Planning Inspectorate
Arolygiaeth Gynllunio

Hearing Transcript

Project:	EN0110013 - The Droves Solar Farm
Hearing:	Recording of Issue Specific Hearing 2 (ISH2) - Part 1
Date:	08 September 2026

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

It is not a verbatim text of what was said at the above hearing. The content was produced using artificial intelligence voice to text software. It may, therefore, include errors and should be assumed to be unedited.

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

1
00:00:03,980 --> 00:00:04,600
Good morning.

2
00:00:06,680 --> 00:00:10,040
It's now 10:00 o'clock and time for this hearing to begin.

3
00:00:10,680 --> 00:00:14,220
I'd like to welcome you all to the second issue-specific hearing for

4
00:00:14,360 --> 00:00:16,101
Droves Solar Farm project.

5
00:00:18,300 --> 00:00:20,700
Can I just confirm that everybody can hear me clearly?

6
00:00:22,100 --> 00:00:25,140
I'm getting nods from the back of the room. Thank you.

7
00:00:26,020 --> 00:00:29,680
Can I also confirm with Sarah Norris that the live stream and recording of this

8
00:00:29,760 --> 00:00:31,020
event has started?

9
00:00:32,360 --> 00:00:33,360
Yep. Thank you, Sarah.

10
00:00:34,360 --> 00:00:37,920
My name is Anthony Johnson. I'm a chartered civil engineer, and I've been

11
00:00:37,960 --> 00:00:41,120
appointed by the Secretary of State as the single examining

12
00:00:41,160 --> 00:00:44,200
inspector to examine this application.

13
00:00:44,260 --> 00:00:47,550
You'll also hear me referred to as the examining authority.

14
00:00:48,700 --> 00:00:52,580
The case manager is Sarah Norris, who's being supported here today by Rachael

15
00:00:52,620 --> 00:00:56,340
Owen, and James Leatham and Tim Hole are providing support

16
00:00:56,400 --> 00:00:56,880
remotely.

17
00:00:58,780 --> 00:01:02,440
I'll now deal with a few housekeeping matters for those attending in person.

18
00:01:04,360 --> 00:01:07,340
Can everyone please set all devices and phones to silent?

19
00:01:09,170 --> 00:01:12,900
The toilets are located at the front of the room towards the entrance.

20
00:01:13,420 --> 00:01:17,360
There's no fire alarm scheduled for today, so should the fire alarm

21
00:01:17,420 --> 00:01:21,060
sound, please treat it as real. The nearest fire exits

22
00:01:21,720 --> 00:01:23,460
are at the front and back of this room.

23
00:01:25,100 --> 00:01:28,400
The fire assembly point is in the rear car park on the right-hand side.

24
00:01:28,560 --> 00:01:30,679
Please wait there for further instruction.

25
00:01:34,840 --> 00:01:38,240
Short breaks are planned for mid-morning at 11:30 and for

26
00:01:38,280 --> 00:01:41,560

mid-afternoon at 15:30, with a lunch break at 1:00 o'clock.

27
00:01:42,180 --> 00:01:44,960
I'm aiming to finish no later than 5 o'clock.

28
00:01:48,720 --> 00:01:52,340
In terms of agenda and logistics, this meeting will follow the agenda

29
00:01:52,420 --> 00:01:55,980
published on the National Infrastructure Planning website on the 25th of

30
00:01:56,060 --> 00:01:57,800
August 2026.

31
00:01:58,620 --> 00:02:02,500
Examination library reference EV2-003.

32
00:02:04,260 --> 00:02:05,080
It would be helpful

33
00:02:06,340 --> 00:02:10,090
if you had a copy of this in front of you, and could the applicant display this on

34
00:02:10,140 --> 00:02:11,560
the screen, please?

35
00:02:15,540 --> 00:02:15,720
Yeah.

36
00:02:17,400 --> 00:02:18,100
Okay.

37
00:02:19,180 --> 00:02:20,180
Oh, right. Okay.

38
00:02:22,760 --> 00:02:25,300
Could you raise your hand online if you can hear me, please?

39

00:02:30,880 --> 00:02:32,269
So I'm getting

40
00:02:33,160 --> 00:02:36,160
three. I've got eight hands up that people can hear me online.

41
00:02:36,200 --> 00:02:37,340
12 hands.

42
00:02:40,720 --> 00:02:41,860
12 hands online.

43
00:02:45,240 --> 00:02:45,940
15.

44
00:02:49,600 --> 00:02:52,220
Could you all put your hands down now? Thank you.

45
00:02:57,320 --> 00:03:01,200
Okay. Would the person that can't hear maybe rejoin and see if that helps?

46
00:03:06,800 --> 00:03:10,320
Okay. So, is the agenda on the screen now?

47
00:03:11,500 --> 00:03:12,200
Yep. Thank you.

48
00:03:13,360 --> 00:03:15,420
Okay, so the agenda is for guidance only.

49
00:03:15,840 --> 00:03:18,720
I may add other considerations or issues as we progress.

50
00:03:19,320 --> 00:03:22,920
I will conclude the hearing as soon as all relevant contributions have been made

51
00:03:22,980 --> 00:03:26,660
and all questions asked and responded to.

52

00:03:26,680 --> 00:03:30,520
But if the discussions can't be concluded, then it may be necessary for me to

53
00:03:30,560 --> 00:03:34,540
prioritize matters and defer other matters to further written questions.

54
00:03:35,480 --> 00:03:39,360
Likewise, if you cannot answer the questions being asked or require time to

55
00:03:39,400 --> 00:03:43,100
get information requested, then please indicate that you need to

56
00:03:43,140 --> 00:03:44,240
respond in writing.

57
00:03:47,580 --> 00:03:51,460
Today's hearing is being undertaken in a hybrid or blended way, meaning some

58
00:03:51,540 --> 00:03:55,260
of you are present with us at the hearing venue, and some of you are joining us

59
00:03:55,320 --> 00:03:57,100
virtually using Microsoft Teams.

60
00:03:58,060 --> 00:04:01,380
I will make sure that however you've decided to attend today, you'll be given a

61
00:04:01,420 --> 00:04:03,380
fair opportunity to participate.

62
00:04:05,280 --> 00:04:08,860
A recording of today's hearing will be made available on the Droves Solar Farm

63
00:04:09,060 --> 00:04:12,730
section of the National Infrastructure Planning website as soon as

64
00:04:12,740 --> 00:04:15,100
practicable after the hearing has finished.

65
00:04:15,920 --> 00:04:19,680
With this in mind, please ensure that you speak clearly into a microphone,

66
00:04:19,981 --> 00:04:23,820
stating your name and who you are representing each time before you

67
00:04:23,920 --> 00:04:24,219
speak.

68
00:04:25,100 --> 00:04:28,840
To use the microphones, just press the button once until it turns green,

69
00:04:29,300 --> 00:04:33,080
then speak, and then when you finish speaking, press it again and it will return to

70
00:04:33,140 --> 00:04:33,380
red.

71
00:04:36,260 --> 00:04:39,460
If any group or individual wishes to use social media,

72
00:04:39,900 --> 00:04:43,880
report, film, or record during today's or any subsequent hearing,

73
00:04:44,690 --> 00:04:48,480
then they are free to do so, but please do so responsibly and with proper

74
00:04:48,520 --> 00:04:51,180
consideration for other parties.

75
00:04:51,220 --> 00:04:54,570
This must not be disruptive and the material must not be misused.

76
00:04:55,230 --> 00:04:59,150

The definitive recording is the one that is being made by

77
00:04:59,180 --> 00:05:02,600
the audiovisual company and will be published on the National Infrastructure

78
00:05:02,700 --> 00:05:03,600
Planning website.

79
00:05:04,500 --> 00:05:07,120
Does anyone have any questions on this matter?

80
00:05:12,580 --> 00:05:16,520
No. Okay, thank you. If you do have any concerns, please contact the

81
00:05:16,560 --> 00:05:17,080
case team.

82
00:05:18,080 --> 00:05:21,780
A link to the Planning Inspectorate's privacy notice was provided in the

83
00:05:21,820 --> 00:05:23,170
notification for this hearing,

84
00:05:24,040 --> 00:05:27,760
reference PD-010, dated 3rd of July

85
00:05:27,880 --> 00:05:28,670
2026.

86
00:05:29,680 --> 00:05:33,500
I assume that everybody here today has familiarized themselves with this document,

87
00:05:33,540 --> 00:05:37,500
which establishes how the personal data of our customers is handled in

88
00:05:37,560 --> 00:05:40,900
accordance with the principles set out in data protection laws.

89
00:05:41,680 --> 00:05:44,800
Please speak to Sarah Norris if you have any questions about this.

90
00:05:49,820 --> 00:05:53,420
The purpose of the hearing. I'll now move on to section two, in which I'll briefly

91
00:05:53,440 --> 00:05:56,120
explain the purpose of the issue-specific hearing.

92
00:05:56,940 --> 00:06:00,750
This hearing seeks to cover specific issues on a range of issues,

93
00:06:00,820 --> 00:06:02,960
which includes, as shown on the agenda

94
00:06:04,308 --> 00:06:06,068
The draft development consent order,

95
00:06:07,148 --> 00:06:07,808
aviation,

96
00:06:09,088 --> 00:06:12,788
biodiversity, noise and vibration, transport and

97
00:06:12,868 --> 00:06:14,988
access, land and soil.

98
00:06:17,948 --> 00:06:21,928
As mentioned previously, I'll aim to finish no later than 5:00 PM at the latest.

99
00:06:22,048 --> 00:06:26,028
And if necessary, any things we can't cover today will be carried over to my third

100
00:06:26,228 --> 00:06:27,208
written questions.

101
00:06:28,088 --> 00:06:31,988
I do have a fairly extensive list of questions, which are primarily

aimed at the

102
00:06:32,028 --> 00:06:35,748
applicant, but there are also some other questions for other parties,

103
00:06:36,268 --> 00:06:39,688
particularly the local authorities who are here today.

104
00:06:39,718 --> 00:06:43,468
The purpose of the hearing is to enable me, as the examining authority, to gain

105
00:06:43,548 --> 00:06:47,368
further understanding of the evidence relating to the various topics within the

106
00:06:47,408 --> 00:06:47,828
agenda.

107
00:06:49,548 --> 00:06:53,528
I'll run through all of the questions on each topic agenda before then asking for

108
00:06:53,568 --> 00:06:55,528
contributions from interested parties.

109
00:06:56,768 --> 00:07:00,528
Any representations from interested parties must relate directly to the

110
00:07:00,548 --> 00:07:04,268
discussion undertaken, and it is important to say that today is not an open

111
00:07:04,348 --> 00:07:04,938
floor hearing

112
00:07:06,208 --> 00:07:09,748
to give wider submissions on each of the topics on the agenda.

113
00:07:09,808 --> 00:07:13,508

If you do have wider points to make, please provide these in writing at deadline

114
00:07:13,568 --> 00:07:13,868
four.

115
00:07:14,928 --> 00:07:18,568
And it's important to note that written submissions carry exactly the same weight

116
00:07:18,928 --> 00:07:22,778
as oral submissions. So we'll only have questions in relation to the

117
00:07:22,808 --> 00:07:25,148
purpose of the hearing today.

118
00:07:29,728 --> 00:07:33,368
I would ask for those present not to interrupt whilst another person is giving

119
00:07:33,408 --> 00:07:33,848
evidence.

120
00:07:34,648 --> 00:07:37,448
Even though you may strongly disagree

121
00:07:39,608 --> 00:07:43,248
with what is being said, it is important that everyone has a fair opportunity to

122
00:07:43,288 --> 00:07:46,228
put their case without interruption or distraction.

123
00:07:47,228 --> 00:07:51,128
I may refuse to hear evidence, which is, in my view, irrelevant, vexatious,

124
00:07:51,288 --> 00:07:55,158
or frivolous, relates to the merits of a national policy statement,

125
00:07:55,888 --> 00:07:59,248
repeats other representations already made, or relates to

126
00:07:59,288 --> 00:08:00,228
compensation for

127
00:08:01,308 --> 00:08:05,148
compulsory acquisition of land or an interest in or over land.

128
00:08:06,148 --> 00:08:10,068
Additionally, I may request any person behaving in a disruptive manner to leave

129
00:08:10,088 --> 00:08:14,048
the hearing or to remain only if that person complies

130
00:08:14,108 --> 00:08:15,788
with specified conditions.

131
00:08:20,288 --> 00:08:24,228
Introductions. I'm now going to move on to introductions and ask those of

132
00:08:24,268 --> 00:08:27,608
you who are participating in today's hearing to introduce yourselves.

133
00:08:28,248 --> 00:08:31,748
When I state your organization's name, please could you introduce yourself,

134
00:08:32,088 --> 00:08:36,068
stating your name and who you represent, and which agenda item you would like

135
00:08:36,129 --> 00:08:37,148
to speak on.

136
00:08:38,889 --> 00:08:42,318
If you are not representing an organization, please confirm your name,

137
00:08:42,688 --> 00:08:46,248
summarize your interest in the application, and confirm the agenda

138
00:08:46,368 --> 00:08:48,548
item upon which you wish to speak.

139
00:08:50,948 --> 00:08:53,728
Please could everyone also state how they wish to be addressed?

140
00:08:55,808 --> 00:08:59,188
Can I start with the applicant and their advisors, please?

141
00:08:59,988 --> 00:09:02,768
Good morning, sir. Good morning, everyone. My name is Alex Treseden.

142
00:09:03,048 --> 00:09:06,808
I'm a senior associate at Pinsent Masons LLP, and we

143
00:09:06,868 --> 00:09:10,548
act on behalf of the applicant, and therefore intend to speak on all

144
00:09:10,568 --> 00:09:11,508
agenda items.

145
00:09:13,068 --> 00:09:17,028
Today, I will be joined for various matters by the various

146
00:09:17,068 --> 00:09:20,708
topic experts related to those agenda items, and therefore in the

147
00:09:20,748 --> 00:09:23,008
interest of time, propose that

148
00:09:24,388 --> 00:09:27,308
those experts introduce themselves as and when they speak, rather
than running

149
00:09:27,348 --> 00:09:31,188
through the full list now. I should just note as well

150
00:09:31,208 --> 00:09:31,688
that our

151
00:09:32,748 --> 00:09:36,668
soils expert is available from 3:30 PM today

152
00:09:36,728 --> 00:09:39,528
onwards, which should line up with the agenda.

153
00:09:39,648 --> 00:09:41,688
If we get to soils before that,

154
00:09:42,668 --> 00:09:45,388
I'll do my best, but it may be that we need to take some

155
00:09:46,408 --> 00:09:49,228
matters away in writing. But as I say, it should line up nicely.

156
00:09:51,408 --> 00:09:52,048
Okay, thank you.

157
00:09:54,668 --> 00:09:58,548
Can we now move on to organizations and individuals that have given

158
00:09:58,648 --> 00:10:00,488
their notice of their intention to speak?

159
00:10:01,088 --> 00:10:03,528
Could I start with Breckland District Council, please?

160
00:10:06,168 --> 00:10:07,688
Thank you, sir. My name is Simon Wood.

161
00:10:07,768 --> 00:10:09,748
I'm director of planning at Breckland Council.

162
00:10:09,968 --> 00:10:13,928
I also have a colleague, Michael Doyle, online, who will also
respond

163
00:10:14,028 --> 00:10:15,868
to questions if required, sir.

164

00:10:17,828 --> 00:10:21,398
Thank you. Moving on to Norfolk County

165
00:10:21,488 --> 00:10:21,928
Council.

166
00:10:23,908 --> 00:10:27,708
Thank you, sir. Andrew Szurajkowski for Norfolk County Council.

167
00:10:28,688 --> 00:10:29,708
I will

168
00:10:30,848 --> 00:10:34,088
comment on issues as they arise right through the agenda through the day.

169
00:10:34,148 --> 00:10:37,928
I have a number of other colleagues who will be joining us as necessary for the

170
00:10:37,948 --> 00:10:38,798
individual sessions.

171
00:10:39,388 --> 00:10:39,708
Thank you.

172
00:10:41,808 --> 00:10:43,908
Borough Council of Kings Lynn and West Norfolk.

173
00:10:45,368 --> 00:10:48,508
Good morning, sir. Mrs Julie Barrow on behalf of the Borough Council.

174
00:10:49,148 --> 00:10:52,848
Similarly here to answer any questions on any agenda items, and I will also

175
00:10:52,928 --> 00:10:56,908
have our noise expert joining us for that item. Thank you.

176
00:10:58,538 --> 00:10:58,948
Thank you.

177
00:11:02,668 --> 00:11:06,108
Moving on to the parish councils. Castle Acre Parish Council.

178
00:11:09,068 --> 00:11:12,468
Yes. Good morning, sir. My name is Tim Hubbard from Castle Acre Parish

179
00:11:12,568 --> 00:11:13,068
Council.

180
00:11:13,968 --> 00:11:17,448
I have with me Anne Mason, also from Castle Acre Parish Council.

181
00:11:17,968 --> 00:11:18,408
We

182
00:11:19,348 --> 00:11:23,128
registered just wanting the ability to make comment if required during the

183
00:11:23,168 --> 00:11:24,048
day. Thank you.

184
00:11:25,388 --> 00:11:25,988
Thank you.

185
00:11:28,488 --> 00:11:32,348
Is there anyone else in the room who's registered that wishes to speak

186
00:11:32,408 --> 00:11:32,668
today?

187
00:11:33,948 --> 00:11:37,768
Yes, sir. Mike Bennett from Sporwood and Poorgrave

188
00:11:37,848 --> 00:11:38,608
Parish Council.

189
00:11:39,748 --> 00:11:43,668

I would be looking to ask some questions and comment on items one,

190
00:11:43,708 --> 00:11:45,248
three, and five.

191
00:11:52,908 --> 00:11:53,448
Thank you.

192
00:11:58,988 --> 00:11:59,928
Could I now move on-

193
00:11:59,988 --> 00:12:00,248
Oh, sorry.

194
00:12:00,528 --> 00:12:01,508
Yeah. Sorry.

195
00:12:01,608 --> 00:12:04,878
I've also... Sorry. Dr Mark Holmes, local resident, South Acre.

196
00:12:05,808 --> 00:12:09,388
I've registered to speak on biodiversity and stone curlews, please.

197
00:12:09,828 --> 00:12:10,648
Okay, thank you.

198
00:12:10,668 --> 00:12:11,068
Thank you, sir.

199
00:12:17,718 --> 00:12:20,338
Thank you. I'll now move on to virtual attendees.

200
00:12:20,478 --> 00:12:24,138
If you're with us on Microsoft Teams, please could you raise a

201
00:12:24,158 --> 00:12:24,998
virtual hand

202
00:12:25,898 --> 00:12:29,878
and introduce yourself and let me know which agenda item you've got to speak?

203
00:12:30,038 --> 00:12:32,318
I'll start with Morgan Harringman.

204
00:12:36,358 --> 00:12:39,978
Good morning, sir. Morgan Harringman here on behalf of the Environment

205
00:12:40,058 --> 00:12:42,978
Agency. I'll introduce the other Environment Agency

206
00:12:43,098 --> 00:12:46,418
participants on this call. We have Tom Sheen

207
00:12:46,958 --> 00:12:50,418
and Sarah Squire, who are respectively

208
00:12:50,538 --> 00:12:54,298
our groundwater and contaminated land specialist and a

209
00:12:54,338 --> 00:12:58,258
planning advisor. I just want to note and use this opportunity, the

210
00:12:58,438 --> 00:13:02,198
sound coming from the venue and the different

211
00:13:02,278 --> 00:13:04,538
microphones around the venue is a bit choppy.

212
00:13:04,738 --> 00:13:07,058
Sometimes we can hear people, sometimes we can't.

213
00:13:07,438 --> 00:13:10,598
I note that my other attendees also hear this.

214
00:13:11,658 --> 00:13:15,158
If there's anything that could be done about that, that'd be really useful for us

215
00:13:15,198 --> 00:13:19,098
online. I appreciate that it might be something we can't

216
00:13:19,158 --> 00:13:21,098
resolve, but I thought it's worth flagging.

217
00:13:22,018 --> 00:13:25,238
Okay. Thank you. Was there anyone specific who was speaking that

218
00:13:25,638 --> 00:13:27,218
sounded worse than others?

219
00:13:30,098 --> 00:13:31,078
I think you sound okay.

220
00:13:31,278 --> 00:13:33,658
I'm just trying to pinpoint which microphone it might be.

221
00:13:35,738 --> 00:13:37,198
I can't remember specifically-

222
00:13:37,248 --> 00:13:37,248
Okay

223
00:13:37,248 --> 00:13:39,418
... who might be problematic.

224
00:13:39,498 --> 00:13:39,778
All right.

225
00:13:39,838 --> 00:13:43,658
I will listen out and I'll put in the chat who I

226
00:13:43,698 --> 00:13:45,478
think sounds choppy.

227
00:13:45,778 --> 00:13:47,038
Okay. But I think-

228
00:13:47,178 --> 00:13:49,598
Oh, and also to note, we'll be speaking on item one.

229

00:13:51,338 --> 00:13:54,898
Okay. Thank you. I think generally for people using the microphone, you need to

230
00:13:54,918 --> 00:13:56,938
have your mouth about an inch away from it.

231
00:13:57,018 --> 00:13:58,278
So just,

232
00:13:59,198 --> 00:14:00,098
that might help.

233
00:14:01,078 --> 00:14:02,018
Okay. Moving on.

234
00:14:02,098 --> 00:14:02,238
Thank you.

235
00:14:05,258 --> 00:14:06,718
Next person online.

236
00:14:08,838 --> 00:14:11,338
Unfortunately, I can't see your full name.

237
00:14:12,398 --> 00:14:14,578
JR. Julie Russell.

238
00:14:18,118 --> 00:14:20,518
Good morning. My name's Julie Russell.

239
00:14:20,678 --> 00:14:23,598
I'm a solicitor at Dowling WLG,

240
00:14:24,098 --> 00:14:25,898
representing National Highways.

241
00:14:26,718 --> 00:14:29,318
I'm joined this morning by Jeremy Bloom.

242
00:14:29,338 --> 00:14:32,998

He's also online with me. He's National Highways'

243
00:14:33,118 --> 00:14:36,598
third-party DCO lead in the East

244
00:14:36,818 --> 00:14:40,708
region. We intend to speak

245
00:14:40,758 --> 00:14:44,578
if required on item number one, and

246
00:14:44,618 --> 00:14:45,938
also at item number five.

247
00:14:47,718 --> 00:14:48,598
Okay. Thank you,

248
00:14:49,598 --> 00:14:50,338
Julie Russell.

249
00:14:55,758 --> 00:14:58,178
The final hand I can see is James Wild

250
00:14:58,258 --> 00:15:00,158
MP.

251
00:15:03,078 --> 00:15:06,458
Good morning, sir. James Wild, Member of Parliament for North West Norfolk.

252
00:15:07,178 --> 00:15:10,818
Depending on the answers and the questions that you've put,

253
00:15:11,338 --> 00:15:14,098
items number two and number five are of interest to me. Thank you.

254
00:15:16,278 --> 00:15:16,698
Thank you.

255
00:15:17,498 --> 00:15:19,458
I'm not seeing any more hands online,

256
00:15:20,558 --> 00:15:21,698
so I'll move on.

257
00:15:27,978 --> 00:15:31,798
Moving on to item three, which is the issues

258
00:15:31,838 --> 00:15:35,338
then. So we'll start off with the draft development consent order,

259
00:15:37,398 --> 00:15:39,458
which I'll refer to as the draft DCO.

260
00:15:41,618 --> 00:15:45,478
Could the applicant present the draft DCO on the screen,

261
00:15:45,558 --> 00:15:45,938
please?

262
00:16:02,638 --> 00:16:06,278
Actually, sorry, I'm just going to go back a second because I've
noticed

263
00:16:06,798 --> 00:16:10,378
some more people online. Could the Defense Infrastructure

264
00:16:10,438 --> 00:16:14,278
Organization representatives just introduce themselves, please?

265
00:16:19,658 --> 00:16:23,537
Good morning. John Wilson, representing the Defense Infrastructure
Organization.

266
00:16:24,078 --> 00:16:27,918
I'm senior safeguarding manager, and today I'll be joined by

267
00:16:27,978 --> 00:16:31,138
my colleague, Chris Waldron, also from DIO Safeguarding.

268
00:16:31,718 --> 00:16:35,268
He's the case officer. And also with us will be my colleague,

269
00:16:35,578 --> 00:16:39,458
Steve Speak, who is available to

270
00:16:39,938 --> 00:16:42,878
provide input on any technical matters relating to radar.

271
00:16:48,778 --> 00:16:52,768
Thank you. Is there anyone else online who intends to speak today?

272
00:16:57,658 --> 00:16:58,418
Okay. So

273
00:16:59,338 --> 00:17:02,498
we'll move on to the draft development consent order.

274
00:17:04,979 --> 00:17:06,918
Are we able to present that on the screen?

275
00:17:08,598 --> 00:17:12,238
Okay. That's in hand. I'll start with the first question,

276
00:17:14,439 --> 00:17:17,748
which is on part one of the draft DCO, which is titled

277
00:17:17,898 --> 00:17:19,798
Interpretation.

278
00:17:21,378 --> 00:17:25,358
So could the applicant comment on the definitions of permitted preliminary works

279
00:17:25,498 --> 00:17:28,648
and commence in relation to the Environment Agency's concern that

280
00:17:28,698 --> 00:17:31,778
remediation of the site could take place without the

281
00:17:31,798 --> 00:17:35,758
controls and mitigation commitments offered by the Construction and

282
00:17:35,858 --> 00:17:37,418
Environmental Management Plan?

283
00:17:38,598 --> 00:17:42,198
And also, could the applicant comment on permitted

284
00:17:42,318 --> 00:17:46,078
preliminary works in relation to the Borough Council of King's Lynn and West

285
00:17:46,138 --> 00:17:49,538
Norfolk's concern that it would have the opportunity to allow

286
00:17:49,638 --> 00:17:53,518
significant works before the detail of works or management plans

287
00:17:53,538 --> 00:17:54,448
have been confirmed?

288
00:17:57,398 --> 00:18:00,838
And its suggestion that the definition of maintain is also amended.

289
00:18:03,398 --> 00:18:06,258
Thank you, sir. Alex Treseden on behalf of the applicant.

290
00:18:06,318 --> 00:18:10,118
I think if we could just have that DCO back up on screen.

291
00:18:10,178 --> 00:18:10,958
Thank you. That's great.

292
00:18:11,898 --> 00:18:15,698
This is the definition of permitted preliminary works in

293
00:18:15,758 --> 00:18:19,578
Article 2. So just from the outset, I'd like to clarify

294
00:18:19,638 --> 00:18:23,570
that the definition of commence The DCO is defined

295

00:18:23,630 --> 00:18:27,570
so as to exclude permitted preliminary works, and that exclusion

296
00:18:27,610 --> 00:18:31,550
is required to enable the applicant or the undertaker to

297
00:18:31,610 --> 00:18:35,230
carry out certain preparatory works prior to the submission

298
00:18:35,290 --> 00:18:38,750
of relevant details or plans for approval under the

299
00:18:38,770 --> 00:18:42,750
requirements contained in Schedule 2 to the draft

300
00:18:42,790 --> 00:18:46,740
DCO, i.e., so that certain works can be carried out without

301
00:18:46,770 --> 00:18:50,270
commencing the scheme in order to build in the

302
00:18:50,290 --> 00:18:54,050
required flexibility into how the scheme can be constructed.

303
00:18:54,130 --> 00:18:54,370
But

304
00:18:55,450 --> 00:18:59,350
the works identified in the permitted preliminary works, as we

305
00:18:59,410 --> 00:19:03,050
can see on the screen, include pre-commencement

306
00:19:03,150 --> 00:19:03,740
activities

307
00:19:04,730 --> 00:19:08,270
such as surveys and site investigations, which are considered

308
00:19:08,310 --> 00:19:11,850
appropriate as the nature of these works, i.e., that they're

309
00:19:11,890 --> 00:19:15,750
non-intrusive above-ground works or actions, means that they're not

310
00:19:15,770 --> 00:19:19,610
expected to give rise to environmental effects

311
00:19:19,750 --> 00:19:21,690
requiring mitigation. You can see that the

312
00:19:22,610 --> 00:19:26,250
definition of what constitutes a permitted preliminary work on the screen

313
00:19:26,330 --> 00:19:29,330
is quite clear in that regard.

314
00:19:31,050 --> 00:19:34,730
Having said that, the applicant does note the Environment Agency's

315
00:19:34,750 --> 00:19:38,530
concerns regarding remediation prior to the detailed

316
00:19:39,010 --> 00:19:42,470
construction environmental management plan, or CAMP, being approved.

317
00:19:42,870 --> 00:19:46,610
And therefore, we've agreed to submit what we're calling a

318
00:19:46,750 --> 00:19:50,500
permitted preliminary works environmental management plan, which I

319
00:19:50,510 --> 00:19:53,630
appreciate is a bit of a mouthful. But we'll submit that document at deadline four,

320
00:19:53,810 --> 00:19:57,800
and that will set out the methodology to be used

321
00:19:57,830 --> 00:20:00,870
for any of these permitted preliminary works.

322
00:20:01,430 --> 00:20:05,290
And the applicant welcomes comments from

323
00:20:05,350 --> 00:20:08,650
interested parties, including the Environment Agency, on

324
00:20:09,250 --> 00:20:11,370
that plan. And as we can

325
00:20:13,050 --> 00:20:14,430
see on the screen, that

326
00:20:15,590 --> 00:20:17,710
document is referenced as being

327
00:20:18,790 --> 00:20:22,250
certified via Schedule 13, and therefore will be an approved

328
00:20:22,630 --> 00:20:25,170
management plan once we get those comments.

329
00:20:25,910 --> 00:20:29,630
I wonder if we might be able to just go to requirement 13 of
Schedule

330
00:20:29,850 --> 00:20:31,210
2, please.

331
00:20:33,190 --> 00:20:34,429
Gabriel? Thanks.

332
00:20:36,990 --> 00:20:40,230
Which shows that this was updated

333
00:20:40,250 --> 00:20:43,330
at deadline two. So in anticipation of that plan,

334
00:20:44,010 --> 00:20:47,690
this requires that the permitted preliminary works must be carried
out in

335
00:20:47,730 --> 00:20:50,850
accordance with that plan. So therefore, the

336
00:20:50,910 --> 00:20:54,860
measures contained within this plan that are secured on

337
00:20:54,910 --> 00:20:58,619
the face of the DCO, so to not comply with that would

338
00:20:58,630 --> 00:21:01,530
therefore be a criminal offense from the

339
00:21:02,430 --> 00:21:05,590
applicant. And that mirrors the approach currently being

340
00:21:05,650 --> 00:21:09,350
taken on the Lime Down solar farm

341
00:21:09,390 --> 00:21:10,480
DCO examination.

342
00:21:11,590 --> 00:21:15,360
So that addresses your first point in relation to the Environment

343
00:21:15,470 --> 00:21:17,290
Agency. You also asked

344
00:21:18,450 --> 00:21:22,090
about the Borough Council and their concern similarly

345
00:21:22,150 --> 00:21:26,140
that the definition of PPW, if I can call it that, would have

346
00:21:26,150 --> 00:21:29,030
the opportunity to allow significant works before the detail

347
00:21:29,930 --> 00:21:31,910
of works or management plans have been confirmed.

348

00:21:32,190 --> 00:21:35,590
And I hope that that answer I've just given explains the same position.

349
00:21:35,650 --> 00:21:39,510
These are pre-commencement works that won't give rise to

350
00:21:39,550 --> 00:21:43,260
environmental effects. And in any event, we'll now have this detailed

351
00:21:43,350 --> 00:21:46,810
plan, which will be submitted deadline four for comment,

352
00:21:46,930 --> 00:21:50,870
whereby the methodology under which we propose to undertake those works

353
00:21:50,930 --> 00:21:52,330
can be agreed.

354
00:21:54,090 --> 00:21:56,290
I appreciate you asked about the definition of maintain.

355
00:21:56,590 --> 00:22:00,350
I wonder if it's just worth me pausing there on PPW in

356
00:22:00,390 --> 00:22:04,150
case there are any further questions, or I can go on to the definition of maintain,

357
00:22:04,210 --> 00:22:05,090
if you like.

358
00:22:06,950 --> 00:22:10,850
Let's just bring in Morgan Harriman first for his response on that.

359
00:22:14,890 --> 00:22:17,610
Morgan Harriman here on behalf of the Environment Agency.

360
00:22:18,810 --> 00:22:20,950
We feel content with this approach.

361
00:22:21,470 --> 00:22:25,000
We'll review the permitted preliminary works

362
00:22:25,450 --> 00:22:29,190
plan, environmental management plan at deadline four

363
00:22:29,890 --> 00:22:31,910
from the 16th of September onwards.

364
00:22:32,450 --> 00:22:36,370
And assuming that that is appropriate for what we

365
00:22:36,510 --> 00:22:39,870
have mentioned in regards to, say, the outline construction environment management

366
00:22:39,970 --> 00:22:43,089
plan, then we have no issue with the approach

367
00:22:43,270 --> 00:22:47,070
taken to resolving our outstanding issue on this matter.

368
00:22:48,590 --> 00:22:48,990
Thank you.

369
00:22:49,099 --> 00:22:49,099
Thank you.

370
00:22:49,190 --> 00:22:52,550
If I could ask the Borough Council of Kings Lynn and West Norfolk

371
00:22:53,090 --> 00:22:53,770
for any comments.

372
00:22:54,750 --> 00:22:57,410
Julie Barrow, Borough Council of Kings Lynn and West Norfolk.

373
00:22:57,510 --> 00:23:01,210
Again, we concur with that. We're happy to review that at deadline four and provide

374
00:23:01,250 --> 00:23:02,890
any comments.

375
00:23:02,970 --> 00:23:03,550
Thank you.

376
00:23:05,650 --> 00:23:08,930
Mr. Tresteden, do you just want to finish off on the maintain?

377
00:23:09,230 --> 00:23:11,590
Yes. Just to say thanks to both parties.

378
00:23:11,650 --> 00:23:14,770
We absolutely do welcome comment on that plan, and if it would be helpful to

379
00:23:14,790 --> 00:23:18,430
arrange specific meetings to discuss any of the contents, we'd obviously be happy

380
00:23:18,470 --> 00:23:18,990
to do so.

381
00:23:19,890 --> 00:23:22,750
Just to finish off on the definition of maintain then,

382
00:23:23,830 --> 00:23:26,870
I wonder if we could possibly have that on the screen, please,

383
00:23:29,650 --> 00:23:30,890
in Article 2.

384
00:23:46,530 --> 00:24:10,790
Sorry,

385
00:24:10,850 --> 00:24:13,450
sir, it's a large document with many definitions.

386
00:24:16,710 --> 00:24:17,170
I'm just

387
00:24:18,470 --> 00:24:21,530
testing my colleague's alphabet skills before O.

388
00:24:44,800 --> 00:24:45,620
Sorry about that. So

389
00:24:46,760 --> 00:24:50,230
yeah, as we can see on the screen, the definition of maintain is set out,

390
00:24:50,380 --> 00:24:54,230
and the proposed amendment from the borough council is

391
00:24:54,260 --> 00:24:55,900
that this definition

392
00:24:56,880 --> 00:25:00,740
would state that the applicant cannot remove, reconstruct,

393
00:25:00,780 --> 00:25:04,419
or replace the whole of the scheme as part of its maintenance.

394
00:25:04,500 --> 00:25:07,280
Now, whilst the applicant doesn't expect to do that,

395
00:25:08,240 --> 00:25:11,620
the applicant has fully assessed the complete replacement of

396
00:25:12,160 --> 00:25:14,440
solar panels within its environmental statement.

397
00:25:14,550 --> 00:25:17,840
So the definition of maintain is accurate, and therefore, we don't

398
00:25:17,880 --> 00:25:20,820
consider those amendments to be necessary.

399
00:25:28,700 --> 00:25:29,340
Julie Barrow.

400
00:25:30,640 --> 00:25:31,860
Julie Barrow, Borough Council,

401
00:25:32,780 --> 00:25:36,130
Kings Lynn and West Norfolk. Yeah, we note the point entirely.

402
00:25:36,880 --> 00:25:40,810
We've suggested it for clarity, and we note that a number of other

403
00:25:40,840 --> 00:25:44,800
solar DCOs have included reference to not remove, reconstruct, or

404
00:25:44,820 --> 00:25:46,640
replace the whole of the authorized development.

405
00:25:46,740 --> 00:25:49,560
So just want to bring that to your attention. Thank you.

406
00:25:50,460 --> 00:25:52,260
I think if I could just come back on that, please, sir.

407
00:25:52,340 --> 00:25:55,960
That is when those solar DCOs in their environmental statement

408
00:25:56,120 --> 00:25:59,800
haven't assessed that whole replacement, whereas we have, and
therefore, that's why

409
00:25:59,840 --> 00:26:02,780
we haven't included that wording.

410
00:26:07,060 --> 00:26:08,100
Nothing further to add. Thank you.

411
00:26:09,380 --> 00:26:09,760
Thank you.

412
00:26:10,700 --> 00:26:14,020
I'll now move on to part two, principal powers.

413

00:26:15,140 --> 00:26:15,440
So

414
00:26:16,300 --> 00:26:20,060
regarding articles 6.1.a to C, could the applicant provide

415
00:26:20,100 --> 00:26:23,920
further evidence to address Norfolk County Council's concern that there is not

416
00:26:23,980 --> 00:26:25,130
enough evidence for the

417
00:26:25,960 --> 00:26:28,180
disapplication of the Land Drainage Act?

418
00:26:29,300 --> 00:26:32,420
Thank you, sir. Alex Tresadern on behalf of the applicant.

419
00:26:32,560 --> 00:26:36,500
So Norfolk County Council's representation on this

420
00:26:36,540 --> 00:26:36,960
matter

421
00:26:37,940 --> 00:26:41,300
states, and if I could just quote from that, that the applicant has undertaken

422
00:26:41,320 --> 00:26:45,270
modeling on an ordinary watercourse near the A1065

423
00:26:45,680 --> 00:26:49,580
and the Southacre Road that's within the Ord limits and shown to connect

424
00:26:49,680 --> 00:26:53,420
to the River Nar. This confirms that ordinary watercourses are

425
00:26:53,440 --> 00:26:56,960
within the site area, and therefore, the Land Drainage Act would apply,

426
00:26:58,360 --> 00:27:01,360
even in the event that sufficient evidence is able to confirm that other

427
00:27:01,400 --> 00:27:04,500
watercourses on site are not connected to the wider network.

428
00:27:04,920 --> 00:27:08,070
So that's the quote from the representation in this regard, and they then go on to

429
00:27:08,180 --> 00:27:12,080
state that that's the reason for why the proposed disapplication

430
00:27:12,120 --> 00:27:14,600
of the Land Drainage Act is premature.

431
00:27:15,540 --> 00:27:19,280
Just wanted to clarify that the applicant has not undertaken

432
00:27:19,320 --> 00:27:21,300
modeling on an ordinary watercourse.

433
00:27:21,340 --> 00:27:24,760
There are no ordinary watercourses within the Ord limits,

434
00:27:24,980 --> 00:27:28,580
this has been confirmed by our flood experts via

435
00:27:28,800 --> 00:27:32,740
site observations and Ordnance Survey master mapping data,

436
00:27:33,040 --> 00:27:36,420
which details the course of drains and ordinary

437
00:27:36,840 --> 00:27:37,580
watercourses.

438
00:27:38,500 --> 00:27:42,400
Appendix 12.2 of the environmental statement is the

439
00:27:42,460 --> 00:27:46,220
flood risk assessment, and that was

440
00:27:46,260 --> 00:27:50,180
informed by a 2D direct rain on grid model, which

441
00:27:50,240 --> 00:27:53,740
was utilized to verify the overland surface water

442
00:27:53,840 --> 00:27:57,660
pathway identified on the Environment Agency's flood map for

443
00:27:57,720 --> 00:28:01,500
planning, which drains from south to north, as I understand it, along the

444
00:28:01,960 --> 00:28:05,880
western extent of work numbers two to four, so the BESS, the

445
00:28:05,920 --> 00:28:08,249
customer substation, and the National Grid substation.

446
00:28:09,140 --> 00:28:12,480
So there are no in-channel works proposed for ordinary

447
00:28:12,500 --> 00:28:16,080
watercourses outside the Ord limits, and therefore, the

448
00:28:16,140 --> 00:28:19,940
applicant considers its proposed disapplication of the relevant

449
00:28:19,960 --> 00:28:22,980
provisions of the Land Drainage Act

450
00:28:23,020 --> 00:28:26,980
1991 to be proportionate and in accordance with

451
00:28:27,640 --> 00:28:29,900
common practice for solar DCOs.

452
00:28:32,420 --> 00:28:35,560
Thank you. Any comments from Norfolk County Council?

453
00:28:36,080 --> 00:28:38,200
Yeah, Andrzej Szurkowski from Norfolk County Council.

454
00:28:38,840 --> 00:28:42,340
We don't have a representative for the LLFA here this morning, sir, but what I'll

455
00:28:42,360 --> 00:28:45,220
do is I'll ask them to provide a written response to the comments that have been

456
00:28:45,240 --> 00:28:45,840
made this morning.

457
00:28:46,840 --> 00:28:48,460
And indeed, sir, I understand that a

458
00:28:49,320 --> 00:28:53,260
meeting has taken place with the applicant's flood expert and the

459
00:28:53,340 --> 00:28:57,140
LLFA recently, so it may be that they're close to agreement on this matter,

460
00:28:57,220 --> 00:28:59,540
but yeah, would welcome comments in writing. Thank you.

461
00:29:02,280 --> 00:29:02,740
Thank you.

462
00:29:13,980 --> 00:29:17,840
Okay, I'll now move on to the

463
00:29:17,900 --> 00:29:19,640
next question.

464
00:29:21,620 --> 00:29:25,500
Could the applicant provide further justification for its wording in

article

465
00:29:25,860 --> 00:29:29,820
6.1.e in relation to the Environment Agency's

466
00:29:29,940 --> 00:29:33,780
view that it's not necessary to disapply regulation 12 because

467
00:29:33,940 --> 00:29:37,780
no flood risk activity permits are required, given the Ord

468
00:29:37,820 --> 00:29:40,790
limits are not within the floodplain of a main river?

469
00:29:41,920 --> 00:29:44,980
Certainly, sir. Alex Tresadern on behalf of the applicant again.

470
00:29:45,040 --> 00:29:49,000
So yeah, as you pointed out, article 6.1.e of

471
00:29:49,040 --> 00:29:52,660
the draft DCO, which is Rep 3005, permits

472
00:29:53,040 --> 00:29:56,470
the disapplication of regulation 12 of the Environmental

473
00:29:56,560 --> 00:29:59,900
Permitting England and Wales Regulations 2016, which

474
00:29:59,980 --> 00:30:03,140
is the requirement for an environmental permit in

475
00:30:03,180 --> 00:30:06,060
respect of a flood risk activity only.

476
00:30:06,080 --> 00:30:09,460
So that's a flood risk activity permit, or I'll term it as a

477
00:30:09,520 --> 00:30:13,330
FRAP. The applicant has been in discussions

478
00:30:13,800 --> 00:30:17,770
for a while now with the Environment Agency in relation to this matter, and

479
00:30:17,920 --> 00:30:20,680
I think Mr. Harriman, I don't want to put words in his mouth, but I think Mr.

480
00:30:20,720 --> 00:30:24,240
Harriman will agree with me online that we are in a position of agreeing to

481
00:30:24,640 --> 00:30:28,120
disagree on this one. It's the applicant's position that

482
00:30:28,620 --> 00:30:32,520
whilst the majority of the Ord limits are located within flood

483
00:30:32,580 --> 00:30:36,340
zone one, there's a minor section in relation to work number

484
00:30:36,380 --> 00:30:39,860
11, which is the mitigation and enhancement area

485
00:30:39,880 --> 00:30:43,780
associated with Skylark, which is located in flood zones two and

486
00:30:43,800 --> 00:30:47,620
three, and as such, it is possible that activities could be carried

487
00:30:47,700 --> 00:30:51,480
out in the floodplain of a main river more than eight

488
00:30:51,560 --> 00:30:55,340
meters from the riverbank, such as stockpiling in that area, for example.

489
00:30:55,530 --> 00:30:55,970
And therefore,

490
00:30:57,040 --> 00:31:01,000

in accordance with government guidance entitled Flood Risk

491
00:31:01,080 --> 00:31:04,420
Activities Environmental Permits, such activities could

492
00:31:04,460 --> 00:31:05,740
require a FRAP

493
00:31:06,588 --> 00:31:09,978
And therefore, the inclusion of this

494
00:31:10,008 --> 00:31:13,988
disapplication serves as a contingency for the applicant to

495
00:31:14,048 --> 00:31:17,688
avoid unnecessary consenting duplication, rather than

496
00:31:17,728 --> 00:31:21,708
reflecting a substantive need for FRAP consent across the

497
00:31:21,728 --> 00:31:25,448
entirety of the scheme. And in accordance with that approach, the

498
00:31:25,508 --> 00:31:29,448
applicant updated at deadline one, the protective

499
00:31:29,528 --> 00:31:33,328
provisions for the benefit of the Environment Agency in Part 5 of

500
00:31:33,348 --> 00:31:37,098
Schedule 15 to mirror entirely the Environment

501
00:31:38,108 --> 00:31:40,028
Agency's preferred and standard wording.

502
00:31:40,108 --> 00:31:44,028
So those protective provisions are exactly what the Environment
Agency

503
00:31:44,068 --> 00:31:45,948
seeks when it does seek protective provisions.

504
00:31:46,448 --> 00:31:50,177
And given that the applicant will continue to seek that disapplication, as

505
00:31:50,268 --> 00:31:54,098
I've explained, the applicant proposes to retain the protective

506
00:31:54,168 --> 00:31:56,248
provisions in the draft DCO.

507
00:31:57,728 --> 00:31:59,688
Okay, thank you. Morgan Harriman.

508
00:32:04,828 --> 00:32:08,508
Morgan Harriman, on behalf of the Environment Agency.

509
00:32:08,568 --> 00:32:12,178
I note what the applicant has stated on this

510
00:32:12,228 --> 00:32:13,588
matter. However,

511
00:32:15,248 --> 00:32:17,908
we agree that we disagree. The

512
00:32:19,748 --> 00:32:22,828
flood risk on site comes from

513
00:32:23,088 --> 00:32:26,948
drains/non-main rivers.

514
00:32:27,248 --> 00:32:30,268
Our guidance online specifically says that

515
00:32:31,628 --> 00:32:34,928
a activity under a flood risk activity

516
00:32:35,048 --> 00:32:38,928
permit may be regulated if the activities are carried

517
00:32:39,028 --> 00:32:42,688
out on the flood plain of a main river, more than eight

518
00:32:42,768 --> 00:32:45,087
meters from the riverbank, et cetera.

519
00:32:46,108 --> 00:32:49,968
In this case, there are no main rivers running through the site, and

520
00:32:50,008 --> 00:32:53,788
that flood risk is coming from non-main rivers or

521
00:32:53,868 --> 00:32:57,528
ordinary water courses or drains, however you prefer to

522
00:32:57,548 --> 00:32:58,678
refer to them. But

523
00:32:59,568 --> 00:32:59,908
again,

524
00:33:00,768 --> 00:33:04,588
there will not be a flood risk activity permit required for these
works,

525
00:33:05,048 --> 00:33:08,088
hence why we don't agree to the

526
00:33:08,108 --> 00:33:09,288
disapplication

527
00:33:10,208 --> 00:33:14,028
of flood risk activity permits and the inclusion of protective

528
00:33:14,128 --> 00:33:16,148
provisions for the Environment Agency.

529
00:33:16,588 --> 00:33:20,448
Therefore, all we can say is that we reassert under

530

00:33:20,528 --> 00:33:21,288
Section

531
00:33:22,508 --> 00:33:25,128
120 of the Planning Act

532
00:33:26,308 --> 00:33:27,668
2008, that

533
00:33:28,688 --> 00:33:30,008
the inclusion of

534
00:33:31,648 --> 00:33:34,448
our protected provisions for the Environment Agency need to be

535
00:33:34,528 --> 00:33:36,188
removed.

536
00:33:40,168 --> 00:33:41,668
Okay, thank you for clarifying that.

537
00:33:41,728 --> 00:33:45,708
And is that clear in your statement of common ground, the

538
00:33:45,748 --> 00:33:46,498
two positions?

539
00:33:50,088 --> 00:33:53,268
Last time I saw the statement of common ground, I believe so, yes.

540
00:33:55,648 --> 00:33:56,578
Yes, so I can confirm-

541
00:33:56,688 --> 00:33:56,768
Yeah

542
00:33:56,948 --> 00:34:00,588
... that that's correct. And I think just to note, sorry, Alex
Tresadern on behalf

543
00:34:00,628 --> 00:34:04,528

of the applicant. Yeah, as we've said, this is a position of agreeing to

544
00:34:04,568 --> 00:34:07,508
disagree and therefore yourself and the Secretary of State,

545
00:34:08,468 --> 00:34:12,408
when it comes to decide, the DCO will have to take a view on whether

546
00:34:12,448 --> 00:34:16,228
or not this should be included. I would note that this is standard practice in

547
00:34:16,448 --> 00:34:20,348
DCOs, and the applicant isn't proposing to depart from any

548
00:34:20,868 --> 00:34:24,728
of that precedented approach. But as I say, we appreciate the Environment Agency's

549
00:34:24,748 --> 00:34:28,609
submissions. It's reflected in the statement of common ground, and yeah, we've set

550
00:34:28,629 --> 00:34:29,649
out our position as well.

551
00:34:33,808 --> 00:34:34,767
Okay, thank you.

552
00:34:41,069 --> 00:34:44,948
I'll now move on to Part Six, Miscellaneous and

553
00:34:45,048 --> 00:34:45,508
General.

554
00:34:48,069 --> 00:34:51,428
Could the applicant comment on a concern raised by the Borough Council of King's

555
00:34:51,468 --> 00:34:55,208
Lynn and West Norfolk regarding the flexibility provided by the

current

556
00:34:55,248 --> 00:34:56,737
wording in Article 40,

557
00:34:57,888 --> 00:35:01,648
felling or lopping of trees and removal of hedgerows?

558
00:35:04,048 --> 00:35:06,908
Yes, certainly, sir. Alex Tresadern on behalf of the applicant.

559
00:35:06,988 --> 00:35:10,748
So Article 40 of the DCO, I wonder if we might just be able to

560
00:35:10,788 --> 00:35:12,828
pop that on screen, please,

561
00:35:14,328 --> 00:35:16,388
in the main body rather than the schedule.

562
00:35:17,088 --> 00:35:19,168
Article 40, so higher up.

563
00:35:35,428 --> 00:35:35,788
Thank you.

564
00:35:36,608 --> 00:35:40,408
So this article is based on a model provision

565
00:35:41,128 --> 00:35:44,748
included in numerous made and consented DCOs,

566
00:35:44,808 --> 00:35:48,728
which provides that the undertaker can fell or lop

567
00:35:48,788 --> 00:35:52,778
or cut back the roots of any tree or shrub within or overhanging

568
00:35:52,808 --> 00:35:56,748
the scheme to prevent it obstructing or interfering with the

569
00:35:56,768 --> 00:35:59,768
construction, maintenance, or operation of the scheme,

570
00:36:00,288 --> 00:36:04,238
constituting a danger for persons using the scheme or obstructing or interfering

571
00:36:04,268 --> 00:36:06,928
with the passage of construction vehicles.

572
00:36:07,088 --> 00:36:10,488
And I believe the concern from the Borough Council is in relation to the

573
00:36:10,508 --> 00:36:13,768
flexibility that that provides. So the drafting

574
00:36:14,168 --> 00:36:17,688
states, "Near any part of the authorized development."

575
00:36:17,808 --> 00:36:21,588
And the meaning of near is ascertained through the

576
00:36:21,628 --> 00:36:24,488
context of the remainder of paragraph one.

577
00:36:24,828 --> 00:36:28,528
So in order to have the power to lop a tree or

578
00:36:28,628 --> 00:36:32,528
shrub, the applicant must reasonably believe it necessary to do

579
00:36:32,568 --> 00:36:33,998
so because of

580
00:36:34,948 --> 00:36:38,668
the obstruction or interference with the construction, maintenance, or

581
00:36:38,708 --> 00:36:42,688
operation of the scheme, either it being a danger to persons using

the

582
00:36:42,748 --> 00:36:45,268
scheme or obstructing construction vehicles.

583
00:36:45,348 --> 00:36:47,218
So A, B, and C, as you can see on the

584
00:36:48,048 --> 00:36:51,868
screen there. And therefore, the tree must be of such

585
00:36:51,877 --> 00:36:55,848
proximity to the ordered limits that it is causing such

586
00:36:55,888 --> 00:36:59,608
an interference and would therefore only apply to trees that are

587
00:36:59,618 --> 00:37:03,248
effectively adjacent to the ordered limits rather than anything

588
00:37:03,288 --> 00:37:04,448
broader than that.

589
00:37:05,248 --> 00:37:08,908
And this covers a situation where,

590
00:37:09,008 --> 00:37:09,288
um

591
00:37:10,504 --> 00:37:14,404
For example, if a tree was damaged such that it's liable to fall

592
00:37:14,444 --> 00:37:17,924
towards the scheme, are you presenting a danger to persons using the

593
00:37:17,944 --> 00:37:21,704
scheme but remains outside the order limits?

594
00:37:21,864 --> 00:37:24,724
Without this wording, we wouldn't be able to do anything about it,
which we

595
00:37:24,744 --> 00:37:27,104
consider would be an unhelpful situation.

596
00:37:27,204 --> 00:37:30,924
So it's considered preferable by the applicant to restrict

597
00:37:30,934 --> 00:37:34,534
the ambit of this power by reference to the harm that the tree is causing as

598
00:37:34,564 --> 00:37:37,264
opposed to restricting it geographically.

599
00:37:38,124 --> 00:37:42,104
And therefore, we propose to keep the wording as it is, but welcome

600
00:37:42,184 --> 00:37:43,604
thoughts from the council on that.

601
00:37:44,824 --> 00:37:46,604
Thank you. Julie Barrow.

602
00:37:48,084 --> 00:37:50,084
Julie Barrow, Borough Council of Kings Lynn and West Norfolk.

603
00:37:50,404 --> 00:37:53,164
Again, we note the applicant's position on this matter.

604
00:37:53,324 --> 00:37:56,004
We note that other DCOs have used the words near.

605
00:37:56,864 --> 00:38:00,784
Others have also used the words within or overhanging land within the order limits.

606
00:38:00,944 --> 00:38:04,184
So there's been those two definitions that have been used

607
00:38:04,524 --> 00:38:08,304
throughout. This sort of really relates to a matter which I suspect

we'll get onto

608
00:38:08,364 --> 00:38:12,064
tomorrow, in terms of the landscape and visual impact, in

609
00:38:12,084 --> 00:38:16,024
particular, Bartholomew's Plantation and our desire to see

610
00:38:16,064 --> 00:38:19,024
that protected for the lifetime of the scheme.

611
00:38:19,824 --> 00:38:23,704
So we maintain our position that further clarity could be given,

612
00:38:24,384 --> 00:38:26,764
but again, understand the applicant's position on this.

613
00:38:28,744 --> 00:38:29,404
Okay, thank you.

614
00:38:30,884 --> 00:38:33,444
Thank you, sir. No, not much further to add, really.

615
00:38:33,904 --> 00:38:37,814
Yeah, appreciate the Borough Council's position and, yeah, I agree
that this will

616
00:38:37,824 --> 00:38:41,344
likely come up in more detail tomorrow. So happy to discuss further
then.

617
00:38:43,564 --> 00:38:43,964
Thank you.

618
00:38:48,684 --> 00:38:52,604
Moving on to Article 49. Could the applicant provide

619
00:38:53,464 --> 00:38:57,164
further justification for the wording in Article 49, maintenance of

620
00:38:57,204 --> 00:38:58,074

drainage works,

621
00:38:59,604 --> 00:39:03,394
given the Environment Agency's view that it does not consider these provisions are

622
00:39:03,424 --> 00:39:04,034
necessary?

623
00:39:05,384 --> 00:39:08,564
Thank you, sir. Alex Treseden on behalf of the applicant.

624
00:39:08,604 --> 00:39:12,484
So just to reiterate, as I've said earlier, there are no ordinary water

625
00:39:12,544 --> 00:39:16,164
courses within the order limits, and as I noted, that's been confirmed

626
00:39:16,244 --> 00:39:20,024
by site observations and Ordnance Survey master mapping data,

627
00:39:20,084 --> 00:39:23,584
which details the course of drains and ordinary water courses.

628
00:39:23,624 --> 00:39:27,324
And this article that we can see on screen makes it

629
00:39:27,404 --> 00:39:29,684
clear that any realignment

630
00:39:31,444 --> 00:39:35,374
of drains or other works to them that are carried out as part of the scheme

631
00:39:35,884 --> 00:39:39,864
do not affect the existing allocation of responsibility for maintenance of

632
00:39:39,924 --> 00:39:43,524
those drains unless agreed between the applicant and the

633
00:39:43,564 --> 00:39:47,444
responsible party. So we consider that this provision gives

634
00:39:47,484 --> 00:39:51,424
certainty to both the applicant as the undertaker of

635
00:39:51,464 --> 00:39:54,993
the DCO and also to those that possess the responsibility and

636
00:39:55,044 --> 00:39:58,804
enables agreement on reallocation of responsibilities to be

637
00:39:58,864 --> 00:40:01,324
reached where it's appropriate to do so.

638
00:40:02,004 --> 00:40:04,224
And in relation to the scheme specifically,

639
00:40:05,384 --> 00:40:09,004
whilst chapter 12 of the environmental statement, which is water

640
00:40:09,024 --> 00:40:12,814
resources, notes that no field drainage was observed during the site

641
00:40:13,204 --> 00:40:16,844
walkovers and the landowner also knows of no field

642
00:40:16,884 --> 00:40:19,344
drainage systems within the order limits.

643
00:40:20,164 --> 00:40:23,884
Paragraph 12.6.66 of that chapter

644
00:40:23,984 --> 00:40:27,964
does note the presence of an irrigation system close to the order

645
00:40:28,024 --> 00:40:31,773
limits, in field four. And per Article

646

00:40:32,224 --> 00:40:35,654
72 (1) of the Land Drainage Act

647
00:40:35,804 --> 00:40:39,584
1991, the definition of drainage includes

648
00:40:39,744 --> 00:40:43,484
irrigation, and therefore the draft DCO via

649
00:40:43,524 --> 00:40:47,444
Article 49 as shown on screen, retains the ability to

650
00:40:47,484 --> 00:40:50,804
ensure the function of this irrigation system, should the

651
00:40:50,844 --> 00:40:54,664
extent of the system encroach within the order limits.

652
00:40:56,044 --> 00:40:59,894
And I believe it was your second set of written questions, sir, that

653
00:40:59,904 --> 00:41:02,884
asked if this provision was precedented in

654
00:41:02,984 --> 00:41:05,644
other made development and consent orders.

655
00:41:06,384 --> 00:41:09,844
We say that it is. It's included in the M25

656
00:41:10,384 --> 00:41:13,764
Junction 10 to A3 Wisley Interchange DCO of

657
00:41:13,884 --> 00:41:17,684
2022. It's in the A66 Northern TransPennine

658
00:41:17,804 --> 00:41:19,204
DCO 2024,

659
00:41:20,224 --> 00:41:23,954
and also it's in the London Luton Airport

660
00:41:24,044 --> 00:41:27,724
Expansion Development Consent Order of 2025.

661
00:41:27,924 --> 00:41:30,644
And therefore, the applicant considers it

662
00:41:31,724 --> 00:41:35,204
to be a sensible inclusion to clarify who has responsibility

663
00:41:35,264 --> 00:41:39,164
for such works, and those precedents were set out in our responses

664
00:41:39,224 --> 00:41:43,104
to your second set of written questions, sir, but we can equally include those

665
00:41:43,164 --> 00:41:46,624
in the post-hearing summary of this hearing if that would assist.

666
00:41:48,104 --> 00:41:51,344
Okay, thank you. Yes, that would be helpful. Morgan Harriman.

667
00:41:55,504 --> 00:41:58,204
Morgan Harriman on behalf of the Environment Agency.

668
00:41:59,044 --> 00:42:00,444
So on this matter,

669
00:42:02,344 --> 00:42:05,924
a key thing to point out is we are happy to defer

670
00:42:06,064 --> 00:42:09,864
to the applicant on this

671
00:42:09,944 --> 00:42:12,934
situation. We appreciate that the applicant

672
00:42:12,984 --> 00:42:14,024
believes

673
00:42:15,244 --> 00:42:18,624
it relates to existing field drains and maintenance

674
00:42:19,664 --> 00:42:23,224
and that these are matters beyond our remit.

675
00:42:23,264 --> 00:42:27,084
What we're simply saying is that there are drains on the site

676
00:42:27,304 --> 00:42:30,464
which could be considered as ordinary water courses.

677
00:42:30,544 --> 00:42:34,424
I do know what the applicant has said regarding that they don't believe there's

678
00:42:34,464 --> 00:42:36,124
ordinary water courses on site.

679
00:42:37,744 --> 00:42:40,914
Ordinary water courses are described as

680
00:42:41,944 --> 00:42:45,904
a water course that does not form part of a main river, and there's drains on

681
00:42:45,984 --> 00:42:49,224
site, so therefore, we are considering these as ordinary water courses.

682
00:42:49,944 --> 00:42:53,744
We merely wanted to reaffirm that the internal

683
00:42:53,824 --> 00:42:57,124
drainage board and Leeds Local Flood Authority should

684
00:42:57,184 --> 00:43:00,784
be considered in regards to any works

685
00:43:01,104 --> 00:43:02,144
on these

686
00:43:03,824 --> 00:43:05,924
ordinary water courses/drains.

687
00:43:07,304 --> 00:43:11,084
This is considered under Section 23 of the Land Drainage

688
00:43:11,204 --> 00:43:14,972
Act, which states that the land drainage authority Well, the

689
00:43:14,982 --> 00:43:17,552
drainage authority would be the land drainage board.

690
00:43:17,932 --> 00:43:21,572
So assuming in this case that's the Internal Drainage Board and

691
00:43:21,612 --> 00:43:24,992
the Lead Local Flood Authority in regards to flood risk.

692
00:43:26,732 --> 00:43:28,432
Just to reiterate, we

693
00:43:29,932 --> 00:43:32,592
won't die on this hill, on this position.

694
00:43:32,792 --> 00:43:33,792
We just wanted to

695
00:43:34,612 --> 00:43:38,432
make it clear that those drains on site, we consider them as
ordinary

696
00:43:38,512 --> 00:43:42,432
water courses, and therefore the maintenance responsibility for

697
00:43:42,492 --> 00:43:46,432
any consenting works to them needs to consider the

698
00:43:46,492 --> 00:43:49,572
Internal Drainage Board and the Lead Local Flood Authority.

699
00:43:52,172 --> 00:43:52,892
Okay, thank you.

700
00:43:54,212 --> 00:43:58,092
Are we able to have a comment from Norfolk County Council, Lead

701
00:43:58,172 --> 00:43:59,772
Local Flood Authority?

702
00:44:01,132 --> 00:44:03,612
Thank you, sir. Andrew Szurkowski from Norfolk County Council.

703
00:44:04,262 --> 00:44:07,692
Really, I'm afraid it's the same response in the absence of an LLA representative,

704
00:44:07,752 --> 00:44:11,232
but we're happy to make written comments in response.

705
00:44:12,052 --> 00:44:14,052
Thank you.

706
00:44:25,652 --> 00:44:28,452
Okay, I'll now move on to Schedule 2

707
00:44:28,512 --> 00:44:30,192
requirements.

708
00:44:36,732 --> 00:44:38,592
There is a slight change to the agenda here.

709
00:44:38,652 --> 00:44:42,432
I've moved one of the agenda items out to written questions.

710
00:44:43,652 --> 00:44:44,912
So my first question is on

711
00:44:46,132 --> 00:44:47,472
Requirement 13-1,

712

00:44:49,232 --> 00:44:53,212
with reference to the applicant's response to the second written

713
00:44:53,272 --> 00:44:53,982
questions,

714
00:44:54,892 --> 00:44:57,772
question 7.4.4, reference

715
00:44:58,012 --> 00:45:01,432
REP3-088. Could the local

716
00:45:01,492 --> 00:45:04,932
authorities and the Environment Agency comment on the applicant's

717
00:45:05,012 --> 00:45:08,862
proposal for the approval of the permitted preliminary works

718
00:45:08,932 --> 00:45:12,762
environmental management plan? So I appreciate we have talked

719
00:45:12,832 --> 00:45:13,952
about the definitions.

720
00:45:19,492 --> 00:45:21,692
So if we could just go back to

721
00:45:24,312 --> 00:45:28,052
Environment Agency first. Could you just comment on

722
00:45:28,152 --> 00:45:32,111
whether you're satisfied with the approval process now for

723
00:45:32,172 --> 00:45:33,172
that management plan?

724
00:45:35,812 --> 00:45:38,152
We are satisfied with the approval process,

725
00:45:39,632 --> 00:45:43,252
if you're talking about, say, how it's laid out

726
00:45:43,372 --> 00:45:45,172
in the development consent order.

727
00:45:45,552 --> 00:45:48,812
However, we will need to see the

728
00:45:50,172 --> 00:45:50,612
plan

729
00:45:51,712 --> 00:45:55,692
before we can resolve our issue, and I note that we will be

730
00:45:55,732 --> 00:45:56,182
seeing that

731
00:45:57,132 --> 00:46:00,812
from deadline four onwards. So in answer to your question, we are

732
00:46:00,952 --> 00:46:03,652
satisfied with the approval process, yes.

733
00:46:05,172 --> 00:46:05,632
Thank you.

734
00:46:09,552 --> 00:46:11,132
And Julie Barrow.

735
00:46:13,012 --> 00:46:15,112
Julie Barrow, Borough Council of Kings Lynn and West Norfolk.

736
00:46:15,352 --> 00:46:17,942
Again, we are more than happy with the approval process.

737
00:46:18,092 --> 00:46:19,822
We obviously will need to see the document.

738
00:46:20,201 --> 00:46:23,882
And I do note that in the case of this management plan, we are
looking to

739
00:46:23,912 --> 00:46:27,892
approve this prior to the DCO being granted, so it's not something that's

740
00:46:27,902 --> 00:46:31,512
subject to further approval. So we will obviously need to make sure that it does

741
00:46:31,532 --> 00:46:35,432
cover everything, because there's limited scope for change once the DCO has

742
00:46:35,452 --> 00:46:36,672
been granted, if that's the case.

743
00:46:38,792 --> 00:46:39,492
Okay, thank you.

744
00:46:42,332 --> 00:46:42,891
No, thank you, sir.

745
00:46:43,052 --> 00:46:43,132
Yep.

746
00:46:43,172 --> 00:46:46,052
Nothing to add. I completely agree with what's been said by the council.

747
00:46:46,112 --> 00:46:50,072
Yeah, given the nature of the permitted preliminary

748
00:46:50,132 --> 00:46:53,952
works, as I set out before, this is a document we're looking to secure

749
00:46:53,972 --> 00:46:57,861
now rather than being pushed out to detailed design stage so that

750
00:46:57,912 --> 00:47:00,412
these works can commence. I shouldn't use the word commence.

751

00:47:00,452 --> 00:47:03,312
These works can be done before the DCO commences.

752
00:47:04,012 --> 00:47:07,342
But as has been said, this will be submitted at deadline four, and we welcome

753
00:47:07,412 --> 00:47:08,552
comments.

754
00:47:11,192 --> 00:47:11,612
Thank you.

755
00:47:14,332 --> 00:47:17,912
Moving on to the next question. This is on

756
00:47:17,952 --> 00:47:20,172
requirements. So

757
00:47:22,612 --> 00:47:26,592
Requirement 3-1, Requirement 5, Requirement

758
00:47:26,952 --> 00:47:30,712
7-1, 8-1, 10-1 and 2, Requirement 11,

759
00:47:30,812 --> 00:47:34,532
13, 14, Requirement 15, 1 to 3,

760
00:47:34,692 --> 00:47:36,671
and Requirement 20-5.

761
00:47:37,752 --> 00:47:41,672
Could the applicant comment on whether it accepts National Highways should be

762
00:47:41,732 --> 00:47:45,492
given an opportunity to review and approve various details?

763
00:47:47,312 --> 00:47:50,452
Thank you, sir. Alex Tresadern on behalf of the applicant.

764

00:47:51,972 --> 00:47:55,532
Myself and the lawyers for National Highways,

765
00:47:56,752 --> 00:48:00,392
who are joining us online, are in discussions in relation to this

766
00:48:00,452 --> 00:48:03,612
matter. And the approach to

767
00:48:03,792 --> 00:48:07,692
consultation with National Highways under the various requirements

768
00:48:07,732 --> 00:48:11,612
that you've listed in Schedule 2 is being discussed

769
00:48:11,672 --> 00:48:15,332
in relation to a couple of other solar DCOs

770
00:48:15,392 --> 00:48:19,042
that the applicant, or the parent company of the applicant I should say, is

771
00:48:19,052 --> 00:48:20,172
progressing.

772
00:48:21,232 --> 00:48:24,332
And it's understood that in relation to those DCOs,

773
00:48:24,792 --> 00:48:27,912
this approach to consultation is nearly agreed.

774
00:48:28,432 --> 00:48:32,172
And therefore, I'm discussing with the lawyers from

775
00:48:32,192 --> 00:48:35,952
National Highways as to whether we can take the same approach to that

776
00:48:35,992 --> 00:48:38,432
consultation in relation to this scheme.

777

00:48:38,972 --> 00:48:42,732
And if so, we will update the draft DCO

778
00:48:42,812 --> 00:48:45,552
to mirror that approach accordingly.

779
00:48:46,612 --> 00:48:50,422
And as I say, I'm in discussions with the lawyers for National Highways,

780
00:48:50,472 --> 00:48:54,012
including an email that landed yesterday evening with the latest

781
00:48:54,052 --> 00:48:57,632
on that. So after these hearings, we'll continue those

782
00:48:57,652 --> 00:49:01,372
discussions, and we're confident of reaching an agreed position before the end of

783
00:49:01,412 --> 00:49:05,332
the examination. And at that point, the DCO will be updated.

784
00:49:07,092 --> 00:49:10,992
Okay, thank you. Could I ask Julie Russell or Jeremy Bloom to

785
00:49:11,032 --> 00:49:11,392
comment?

786
00:49:13,752 --> 00:49:16,592
Hi. Julie Russell on behalf of National Highways.

787
00:49:17,052 --> 00:49:20,592
Yes, sir. That is the correct position.

788
00:49:20,932 --> 00:49:24,852
The only requirements that may be worth

789
00:49:24,912 --> 00:49:28,712
considering today are Requirement 3

790

00:49:29,912 --> 00:49:31,772
and Requirement 5

791
00:49:33,800 --> 00:49:36,880
On the basis that we haven't been able to reach

792
00:49:36,889 --> 00:49:39,440
agreement on requirement three

793
00:49:40,460 --> 00:49:42,600
on the other DCOs that

794
00:49:43,440 --> 00:49:45,400
have been referred to. So

795
00:49:46,860 --> 00:49:50,810
I think it might be worth having a look at requirement three and
National

796
00:49:50,860 --> 00:49:53,460
Highways requirements in connection with that

797
00:49:54,540 --> 00:49:55,860
now, just so

798
00:49:58,060 --> 00:49:59,940
that's in everybody's minds really.

799
00:50:00,640 --> 00:50:04,400
Effectively what National Highways want on requirement

800
00:50:04,480 --> 00:50:08,370
three is to be consulted if the certified

801
00:50:08,840 --> 00:50:10,480
documents change.

802
00:50:11,380 --> 00:50:14,700
We don't think that that's

803
00:50:14,780 --> 00:50:15,560

unreasonable,

804
00:50:17,000 --> 00:50:19,820
given that any changes could result

805
00:50:20,780 --> 00:50:23,520
in an impact on the strategic road

806
00:50:23,840 --> 00:50:27,770
network. It's our view that it is essential for

807
00:50:27,800 --> 00:50:31,300
National Highways to be involved in that process as well

808
00:50:31,400 --> 00:50:33,560
as the local planning authority.

809
00:50:37,780 --> 00:50:38,520
Alex Treseden.

810
00:50:39,220 --> 00:50:42,340
Thank you, sir. Alex Treseden on behalf of the applicant.

811
00:50:42,400 --> 00:50:45,980
I think that's a fair point that the position on this requirement

812
00:50:46,160 --> 00:50:49,800
was left as agree to disagree on the other

813
00:50:50,380 --> 00:50:51,240
IGP schemes.

814
00:50:52,500 --> 00:50:56,450
The applicant, as I say, will consider the position raised by

815
00:50:57,720 --> 00:51:01,700
Ms. Russell in relation to this scheme and will respond in writing.

816
00:51:01,720 --> 00:51:04,660
But it may be that we are left in the same position as the other
schemes of

817
00:51:04,700 --> 00:51:07,380
agreeing to disagree on the wording of the DCO.

818
00:51:11,500 --> 00:51:11,940
Thank you.

819
00:51:13,020 --> 00:51:16,960
And could National Highways just clarify if the protective provisions

820
00:51:18,440 --> 00:51:20,220
that they put forward would overcome

821
00:51:21,140 --> 00:51:22,140
these concerns?

822
00:51:23,820 --> 00:51:26,880
Judy Russell on behalf of National Highways. No.

823
00:51:27,900 --> 00:51:29,220
No, the protective provisions

824
00:51:30,100 --> 00:51:33,760
don't overcome the concerns in connection with the requirements.

825
00:51:35,340 --> 00:51:38,200
It might be worth also just mentioning requirement five, if

826
00:51:39,580 --> 00:51:41,540
that's permissible here, please.

827
00:51:41,899 --> 00:51:45,880
In so much as requirement five, if we can just flick back to

828
00:51:45,960 --> 00:51:46,180
it,

829
00:51:47,080 --> 00:51:48,660
says that no parts of

830
00:51:48,720 --> 00:51:52,680
works one, two, and

831
00:51:52,980 --> 00:51:56,580
3A may commence until the details of the

832
00:51:56,640 --> 00:52:00,580
layout scale proposed finished ground levels, external appearance

833
00:52:00,620 --> 00:52:04,270
in hard surfacing materials and vehicular and

834
00:52:04,320 --> 00:52:08,280
pedestrian access and parking circulations have been submitted and approved

835
00:52:08,320 --> 00:52:09,700
by the planning authority.

836
00:52:10,800 --> 00:52:14,600
What we're asking for National Highways works relate to

837
00:52:14,980 --> 00:52:17,060
work number 8A.

838
00:52:19,040 --> 00:52:22,580
And it's our view that instead of

839
00:52:22,620 --> 00:52:26,340
requirement five being limited just to works numbers one, two,

840
00:52:26,380 --> 00:52:27,800
and 3A,

841
00:52:29,060 --> 00:52:32,960
it ought to be that it's any part of the authorized development shouldn't commence

842
00:52:33,140 --> 00:52:36,260
until those details have been approved.

843
00:52:36,320 --> 00:52:37,800
And we've suggested

844
00:52:38,180 --> 00:52:41,640
additional wording

845
00:52:42,300 --> 00:52:46,240
at the end of requirement five to make it clear that where the

846
00:52:46,280 --> 00:52:50,120
details relate to highways matters, those details ought also to be

847
00:52:50,160 --> 00:52:53,960
approved by the relevant highway authority for that part.

848
00:52:54,940 --> 00:52:55,720
And again, I think

849
00:52:56,780 --> 00:53:00,380
that that's not something that is mirrored in the other DCOs that we've been

850
00:53:00,440 --> 00:53:01,440
referring to this morning.

851
00:53:03,020 --> 00:53:06,900
Okay, thank you. Could I just ask the statement of common ground,

852
00:53:06,990 --> 00:53:09,000
does that reflect where we are currently?

853
00:53:10,600 --> 00:53:12,920
Thanks. Alex Treseden. Oh, sorry. Go on, Ms.

854
00:53:12,960 --> 00:53:13,130
Russell-

855
00:53:13,170 --> 00:53:13,170
Sorry

856

00:53:13,180 --> 00:53:13,600
... you go for it.

857
00:53:14,880 --> 00:53:15,700
No, it's fine, you go ahead.

858
00:53:17,100 --> 00:53:18,900
I suspect we might be saying the same thing.

859
00:53:19,000 --> 00:53:20,500
Alex Treseden on behalf of the applicant.

860
00:53:20,560 --> 00:53:24,420
Yeah, this is as detailed as a matter under discussion in

861
00:53:24,500 --> 00:53:28,100
the latest statement of common ground with National Highways.

862
00:53:28,140 --> 00:53:31,980
It might be that what we need to do is split

863
00:53:32,100 --> 00:53:35,460
out that row in the statement of common ground to refer to

864
00:53:36,100 --> 00:53:38,220
matters that would be

865
00:53:39,320 --> 00:53:42,720
solved, if you like, by the agreement of protected provisions,

866
00:53:43,000 --> 00:53:46,640
including the consultation requirements of other requirements

867
00:53:46,680 --> 00:53:50,669
that will mirror the approach on other schemes that have been agreed with National

868
00:53:50,719 --> 00:53:54,099
Highways. And then these requirements three and five, which as Ms.

869
00:53:54,140 --> 00:53:56,980

Russell's rightly pointed out, haven't been agreed on the other scheme.

870
00:53:57,060 --> 00:54:01,000
So it might be that we can take that away and update

871
00:54:01,020 --> 00:54:04,720
the statement of common ground to be a bit clearer on that

872
00:54:04,760 --> 00:54:08,460
matter. If I could just touch on requirement five, please.

873
00:54:10,140 --> 00:54:13,830
The purpose of that requirement is to relate to

874
00:54:14,560 --> 00:54:18,140
the most significant works consented by the scheme.

875
00:54:18,260 --> 00:54:22,110
So work number one being solar, work number two being

876
00:54:22,120 --> 00:54:25,580
BESS, work number three being the customer substation.

877
00:54:25,640 --> 00:54:29,360
And therefore, it's not standard practice

878
00:54:29,440 --> 00:54:33,340
for other works, including work number

879
00:54:33,420 --> 00:54:36,400
eight, which National Highways have referenced, to be included within that

880
00:54:36,420 --> 00:54:37,840
requirement. However,

881
00:54:38,960 --> 00:54:42,500
I understand that on some other schemes, that requirement for

882
00:54:42,960 --> 00:54:46,300

consultation in relation to the relevant works has been

883
00:54:46,360 --> 00:54:50,190
secured via management plans. Which are

884
00:54:50,220 --> 00:54:53,640
then in turn secured by the corresponding requirement of the

885
00:54:53,660 --> 00:54:56,920
DCO on its face, and therefore,

886
00:54:57,000 --> 00:55:00,280
the consultation requirements within those management plans

887
00:55:00,380 --> 00:55:04,300
are committed to and secured. So it may be

888
00:55:04,320 --> 00:55:07,950
that a similar approach could be reached with National

889
00:55:08,000 --> 00:55:11,940
Highways in respect of that, but as I say, that's something that we

890
00:55:11,980 --> 00:55:13,200
will be discussing.

891
00:55:15,360 --> 00:55:18,050
Okay, thank you. Any further comments, Judy Russell?

892
00:55:19,720 --> 00:55:21,480
Judy Russell on behalf of National Highways.

893
00:55:21,540 --> 00:55:23,000
No, not at the present time, thank you.

894
00:55:25,820 --> 00:55:27,720
Okay, I'll move on to the next question then.

895
00:55:29,060 --> 00:55:32,660
Could the applicant comment on concerns raised by Breckland District Council

896
00:55:32,740 --> 00:55:33,340
regarding

897
00:55:34,816 --> 00:55:38,616
R7, R9, and R17, that Natural England should be expressly

898
00:55:38,696 --> 00:55:42,216
identified whilst allowing reference to any successor body where

899
00:55:42,256 --> 00:55:45,806
relevant. Also, that R11, that Norfolk County

900
00:55:45,876 --> 00:55:49,476
Council in its role as the lead local authority, should

901
00:55:49,536 --> 00:55:52,916
be specifically referenced in this instance, and

902
00:55:53,036 --> 00:55:56,776
R12, that consultation with Norfolk County Council Historic
Environment

903
00:55:57,136 --> 00:55:59,516
Service should be specifically referenced.

904
00:56:00,296 --> 00:56:03,176
Thank you, sir. Alex Treseden on behalf of the applicant.

905
00:56:03,656 --> 00:56:04,276
This is

906
00:56:05,596 --> 00:56:09,216
sort of similar answer, but across the three different

907
00:56:09,256 --> 00:56:12,336
categories that have been identified in the agenda.

908
00:56:12,516 --> 00:56:15,176
So I'll deal with Natural England first.

909
00:56:15,396 --> 00:56:19,016
A note from the outset that there's no outstanding

910
00:56:19,056 --> 00:56:22,816
objection to this scheme from Natural England, whereby

911
00:56:22,856 --> 00:56:26,496
they request to be named as a consultee in respect of these

912
00:56:26,516 --> 00:56:30,296
requirements. But in relation to requirements seven and nine,

913
00:56:30,696 --> 00:56:34,596
the applicant considers that the wider ranging drafting of,

914
00:56:34,625 --> 00:56:38,616
and I quote, "The relevant statutory nature conservation body

915
00:56:38,656 --> 00:56:42,326
is more appropriate to ensure appropriate consultation rather

916
00:56:42,396 --> 00:56:45,916
than specifically referring to Natural England."

917
00:56:46,016 --> 00:56:48,306
So that's to address the

918
00:56:49,456 --> 00:56:53,316
unlikely as it stands, but potential scenario throughout the
lifetime of the scheme

919
00:56:53,376 --> 00:56:57,196
where Natural England might have ceased to exist or have

920
00:56:57,236 --> 00:56:59,516
had its functions devolved. So

921
00:57:00,536 --> 00:57:04,236
the wording we have, we consider already covers successes and

922

00:57:04,316 --> 00:57:07,736
ensures that appropriate qualified

923
00:57:07,856 --> 00:57:11,496
statutory, ecological, and agricultural expertise at the

924
00:57:11,576 --> 00:57:14,776
time of discharge are consulted, and

925
00:57:15,716 --> 00:57:19,376
again, this is well precedented across numerous made

926
00:57:19,776 --> 00:57:23,456
solar DCOs, this wording, and therefore, we wouldn't propose

927
00:57:23,496 --> 00:57:26,996
to depart from standard practice in that

928
00:57:27,036 --> 00:57:27,556
regard.

929
00:57:30,436 --> 00:57:32,016
That deals with the seven and nine.

930
00:57:32,076 --> 00:57:36,016
If I turn to requirement 17, it's the same position

931
00:57:36,076 --> 00:57:39,876
that applies, but again, I note that Natural England hasn't
requested to

932
00:57:39,916 --> 00:57:43,596
be named as a consultee for approval of the soil

933
00:57:43,656 --> 00:57:45,775
management plan under this requirement.

934
00:57:46,305 --> 00:57:49,976
But in any event, the applicant is in discussions with Natural

935
00:57:50,036 --> 00:57:53,456

England regarding the contents of that outline

936
00:57:53,816 --> 00:57:57,556
soil management plan and is confident of reaching an agreed position

937
00:57:57,916 --> 00:58:01,456
regarding what that document needs to secure and the wording

938
00:58:01,496 --> 00:58:04,936
within, during the course of the examination.

939
00:58:05,716 --> 00:58:07,196
And I'd note as well, and this

940
00:58:08,056 --> 00:58:11,156
applies to the other points that I'll come onto in a moment, but

941
00:58:13,236 --> 00:58:16,865
under the various requirements, the councils are entitled to consult with

942
00:58:16,976 --> 00:58:20,236
any organization if they deem it necessary to do so.

943
00:58:20,616 --> 00:58:24,516
So just because consultation isn't specified on the face of

944
00:58:24,556 --> 00:58:28,276
a DCO, i.e., a binding statutory instrument that could

945
00:58:28,336 --> 00:58:32,096
therefore delay progress of the scheme given that consultation is a

946
00:58:32,136 --> 00:58:35,816
requirement, that doesn't mean that consultation's prohibited with the relevant

947
00:58:35,836 --> 00:58:37,436
parties, as we all know.

948
00:58:39,436 --> 00:58:42,576

You asked also about requirement 11,

949
00:58:43,836 --> 00:58:44,496
and that

950
00:58:45,616 --> 00:58:49,516
requires the applicant to submit to the relevant planning authority the

951
00:58:49,556 --> 00:58:53,076
written details of the surface water drainage scheme,

952
00:58:53,176 --> 00:58:56,876
and if any, the foul water drainage system.

953
00:58:57,686 --> 00:58:58,176
And again,

954
00:58:59,136 --> 00:59:02,996
Breckland Council is entitled to consult with any organization if they deem

955
00:59:03,036 --> 00:59:06,865
it necessary to do so, as part of its approval of

956
00:59:06,896 --> 00:59:10,776
that document, and that can include Norfolk County Council as the

957
00:59:10,896 --> 00:59:11,456
LLFA.

958
00:59:13,106 --> 00:59:16,636
So we consider that it's not necessary to put this on the face of the

959
00:59:16,676 --> 00:59:19,026
DCO in accordance with standard practice.

960
00:59:19,396 --> 00:59:23,336
And that's similar for your final point, which was requirement 12.

961

00:59:23,416 --> 00:59:26,716
So that requires the applicant to submit, again, to the relevant planning

962
00:59:26,786 --> 00:59:30,276
authority, a written scheme of investigation,

963
00:59:30,836 --> 00:59:34,426
and as part of that approval, the relevant planning authority can consult with any

964
00:59:34,476 --> 00:59:38,136
organization if they deem it necessary to do so, which can

965
00:59:38,196 --> 00:59:41,416
include Norfolk County Council Historic Environment Service.

966
00:59:42,176 --> 00:59:45,976
And it's therefore unnecessary, we consider, for that consultation to be

967
00:59:46,016 --> 00:59:49,676
spelt out on the face of the statutory instrument.

968
00:59:51,976 --> 00:59:52,336
Thank you.

969
00:59:55,156 --> 00:59:57,296
Simon Wood.

970
00:59:58,676 --> 01:00:01,576
Thank you, sir. Simon Wood, Breckland Council.

971
01:00:03,156 --> 01:00:06,836
This point is primarily a practical one, sir, given that we will be the

972
01:00:06,876 --> 01:00:10,556
discharging authority. However, we rely on specialist

973
01:00:10,656 --> 01:00:13,316
consultees for technical advice.

974
01:00:14,316 --> 01:00:18,016
And I think it's really there to help all parties, to help us, to help

975
01:00:18,096 --> 01:00:21,996
the applicant, and to help the statutory consultee as

976
01:00:22,056 --> 01:00:25,796
well. To have a named body in that we will go and consult

977
01:00:26,116 --> 01:00:29,876
will ensure that there is engagement and that they buy into

978
01:00:29,916 --> 01:00:33,756
the details that are being submitted to

979
01:00:33,836 --> 01:00:37,416
us, and I think that will help speed the process up, sir.

980
01:00:37,936 --> 01:00:41,796
I accept that we're perfectly entitled to consult who we wish to do

981
01:00:41,936 --> 01:00:45,836
so, but we would be consulting statutory consultees, and I can see

982
01:00:45,916 --> 01:00:48,256
no reason why they shouldn't be named within that

983
01:00:49,136 --> 01:00:51,046
requirement, sir. Thank you.

984
01:00:51,896 --> 01:00:54,056
So would it be okay if I just came back on that, please?

985
01:00:54,096 --> 01:00:54,515
Yes.

986
01:00:55,216 --> 01:00:57,526
One of the points here is that if

987
01:00:58,336 --> 01:01:02,316
a body is named on the face of the DCO, that gives the applicant

988
01:01:02,356 --> 01:01:06,316
an obligation, or the local planning authority an obligation to consult with them.

989
01:01:06,596 --> 01:01:10,496
And if that body then ceases to exist before the time that that

990
01:01:10,556 --> 01:01:12,256
consultation takes place,

991
01:01:13,156 --> 01:01:16,716
as a matter of fact, you are breaching the DCO, which is a statutory instrument,

992
01:01:16,776 --> 01:01:20,276
and therefore a criminal offense, because the written statutory instrument requires

993
01:01:20,316 --> 01:01:23,436
you to consult, and if you can't consult with that body because they no longer

994
01:01:23,516 --> 01:01:26,156
exist, then you're in a sticky situation.

995
01:01:26,196 --> 01:01:29,696
So we would prefer to leave it, as you've said, to the

996
01:01:29,956 --> 01:01:33,816
natural process of consultation that happens as part of any discharge of management

997
01:01:33,856 --> 01:01:36,616
plan, rather than having it on the face of that DCO.

998
01:01:38,600 --> 01:01:39,120
Simon Wood.

999

01:01:40,360 --> 01:01:44,220
Simon Wood, Reckling Council. I get the point, but there is the ability to

1000
01:01:44,260 --> 01:01:47,879
tie in successor bodies into the DCO, I believe.

1001
01:01:47,940 --> 01:01:48,140
So

1002
01:01:48,960 --> 01:01:51,520
to be honest, I'm not sure I accept it, sir.

1003
01:01:51,900 --> 01:01:52,160
Okay.

1004
01:01:53,580 --> 01:01:57,320
I think if we can make it clear in the statement of common ground what

1005
01:01:57,540 --> 01:01:58,120
positions

1006
01:01:59,080 --> 01:01:59,760
you have. Thank you.

1007
01:02:02,900 --> 01:02:06,540
Sir, can I make a comment about Natural England, or shall I keep that for

1008
01:02:06,580 --> 01:02:06,920
later?

1009
01:02:07,400 --> 01:02:08,980
What is it with regard to?

1010
01:02:09,450 --> 01:02:13,410
It's with regard to the fact that we're implying that

1011
01:02:13,480 --> 01:02:17,260
Natural England have basically said they're happy with the

1012
01:02:17,300 --> 01:02:20,860
present situation on survey work, but most of that

1013
01:02:21,300 --> 01:02:23,940
is basically 2024 work.

1014
01:02:24,020 --> 01:02:27,600
Okay. I think if we can leave that to biodiversity-

1015
01:02:27,660 --> 01:02:27,750
Okay. Yep

1016
01:02:27,750 --> 01:02:28,620
... because I've got

1017
01:02:29,460 --> 01:02:31,660
to keep moving through on the DCO.

1018
01:02:31,770 --> 01:02:31,770
Thank you.

1019
01:02:31,780 --> 01:02:34,120
But we'll come back to that. Thank you.

1020
01:02:34,160 --> 01:02:34,540
Thank you, sir.

1021
01:02:35,920 --> 01:02:38,240
Okay. Now I'd like to move on to

1022
01:02:40,760 --> 01:02:44,470
aviation matters. So could the applicant comment on whether it

1023
01:02:44,520 --> 01:02:46,280
accepts the Defense

1024
01:02:47,220 --> 01:02:50,940
Infrastructure Organization's additional requirements detailed in
its relevant

1025

01:02:51,140 --> 01:02:52,040
representation,

1026
01:02:52,980 --> 01:02:56,580
RR-051, relating to construction management plan,

1027
01:02:57,160 --> 01:03:01,000
glint and glare management plan, and safeguarding measures to manage bird

1028
01:03:01,240 --> 01:03:03,220
strike hazard?

1029
01:03:03,920 --> 01:03:07,700
Thank you, sir. Alex Tresadern on behalf of the applicant. I can answer that.

1030
01:03:07,760 --> 01:03:11,240
I just want to make sure that we haven't missed the previous bullet point on the

1031
01:03:11,300 --> 01:03:14,910
agenda, which relates to the use of the word "substantially" on numerous

1032
01:03:14,940 --> 01:03:18,400
requirements. It may be that you're looking to deal with that in written questions,

1033
01:03:18,500 --> 01:03:20,420
but I just thought I'd flag in case.

1034
01:03:22,200 --> 01:03:24,440
I think we'll deal with that in written questions.

1035
01:03:25,420 --> 01:03:29,260
Okay. Thank you. In that case, yes, I can comment on the

1036
01:03:29,720 --> 01:03:33,700
question you've asked in relation to the Defense Infrastructure Organization

1037

01:03:33,780 --> 01:03:36,040
or the Ministry of Defense, as I'll refer to them as.

1038
01:03:36,100 --> 01:03:37,920
So the applicant

1039
01:03:38,880 --> 01:03:42,640
had a very helpful and productive meeting on Friday of last week

1040
01:03:42,680 --> 01:03:43,840
with the Ministry of Defense,

1041
01:03:45,880 --> 01:03:49,600
who retain outstanding objections in relation to certain matters, but

1042
01:03:49,980 --> 01:03:52,380
which we are not far away from reaching agreement on.

1043
01:03:52,460 --> 01:03:55,720
So two of these, namely the impact

1044
01:03:55,800 --> 01:03:59,500
on precision approach radar at RAF

1045
01:03:59,540 --> 01:04:03,340
Marham and the impacts of glint and glare, are going to be addressed

1046
01:04:03,380 --> 01:04:07,370
via requirements on the face of the DCO, to the latter of

1047
01:04:07,400 --> 01:04:11,120
which is in respect of a glint and glare management plan

1048
01:04:11,180 --> 01:04:14,580
secured via requirement to address the Ministry of Defense's

1049
01:04:14,640 --> 01:04:18,430
concerns in that regard. And I should note,

1050
01:04:18,430 --> 01:04:22,400

actually, I appreciate you haven't asked about PAR here, but the requirement in

1051
01:04:22,420 --> 01:04:26,350
relation to PAR impacts is included in this draft DCO due to

1052
01:04:26,360 --> 01:04:29,940
the very specific requirements at RAF Marham that have been

1053
01:04:29,960 --> 01:04:33,640
discussed with the Ministry of Defense and rather than setting any

1054
01:04:33,920 --> 01:04:36,040
precedent in relation to this matter.

1055
01:04:36,060 --> 01:04:40,050
The other two items that you touched upon are consultation with

1056
01:04:40,080 --> 01:04:44,000
the Ministry of Defense on matters relating to bird strike safeguarding

1057
01:04:44,040 --> 01:04:46,300
and the management of construction equipment.

1058
01:04:46,340 --> 01:04:50,200
And those are proposed to be addressed via

1059
01:04:50,260 --> 01:04:53,689
updates to the wording in the appropriate management plans as

1060
01:04:53,720 --> 01:04:57,500
necessary, which the applicant is currently undertaking, and will

1061
01:04:57,520 --> 01:05:01,440
present its suggested wording to the Ministry of Defense for

1062
01:05:01,500 --> 01:05:05,120
their consideration. And therefore, the applicant

1063
01:05:05,140 --> 01:05:08,800

considers that agreement is close to being reached

1064
01:05:08,880 --> 01:05:12,560
on all of these matters, thanks to the productive dialogue with the Ministry of

1065
01:05:12,580 --> 01:05:16,240
Defense, and is confident that the Ministry of Defense's objection

1066
01:05:16,320 --> 01:05:19,090
will be able to be withdrawn provided those

1067
01:05:21,020 --> 01:05:24,180
activities, if you like, are undertaken before the end of the examination.

1068
01:05:27,160 --> 01:05:27,700
Thank you.

1069
01:05:29,340 --> 01:05:30,520
Let's bring in the Defense

1070
01:05:31,380 --> 01:05:34,700
Infrastructure Organization. I was just getting some feedback then.

1071
01:05:34,740 --> 01:05:36,160
I'm not sure where that's coming from, but.

1072
01:05:41,760 --> 01:05:45,460
Who would like to speak on behalf of the Defense Infrastructure Organization?

1073
01:05:48,460 --> 01:05:50,760
I will. John Wilson for the Ministry of Defense.

1074
01:05:51,760 --> 01:05:55,240
In response to what the applicant has said there, yes, I confirm we've had very

1075
01:05:55,280 --> 01:05:59,120
constructive dialogue with the applicant, and we have

1076
01:05:59,160 --> 01:06:02,780
put forward a draft requirement that would provide a non-technical

1077
01:06:02,860 --> 01:06:06,780
mitigation to address the impacts that the development could have

1078
01:06:06,800 --> 01:06:10,580
on the precision approach radar, which would entail physical screening being

1079
01:06:10,620 --> 01:06:14,380
installed to ensure any solar modules that may be

1080
01:06:14,420 --> 01:06:18,300
installed in three specific areas of the approach to Marham do not have

1081
01:06:18,360 --> 01:06:22,270
any adverse impacts on the operation of the precision approach

1082
01:06:22,340 --> 01:06:22,660
radar.

1083
01:06:23,820 --> 01:06:27,750
The applicant and MOD are continuing to have constructive dialogue to finalize that

1084
01:06:27,780 --> 01:06:31,480
wording, but the issue in principle has been agreed between the two

1085
01:06:31,600 --> 01:06:31,980
parties.

1086
01:06:32,960 --> 01:06:35,400
And in relation to the glint and glare management plan,

1087
01:06:36,320 --> 01:06:39,320
we've also had very constructive dialogue on that and are in the process of

1088
01:06:39,360 --> 01:06:42,720

finalizing the wording of such a requirement to secure an

1089
01:06:42,780 --> 01:06:45,180
appropriate glint and glare management plan.

1090
01:06:46,120 --> 01:06:49,820
At the moment, the MOD still has some concerns about the

1091
01:06:49,840 --> 01:06:53,500
provisions that have been put forward to address its requirements for managing

1092
01:06:53,560 --> 01:06:57,210
construction equipment and to review bird

1093
01:06:57,280 --> 01:07:00,870
hazard issues that might arise as a result of some of the water features they've

1094
01:07:00,880 --> 01:07:04,190
proposed. But the applicant is going to be coming back to us with some further

1095
01:07:04,280 --> 01:07:07,940
information, which we intend to review and then update our position

1096
01:07:08,360 --> 01:07:09,020
accordingly.

1097
01:07:11,840 --> 01:07:12,740
Thank you, Mr. Wilson.

1098
01:07:27,260 --> 01:07:30,900
Okay. We will have some more questions on aviation

1099
01:07:32,240 --> 01:07:36,130
at appropriate points on the agenda, so I'll hold back on

1100
01:07:36,180 --> 01:07:37,940
those for now.

1101

01:07:42,412 --> 01:07:46,012
Could the applicant comment on whether

1102
01:07:46,052 --> 01:07:49,372
the... So this is onto Schedule 13, documents to be

1103
01:07:49,572 --> 01:07:50,352
certified.

1104
01:07:51,632 --> 01:07:54,972
Could the applicant comment on whether the design principles, parameters,

1105
01:07:55,792 --> 01:07:59,012
and commitments document provides adequate parameters to address

1106
01:07:59,092 --> 01:08:03,032
concerns raised by Norfolk County Council regarding whether the

1107
01:08:03,072 --> 01:08:06,862
ground reinstatement relates to pre-development or finished ground levels,

1108
01:08:07,532 --> 01:08:11,452
nor whether imported materials used to create platforms will be fully

1109
01:08:11,512 --> 01:08:12,292
removed?

1110
01:08:19,692 --> 01:08:23,012
Thank you, sir. Alex Tresadern on behalf of the applicant.

1111
01:08:23,112 --> 01:08:26,873
So the applicant considers that the role of the

1112
01:08:26,913 --> 01:08:30,632
design principles, parameters, and commitments is to guide

1113
01:08:30,692 --> 01:08:32,713
the design of the scheme,

1114
01:08:33,572 --> 01:08:37,062
whereas the reinstatement of ground levels, which is being discussed here,

1115
01:08:37,532 --> 01:08:40,721
is a decommissioning and soil management matter, which is

1116
01:08:40,753 --> 01:08:44,293
therefore better addressed through the outline decommissioning

1117
01:08:44,373 --> 01:08:47,772
strategy and/or the outline soil management plan,

1118
01:08:48,213 --> 01:08:51,312
which are both secured via corresponding

1119
01:08:52,333 --> 01:08:53,492
DCO requirements.

1120
01:08:54,532 --> 01:08:58,043
I'm hoping we could get the soil management plan from

1121
01:08:58,172 --> 01:09:00,112
deadline one up on screen. Thank you.

1122
01:09:00,172 --> 01:09:02,852
It's section 6.1.

1123
01:09:08,532 --> 01:09:11,232
Yeah. Thank you. So this states that,

1124
01:09:12,432 --> 01:09:15,782
and I'm just going to... Sorry for reading things that you can see on the screen,

1125
01:09:15,892 --> 01:09:19,492
but I'm just going to do so in order to add emphasis where relevant.

1126
01:09:19,572 --> 01:09:23,482
So during the decommissioning phase, soils and land will be disturbed due to

1127
01:09:23,512 --> 01:09:26,852
the removal of all infrastructure, so that's key,

1128
01:09:27,272 --> 01:09:31,172
except for the National Grid substation and grid connection infrastructure, down

1129
01:09:31,213 --> 01:09:34,793
to a depth of 1.2 meters from the ground level post

1130
01:09:34,873 --> 01:09:37,852
decommissioning, accounting for any reprofiling.

1131
01:09:38,373 --> 01:09:42,172
This will include materials brought to site to construct a level

1132
01:09:42,253 --> 01:09:45,972
platform for the BESS or National Grid substation and/or the

1133
01:09:46,032 --> 01:09:49,652
customer substation. And that section also states that a

1134
01:09:49,672 --> 01:09:53,333
detailed soil management plan will need to be in place to reflect

1135
01:09:53,373 --> 01:09:57,132
weather, soil, and land conditions at the time of decommissioning to

1136
01:09:57,192 --> 01:10:00,992
ensure the site is returned to its original use and condition

1137
01:10:01,032 --> 01:10:04,632
as far as practicable, which will include consideration of its

1138
01:10:04,672 --> 01:10:06,132
original topography.

1139
01:10:06,952 --> 01:10:10,652
And that the detailed SMP, soil management plan, for the

1140
01:10:10,692 --> 01:10:14,092
decommissioning phase will include a commitment that soil profiles

1141
01:10:14,101 --> 01:10:17,892
to be reinstated will be

1142
01:10:17,932 --> 01:10:21,732
designed to ensure soils and land to be restored to a previous

1143
01:10:21,752 --> 01:10:25,592
condition. The outline decommissioning strategy, I

1144
01:10:25,632 --> 01:10:28,532
don't think we need to get that on screen, but I can just briefly quote from

1145
01:10:28,592 --> 01:10:32,532
paragraph 2.1.2 of that, which states that foundations and

1146
01:10:32,612 --> 01:10:35,552
other below-ground infrastructure will be dug and buried

1147
01:10:35,632 --> 01:10:39,172
respectively to 1.2 meters below the surface

1148
01:10:39,532 --> 01:10:43,352
to enable future plowing. And it also states at paragraph

1149
01:10:43,472 --> 01:10:47,422
2.1.6 that some soil profiling may be required,

1150
01:10:47,732 --> 01:10:51,492
and the land will be contoured in agreement with the landowner and in accordance

1151
01:10:51,532 --> 01:10:55,432
with the outline decommissioning strategy, approximately similar to the

1152
01:10:55,492 --> 01:10:59,462
current topography. So the applicant considers that the wording I've

1153
01:10:59,492 --> 01:11:03,152
just highlighted there in these management plans, which, as I've said, are

1154
01:11:03,172 --> 01:11:06,752
secured via the corresponding requirements on the face of the DCO,

1155
01:11:07,332 --> 01:11:10,962
should hopefully satisfy the concerns raised by Norfolk County

1156
01:11:11,012 --> 01:11:11,352
Council.

1157
01:11:12,212 --> 01:11:15,772
Okay, thank you. And which version of the outline

1158
01:11:15,852 --> 01:11:19,592
decommissioning strategy was the version that you've just shown on the screen?

1159
01:11:20,372 --> 01:11:24,052
So on screen, we had the soil management plan, sir.

1160
01:11:24,101 --> 01:11:24,101
Okay.

1161
01:11:24,112 --> 01:11:27,112
The outline decommissioning strategy I was referring to is Rep

1162
01:11:27,512 --> 01:11:31,172
3-067, and the soil

1163
01:11:31,232 --> 01:11:33,972
management plan from deadline one was Rep

1164
01:11:34,292 --> 01:11:35,932
1-062.

1165
01:11:42,112 --> 01:11:44,972
Okay, thank you. Any comment from Norfolk County Council?

1166
01:11:45,992 --> 01:11:48,592
Thank you, sir. Andrew Szurkowski from Norfolk County Council.

1167
01:11:49,092 --> 01:11:52,812
I've not had any specific comment fed back to me as yet,

1168
01:11:52,952 --> 01:11:56,172
but we will make written submissions in

1169
01:11:56,212 --> 01:11:59,872
response to the comments that have been set out

1170
01:11:59,932 --> 01:12:00,351
today,

1171
01:12:01,231 --> 01:12:02,192
if there's further comment to make.

1172
01:12:03,272 --> 01:12:03,421
Thank

1173
01:12:03,452 --> 01:12:09,992
you.

1174
01:12:13,292 --> 01:12:16,912
Now move on to Schedule 15, protective provisions.

1175
01:12:17,372 --> 01:12:21,332
Could the applicant provide an update on the progress of any negotiations relating

1176
01:12:21,372 --> 01:12:25,032
to the agreement of protective provisions since its deadline three

1177
01:12:25,132 --> 01:12:25,692
response,

1178
01:12:26,652 --> 01:12:30,312
to the exam's second written questions, including for

1179
01:12:30,372 --> 01:12:33,492
National Grid Electricity Transmission PLC, National

1180
01:12:33,672 --> 01:12:36,272
Highways, and the Environment Agency?

1181
01:12:38,272 --> 01:12:41,612
Certainly, sir, I can. Alex Tresadern on behalf of the applicant.

1182
01:12:43,512 --> 01:12:47,212
I'll start with the Environment Agency, because as we've

1183
01:12:47,232 --> 01:12:47,792
touched on,

1184
01:12:48,612 --> 01:12:52,202
there are no ongoing negotiations in relation to these protective

1185
01:12:52,252 --> 01:12:53,172
provisions because

1186
01:12:54,072 --> 01:12:57,732
the Environment Agency, as it's set out, doesn't consider them to be necessary.

1187
01:12:58,272 --> 01:13:01,892
We do, and therefore, we've mirrored the Environment Agency's

1188
01:13:01,932 --> 01:13:05,712
preferred wording generally for these on the face of the DCO.

1189
01:13:05,832 --> 01:13:09,812
So, as I said earlier, and as Mr. Haringman confirmed, we're in a position

1190
01:13:09,892 --> 01:13:13,672
of agreeing to disagree on the inclusion of those

1191
01:13:13,712 --> 01:13:15,552
PPs, but they will remain in the DCO

1192
01:13:16,432 --> 01:13:19,612
until the close of the examination and beyond.

1193
01:13:19,622 --> 01:13:23,372
Similarly, in relation to National Highways, we've touched upon it earlier,

1194
01:13:24,072 --> 01:13:27,972
the form of those protective provisions is being discussed and

1195
01:13:27,992 --> 01:13:31,952
agreed in relation to other DCOs for which the

1196
01:13:31,992 --> 01:13:34,672
parent company of the applicant is the applicant for those schemes.

1197
01:13:35,102 --> 01:13:39,012
And therefore, we're looking to take a similar approach, and mirror the

1198
01:13:39,032 --> 01:13:43,012
position taken in respect of various matters with National Highways on this

1199
01:13:43,092 --> 01:13:46,688
scheme and following agreement on those matters, we will

1200
01:13:46,728 --> 01:13:50,288
update the protective provisions in the DCO accordingly.

1201
01:13:50,348 --> 01:13:54,048
And as I noted earlier, we anticipate being able to do this before

1202
01:13:54,108 --> 01:13:57,708
the end of the examination, and we're grateful to the

1203
01:13:57,748 --> 01:14:01,308
proactive engagement from National Highways lawyers in respect

1204
01:14:01,368 --> 01:14:05,188
of those protective provisions. And you lastly asked about

1205
01:14:05,408 --> 01:14:08,748
National Grid Electricity Transmission PLC, or

1206
01:14:09,288 --> 01:14:09,808
NGET.

1207
01:14:10,968 --> 01:14:14,328
So from the outset of the DCO application, the applicant has

1208
01:14:14,348 --> 01:14:18,108
included a form of protective provisions for NGET in

1209
01:14:18,148 --> 01:14:20,528
Part 3 of Schedule 15.

1210
01:14:22,408 --> 01:14:26,168
And currently, we are in discussions with

1211
01:14:26,208 --> 01:14:30,068
NGET's lawyers about updating those protective provisions

1212
01:14:30,108 --> 01:14:33,708
at their request. And we received comments

1213
01:14:33,788 --> 01:14:37,748
on our latest turn of amendments on Friday of last

1214
01:14:37,828 --> 01:14:41,468
week. So we'll be considering those after the hearing and

1215
01:14:41,508 --> 01:14:44,388
engaging with National Grid Electricity

1216
01:14:44,448 --> 01:14:48,268
Transmissions solicitors to agree that form of protective provisions.

1217
01:14:48,518 --> 01:14:52,268
Again, this links to the form of protective provisions that have been

1218
01:14:52,308 --> 01:14:56,088
agreed with NGET on other DCOs through the applicant's parent

1219
01:14:56,168 --> 01:14:59,808
company, and therefore, we're very confident that agreement will be

1220
01:14:59,848 --> 01:15:02,348
secured during the course of the examination.

1221
01:15:02,388 --> 01:15:03,888
And I should note as well that

1222
01:15:04,848 --> 01:15:08,308
in relation particularly to NGET and National Highways, we'll
continue to update

1223
01:15:09,228 --> 01:15:11,928
both the statement of common ground with the relevant party and the

1224
01:15:13,008 --> 01:15:16,348
examination generally through written submissions regarding our

1225
01:15:16,728 --> 01:15:17,168
progress.

1226
01:15:19,448 --> 01:15:21,047
Thank you. Morgan Haringman.

1227
01:15:24,368 --> 01:15:27,128
Morgan Haringman on behalf of the Environment

1228
01:15:27,228 --> 01:15:30,368
Agency. I note that Mr. Treseden

1229
01:15:30,668 --> 01:15:34,108
mentioned that the protective provisions will remain within the

1230
01:15:34,148 --> 01:15:38,068
DCO. I'd like to point out, and we've raised this in our

1231
01:15:38,188 --> 01:15:41,608
deadline responses as well as our relevant representation, that Section

1232
01:15:41,768 --> 01:15:45,368
150 of the Planning Act 2008

1233
01:15:45,388 --> 01:15:48,788
states that for certain types of consents, the Environment

1234
01:15:48,888 --> 01:15:52,528
Agency, as well as other statutory bodies, must give

1235
01:15:52,568 --> 01:15:56,128
permission for legislation to be included in the DCO.

1236
01:15:56,828 --> 01:15:57,188
Therefore,

1237
01:15:58,208 --> 01:15:58,628
we

1238
01:15:59,848 --> 01:16:03,738
are stating that we need it to be removed, so we cannot

1239
01:16:03,788 --> 01:16:07,348
have those protective revisions remaining in the

1240
01:16:07,388 --> 01:16:11,248
DCO at the end of examination. We wish to

1241
01:16:11,348 --> 01:16:14,868
use that veto, and therefore, I disagree with

1242
01:16:15,348 --> 01:16:19,268
what Mr. Treseden has said respectively regarding

1243
01:16:19,968 --> 01:16:23,858
the protective provisions remaining in the DCO beyond the

1244

01:16:23,908 --> 01:16:25,008
end of examination.

1245
01:16:26,808 --> 01:16:28,528
Thank you. I understand your point.

1246
01:16:28,808 --> 01:16:32,788
As long as we can make sure the statement of common ground is clear

1247
01:16:32,848 --> 01:16:34,888
on the respective positions.

1248
01:16:38,888 --> 01:16:42,418
Do National Highways have any comments on the protective

1249
01:16:42,488 --> 01:16:43,088
provisions?

1250
01:16:44,088 --> 01:16:45,428
Julie Russell or...

1251
01:16:48,208 --> 01:16:50,648
Julie Russell on behalf of National Highways.

1252
01:16:52,068 --> 01:16:55,768
Nothing further to add at this stage, sir, other than to

1253
01:16:55,848 --> 01:16:59,268
confirm that Mr. Treseden's comments are correct,

1254
01:16:59,828 --> 01:17:03,538
in so far as we are continuing to negotiate on the

1255
01:17:03,588 --> 01:17:04,648
protective provisions,

1256
01:17:06,408 --> 01:17:09,288
and that we're hoping to reach agreement

1257
01:17:10,068 --> 01:17:11,788
ideally sooner than the

1258
01:17:12,628 --> 01:17:16,008
end of the examination, given that I think there's not that much

1259
01:17:16,068 --> 01:17:20,048
now between us. So yeah, we're very hopeful that we can

1260
01:17:20,828 --> 01:17:24,408
get the protective provisions National Highways require

1261
01:17:24,708 --> 01:17:25,588
sorted

1262
01:17:26,488 --> 01:17:27,208
fairly quickly now.

1263
01:17:27,928 --> 01:17:31,448
Okay, thank you. And as was suggested, I think, in the statement of common ground,

1264
01:17:31,508 --> 01:17:32,708
if you could split out

1265
01:17:34,108 --> 01:17:37,588
what aspects would be overcome by protective

1266
01:17:37,608 --> 01:17:41,508
provisions and what aspects or requirements

1267
01:17:41,568 --> 01:17:42,828
are needed.

1268
01:17:45,188 --> 01:17:45,888
Yes, sir. Yes.

1269
01:17:48,748 --> 01:17:49,248
Thank you.

1270
01:17:50,268 --> 01:17:51,268
Alex Treseden?

1271
01:17:52,228 --> 01:17:55,958
No, thank you, sir. Nothing more to add. I think in relation to Mr.

1272
01:17:56,128 --> 01:17:57,088
Haringman's point, we

1273
01:17:57,888 --> 01:17:58,648
propose that the,

1274
01:17:59,948 --> 01:18:02,788
as I've said, the protective provisions remain in, and it will be
for the Secretary

1275
01:18:02,828 --> 01:18:06,147
of State when deciding the DCO

1276
01:18:06,228 --> 01:18:09,988
to consider the statutory authorizations for the inclusion

1277
01:18:10,048 --> 01:18:11,928
or otherwise of those protective provisions.

1278
01:18:11,958 --> 01:18:15,728
And that will be the call that is made when the

1279
01:18:15,768 --> 01:18:17,628
DCO is decided either way.

1280
01:18:19,348 --> 01:18:20,508
Yep. Thank you.

1281
01:18:24,488 --> 01:18:27,628
Okay. I've just got one final question before we move on to

1282
01:18:27,868 --> 01:18:30,428
contributions from interested parties.

1283
01:18:30,508 --> 01:18:33,298
So on Schedule 16,

1284

01:18:34,408 --> 01:18:36,518
procedure for discharge of requirements.

1285
01:18:37,768 --> 01:18:41,328
Could the applicant comment further on requests for proposed changes to

1286
01:18:41,388 --> 01:18:43,068
Article 3 [3] ?

1287
01:18:44,108 --> 01:18:47,918
The Environment Agency have asked for 15 working days to respond and

1288
01:18:47,948 --> 01:18:51,228
National Highways for 28 days to respond.

1289
01:18:52,748 --> 01:18:55,787
Thank you, sir. Alex Treseden on behalf of the applicant.

1290
01:18:55,848 --> 01:18:59,748
So as part of the discharge process, the applicant is

1291
01:18:59,768 --> 01:19:03,488
required under Paragraph 2 [1] of Schedule

1292
01:19:03,568 --> 01:19:05,648
16 of the draft DCO

1293
01:19:06,648 --> 01:19:10,588
to submit a copy of the documentation to the relevant named consultee

1294
01:19:11,008 --> 01:19:14,888
at the same time it's submitted to the relevant planning authority.

1295
01:19:15,268 --> 01:19:18,948
So the documentation is available to the relevant named consultee, for

1296
01:19:18,988 --> 01:19:22,748
example, the Environment Agency, from the first day of the

1297
01:19:22,808 --> 01:19:26,668
eight-week approval period under Paragraph 2 [2] of Schedule

1298
01:19:26,678 --> 01:19:29,908
16 of the draft DCO. And then there is also

1299
01:19:30,568 --> 01:19:34,468
a period under Paragraph 3 [2] of Schedule 16 of the draft

1300
01:19:34,528 --> 01:19:38,308
DCO in which consultees can require further information,

1301
01:19:38,428 --> 01:19:41,778
which is an additional period of working days.

1302
01:19:42,048 --> 01:19:45,518
The relevant planning authority can consider this information

1303
01:19:45,568 --> 01:19:47,438
and/or request further information.

1304
01:19:47,888 --> 01:19:51,168
And the applicant wants to emphasize that it's not in our

1305
01:19:51,228 --> 01:19:54,788
interest to submit documents for discharge without

1306
01:19:54,828 --> 01:19:58,288
discussion in advance. That would delay matters and wouldn't help
the process.

1307
01:20:00,080 --> 01:20:00,960
There is also

1308
01:20:01,780 --> 01:20:05,520
no need for a specific statutory requirement

1309
01:20:05,660 --> 01:20:09,040
mandating pre-submission consultation, as it's in the applicant's
interest to

1310
01:20:09,080 --> 01:20:12,920
engage early in order to facilitate the efficient discharge of

1311
01:20:12,940 --> 01:20:16,930
requirements, as I've said. And the discharge process encompasses

1312
01:20:16,980 --> 01:20:20,700
a range of plans and documents of differing complexities.

1313
01:20:21,210 --> 01:20:24,720
Some submissions may relate to minor matters which wouldn't

1314
01:20:24,740 --> 01:20:28,500
require the full determination period for review, whereas

1315
01:20:28,540 --> 01:20:32,400
others are likely to be more detailed and would justify the

1316
01:20:32,440 --> 01:20:36,060
full period of consideration. And therefore, the

1317
01:20:36,080 --> 01:20:39,840
applicant doesn't propose to depart from precedent by

1318
01:20:39,860 --> 01:20:41,180
amending the wording as regarded.

1319
01:20:41,260 --> 01:20:44,340
For example, the wording and time frames proposed in

1320
01:20:44,520 --> 01:20:48,460
paragraph 3.3 of the DCO are precedented

1321
01:20:48,540 --> 01:20:52,180
in the Longfield Solar Farm Order 2023, and the

1322
01:20:52,220 --> 01:20:56,040
Tilbridge Solar Order 2025, which have been made by the

1323
01:20:56,080 --> 01:20:57,940

Secretary of State with those timings agreed.

1324
01:20:58,420 --> 01:21:01,500
So, the applicant is happy to discuss,

1325
01:21:01,600 --> 01:21:05,410
particularly with National Highways, and this will form part of our ongoing

1326
01:21:05,460 --> 01:21:07,600
discussions in relation to the outstanding matters,

1327
01:21:08,200 --> 01:21:11,600
the agreed approach for time frames.

1328
01:21:11,680 --> 01:21:15,260
But we consider that what's currently on the face of the DCO

1329
01:21:15,320 --> 01:21:16,980
is well precedented.

1330
01:21:18,840 --> 01:21:20,180
Thank you. Morgan Harrington.

1331
01:21:24,300 --> 01:21:27,120
Morgan Harrington on behalf of the Environment Agency.

1332
01:21:27,880 --> 01:21:31,640
I am in agreement with Mr. Tresiden that we

1333
01:21:31,760 --> 01:21:35,200
have resolved this matter, as we appreciate

1334
01:21:35,640 --> 01:21:39,200
what was stated in regards to sending the

1335
01:21:39,220 --> 01:21:43,200
document to us as soon as it was submitted to the local

1336
01:21:43,300 --> 01:21:47,220
planning authority. So we feel comfortable and confident that there

will

1337
01:21:47,260 --> 01:21:50,400
be sufficient time. Therefore, this issue is resolved.

1338
01:21:52,060 --> 01:21:54,840
Thank you. Julie Russell, National Highways.

1339
01:21:59,300 --> 01:22:01,580
Julie Russell on behalf of National Highways.

1340
01:22:03,060 --> 01:22:06,580
Sir, I will need to go away and take instructions on that

1341
01:22:06,640 --> 01:22:07,380
point.

1342
01:22:09,380 --> 01:22:12,840
I think National Highways' concern is that for

1343
01:22:13,000 --> 01:22:16,620
technically complex matters relating

1344
01:22:16,700 --> 01:22:20,440
to the highway, if we end up with only

1345
01:22:20,580 --> 01:22:24,560
five days to review the application,

1346
01:22:24,920 --> 01:22:28,840
that's not enough to do the review, identify information

1347
01:22:28,920 --> 01:22:31,840
gaps, and to respond.

1348
01:22:33,160 --> 01:22:36,980
Our other concern is that if the relevant planning authority

1349
01:22:37,040 --> 01:22:39,720
missed the deadline, for whatever reason,

1350
01:22:40,780 --> 01:22:44,200
including administrative delay outside the

1351
01:22:44,240 --> 01:22:47,560
consultee's control, the information is deemed to be

1352
01:22:47,600 --> 01:22:48,260
sufficient,

1353
01:22:49,520 --> 01:22:52,920
and no further requests can be made without the undertaker's

1354
01:22:53,340 --> 01:22:56,940
consent. So the consultee has no direct

1355
01:22:56,980 --> 01:23:00,230
ability to prevent the deemed sufficiency

1356
01:23:00,680 --> 01:23:04,330
trigger, even if it has not yet had the meaningful

1357
01:23:04,380 --> 01:23:08,200
opportunity to review the submission, which effectively

1358
01:23:08,220 --> 01:23:10,000
penalizes the consultee

1359
01:23:11,440 --> 01:23:13,600
for the relevant planning authority's failure.

1360
01:23:14,340 --> 01:23:18,240
That said, I do accept what Mr. Tresiden said this morning, and I'll

1361
01:23:18,300 --> 01:23:20,660
just need to go away and have a look at that point,

1362
01:23:21,600 --> 01:23:22,400
and then come back

1363
01:23:23,760 --> 01:23:26,220

to the applicant following that.

1364
01:23:35,300 --> 01:23:35,720
Thank you.

1365
01:23:42,020 --> 01:23:45,580
I don't have any further specific questions on the DCO at this stage.

1366
01:23:45,600 --> 01:23:48,750
Are there any other contributions from interested parties

1367
01:23:49,620 --> 01:23:52,320
regarding the draft DCO in the room?

1368
01:23:57,160 --> 01:23:59,660
I'm just looking for your name. Mike Bennett, isn't it?

1369
01:24:00,000 --> 01:24:00,840
Yeah.

1370
01:24:01,900 --> 01:24:02,630
Yep.

1371
01:24:03,060 --> 01:24:06,660
Thank you, sir. Mike Bennett from Spaldwick Port Pellgrove

1372
01:24:06,820 --> 01:24:10,320
Parish Council. I've just got three matters I want to

1373
01:24:10,980 --> 01:24:14,760
raise in relation to DCO, and they're fairly general ones.

1374
01:24:16,459 --> 01:24:20,089
Firstly, on cumulative impact, as you're aware,

1375
01:24:20,540 --> 01:24:24,340
we at Spald have consistently highlighted the issues of the

1376
01:24:24,400 --> 01:24:28,080
cumulative impact of both the Droves and Highgrove projects.

1377
01:24:28,920 --> 01:24:32,400
And we were grateful for both developers' willingness to meet us and

1378
01:24:32,440 --> 01:24:36,400
Castlacre Parish Council in July to discuss those

1379
01:24:36,460 --> 01:24:36,880
issues,

1380
01:24:37,720 --> 01:24:41,440
and we're hoping those issues will continue as Highgrove

1381
01:24:41,480 --> 01:24:45,150
develops its plans towards submitting their DCO application,

1382
01:24:45,600 --> 01:24:46,490
I think likely,

1383
01:24:47,440 --> 01:24:48,060
next year.

1384
01:24:49,840 --> 01:24:53,700
However, I would ask the examining authority and the applicant

1385
01:24:54,200 --> 01:24:57,260
if there are any ways that the draft DCO could be

1386
01:24:57,380 --> 01:25:01,220
strengthened to ensure that the smooth transition

1387
01:25:01,280 --> 01:25:05,160
the applicant speaks about in paragraph 7232

1388
01:25:05,200 --> 01:25:08,960
of the OLEM-- Sorry,

1389
01:25:09,040 --> 01:25:10,200
I'm struggling with these

1390

01:25:11,100 --> 01:25:12,540
letters and things.

1391
01:25:12,960 --> 01:25:16,740
Whether that smooth

1392
01:25:16,780 --> 01:25:18,750
transition will actually take place.

1393
01:25:22,420 --> 01:25:26,060
What we're really asking, can the

1394
01:25:26,100 --> 01:25:27,960
DDCO be strengthened

1395
01:25:30,340 --> 01:25:31,730
to ensure that the

1396
01:25:33,300 --> 01:25:36,440
cumulative impacts are adequately addressed?

1397
01:25:36,880 --> 01:25:40,660
Bearing in mind, of course, we're still waiting to see what Highgrove are

1398
01:25:40,720 --> 01:25:41,380
going to do.

1399
01:25:43,340 --> 01:25:47,320
And obviously, primarily we would be concerned about

1400
01:25:47,380 --> 01:25:51,290
landscape and visual issues, which we'll come onto later,

1401
01:25:51,380 --> 01:25:52,730
and also traffic issues,

1402
01:25:53,620 --> 01:25:57,420
particularly in the light of the high probability as we see it

1403
01:25:57,520 --> 01:26:00,180

now of construction taking place at the same time.

1404
01:26:01,360 --> 01:26:04,560
And obviously other issues around wildlife and biodiversity.

1405
01:26:05,140 --> 01:26:08,960
So that was the first question. The second one was over

1406
01:26:09,060 --> 01:26:11,580
sourcing of solar panels and batteries.

1407
01:26:12,200 --> 01:26:15,840
And we note that the applicant was asked whether their commitments through the

1408
01:26:15,940 --> 01:26:19,920
Solar Stewardship Initiative for an ethical and sustainable supply

1409
01:26:20,060 --> 01:26:22,920
of solar panels and batteries could be secured in the

1410
01:26:23,340 --> 01:26:25,400
DDCO. This was in

1411
01:26:27,420 --> 01:26:31,370
second lot of examiner's questions, Q401.

1412
01:26:31,930 --> 01:26:35,340
The response by the applicant was very clear that membership of the

1413
01:26:35,380 --> 01:26:38,560
initiative could not be secured in the DDCO.

1414
01:26:39,240 --> 01:26:42,800
Our question to the examining authority and the applicant is:

1415
01:26:43,320 --> 01:26:46,380
Is there any other way that this could be secured?

1416
01:26:47,540 --> 01:26:51,220
We feel this is particularly important in order to

1417
01:26:51,230 --> 01:26:54,920
assure residents that everything is being done to make sure that the

1418
01:26:54,980 --> 01:26:58,460
scheme they're being asked to accept is both sustainably and

1419
01:26:58,520 --> 01:26:59,860
ethically sourced.

1420
01:27:01,360 --> 01:27:02,640
And my third point,

1421
01:27:03,600 --> 01:27:05,500
or third comment question.

1422
01:27:06,980 --> 01:27:10,920
In response to a suggestion by Spall Parish Council of the

1423
01:27:10,980 --> 01:27:14,920
possibility of a pre-construction cull of deer included within

1424
01:27:14,960 --> 01:27:16,840
the OEMP,

1425
01:27:17,700 --> 01:27:21,560
the applicant did not consider it necessary and considered that

1426
01:27:21,620 --> 01:27:25,460
this was a matter for landowners. Now, I know there are other

1427
01:27:25,520 --> 01:27:29,380
issues which do impact landowners, and I

1428
01:27:29,400 --> 01:27:30,760
know we're coming onto those

1429
01:27:32,020 --> 01:27:32,600
later.

1430

01:27:34,240 --> 01:27:38,180
But as a general question, is it possible for landowners

1431
01:27:38,220 --> 01:27:41,400
whose land is being used for the development to be required to

1432
01:27:41,500 --> 01:27:45,400
comply to any matters laid down in the DCO, or

1433
01:27:45,460 --> 01:27:49,260
for the DCO to include matters specifically aimed at

1434
01:27:49,320 --> 01:27:51,320
their responsibilities as landowners?

1435
01:27:52,260 --> 01:27:55,880
We ask this on the basis that landowners are set to

1436
01:27:55,900 --> 01:27:59,240
gain very significant financial benefit from the scheme.

1437
01:27:59,880 --> 01:28:02,800
So those are my three questions. Thank you.

1438
01:28:04,380 --> 01:28:05,580
Thank you. Alex Tresserton.

1439
01:28:06,540 --> 01:28:10,140
Thank you, sir. Alex Tresserton on behalf of the applicant. Very grateful to Mr.

1440
01:28:10,340 --> 01:28:13,160
Bennett for those three questions. I've tried to jot them down.

1441
01:28:13,200 --> 01:28:16,560
I'll do the best I can, but I might need to ask you to clarify as we get perhaps to

1442
01:28:16,600 --> 01:28:20,270
the third question. So in relation to cumulative impacts and the

1443

01:28:20,340 --> 01:28:24,300
smooth transition, you reference the text in the OLEMP,

1444
01:28:24,340 --> 01:28:28,240
the Outline Landscape Environmental Management Plan, which talks about that smooth

1445
01:28:28,280 --> 01:28:28,900
transition.

1446
01:28:29,980 --> 01:28:33,900
I would say that that is the best place for that procedure to be

1447
01:28:34,860 --> 01:28:38,240
secured rather than on the face of the DCO, because the OLEMP in

1448
01:28:38,250 --> 01:28:41,360
itself is secured via a requirement in the DCO.

1449
01:28:41,680 --> 01:28:45,429
And I think what it might be best to do there is discuss with yourselves via those

1450
01:28:45,460 --> 01:28:49,149
meetings you referenced about what wording you'd like to see in that

1451
01:28:49,180 --> 01:28:52,900
management plan to expand upon that smooth transition perhaps.

1452
01:28:54,140 --> 01:28:57,700
So that's the first point. The second point

1453
01:28:58,180 --> 01:29:02,140
was on the Solar Stewardship Initiative and

1454
01:29:02,180 --> 01:29:05,440
the securing of that via the DCO. So

1455
01:29:07,840 --> 01:29:08,089
the

1456

01:29:08,900 --> 01:29:12,710
SSI is an industry-based supply chain sustainability

1457
01:29:12,780 --> 01:29:16,760
assurance scheme dedicated to the general needs of the solar PV

1458
01:29:16,780 --> 01:29:18,960
sector and its customers, as has been touched upon.

1459
01:29:19,310 --> 01:29:22,880
The applicants are by a member of that SSI, so

1460
01:29:22,960 --> 01:29:26,929
it's committed to responsible and ethical procurement of solar hardware,

1461
01:29:27,300 --> 01:29:29,760
of which the most obvious is solar panels.

1462
01:29:32,100 --> 01:29:36,000
We don't consider that it's appropriate to be secured on

1463
01:29:36,020 --> 01:29:39,920
the face of the draft DCO similarly to the point I touched upon earlier, in

1464
01:29:39,980 --> 01:29:40,100
that

1465
01:29:40,980 --> 01:29:44,800
to do so would make it a criminal offense for the applicant to no longer be a

1466
01:29:44,840 --> 01:29:48,600
member of the SSI. So for example, if the SSI ceases to exist in the

1467
01:29:48,620 --> 01:29:52,300
future, but we've got on the face of a statutory instrument that the applicant has

1468
01:29:52,360 --> 01:29:56,220
to be a member, but we can't be, we're therefore breaching a

1469
01:29:56,260 --> 01:29:58,020
statutory instrument and

1470
01:29:59,220 --> 01:30:02,360
therefore that's, as you can imagine, quite problematic for the applicant.

1471
01:30:02,460 --> 01:30:06,300
But I would note that the outline employment

1472
01:30:06,380 --> 01:30:09,040
skills and supply chain strategy at section

1473
01:30:09,360 --> 01:30:13,320
6.5.9, which in itself is secured via a

1474
01:30:13,380 --> 01:30:16,620
corresponding requirement in the DCO, does state that all

1475
01:30:16,680 --> 01:30:20,300
international suppliers will be held to a minimum quality with

1476
01:30:20,360 --> 01:30:24,310
regard to environmental, professional, and ethical working practices.

1477
01:30:24,870 --> 01:30:28,320
So there are commitments already made in those documents

1478
01:30:28,380 --> 01:30:29,760
along these lines.

1479
01:30:31,460 --> 01:30:34,640
The third point you raised was in relation to

1480
01:30:35,100 --> 01:30:36,140
landowners.

1481
01:30:37,000 --> 01:30:40,030
Landowners aren't the undertakers of the development, and

1482
01:30:40,080 --> 01:30:44,040
therefore securing responsibilities on the face of the

1483
01:30:44,060 --> 01:30:47,860
DCO would be inappropriate given that it's not for them to comply with the

1484
01:30:47,900 --> 01:30:50,940
obligations that are being talked about in these discussions.

1485
01:30:50,980 --> 01:30:54,050
And obligations in relation to

1486
01:30:54,680 --> 01:30:58,550
land and the land that they own are covered via

1487
01:30:58,580 --> 01:31:02,330
the private agreements between the applicant and those landowners, and

1488
01:31:02,360 --> 01:31:06,320
therefore for commercial confidentiality reasons, we can't go

1489
01:31:06,360 --> 01:31:08,940
into those in great detail as you can imagine.

1490
01:31:14,740 --> 01:31:16,180
Thank you. Tim Hubbard.

1491
01:31:17,960 --> 01:31:20,460
Yes, Tim Hubbard, Castleacre Parish Council.

1492
01:31:22,080 --> 01:31:25,480
Just as a comment, referring I think back to Schedule

1493
01:31:25,560 --> 01:31:28,660
13, the documents to be certified and ground

1494
01:31:28,720 --> 01:31:29,660
reinstatement.

1495
01:31:31,040 --> 01:31:35,020
I will say I'm not familiar with the soil management plans,

1496
01:31:36,580 --> 01:31:40,440
so just making a broad comment. I think you

1497
01:31:40,540 --> 01:31:43,340
are talking about the reinstatement and

1498
01:31:44,000 --> 01:31:47,280
working down to levels of 1.2 meters.

1499
01:31:49,640 --> 01:31:53,620
I would just ask what the subsoils are, please, in the

1500
01:31:53,720 --> 01:31:55,640
areas that you're looking to reinstate

1501
01:31:56,812 --> 01:32:00,172
Because if the subsoils are made up of chalk,

1502
01:32:00,692 --> 01:32:04,512
your ability to reinstate the soils to their previous

1503
01:32:04,592 --> 01:32:08,482
condition will be impossible because chalk will have

1504
01:32:08,512 --> 01:32:12,302
been formed over millions of years, let alone 60

1505
01:32:12,372 --> 01:32:16,082
years. And the implications of you saying

1506
01:32:16,312 --> 01:32:17,172
reinstatement

1507
01:32:17,972 --> 01:32:20,672
to previous condition is just not possible.

1508

01:32:24,092 --> 01:32:24,492
Thank you.

1509
01:32:25,492 --> 01:32:27,972
Thank you, Sir. Alex Tresadern on behalf of the applicant.

1510
01:32:28,912 --> 01:32:32,712
I referenced in my introduction that our soils expert isn't available

1511
01:32:32,772 --> 01:32:36,252
until 3:30 this afternoon, and said that I would do my best if

1512
01:32:36,592 --> 01:32:40,452
soil questions come up. I think my best might be to come back on that in writing,

1513
01:32:40,512 --> 01:32:42,992
if that would be acceptable, rather than

1514
01:32:43,872 --> 01:32:45,872
go into the detail of subsoils without

1515
01:32:46,812 --> 01:32:50,072
that expert present. I would just note that in the context of Schedule

1516
01:32:50,172 --> 01:32:54,012
13, the reference to the soil management

1517
01:32:54,092 --> 01:32:57,552
plan is to ensure that when the Secretary of State

1518
01:32:57,592 --> 01:33:01,272
certifies the documents which relate to all of these mitigation measures that we're

1519
01:33:01,312 --> 01:33:04,762
talking about, it's very clear which management plan is

1520
01:33:04,812 --> 01:33:08,322
being referred to, because there are various iterations that get put

forward in

1521
01:33:08,392 --> 01:33:12,042
the examination, and therefore, we want to be clear that we're referring to

1522
01:33:12,072 --> 01:33:16,012
the right one. And therefore, that's the purpose of Schedule 13 of

1523
01:33:16,072 --> 01:33:20,012
the DCO. But as I say, we'll come back to you on

1524
01:33:20,052 --> 01:33:23,092
those points you've raised about the soils and subsoils themselves.

1525
01:33:23,512 --> 01:33:27,412
And, as always, in written representations, the comments

1526
01:33:27,472 --> 01:33:31,332
on these management plans are welcomed, and they can be updated as

1527
01:33:31,372 --> 01:33:31,852
necessary.

1528
01:33:34,272 --> 01:33:34,632
Thank you.

1529
01:33:36,052 --> 01:33:38,872
Any other comments in the room before I move online?

1530
01:33:41,812 --> 01:33:45,312
No. Any hands online at all? I'm not seeing any.

1531
01:33:48,332 --> 01:33:52,232
Okay. We are going to go for a

1532
01:33:52,332 --> 01:33:55,372
break shortly. I just wanted to go through the action points

1533
01:33:56,532 --> 01:33:59,852
as we go through today. I just find that's easier.

1534
01:33:59,952 --> 01:34:03,792
So, the first one was regarding the disapplication

1535
01:34:03,912 --> 01:34:07,832
of the Land Drainage Act, so comments from Norfolk County Council,

1536
01:34:07,932 --> 01:34:11,852
please. The second one was Article

1537
01:34:12,172 --> 01:34:12,592
6 (1)

1538
01:34:13,982 --> 01:34:17,712
, to update the Statement of Common Ground

1539
01:34:17,932 --> 01:34:21,512
accordingly for the Environment Agency and the applicant's position.

1540
01:34:22,612 --> 01:34:25,852
The third one was the lead local flood authority

1541
01:34:26,852 --> 01:34:28,772
to comment on Article 49.

1542
01:34:30,152 --> 01:34:30,881
The fourth one,

1543
01:34:32,572 --> 01:34:36,212
regarding National Highways concerns with requirement three and

1544
01:34:36,272 --> 01:34:40,032
five, if we can split those out in the Statement of Common Ground

1545
01:34:43,072 --> 01:34:46,972
to make sure it's clear what issues are protected provisions and
what issues

1546
01:34:46,992 --> 01:34:47,812
are requirements.

1547
01:34:51,332 --> 01:34:52,072
Aviation,

1548
01:34:53,352 --> 01:34:57,272
so the precision approach radar and the glint and glare
requirements, those

1549
01:34:57,292 --> 01:34:58,452
are still to be agreed.

1550
01:35:00,252 --> 01:35:01,012
Number six,

1551
01:35:02,112 --> 01:35:05,272
Norfolk County Council to respond regarding the ground

1552
01:35:05,952 --> 01:35:06,772
reinstatement.

1553
01:35:08,032 --> 01:35:10,972
And then number seven was protected provisions, so

1554
01:35:11,792 --> 01:35:15,332
National Highways and National Grid, those are still ongoing further

1555
01:35:15,342 --> 01:35:19,152
discussions. And the point raised by the Environment

1556
01:35:19,252 --> 01:35:22,992
Agency that they disagree with the need for protected provisions.

1557
01:35:23,052 --> 01:35:25,472
That needs to be clear in the Statement of Common Ground.

1558
01:35:26,652 --> 01:35:28,212
Number eight, National Highways,

1559
01:35:29,612 --> 01:35:32,472
Schedule 16, were to review,

1560

01:35:34,772 --> 01:35:38,692
following today's discussion, to come back if the concerns remain.

1561
01:35:39,732 --> 01:35:40,332
Number nine,

1562
01:35:41,792 --> 01:35:43,292
concerns from Spool

1563
01:35:44,972 --> 01:35:45,722
Parish Council.

1564
01:35:47,052 --> 01:35:50,772
The wording in the outline landscape environmental

1565
01:35:50,852 --> 01:35:51,992
management plan

1566
01:35:53,252 --> 01:35:55,012
to be discussed with the applicant.

1567
01:35:55,892 --> 01:35:59,492
And the 10th one, applicant to respond to Castle Laken Parish

1568
01:35:59,592 --> 01:36:02,052
Council regarding the ground reinstatement.

1569
01:36:02,932 --> 01:36:05,792
Sir, do you mind if I just come back on the

1570
01:36:06,872 --> 01:36:10,162
action points in relation to the Environment Agency?

1571
01:36:10,262 --> 01:36:13,572
You referenced updating the Statement of Common Ground,

1572
01:36:14,552 --> 01:36:17,372
and the environment agent. That was action point two, I believe, and
then later on,

1573
01:36:17,432 --> 01:36:20,892

there was a point about the Environment Agency making their position clear

1574
01:36:20,912 --> 01:36:24,332
regarding Section 150 of the Planning Act.

1575
01:36:24,612 --> 01:36:24,732
Yeah.

1576
01:36:25,072 --> 01:36:28,712
Unless Mr. Harriman disagrees with me, I consider that

1577
01:36:28,752 --> 01:36:32,702
the latest version of the Statement of Common Ground with the Environment Agency,

1578
01:36:32,792 --> 01:36:35,572
which is Rep 3-020,

1579
01:36:36,372 --> 01:36:38,932
makes both parties' positions quite clear.

1580
01:36:39,352 --> 01:36:42,092
And certainly from the applicant's side, I'm just looking at the wording in front

1581
01:36:42,152 --> 01:36:46,112
of me now, I wouldn't expect to be updating our

1582
01:36:46,132 --> 01:36:48,652
position in that regard. I think that's made quite clear.

1583
01:36:48,692 --> 01:36:52,332
And similarly, with relation to the Environment Agency's position,

1584
01:36:52,662 --> 01:36:56,652
they reference the fact that they don't consent under Section 50 of the

1585
01:36:56,692 --> 01:37:00,432
Planning Act to the removal of the consent requirements and the inclusion of the

1586
01:37:00,492 --> 01:37:04,402
PP. So unless Mr. Harriman disagrees with me, I don't

1587
01:37:04,412 --> 01:37:07,432
propose that we would need to include that as an action point.

1588
01:37:13,972 --> 01:37:14,241
Morgan Parry.

1589
01:37:14,252 --> 01:37:16,732
Morgan Harriman on behalf of the Environment Agency.

1590
01:37:16,832 --> 01:37:20,792
I'm in agreement with Mr. Tresadern that the

1591
01:37:20,872 --> 01:37:24,452
Statement of Common Ground uploaded onto the planning

1592
01:37:24,532 --> 01:37:25,092
portal

1593
01:37:26,032 --> 01:37:27,812
for the planning inspectorate is

1594
01:37:28,652 --> 01:37:32,632
an accurate reflection of where we are, and I don't believe we

1595
01:37:32,712 --> 01:37:35,192
need to action anything on this matter.

1596
01:37:35,652 --> 01:37:38,792
Okay, so that's the second point and the

1597
01:37:40,052 --> 01:37:43,252
part of the seventh point. Is that correct? Yes. Okay, good.

1598
01:37:44,232 --> 01:37:44,612
Thank you.

1599

01:37:45,472 --> 01:37:47,872
So I'm now going to adjourn for a break.

1600
01:37:48,792 --> 01:37:52,132
Just to keep things simple, I suggest we reconvene at

1601
01:37:53,192 --> 01:37:56,852
11:50, so that's 13 minutes. So

1602
01:37:58,592 --> 01:38:00,212
adjourn for a break now. Thank you.