

00:11:20.060 --> 00:11:23.920

of preparing the agenda for, for this hearing, so I wasn't able to include

190

00:11:23.960 --> 00:11:27.670

it there. Um, and then in the second

191

00:11:27.670 --> 00:11:31.540

part of the agenda, we will discuss Schedule

192

00:11:31.680 --> 00:11:34.620

Fifteen, which is the protective

193

00:11:34.740 --> 00:11:37.580

provisions.

194

00:11:39.600 --> 00:11:42.880

So starting with, agenda item three point

195

00:11:43.060 --> 00:11:46.280

one and discussion of the articles and

196

00:11:46.360 --> 00:11:49.820

schedules of the draft DCO,

197

00:11:50.580 --> 00:11:54.120

if I could turn first to the applicant, to

198

00:11:54.240 --> 00:11:57.960

provide a brief update on drafting

199

00:11:58.160 --> 00:12:01.980

of the, latest version, highlighting any key

200

00:12:02.100 --> 00:12:05.860

changes made, from the previously

201

00:12:05.980 --> 00:12:07.980
submitted version. Thank you.

202

00:12:08.780 --> 00:12:11.840
Allison Dublin for the applicant.

203

00:12:11.860 --> 00:12:15.400
The applicant reviewed the examining authority's proposed

204

00:12:15.600 --> 00:12:19.180
amendments and, these factored into the

205

00:12:19.220 --> 00:12:23.020
updated draft DC0 that was submitted at deadline five,

206

00:12:23.060 --> 00:12:26.230
which is Rep five dash zero zero eight.

207

00:12:26.260 --> 00:12:30.200
The changes included several minor typographical and formatting,

208

00:12:30.760 --> 00:12:33.960
issues that were corrected, and this includes amendments to

209

00:12:34.000 --> 00:12:37.180
Article two and Article forty-two.

210

00:12:37.300 --> 00:12:41.240
A new definition was added into Article two.

211

00:12:41.280 --> 00:12:45.140
This is a written scheme of investigation, archaeological

212

00:12:45.220 --> 00:12:49.080
trenching. This is a new certified document which

213

00:12:49.140 --> 00:12:52.470
governs a program of further evaluative archaeological,

214

00:12:53.320 --> 00:12:56.270
investigation work, which is to be carried

215
00:12:56.360 --> 00:13:00.100
out post-consent. Requirement twelve in Schedule two

216
00:13:00.500 --> 00:13:03.560
has also been updated to reflect that the applicant

217
00:13:03.620 --> 00:13:07.540
agreed the written scheme of investigation that will apply to

218
00:13:07.680 --> 00:13:10.880
these post-content- post-consent evaluative

219
00:13:11.200 --> 00:13:13.660
archaeological investigations.

220
00:13:13.670 --> 00:13:17.080
The updated requirement now provides for the further evaluative

221
00:13:17.160 --> 00:13:20.520
in-investigation work to be carried out, and then the

222
00:13:20.560 --> 00:13:24.330
result of that work to inform the written schemes of investigation
for

223
00:13:24.400 --> 00:13:27.900
mitigation archaeological works, which will secure the

224
00:13:27.920 --> 00:13:31.740
mitigation that is, required based on the detailed

225
00:13:31.800 --> 00:13:35.700
design of the scheme. Article

226
00:13:35.800 --> 00:13:39.580
eighteen, which, applies for the, removal of human

227
00:13:39.620 --> 00:13:43.580

remains, has been revised further to discussions

228

00:13:43.660 --> 00:13:47.480

with the Joint Casualty and Compassionate Center and receipt

229

00:13:47.560 --> 00:13:51.300

of a license for works, in relation to the

230

00:13:51.520 --> 00:13:55.380

potential military crash site, that may be

231

00:13:55.420 --> 00:13:58.840

located within Field GF thirteen on Green Hill

232

00:13:58.900 --> 00:14:02.820

G. Uh, the article provides clarity over

233

00:14:02.880 --> 00:14:06.460

what must be done in the event human rem-remains are found

234

00:14:07.100 --> 00:14:10.920

based primarily on the age of those remains.

235

00:14:10.960 --> 00:14:14.500

Were the article not included in the draft DCO and human remains were

236

00:14:14.560 --> 00:14:18.260

found, it would be necessary to seek instructions from the Secretary of State

237

00:14:18.740 --> 00:14:22.580

on how to deal with those remains. It is considered expedient to

238

00:14:22.600 --> 00:14:26.290

include such instructions within the DCO to avoid any delays to the

239

00:14:26.320 --> 00:14:29.680

implementation of the scheme. The archaeological mitigation

240

00:14:29.720 --> 00:14:33.360

strategy and the approved written schemes of investigation will

241

00:14:33.400 --> 00:14:37.340

apply to any historical remains that are found, whilst the notification and

242

00:14:37.420 --> 00:14:41.220

publicity process applies to any more recent remains.

243

00:14:41.280 --> 00:14:45.200

The exception to this is any remains that are covered by a license

244

00:14:45.360 --> 00:14:49.260

issued under the Protection of Military Remains Act, in which case

245

00:14:49.300 --> 00:14:52.460

the conditions of that license will apply.

246

00:14:52.500 --> 00:14:54.980

The article also specifically,

247

00:14:56.220 --> 00:14:59.700

applies the license to any areas that have been identified

248

00:14:59.900 --> 00:15:03.500

within the detailed construction environmental management plan,

249

00:15:04.120 --> 00:15:07.600

and this reflects that the license for works,

250

00:15:08.200 --> 00:15:12.160

in protected military crash sites is granted in respect of

251

00:15:12.200 --> 00:15:15.920

a defined area, whilst there is a potential for remains from crash

252

00:15:15.980 --> 00:15:19.800

sites to be more widely dispersed, including through later agricultural

253

00:15:19.900 --> 00:15:23.700

activity. By including this expressly within the article, it

254

00:15:23.720 --> 00:15:27.420

provides clarity and certainty that any remains that are

255

00:15:27.440 --> 00:15:30.940

potentially military in nature will be treated as such

256

00:15:31.240 --> 00:15:34.820

until advised otherwise, ensuring that even if they are found

257

00:15:35.220 --> 00:15:39.100

outside of the area to which the license specifically applies, there

258

00:15:39.140 --> 00:15:41.720

is no confusion as to which regime is to be

259

00:15:41.760 --> 00:15:45.620

followed. In Schedule one, work number

260

00:15:45.700 --> 00:15:49.160

one has been updated to reflect the new NSIP thresholds,

261

00:15:49.500 --> 00:15:53.440

following the, Infrastructure Planning Onshore Wind and Solar
Generation

262

00:15:53.560 --> 00:15:56.180

Order two thousand and twenty-five.

263

00:15:56.300 --> 00:16:00.240

Um, and requirement nine, which is in relation

264

00:16:00.260 --> 00:16:04.140

to biodiversity net gain, has been updated to secure that the

265

00:16:04.160 --> 00:16:07.860

scheme will deliver a minimum of forty-seven percent,

266

00:16:08.200 --> 00:16:11.880

gain in habitat units. Requirement

267

00:16:11.920 --> 00:16:15.500

twenty-one, which relates to decommissioning, has also been amended to

268

00:16:15.560 --> 00:16:18.460

expressly require consultation with the relevant highway

269

00:16:18.540 --> 00:16:22.060

authority. Finally, the applicant

270

00:16:22.200 --> 00:16:26.100

incorporated protective provisions for the lead local flood authorities

271

00:16:26.540 --> 00:16:30.499

following discussions in relation to the disapplication of

272

00:16:30.540 --> 00:16:34.360

the need to obtain separate consents under the Land Drainage Act

273

00:16:34.520 --> 00:16:36.100

nineteen ninety-one. Thank

274

00:16:36.160 --> 00:16:38.560

you.

275

00:16:41.200 --> 00:16:48.540

Thank

276

00:16:48.560 --> 00:16:50.870

you very much for that, for that update.

277

00:16:53.260 --> 00:16:57.000

Um, so turning first to the, local

278

00:16:57.060 --> 00:16:58.020

authorities

279

00:16:58.840 --> 00:17:02.300

and any further comments regarding the,

280

00:17:02.820 --> 00:17:06.080
drafting of the DC0.

281

00:17:06.200 --> 00:17:09.580
Um, perhaps starting first with, North

282

00:17:09.681 --> 00:17:10.500
Northamptonshire

283

00:17:11.440 --> 00:17:15.370
Council. Um, I'm assuming from,

284

00:17:15.401 --> 00:17:19.381
what we heard yesterday and also from, Rep five,

285

00:17:19.440 --> 00:17:22.710
one one two, that you're probably gonna be covering,

286

00:17:23.000 --> 00:17:26.840
requirement twenty-one, and the,

287

00:17:27.520 --> 00:17:30.340
the forty-year, sixty-year,

288

00:17:31.120 --> 00:17:34.980
point, which, you know, obviously we, we went through in a

289

00:17:35.000 --> 00:17:38.480
bit of detail yesterday, and I think the examining

290

00:17:38.540 --> 00:17:42.400
authority have got a pretty, well, we've got a very clear,

291

00:17:43.780 --> 00:17:46.430
position of, of the, arguments that

292

00:17:46.440 --> 00:17:50.340
the council are making and also the, the response that the applicant

293

00:17:50.400 --> 00:17:54.040
has made. Um, however, you know, if, if there's

294
00:17:54.080 --> 00:17:58.040
anything that you wanted to add, from the arguments

295
00:17:58.060 --> 00:18:00.700
that were made at yesterday's ISH and throughout the

296
00:18:00.740 --> 00:18:04.620
examination, and any other, matters that

297
00:18:04.720 --> 00:18:07.560
you wish to raise.

298
00:18:07.660 --> 00:18:07.820
Um,

299
00:18:08.980 --> 00:18:12.060
so yes. Obviously, so far as requirement twenty-one is

300
00:18:12.080 --> 00:18:15.660
concerned, um-That can be dealt with in terms of

301
00:18:15.680 --> 00:18:19.209
drafting by a very simple amendment in terms of the number of years.

302
00:18:19.300 --> 00:18:23.230
And, you will address that

303
00:18:23.260 --> 00:18:25.020
no doubt within your recommendation.

304
00:18:25.040 --> 00:18:28.260
And if you make that recommendation, that will be something to be

305
00:18:28.320 --> 00:18:32.120
p-proceeded with or, or not a-as the, as the case may

306
00:18:32.200 --> 00:18:33.440
be. Um,

307

00:18:34.580 --> 00:18:38.500

sir and your colleagues, I, I leave it to your judgment because it is a matter of

308

00:18:38.540 --> 00:18:42.500

judgment as to which, view you take in relation

309

00:18:42.540 --> 00:18:45.700

to the materiality of the difference between forty and sixty

310

00:18:45.760 --> 00:18:49.460

years. Um, and I take no particular drafting point other

311

00:18:49.520 --> 00:18:53.480

than the change of the number of years in relation to that.

312

00:18:53.580 --> 00:18:57.310

So, so that's, that's the first comment, and I don't think from a dra--

313

00:18:57.340 --> 00:19:00.980

from this session's point of view, it's worth me reciting any part of the

314

00:19:01.040 --> 00:19:04.480

arguments that go to the substance of the point.

315

00:19:04.580 --> 00:19:08.190

Um, you will recall on the last occasion that we were dealing with,

316

00:19:08.920 --> 00:19:11.600

drafting provisions, that there was discussion of Schedule

317

00:19:11.680 --> 00:19:14.920

sixteen. And I do have a few

318

00:19:14.980 --> 00:19:18.530

supplemental comments in relation to that, and there's also one

319

00:19:18.580 --> 00:19:22.100

other comment in relation to phasing because that was another point that was

320

00:19:22.560 --> 00:19:25.660

picked up on a previous, occasion.

321

00:19:25.700 --> 00:19:27.900

So in terms of,

322

00:19:29.760 --> 00:19:33.640

Schedule sixteen, I'm aware that

323

00:19:33.660 --> 00:19:36.440

the position has been adjusted in the revised draft.

324

00:19:36.460 --> 00:19:39.800

And as said on the last occasion when it was being discussed, of

325

00:19:39.840 --> 00:19:43.720

course, any additional period in the event that you take the

326

00:19:43.760 --> 00:19:45.020

view that,

327

00:19:46.460 --> 00:19:50.320

the advice in Advice Note fifteen should, as it were, not directly be

328

00:19:50.360 --> 00:19:53.980

followed, or you find an, find a justification for departing from

329

00:19:54.040 --> 00:19:57.980

that advice--then any additional period is,

330

00:19:58.060 --> 00:20:01.640

is welcome. Um, but I do have supplemental

331

00:20:01.920 --> 00:20:04.310

comments in relation to that. Um,

332

00:20:05.540 --> 00:20:09.410

so in relation to, to that, just as a reminder,

333

00:20:09.780 --> 00:20:13.350

of the advi- of, of the Advice Note fifteen advice, and

334

00:20:13.380 --> 00:20:16.840

it is up-to-date advice. So I say, say to you, to you, sir, that

335

00:20:17.580 --> 00:20:20.690

Advice Note fifteen has been updated to two thousand and

336

00:20:20.690 --> 00:20:24.520

twenty-five. There's been reference to a variety of other,

337

00:20:25.059 --> 00:20:28.490

DCOs where, the sorts of provisions that, that

338

00:20:28.520 --> 00:20:31.360

are being identified have been,

339

00:20:32.360 --> 00:20:35.320

adopted. I-I'll have a couple of comments in relation to

340

00:20:35.400 --> 00:20:39.140

that c-comment in relation to the explanatory mem-memorandum in a

341

00:20:39.200 --> 00:20:43.020

moment. Um, but I say that if the position was that the

342

00:20:43.040 --> 00:20:46.900

default position was that there was always urgency, therefore there should

343

00:20:46.920 --> 00:20:49.740

be the deemed pr-provision that is being

344

00:20:49.760 --> 00:20:53.640

identified, then the, advice note could be updated to

345

00:20:53.700 --> 00:20:57.100

that effect to reflect that urgency.

346

00:20:57.240 --> 00:21:00.320

The urgency in, in, delivering solar

347

00:21:01.260 --> 00:21:04.129

is well understood. It's central to government policy.

348

00:21:04.140 --> 00:21:07.470

And if it was intended that the drafting was to follow in that ordinary

349

00:21:07.580 --> 00:21:10.780

way, then the government has been able to, but has not

350

00:21:11.220 --> 00:21:14.900

updated the advice note to reflect a different approach

351

00:21:15.440 --> 00:21:18.250

in terms of the mechanisms for discharge of requirements.

352

00:21:18.920 --> 00:21:20.740

And I say to you, sir, that that is very

353

00:21:20.820 --> 00:21:24.340

significant. Um,

354

00:21:26.100 --> 00:21:28.340

br-brief pause there. Um,

355

00:21:29.480 --> 00:21:32.160

under the explanatory memorandum explaining

356

00:21:33.480 --> 00:21:36.520

the requirements under sixteen and discharge,

357

00:21:37.380 --> 00:21:39.460

reference has been made to a series of other

358

00:21:39.500 --> 00:21:43.380

DCOs. I-I-I ran the, I ran the test

359

00:21:44.120 --> 00:21:47.820

in preparation for today to see whether the deemed

360

00:21:47.920 --> 00:21:51.660

provisions, the deeming provisions that were-- I'm, I'm

361

00:21:52.080 --> 00:21:55.540

seeking to, to question and, and suggest may not be

362

00:21:55.580 --> 00:21:56.960

included,

363

00:21:58.180 --> 00:22:02.060

were they within all of those DCOs that have been

364

00:22:02.100 --> 00:22:05.280

identified in the mis-- in the explanatory mem-memorandum, and they are

365

00:22:05.360 --> 00:22:07.180

not. Um,

366

00:22:08.100 --> 00:22:11.640

so the first of those is Cleeve Hill, which is an earlier,

367

00:22:13.220 --> 00:22:15.470

DCO, and those deemed

368

00:22:15.540 --> 00:22:19.349

provisions are not in that order. The deeming

369

00:22:19.400 --> 00:22:23.260

provision relates to the request for information, but does not extend to

370

00:22:23.300 --> 00:22:26.920

the deemed consent provision, which is the

371

00:22:26.960 --> 00:22:30.099

principal, issue that I'm raising in relation to

372

00:22:30.160 --> 00:22:34.080

this. Um, I ask you to look again at the way in

373

00:22:34.099 --> 00:22:36.240

which the explanatory d- memorandum is

374

00:22:36.280 --> 00:22:39.980

worded a-and refer

375

00:22:40.020 --> 00:22:43.840

back to the last of those in relation to East Yorkshire, the East Yorkshire

376

00:22:43.880 --> 00:22:47.860

DCO, and the East Yorkshire DCO itself

377

00:22:47.900 --> 00:22:51.880

and the way that is explained. And it may be some form of

378

00:22:51.920 --> 00:22:55.680

accumulated practice has emerged, but I say,

379

00:22:55.740 --> 00:22:59.180

has that referred back to the advice note?

380

00:22:59.240 --> 00:23:02.780

Has that always required rigorous justification

381

00:23:03.460 --> 00:23:07.080

in order to cr-- to have a departure from the standard that is

382

00:23:07.100 --> 00:23:10.380

identified in the appendix? And I say that

383

00:23:10.440 --> 00:23:13.900

a-adopting a rigorous approach should be the correct approach,

384

00:23:14.700 --> 00:23:18.360

and it is always the case that there's urgency to deal with urgent

385

00:23:18.440 --> 00:23:21.790
matters, but if it were intended that these sorts of provisions
should be included,

386
00:23:21.800 --> 00:23:24.400
it should be s-- it would be said so.

387
00:23:24.500 --> 00:23:28.000
Um, there is no precedent as such

388
00:23:29.880 --> 00:23:32.460
in the drafting of a DCO, which means that

389
00:23:33.680 --> 00:23:37.460
similarly to the point I make on forty and sixty years, it's
inevitable that in

390
00:23:37.500 --> 00:23:40.400
each case that should be included.

391
00:23:40.500 --> 00:23:43.660
If that were intended to be the case, there would be no reas- no
reason to argue a

392
00:23:43.700 --> 00:23:45.940
point or justify it on an individual

393
00:23:45.980 --> 00:23:47.900
basis.

394
00:23:49.160 --> 00:23:53.040
So I, I, I ask for you to be justified on

395
00:23:53.260 --> 00:23:56.360
that provision itself. And then secondly, I say this,

396
00:23:56.400 --> 00:24:00.120
that the amended drafting that's been brought forward

397
00:24:00.720 --> 00:24:03.700
through the revision, which has extended the period

398

00:24:04.760 --> 00:24:08.380

up to eight weeks from previously six.

399

00:24:08.400 --> 00:24:12.040

And I, I say actually, when you look at the Mallard Pass

400

00:24:12.220 --> 00:24:15.780

DCO as an example, you will see that in that particular,

401

00:24:16.180 --> 00:24:19.840

order, ten weeks was the period provided for,

402

00:24:20.580 --> 00:24:24.036

under the, scheduleUh,

403

00:24:24.076 --> 00:24:27.906

sixteen. And, a-and I say that if you

404

00:24:27.996 --> 00:24:31.906

are persuaded, a-and, and this is a without prejudice comment, if you

405

00:24:31.956 --> 00:24:35.096

are persuaded there is a justification for deeming provisions in that way,

406

00:24:36.156 --> 00:24:40.136

then I see no reason why ten weeks should not be inserted rather than,

407

00:24:40.176 --> 00:24:42.296

than the eight weeks that are proposed.

408

00:24:42.356 --> 00:24:46.276

So, I would, I would suggest that in, if you are persuaded of

409

00:24:46.316 --> 00:24:48.956

that, then, then ten rather than eight should be

410

00:24:48.976 --> 00:24:51.186

inserted. Um,

411

00:24:52.136 --> 00:24:55.396

I-I've raised with Ms. Brodrick in advance of today's discussion

412

00:24:55.756 --> 00:24:59.616

also the, the periods that are inserted

413

00:24:59.696 --> 00:25:03.016

in the information request, which is in the following

414

00:25:03.216 --> 00:25:07.036

paragraph of Schedule 16. Um,

415

00:25:07.436 --> 00:25:11.416

so just to get our bearings.

416

00:25:13.116 --> 00:25:14.996

So you will see that,

417

00:25:16.396 --> 00:25:20.136

within three, on page two hundred and three of the

418

00:25:20.176 --> 00:25:22.936

revised DCO,

419

00:25:23.936 --> 00:25:25.736

further information and consultation is

420

00:25:25.776 --> 00:25:31.336

identified.

421

00:25:32.736 --> 00:25:35.836

When you're there, I'll make progress.

422

00:25:35.846 --> 00:25:38.836

So you will see there, there are various periods that have been

423

00:25:38.876 --> 00:25:42.816

identified. In relation to an application, the relevant

424

00:25:42.856 --> 00:25:45.436
authority may request reasonable further information,

425
00:25:46.576 --> 00:25:49.636
and then in the event the relevant authority considers such
information to be

426
00:25:49.676 --> 00:25:50.296
necessary

427
00:25:51.316 --> 00:25:55.116
and does not specify that consultation with a r-a constant is
required, the

428
00:25:55.136 --> 00:25:58.596
relevant authority must, within ten working days, notify an

429
00:25:58.656 --> 00:26:02.336
undertaker. And then in three, there is a

430
00:26:02.476 --> 00:26:05.496
further five, working days,

431
00:26:06.596 --> 00:26:10.016
in terms of, then proceeding.

432
00:26:10.116 --> 00:26:10.416
Um,

433
00:26:11.576 --> 00:26:14.996
a-and, and, there is then

434
00:26:15.056 --> 00:26:18.876
the, as it were, cutoff

435
00:26:19.036 --> 00:26:22.556
within four and what follows,

436
00:26:25.396 --> 00:26:29.016
which, which is intended to bring a, bring, as it were, a

437

00:26:29.076 --> 00:26:31.996
curtailment to that process. Now,

438

00:26:33.196 --> 00:26:36.516
I raised with Ms. Brodrick whether those periods were too short

439

00:26:37.596 --> 00:26:40.856
in light of, the nature of

440

00:26:40.916 --> 00:26:42.896
consultation that would be required,

441

00:26:43.736 --> 00:26:46.856
and I, I would ask that those periods be relaxed.

442

00:26:46.876 --> 00:26:49.996
I understand from discussions that might be possible, and I'll leave
to Ms.

443

00:26:50.016 --> 00:26:53.636
Brodrick to explain what her position is in relation to that.

444

00:26:54.556 --> 00:26:58.176
But again, there I would suggest that in those circumstances a, a
longer period

445

00:26:58.236 --> 00:27:01.256
should be allowed for.

446

00:27:02.476 --> 00:27:06.356
Um, so tho-those are my, observations in relation

447

00:27:06.496 --> 00:27:10.416
to, Schedule 16. So I think they're fairly self-evident

448

00:27:10.476 --> 00:27:14.336
what I'm asking for, therefore I'm not producing any drafting.

449

00:27:14.396 --> 00:27:18.236
If you wish me to, I'll produce some drafting, to,

450

00:27:18.296 --> 00:27:21.996
to indicate what we see the position to be.

451
00:27:22.056 --> 00:27:22.176
Um,

452
00:27:23.256 --> 00:27:27.236
the other, point that, I, I wish to

453
00:27:27.276 --> 00:27:31.006
make is in relation to phasing. And so I can either stop there-

454
00:27:31.016 --> 00:27:33.216
I was just thinking, yeah, I was just thinking pr-possibly-

455
00:27:33.536 --> 00:27:33.656
Stop there

456
00:27:33.676 --> 00:27:34.736
... 'cause we've covered a bit there-

457
00:27:34.776 --> 00:27:34.816
Yeah

458
00:27:34.865 --> 00:27:36.516
... under Schedule 16, haven't we?

459
00:27:36.556 --> 00:27:40.196
So probably a good time, just to, go over

460
00:27:40.336 --> 00:27:44.016
to the, the applicant for a response to that, and then we'll, we'll
come back

461
00:27:44.176 --> 00:27:47.776
to, phasing. So would, would the

462
00:27:47.816 --> 00:27:49.596
applicant, like to

463
00:27:50.576 --> 00:27:54.216

comment on, on any of those initial points

464

00:27:54.296 --> 00:27:58.256

under, Schedule 16 (2) and, 16 (3)

465

00:27:58.256 --> 00:27:59.856

, please?

466

00:27:59.976 --> 00:28:01.676

Uh, Claire Brodrick for the applicant.

467

00:28:01.776 --> 00:28:01.906

Um,

468

00:28:03.236 --> 00:28:06.476

we set out at the last issue, specifically hearing on the draft

469

00:28:06.516 --> 00:28:10.356

DCO, how the deeming provision worked, and I believe I

470

00:28:10.376 --> 00:28:14.276

explained quite clearly that it was to govern a situation where, the local

471

00:28:14.286 --> 00:28:17.966

authority, didn't deal with an application that

472

00:28:17.996 --> 00:28:21.596

didn't result in materially new or different

473

00:28:21.616 --> 00:28:25.336

effects from those, reported in the environmental statement.

474

00:28:25.356 --> 00:28:29.156

So when an application for discharge is submitted, the local

475

00:28:29.196 --> 00:28:32.716

authority have the opportunity to request further information, which has been

476

00:28:32.736 --> 00:28:36.166

discussed, to approve it or to refuse the

477

00:28:36.216 --> 00:28:39.615

application. So those deeming provisions only apply

478

00:28:40.096 --> 00:28:43.716

when they haven't done it, made any decision in respect of, of the application.

479

00:28:43.736 --> 00:28:46.816

So it's seeking to, deal with a scenario

480

00:28:46.936 --> 00:28:50.436

whereby for whatever reason, the application is just not dealt with,

481

00:28:50.896 --> 00:28:54.876

and it was considered appropriate, for matters that don't result

482

00:28:54.896 --> 00:28:58.836

in any materially or new different environmental effects for

483

00:28:59.396 --> 00:29:03.256

that deem, it to be a deemed grant, rather than forcing the

484

00:29:03.316 --> 00:29:07.206

applicant to have to appeal for non-determination of the discharge of

485

00:29:07.256 --> 00:29:11.076

that requirement. However, where the applicant has identified that

486

00:29:11.116 --> 00:29:14.296

there are materially new or different environmental effects which it's obliged to

487

00:29:14.356 --> 00:29:17.556

do, under the provisions in Schedule

488

00:29:17.596 --> 00:29:20.576

16, then the deeming provision means it's a deemed

489

00:29:20.636 --> 00:29:23.916
refusal. Um, so that distinction I just

490
00:29:23.956 --> 00:29:27.556
reiterate in terms of the context that we're talking

491
00:29:27.656 --> 00:29:30.316
about here. I think it's,

492
00:29:31.216 --> 00:29:34.816
incorrect to say, that there isn't precedent for this

493
00:29:35.176 --> 00:29:38.976
deeming provision. I, I acknowledge it's not specifically referred
to in

494
00:29:39.056 --> 00:29:42.676
the, PIN's, advice note. Um, but

495
00:29:42.816 --> 00:29:46.456
since, we produced the explanatory memorandum, there have been a

496
00:29:46.496 --> 00:29:50.336
number of other DCOs granted that include

497
00:29:50.396 --> 00:29:53.606
similar deeming provisions. Um, in relation to

498
00:29:53.636 --> 00:29:57.326
solar, those are Oakland's Farm Solar Park two,

499
00:29:57.326 --> 00:30:00.436
2025, the Byer's Gill Solar Farm Order

500
00:30:00.476 --> 00:30:03.776
2025, the Tilbridge Solar Farm Order from

501
00:30:04.036 --> 00:30:07.896
2026, and the recently granted Fenwick Solar Farm Order

502
00:30:08.316 --> 00:30:10.826

again from earlier this year in 2026.

503

00:30:11.696 --> 00:30:15.356

Um, so the applicant's position is that there is quite an established precedent for

504

00:30:15.396 --> 00:30:19.116

deeming provisions, and the Secretary of State is satisfied that it, they

505

00:30:19.216 --> 00:30:21.336

are appropriate in the circumstances.

506

00:30:21.376 --> 00:30:24.736

We will, be producing a final version of the explanatory

507

00:30:24.816 --> 00:30:28.716

memorandum, to accompany the last version of the DCO, and we

508

00:30:28.756 --> 00:30:32.732

will makeThe distinction there, Claire, I appreciate that, we

509

00:30:32.772 --> 00:30:36.312

referred to Cleeve Hill Solar Park order because it does contain a

510

00:30:36.352 --> 00:30:40.032

schedule relating to the discharge of requirements, but we hadn't

511

00:30:40.592 --> 00:30:43.692

specifically made it clear which of those orders

512

00:30:43.792 --> 00:30:46.812

included, deemed provisions.

513

00:30:46.832 --> 00:30:50.492

But in an updated version, we can make that clear,

514

00:30:50.792 --> 00:30:54.612

that, and list out, at that point in time each of the DCOs that have

515

00:30:54.652 --> 00:30:57.872

included similar deeming provisions.

516

00:30:57.972 --> 00:31:01.512

Um, however, the point being made about the

517

00:31:01.572 --> 00:31:03.852

timeframe, is noted,

518

00:31:04.752 --> 00:31:08.512

and the applicant would be willing to extend the eight-week period

519

00:31:08.672 --> 00:31:12.072

to a period of 10 weeks, which is consistent with the Malard Pass

520

00:31:12.552 --> 00:31:16.522

order that's been requested. Um, and on the basis that it was confirmed that

521

00:31:16.552 --> 00:31:20.452

10 weeks would be, considered an appropriate timescale,

522

00:31:20.472 --> 00:31:24.192

then the applicant is happy to make that change and will include it in the next

523

00:31:25.052 --> 00:31:28.452

draft of the DCO. As was mentioned, there are a range of different timescales

524

00:31:28.492 --> 00:31:32.452

within made orders. So, we can agree to that.

525

00:31:32.492 --> 00:31:36.412

And then in respect of, paragraph three,

526

00:31:36.872 --> 00:31:40.182

at the moment, the, the references are 10 working

527

00:31:40.272 --> 00:31:43.722

days, and then five working days, and then a f-further five working

528

00:31:43.812 --> 00:31:47.532
days, and then 15 working days as the relevant

529
00:31:47.592 --> 00:31:51.582
timescales. And the applicant is willing to increase those by a
further week,

530
00:31:51.652 --> 00:31:55.502
so a further five working days. So it would be in

531
00:31:55.552 --> 00:31:59.332
paragraph, three, subparagraph two, it would refer to 15 working

532
00:31:59.392 --> 00:32:03.212
days. And then in paragraph three, subparagraph three,

533
00:32:03.312 --> 00:32:07.112
it would be 10 working days, 10 working days, and then 20

534
00:32:07.192 --> 00:32:10.712
working days. So the applicant considers that provides

535
00:32:10.722 --> 00:32:13.722
additional time for those requests for further information.

536
00:32:13.792 --> 00:32:17.752
Um, it would be helpful if, obviously, Mr.

537
00:32:17.772 --> 00:32:21.312
Grant mentioned that we, we had discussed that, but North North
Hampton sure hadn't

538
00:32:21.392 --> 00:32:25.182
actually confirmed that that was the type of extension they were
looking

539
00:32:25.272 --> 00:32:29.032
for. So it would be useful if they could confirm that those five
extra days is

540
00:32:29.172 --> 00:32:30.312
acceptable. Thank you.

541

00:32:32.172 --> 00:32:36.032

Yeah, thank you. Um, so, I suppose t-turning

542

00:32:36.212 --> 00:32:39.852

first to the, the, the 10-week period, instead of

543

00:32:39.951 --> 00:32:43.532

eight, would that, would that be acceptable to the council?

544

00:32:44.052 --> 00:32:47.872

Sir, o-on, on the same basis as indicated last occasion,

545

00:32:48.512 --> 00:32:51.392

so without prejudice to the overriding point,

546

00:32:52.992 --> 00:32:56.412

the precedent point that I was making was a bit more subtle than,
than

547

00:32:56.432 --> 00:32:59.112

obviously than is being answered, if I can put it that way.

548

00:32:59.152 --> 00:33:03.092

My, my point was not saying, that it's not been used in

549

00:33:03.152 --> 00:33:06.092

other DC0s. I accept and see that it has.

550

00:33:06.132 --> 00:33:10.052

My point is that there's no formal precedent created by that because

551

00:33:10.092 --> 00:33:12.992

there has to be a justification for each DC0.

552

00:33:13.092 --> 00:33:17.072

Um, and, my point was that if it was intended

553

00:33:17.112 --> 00:33:20.472

to be standard, that there should be such

554

00:33:20.482 --> 00:33:23.902

provisions, then there's every opportunity for government to make that clear, and

555

00:33:23.932 --> 00:33:27.172

it hasn't done so through amendments to advise that it

556

00:33:27.332 --> 00:33:30.512

gives. So it may be accepted in individual

557

00:33:30.592 --> 00:33:32.572

circumstances to apply,

558

00:33:33.632 --> 00:33:37.352

but I'm asking for your, for you to find as to whether

559

00:33:37.392 --> 00:33:40.692

it does or does not apply. And precedent has a legal

560

00:33:40.792 --> 00:33:44.732

meaning, and if you wish to have submissions on that, I can

561

00:33:44.772 --> 00:33:48.212

provide them to you, sir. But my, my point was being responded to on a

562

00:33:48.672 --> 00:33:52.472

slightly misunderstood basis, if I can put it that way.

563

00:33:52.532 --> 00:33:56.262

Um, there's various... M-my point in precedent terms

564

00:33:57.292 --> 00:34:00.772

sort of runs with the point, 60/40 year point, which is that you

565

00:34:00.792 --> 00:34:04.692

determine each, each application on its own

566

00:34:04.732 --> 00:34:08.473

individual merits, having regard to the, statutory

567

00:34:08.553 --> 00:34:11.152
test and the, test within the,

568

00:34:12.252 --> 00:34:15.152
EN one, three, and five. So,

569

00:34:17.772 --> 00:34:19.493
the point has been misunderstood.

570

00:34:19.553 --> 00:34:22.852
Um, in terms of those periods, sir, if you are minded

571

00:34:23.033 --> 00:34:26.582
to, to, to, to take that route, then, then

572

00:34:26.632 --> 00:34:30.602
those, then I can indicate that those are acceptable

573

00:34:30.672 --> 00:34:31.732
periods as extended

574

00:34:32.932 --> 00:34:35.662
on a without prejudice basis, sir.

575

00:34:35.672 --> 00:34:39.172
Yeah. Thank, thank you for that. Um, was there anything else the
applicant wanted

576

00:34:39.212 --> 00:34:42.392
to comment on that, the, the precedent point at

577

00:34:42.473 --> 00:34:44.352
all?

578

00:34:45.013 --> 00:34:48.013
Um, Claire Project for the applicant.

579

00:34:48.091 --> 00:34:51.651
I, I think before we... Obviously, we can come back on that

580

00:34:51.672 --> 00:34:55.212

particular point. It would also, just before we do so, it would be useful just to

581

00:34:55.252 --> 00:34:59.212

confirm that the, additional time periods given

582

00:34:59.272 --> 00:35:03.092

in, in paragraph three are acceptable, which was, it would be useful

583

00:35:03.152 --> 00:35:04.502

to have confirmation on that first.

584

00:35:04.502 --> 00:35:06.922

Yeah, sorry. P-perhaps weren't specific enough there when, when you said time

585

00:35:07.192 --> 00:35:07.532

periods-

586

00:35:07.552 --> 00:35:08.692

So, so the time periods-

587

00:35:08.712 --> 00:35:08.822

But, so-

588

00:35:08.822 --> 00:35:12.612

... for both, the 10-week period in two and the additional time

589

00:35:12.712 --> 00:35:16.682

periods in three are acceptable on that

590

00:35:16.692 --> 00:35:18.862

without prejudice basis. So...

591

00:35:18.872 --> 00:35:21.192

Thank you.

592

00:35:21.312 --> 00:35:23.092

Um, Alison Dublin for the applicant.

593

00:35:23.132 --> 00:35:26.132
Just to, come back on the precedent point.

594
00:35:26.172 --> 00:35:29.972
The, Ministry of Housing, Communities, and Local Government and
Department

595
00:35:30.052 --> 00:35:34.012
for Levelling Up Housing and Communities guidance on the content

596
00:35:34.092 --> 00:35:37.632
of a development consent order required for NSIPs

597
00:35:38.212 --> 00:35:42.192
does note that, historically,

598
00:35:42.632 --> 00:35:45.672
there was the model provisions, and there was a

599
00:35:45.872 --> 00:35:49.112
requirement that, when drafting a

600
00:35:49.152 --> 00:35:51.402
DCO, the explanatory memorandum would

601
00:35:51.752 --> 00:35:55.512
ha-required you to have regard to the model

602
00:35:55.522 --> 00:35:59.312
provisions which contain standard articles for DCOs.

603
00:35:59.372 --> 00:36:03.072
The model provisions and that requirement was removed by the
Localism Act,

604
00:36:03.572 --> 00:36:06.952
two thousand and eleven. Um, and to quote the

605
00:36:06.992 --> 00:36:10.612
guidance, "There is therefore no need to include provisions in a
draft DCO

606

00:36:10.652 --> 00:36:14.052

contained in the model provisions order which are no longer relevant.

607

00:36:14.072 --> 00:36:17.512

The current approach to drafting a DCO is set out in this guidance,

608

00:36:17.572 --> 00:36:21.492

supplemented by precedents from made DCOs in recent years and the Planning

609

00:36:21.532 --> 00:36:25.072

Inspectorate's advice covering both the DCO and the accompanying

610

00:36:25.452 --> 00:36:29.252

explanatory memorandum." So I think it is clear that the

611

00:36:29.292 --> 00:36:32.832

guidance from, the government department is that

612

00:36:32.912 --> 00:36:35.852

precedent is absolutely a relevant thing, and it's,

613

00:36:36.432 --> 00:36:39.552

i-to be relied upon, over and above

614

00:36:40.232 --> 00:36:43.972

the, the model provisions, which of course were provided when the

615

00:36:44.032 --> 00:36:47.332

Planning Act was in its infancy, and it was not possible to rely on

616

00:36:47.552 --> 00:36:48.851

precedent. Thank you.

617

00:36:53.142 --> 00:36:57.132

Great. Thank you. Um, so I think, I think we've

618

00:36:57.162 --> 00:37:00.702

probably, covered that point sufficiently, so perhaps

619

00:37:01.062 --> 00:37:03.462

moving on to the, issue that you had regarding

620

00:37:03.502 --> 00:37:07.442

phasing.

621

00:37:09.202 --> 00:37:11.042

Sir, yes.

622

00:37:11.122 --> 00:37:13.662

Um,

623

00:37:17.682 --> 00:37:18.942

in terms of phasing,

624

00:37:19.002 --> 00:37:23.122

sir.

625

00:37:24.022 --> 00:37:27.802

Um, the, the requirements for

626

00:37:27.902 --> 00:37:31.782

phasing I raised on the last occasion, as it were, as a, a

627

00:37:31.882 --> 00:37:34.542

coupling with some of the, these issues.

628

00:37:34.562 --> 00:37:35.962

And,

629

00:37:37.762 --> 00:37:40.762

the concern was to ensure that the,

630

00:37:41.622 --> 00:37:45.422

there was a full understanding, if possible, in terms of what phasing

631

00:37:45.482 --> 00:37:49.142

was required thr- was g- was g- was going to be provided for

632

00:37:49.182 --> 00:37:52.512
throughout the scheme. Um,

633
00:37:52.602 --> 00:37:53.282
and

634
00:37:55.522 --> 00:37:58.842
in terms of the specific requirement that we're,

635
00:38:00.042 --> 00:38:03.182
dealing with, s-uh,

636
00:38:03.682 --> 00:38:06.382
that's req- schedule two requirement

637
00:38:07.222 --> 00:38:08.722
under,

638
00:38:10.082 --> 00:38:13.222
two, commencement of the authorized

639
00:38:13.262 --> 00:38:17.022
development, which is to be found on

640
00:38:17.062 --> 00:38:19.122
page forty-three of the

641
00:38:21.342 --> 00:38:24.782
DCO.

642
00:38:27.562 --> 00:38:29.302
And the

643
00:38:31.722 --> 00:38:35.322
provision, which again was amended in light of some of the

644
00:38:35.382 --> 00:38:39.222
comments were ma-made on the last occasion, at

645
00:38:39.422 --> 00:38:43.042
two, no part of the authorized development may commence until a

written

646

00:38:43.142 --> 00:38:47.022

scheme setting out the phase or phases of construction of the

647

00:38:47.062 --> 00:38:49.782

authorized development has been submitted to the relevant planning authorities.

648

00:38:49.792 --> 00:38:53.062

And we raised some points on that, and we welcome the

649

00:38:53.602 --> 00:38:56.842

adjustment in the wording that has taken place as a result.

650

00:38:56.912 --> 00:39:00.742

Uh, and three, the written scheme submitted pursuant to subparagraph

651

00:39:00.782 --> 00:39:02.522

two must include a timetable

652

00:39:03.522 --> 00:39:07.102

for the construction of the phase or phases of the authorized

653

00:39:07.142 --> 00:39:10.302

development and a plan identifying the phasing area.

654

00:39:10.322 --> 00:39:13.262

And so far as it goes, we welcome that.

655

00:39:13.342 --> 00:39:16.742

Um, but I would make a suggestion on a without prejudice basis in terms of the

656

00:39:16.802 --> 00:39:20.242

wording, which is that the, the last word,

657

00:39:20.702 --> 00:39:23.722

phasing areas shou-should be areas,

658

00:39:23.762 --> 00:39:27.742

plural.

659

00:39:27.811 --> 00:39:30.662

That is the wording that's used on the Mallard Pass DCOs.

660

00:39:30.722 --> 00:39:34.602

So if you do accept the argument, there is a precedent created by

661

00:39:34.622 --> 00:39:37.722

the prior DCOs that are being relied on by the,

662

00:39:39.042 --> 00:39:42.842

the applicant then, then of course that would follow as being a powerful

663

00:39:42.862 --> 00:39:46.022

argument for having the additional letter S

664

00:39:46.062 --> 00:39:49.942

inserted, after area. Because if, when you

665

00:39:49.982 --> 00:39:53.162

refer back to the Mallard Pass DCO, you will find that that is what is

666

00:39:53.182 --> 00:39:57.122

included. Um, and indeed, you'll probably find it

667

00:39:57.162 --> 00:40:00.622

quite informative to look at the explanatory man-memorandum in relation to the

668

00:40:00.642 --> 00:40:03.692

Mallard Pass DCO in terms of how that's worded as well, sir.

669

00:40:03.742 --> 00:40:06.462

But nonetheless, what I would say is that

670

00:40:07.482 --> 00:40:11.242

areas would be the better word because

671

00:40:11.742 --> 00:40:14.102
obviously you've got a number of different parcels

672
00:40:15.522 --> 00:40:18.802
and the phasing is in time, i-is, is

673
00:40:18.842 --> 00:40:22.602
directed to parcel or parcels as is

674
00:40:22.662 --> 00:40:25.322
made clear from the earlier part of the same

675
00:40:26.262 --> 00:40:27.722
text.

676
00:40:28.982 --> 00:40:29.322
So

677
00:40:30.342 --> 00:40:34.122
by phasing area, you're limiting that second

678
00:40:34.262 --> 00:40:38.072
part of the clause under three, and

679
00:40:38.242 --> 00:40:42.022
my suggestion would be it would be clearer and more accurate to

680
00:40:42.122 --> 00:40:45.642
use the plural.

681
00:40:46.762 --> 00:40:50.202
Okay. Um, would the applicant like to comment on that?

682
00:40:50.242 --> 00:40:53.922
Alison Dublin for the applicant. Uh, yes, we would be happy

683
00:40:54.002 --> 00:40:57.502
to add an S to make it phasing areas

684
00:40:57.622 --> 00:41:01.602
in requirement two, subparagraph three. Thank you.

685

00:41:08.522 --> 00:41:11.841

Thank you. Uh, Mr. Grant, were there any other

686

00:41:12.262 --> 00:41:14.162

points?

687

00:41:14.222 --> 00:41:17.822

Thank you very much. Those are my only comments on behalf of North Northants.

688

00:41:18.622 --> 00:41:20.382

Thank you.

689

00:41:22.042 --> 00:41:25.482

Uh, turning to, Mrs. Scaife, and West

690

00:41:25.582 --> 00:41:28.422

Northamptonshire Council, is there anything that you would like to

691

00:41:28.482 --> 00:41:29.982

raise?

692

00:41:31.302 --> 00:41:34.902

I think West Northants Council had, similar concerns regarding Schedule

693

00:41:35.002 --> 00:41:38.782

Sixteen and the, the deemed provisions and the further information, but they've,

694

00:41:39.262 --> 00:41:41.942

been addressed through, through those discussions. Thank you.

695

00:41:43.042 --> 00:41:54.602

Thank

696

00:41:54.702 --> 00:41:58.682

you. Um, and Ms. Verdin for, Milton Keynes City

697

00:41:58.722 --> 00:42:00.582

Council, is there anything you wanted to add?

698

00:42:00.642 --> 00:42:04.372

Thank you. Um, we agree generally with North Northants' position on,

699

00:42:04.522 --> 00:42:06.922

particularly the deemed consent provision.

700

00:42:06.962 --> 00:42:10.592

I just wanted to reiterate the comments I made in our written statement that,

701

00:42:11.462 --> 00:42:14.562

reducing procedural ambiguity for LPAs is really important at the

702

00:42:14.582 --> 00:42:18.142

moment in terms of capacity and, and, you know, the amount of stuff that we're

703

00:42:18.202 --> 00:42:21.842

dealing with currently. Um, if a deemed consent provision

704

00:42:22.042 --> 00:42:25.782

is considered necessary, it would be helpful if it followed the same format that's

705

00:42:25.822 --> 00:42:29.082

currently in the Development Management Procedure Order, that,

706

00:42:30.152 --> 00:42:32.722

a, a, a notification has to be submitted by the

707

00:42:32.762 --> 00:42:36.562

applicant to us. Um, and then, you

708

00:42:36.602 --> 00:42:40.302

know, it avoids ambiguity for the inevitable sort of planning officer dealing with

709

00:42:40.342 --> 00:42:44.182

those conditions. Um, particularly, you know, the legislation's quite

710

00:42:44.222 --> 00:42:48.142

complex, and anything that can be done to simplify that to make it easier for us to

711

00:42:48.182 --> 00:42:50.882

deal with in the same way that we deal with everything else would be

712

00:42:51.002 --> 00:42:54.422

beneficial. That's it. Thank you.

713

00:42:56.098 --> 00:42:59.998

Thank you for that. Yes, I think I noted that in your, deadline

714

00:43:00.138 --> 00:43:03.828

five, rep five zero...

715

00:43:04.078 --> 00:43:08.018

five one one zero. Um, I appreciate that's probably,

716

00:43:08.258 --> 00:43:11.378

you know, that's only quite recently come into the examination.

717

00:43:11.458 --> 00:43:15.137

Um, was there anything the applicant wanted to respond to on that

718

00:43:15.218 --> 00:43:18.658

point, or is that something that you'll be, addressing at, deadline

719

00:43:19.018 --> 00:43:20.138

six?

720

00:43:20.978 --> 00:43:22.578

Uh, Claire Brojck for the applicant.

721

00:43:22.638 --> 00:43:26.188

Um, just so that we're clear on the point, my understanding is

722

00:43:26.238 --> 00:43:30.098

that effectively when we're submitting the application

723

00:43:30.178 --> 00:43:33.998

for, discharge in the same way that we are being asked to

724

00:43:34.038 --> 00:43:37.858

confirm whether it's going to give rise to any materially new or materially

725

00:43:37.958 --> 00:43:41.778

different effects, what you're asking for is it to be made clear that a

726

00:43:41.918 --> 00:43:45.838

deem, a deemed provision, the deemed consent provision would apply

727

00:43:46.678 --> 00:43:48.218

a-at the point of submitting the application.

728

00:43:48.238 --> 00:43:49.738

Sorry, I can't see your face from

729

00:43:50.558 --> 00:43:54.338

around the camera. Um, but it's a, a notification that there is a deeming

730

00:43:54.398 --> 00:43:57.798

provision is, is what's being asked for here in the context of

731

00:43:58.078 --> 00:44:01.278

the, the way the schedule is drafted for, for DCAs.

732

00:44:01.338 --> 00:44:02.798

Is that correct?

733

00:44:02.878 --> 00:44:06.798

Um, not exactly. More to follow that the provisions of the DMP0s that are

734

00:44:06.818 --> 00:44:10.358

currently written. Um, I'm forgetting the time period, but it says I think it's

735

00:44:10.398 --> 00:44:14.218
fourteen days that you have to wait until you, or a minimum of
fourteen days

736
00:44:14.258 --> 00:44:17.298
that you have to wait before you, submit a deemed,

737
00:44:18.018 --> 00:44:21.518
consent notification to us. But it's just an, it's another way

738
00:44:21.598 --> 00:44:24.908
of ensuring you're following the same procedure that any other
planning application

739
00:44:24.938 --> 00:44:28.458
has to follow, which helps us deal with,

740
00:44:29.078 --> 00:44:31.658
would, would help us deal with it and make it simpler.

741
00:44:43.778 --> 00:44:45.598
Uh, Claire Brojck for the applicant.

742
00:44:45.678 --> 00:44:49.308
Um, for the reasons we've said before, obviously, for projects of
this

743
00:44:49.358 --> 00:44:53.108
scale, it's very important that there are defined time periods

744
00:44:53.138 --> 00:44:57.078
within which the applicant has to, work in order to

745
00:44:57.118 --> 00:45:01.078
not result in delays to delivery and missing the grid connection
date.

746
00:45:01.138 --> 00:45:05.038
I think with the extension of the time period to ten weeks, the

747
00:45:05.098 --> 00:45:07.878
applicant can't really extend it any further.

748

00:45:07.938 --> 00:45:11.598

So to the extent that the a- the local authority hasn't dealt with the matter

749

00:45:11.638 --> 00:45:15.338

within ten weeks, then either a deemed consent or a deemed

750

00:45:15.418 --> 00:45:18.418

refusal, enabling in that

751

00:45:18.478 --> 00:45:22.178

scenario, the applicant to proceed with an appeal,

752

00:45:22.538 --> 00:45:25.278

is necessary. Thank you.

753

00:45:37.538 --> 00:45:40.298

Ms. Ferdigun, was there anything else you wanted to come back on there?

754

00:45:40.378 --> 00:45:43.678

Um, just to say I think that's disappointing because it

755

00:45:44.218 --> 00:45:48.078

implies, a limit to collaborative working, in

756

00:45:48.118 --> 00:45:51.778

terms of agreeing an extension of time to actually resolve it as a local matter

757

00:45:51.958 --> 00:45:55.868

before it goes to appeal, which I think as local planning authorities, we're

758

00:45:55.898 --> 00:45:59.078

willing to do, but due to capacity, needing to

759

00:45:59.098 --> 00:46:02.958

consult, you know, and a bit of, a bit of flexibility on that timescale would

760

00:46:03.018 --> 00:46:06.597

actually probably result in a decision quicker often than, than a

761

00:46:06.678 --> 00:46:10.638

deemed refusal or a deemed, you know, an attempt to get deemed consent

762

00:46:10.678 --> 00:46:12.728

and then appeal it. Um,

763

00:46:14.278 --> 00:46:16.838

yeah.

764

00:46:17.778 --> 00:46:19.298

Uh, Claire Brojck for the applicant.

765

00:46:19.378 --> 00:46:23.258

Um, I think as we've explained at previous hearings, for these,

766

00:46:23.858 --> 00:46:27.098

scale of projects, w-what typically happens in

767

00:46:27.138 --> 00:46:31.078

practice is that a planning performance agreement, is put in place,

768

00:46:31.398 --> 00:46:34.528

so that discussions are had over the content of,

769

00:46:34.918 --> 00:46:38.458

the, the materials that are going to be submitted for discharge,

770

00:46:38.818 --> 00:46:42.698

and with an attempt to reach agreement on particular points, so that when the

771

00:46:42.718 --> 00:46:46.078

applicant then does submit it for discharge, the chances of it being

772

00:46:46.338 --> 00:46:49.018

approved are much greater. So that level of

773

00:46:49.058 --> 00:46:52.378
engagement would happen typically outside of the

774

00:46:52.398 --> 00:46:56.287
formal, the formal period, for,

775

00:46:56.418 --> 00:47:00.298
the approval. Um, and it's obviously, the risk is for the applicant
that

776

00:47:00.338 --> 00:47:03.558
if it doesn't have those discussions, then it risks having its,

777

00:47:04.598 --> 00:47:07.818
application refused. Um, so we're really looking at here

778

00:47:07.878 --> 00:47:11.818
where, where nothing, no action is taken.

779

00:47:11.858 --> 00:47:14.118
Thank you.

780

00:47:14.558 --> 00:47:18.438
Um, and I, I think I noted in, your, Milton Keynes

781

00:47:18.458 --> 00:47:22.418
City Council's, deadline five submission that I think you were, you
were

782

00:47:22.458 --> 00:47:26.438
keen for the, the applicant to engage with, planning performance
agreements,

783

00:47:26.478 --> 00:47:27.318
weren't you?

784

00:47:27.358 --> 00:47:30.568
Yes, absolutely. But I don't think you can require it as part of the
DCO, so it's

785

00:47:30.618 --> 00:47:32.738

just a, it's an offer, isn't it? Rather than a, than a

786

00:47:32.758 --> 00:47:35.238
guarantee.

787

00:47:35.318 --> 00:47:37.138
Um, sorry, Mr. Grant. I think you were-

788

00:47:37.158 --> 00:47:40.158
Yes. Gary Grant, North Norfolks, Council.

789

00:47:40.198 --> 00:47:42.818
There is obviously the wording within,

790

00:47:43.398 --> 00:47:46.558
2C in any event so that

791

00:47:46.798 --> 00:47:50.278
colla-collaborative working is, is actually allowed for under the,
under the

792

00:47:50.338 --> 00:47:54.278
drafting as already provided for, sir.

793

00:47:54.518 --> 00:48:02.498
Right.

794

00:48:02.518 --> 00:48:06.098
Thank, thank you, very much for your contributions

795

00:48:06.398 --> 00:48:10.378
to that part of the a-agenda. Um, so I'm

796

00:48:10.418 --> 00:48:14.078
gonna turn to, subpart

797

00:48:14.418 --> 00:48:18.248
C, which is any further comments from other,

798

00:48:18.618 --> 00:48:22.298
interested parties concerning the, the, the drafting of

799

00:48:22.358 --> 00:48:25.558
the, DCO and as it's currently,

800

00:48:26.478 --> 00:48:29.378
in its current version. And, perhaps,

801

00:48:30.478 --> 00:48:33.078
turning first to, National

802

00:48:33.718 --> 00:48:37.638
Highways, and just, if you could, perhaps

803

00:48:38.158 --> 00:48:41.388
update the, examining authority as to,

804

00:48:42.538 --> 00:48:45.358
where you've got to with discussions with the, the

805

00:48:45.478 --> 00:48:49.308
applicant. I think it, I think deadline four was the last time we,
we heard

806

00:48:49.398 --> 00:48:52.438
from National Highways.

807

00:48:52.678 --> 00:48:55.668
Uh, Mrs. Vicky Fowler on behalf of National Highways.

808

00:48:55.698 --> 00:48:59.348
Um, thank you, sir. Um, in terms of the draft DCO, the, our

809

00:48:59.618 --> 00:49:03.198
only outstanding issue is just in relation to, several of the

810

00:49:03.238 --> 00:49:07.218
requirements. Um, so you'll hear in the next part of the agenda that
in

811

00:49:07.278 --> 00:49:11.144
terms of protected provisions, theThe ones that currently appear

aren't

812

00:49:11.194 --> 00:49:13.654

agreed, but we do have an agreed set.

813

00:49:13.734 --> 00:49:17.584

Um, so my sole reason for, for being here today, in front of you is, is just

814

00:49:17.614 --> 00:49:21.454

to, repeat a couple of points that we've already made

815

00:49:21.514 --> 00:49:25.014

on the requirements. Um, and so those relate

816

00:49:25.194 --> 00:49:28.744

to Requirements three, and I'll go through these in detail.

817

00:49:28.774 --> 00:49:31.914

So that's the approved details and amendments to

818

00:49:31.974 --> 00:49:35.714

them. Requirement ten, which is fen-fencing and other

819

00:49:35.754 --> 00:49:39.614

means of enclosure. Uh, Requirement eleven,

820

00:49:39.654 --> 00:49:43.284

which is surface and foul water drainage, and

821

00:49:43.414 --> 00:49:47.054

thirteen which, which is the construction environment management plan.

822

00:49:47.974 --> 00:49:51.794

So before I just turn to each of those in detail and just explain why we're

823

00:49:51.854 --> 00:49:55.834

seeking to be consulted, on those, so referenced as

824

00:49:55.874 --> 00:49:59.814
a consultee. Um, I would just note that in terms of

825
00:49:59.994 --> 00:50:02.634
National Highways protective provisions,

826
00:50:03.874 --> 00:50:07.184
so effectively there are protections for National Highways, that's

827
00:50:07.214 --> 00:50:10.764
acknowledged. Um, and that comes into play when we're dealing with

828
00:50:10.814 --> 00:50:14.594
roadworks, cable works, and the exercise of certain

829
00:50:14.653 --> 00:50:18.314
articles, where they're over any part of the

830
00:50:18.334 --> 00:50:21.974
strategic road network or land in which NH has an

831
00:50:22.034 --> 00:50:25.694
interest. Um, and we've agreed to remove reference to save in an

832
00:50:25.734 --> 00:50:29.624
emergency. Um, but what, I think in this case, what, what,

833
00:50:29.834 --> 00:50:33.534
National Highways is, is quite concerned about is the fact that
there

834
00:50:33.594 --> 00:50:37.554
are works, in close vicinity to the

835
00:50:37.574 --> 00:50:40.874
strategic road network and in particular the A45

836
00:50:41.654 --> 00:50:45.054
and the, slip roads, off to, Grendon, et

837
00:50:45.114 --> 00:50:46.954

cetera. So

838

00:50:48.594 --> 00:50:52.114

taking sort of each of those, in turn, so Requirement

839

00:50:52.294 --> 00:50:56.114

three is effectively allowing the certified

840

00:50:56.194 --> 00:50:59.354

documents, so the approved documents to be amended,

841

00:51:00.654 --> 00:51:03.194

with the planning authority's a-agreement.

842

00:51:03.214 --> 00:51:07.094

And obviously, again, it's acknowledged that that's only if, there's

843

00:51:07.114 --> 00:51:10.254

going to be no, materially new or different

844

00:51:10.294 --> 00:51:14.104

effects. But, but really, I mean, what National Highways would

845

00:51:14.134 --> 00:51:17.154

like is to be consulted on that. So it's for them to

846

00:51:17.194 --> 00:51:20.834

assess, whether any variations to the approved documents

847

00:51:21.334 --> 00:51:25.254

will have that effect. And I am conscious that those approved

848

00:51:25.314 --> 00:51:28.354

documents, obviously include the works

849

00:51:28.434 --> 00:51:31.814

plans, the access plans, the, the various

850

00:51:31.894 --> 00:51:33.494

outline,

851

00:51:35.054 --> 00:51:38.934

pla- management plans, some of which we're a consultee, some of which, of which

852

00:51:38.994 --> 00:51:39.734

we're not.

853

00:51:40.594 --> 00:51:43.214

So that's, that's the first one, Requirement

854

00:51:43.354 --> 00:51:46.984

three. Would you like me to go on and then deal with Requirement ten?

855

00:51:47.014 --> 00:51:50.254

Should I deal with all of the... It's, it's just the four, the four requirements.

856

00:51:50.294 --> 00:51:52.634

Should I deal with all of those in one go?

857

00:51:52.694 --> 00:51:54.154

Uh, yes, please. Please do.

858

00:51:54.194 --> 00:51:54.304

Yeah.

859

00:51:54.314 --> 00:51:57.733

If you could explain your, your argument for each one. Thank you.

860

00:51:57.883 --> 00:52:01.594

Yeah. Thank you, sir. And then Requirement ten, so this is to

861

00:52:01.654 --> 00:52:05.543

deal with seeking approval of temporary fences, walls, or other

862

00:52:05.594 --> 00:52:08.124

means of enclosure. Um,

863

00:52:09.234 --> 00:52:13.054

a-and there what, again, NH is asking to be given the opportunity to

review the

864

00:52:13.114 --> 00:52:16.434

details of any proposed fences, walls, or enclosures

865

00:52:17.134 --> 00:52:20.314

that are within the vicinity of the strategic road network.

866

00:52:20.334 --> 00:52:22.774

And again, that's for reasons of safety.

867

00:52:22.814 --> 00:52:24.934

So where we've got the construction compounds, et cetera.

868

00:52:24.954 --> 00:52:28.894

So y-you know, the idea if, if, if those, if those

869

00:52:28.974 --> 00:52:32.914

fences were unstable, then effectively they could be blown

870

00:52:32.974 --> 00:52:35.174

onto the, onto the strategic road network.

871

00:52:35.214 --> 00:52:37.714

That, that, that's, that's the concern.

872

00:52:37.834 --> 00:52:41.814

Um, and as I say, because they're not necessarily fences,

873

00:52:41.834 --> 00:52:45.764

they're not fences on the, on the SRN, then National Highways are, are not,

874

00:52:45.774 --> 00:52:49.134

are not going to have an opportunity to, to be consulted on

875

00:52:49.194 --> 00:52:52.674

those. Um, Requirement

876

00:52:52.754 --> 00:52:56.354

eleven is to do with the surface water drainage scheme.

877

00:52:56.454 --> 00:52:59.114

Um, and again, I think it has been accepted that in terms of

878

00:52:59.174 --> 00:53:00.914

discharge,

879

00:53:02.554 --> 00:53:05.054

discharge of water, then effectively,

880

00:53:07.494 --> 00:53:08.614

National Highways will have

881

00:53:08.634 --> 00:53:12.074

protections, under the protective provisions.

882

00:53:12.094 --> 00:53:15.994

But, but there is a concern in terms of the highway drainage

883

00:53:16.814 --> 00:53:20.774

and effectively National Highways just want to make sure that the integrity of

884

00:53:20.814 --> 00:53:24.574

its drainage is not interfered with, and that

885

00:53:24.634 --> 00:53:27.694

plans are in accordance with, DfT Circular

886

00:53:27.814 --> 00:53:30.454

01 of twenty twenty-two.

887

00:53:31.374 --> 00:53:35.174

Um, the particular point being that if drainage is adjacent to the SRN

888

00:53:35.814 --> 00:53:39.474

or National Highways land, you know, changes in water

889

00:53:39.494 --> 00:53:43.134

management could directly affect the SRN asset.

890

00:53:43.214 --> 00:53:46.734

Um, and so I mean, there, there have been some quite ex-quite extreme

891

00:53:46.743 --> 00:53:50.554

examples obviously of, of, of, of flooding of, of

892

00:53:50.614 --> 00:53:54.434

the, of the SRN. Um,

893

00:53:54.474 --> 00:53:58.074

then the final one is Requirement thirteen, and this is to do with the

894

00:53:58.114 --> 00:54:00.834

construction environment management plan.

895

00:54:00.894 --> 00:54:03.594

So the only consultee at the moment is the Environment

896

00:54:03.734 --> 00:54:07.614

Agency. And the reason why we're asking to be consulted

897

00:54:07.674 --> 00:54:11.614

on that, is that effectively it does reference,

898

00:54:12.134 --> 00:54:15.374

transport matters. Um, it does refer to the

899

00:54:15.394 --> 00:54:15.874

construction

900

00:54:16.694 --> 00:54:20.294

transport management plan, but there is, there is an overlap.

901

00:54:20.334 --> 00:54:23.994

And equally, National Highways would want to ensure that during

902

00:54:24.034 --> 00:54:27.914

construction phase, the SRN's not adversely affected by

903

00:54:27.974 --> 00:54:31.874

noise, dust, you know, or other construction-related issues.

904

00:54:31.954 --> 00:54:35.014

Um, and again, that goes to the, the safety and integrity of the, of the

905

00:54:35.154 --> 00:54:36.754

SRM.

906

00:54:37.814 --> 00:54:41.534

So, so that's, that's my, representations on, on those, those

907

00:54:41.594 --> 00:54:45.274

requirements. Um, we haven't had any discussions with the

908

00:54:45.314 --> 00:54:48.934

applicant. I mean, the protective provisions don't deal with sort of prior approval

909

00:54:48.954 --> 00:54:52.874

of any of those items. Um, I think the main thing is, is that we

910

00:54:52.954 --> 00:54:55.674

are, we are consulted on the details that are submitted for

911

00:54:55.714 --> 00:54:59.534

approval. Um, and I don't think we'd be adverse to, to having something

912

00:54:59.574 --> 00:55:02.234

elsewhere within the DCO, but it seems a

913

00:55:02.334 --> 00:55:05.674

natural, a natural place is, is just to add

914

00:55:06.354 --> 00:55:10.334

the wording about, before approvals are given that

915

00:55:10.374 --> 00:55:13.524

the relevant planning authority does consult with National

916

00:55:13.594 --> 00:55:17.434

Highways. And without that wording, we're not automatically a consultee

917

00:55:17.474 --> 00:55:21.354

under Schedule sixteen. We're not, we're not a requirement consultee, so

918

00:55:21.414 --> 00:55:25.274

that consultation won't happen, unlike in the case with

919

00:55:25.774 --> 00:55:29.694

a, you know, planning application where that might happen as a matter of course.

920

00:55:29.754 --> 00:55:30.954

So thank you, sir. That's, that's all of my

921

00:55:30.994 --> 00:55:35.254

submissions.