

TEXT_ISH2_Session1_NetZeroTeeside_1105 2022

Good morning everyone. And I check that everybody can hear me clearly. They also confirm with the case team that the live streaming of this event has commenced. For those people watching the live stream can I also advise you that if we adjourn proceedings this morning, we will have to stop the live stream in order to give us clear recording files. When we restart the live stream, you'll need to refresh your browser page to review the restarted stream. I'll remind you of this again should we need to adjourn it is 10 o'clock and time for the hearing to begin. I would like to welcome you all to this issue specific hearing on the draft development consent order in relation to the application made by net zero t sy power limited and Net Zero North Sea storage limited for the net zero T side project. The development proposed will be a full chain carbon capture usage and storage project comprising a number of elements including a new gas fired Electricity Generating Station, post combustion carbon capture plans gas, electricity and water connections, a pipeline network for collecting carbon dioxide, a high pressure carbon dioxide compressor station and an onshore carbon dioxide export pipeline. My name is Beth Davis. I'm a chartered geologist and a planning inspector employed by the planning Inspectorate. I have been appointed by the Secretary of State for levelling up housing and communities to be a member of the panel for the examination of this application, and fellow members to introduce themselves.

Good morning. My name is Kevin Gleason. I'm a chartered town planner and employed by the planning Inspectorate. I've been appointed by the Secretary of State to be the lead member of the panel examining this application.

My name is Susan hunt, and I'm also a charter town planner and a planning inspector. I'm employed by the planning Inspectorate and I have been appointed by the Secretary of State to be a member of the panel, I will be taking notes and listing action points today.

Together, we constitute the examining authority for this application. And we will be reporting to the Secretary of State for business energy and industrial strategy with a recommendation as to whether the development consent order should be made. Can I begin by asking if there's anyone attending this hearing who did not attend in person or watch the live stream of either of the events yesterday? If there are no new attendees, I can shorten the housekeeping matters. Did you want me to run through housekeeping matters and how the events organised Okay, are you Was there anyone online? Nope. Okay, if that's all right, I'll I'll shorten them. I'd like to remind you that this hearing is being recorded and the recording will be retained for five years from the Secretary of State's decision, and to please speak clearly given your name and who you are representing each time you speak. Can I also remind you to set your electronic devices including any notifications to silence? To remind people there is a hearing loop available if required. And we're not aware that there's going to be any fire alarm tests today. So in the event of a fire alarm, please exit via the door at the back of the room. I intend that we take a short

break around 1130. If it appears that we'll need to continue much beyond that time. If there are no additional housekeeping matters, I'll move on to introductions. I'm now going to ask those people who wish to participate in this hearing to introduce themselves. If you're here only as an observer, there is no need to introduce yourself. Don't forget to state your name, who you represent. And please speak clearly into the microphone. When I state your organization's name. Could you introduce yourself or apologies? Can I start with the applicants and then any of their advisors.

Good morning, madam. My name is Harold Hill Park Queen's counsel. I appear together with Miss Isabella to for counsel. We're both instructed by Pinsent Masons on behalf of the applicants. I've got three people lined up to my right, who you'll be hearing from during the course of this morning and Mr. McDonald partner at Pinsent Masons. And to his right, and Mr. Jeff Bullock partner at DW D. And then to his right Mr. Richard Dr. Richard low I should say director at a calm

Thank you Mr. Phillpotts. Can we then move on to the southeast Development Corporation?

Good morning. My name is Tom Henderson. I'm a solicitor and partner with BDP Pitmans were instructed to represent se Development Corporation. supporting me today on my left is Mark Reynolds on behalf of SDDC. And on my right, my colleague Riohacha associated with me to be Pitmans.

Thanks, Mr. Henderson. All said Hornsey.

Good morning, madam. My name is Scott McCallum I am a partner at Shepherd and Wedderburn solicitors and I appear today for state Hornsey project for limited. I'm instructed today, Madam by Miss Francesca De Vita, Senior Legal Counsel at risk net.

Thank you. Thank you, Mr. McCallum client

Good morning. My name is Simon Jones representing Plantur.

Thank you, Mr. Hunter Jones. Then called I understand somebody's going to be speaking from Sam court today.

That's right, Madam. Engraved some of the street DLA Piper. And I'm here for Suncor utilities UK Limited.

And record in Cleveland Borough Council haven't got you down to speak but I understand you're representing them today. Did you want to introduce yourself? Yes, my name is Jen Perry. I'm here for red Franklin Borough Council today. Thank you for coming. Was there anybody else that's intending to speak today. The purpose of this examination is for the examining authority to examine the information submitted by both the applicant and by interested parties and affected persons. As a result, we would like to reassure you that we are familiar with the documents that you've sent in. So when answering a question you don't need to repeat at length something that has already been submitted. If you want to refer to information already submitted, we'd be very grateful if you could give the appropriate pins examination Library Reference. Additionally, the first time you use an abbreviation or an acronym, can

you give the full title as there'll be people here today, or listening on the audio that may not be as familiar with the application or the documents as you are? The hearing today will be a structured discussion which will be led by the examining authority based on the agenda that has already been published. The purpose of the hearing is to enable you to answer any questions that we have to ensure that we have all the information that we need in order to make our recommendation to the Secretary of State. Examination procedure rules require that at the start of the hearing, the examining authority shall identify the matters to be considered at the hearing. The agenda for this hearing formed annex g of the rules six letter which was placed on the project page of the inspectorate website on the 11th of April 2020. Do we have a copy on the screen behind me as well. The substantive items on the agenda are as follows. Item two will set out the purpose of the hearing. Item three addresses the function and structure of the draft development consent order, or the DCO. Under Item four will consider the discharge of requirements and conditions appeals and disputes. While item five will cover a range of specific issues and questions bearing on the draft development consent order raised by the examining authority. The agenda is for guidance only, we may add other issues consideration as we progress. We will conclude the hearing as soon as all relevant contributions have been made and all questions are asked and responded to. But if the discussions can't be completed, they're likely to take longer than anticipated it may be necessary to prioritise matters and defer others to further written questions. Likewise, if you cannot answer the questions that are being asked or required time to get the information requested, then can you please indicate you need to respond in writing. Throughout this hearing, we're going to be referring to a number of key documents which participants may wish to have easy access to. These are the latest version of the draft development consent order submitted by the applicants as part of the change request submission, which is examination library reference a PP 135 and eight I'm sorry, a s 135 and a s 136. Which is the track version. The latest version of the explanatory memorandum, which is a s 137. Clean version and as 138 which is the tract version. If there is a need to at this meeting, we will be using the version of the land plan and works plans, which are examination Library Reference, a PP. 006. That's the land plans, and a PP. 008. That's the works plans that addresses the first item on the agenda. Are there any questions of an introductory or preliminary nature? Anybody would like to ask before we move on?

Man, if I did, if I made just in terms of the last of the items that you've identified on the key document list, the land plans and work plans, as I understand it with those numbers are the original versions rather than those which are submitted as part of the change application which are different is that is that a deliberate decision that we should be looking at those?

I'll pass you over to Mr. Gleason for that.

Good spots? Yes. The scripts is written, before we had the updated versions, we will be dealing with the updated versions which are AAS, numbers, and ransomware. That you probably quicker than me there, 146 and 148. And following. grateful to Mr. For to join those to my attention. Thank you.

Thank you for the clarification. Did anybody else have any observations on the first agenda item? I'm now going to pass it over to Mr. Gleason to lead on item two of the agenda.

Thank you. So item two on the agenda is the purpose of the hearing. So the reason we're having this early hearing on the draft phone consent order is to address matters issues and questions which we've identified during the initial assessment of principle issues, which is set out in Annex C of law six letter is not specifically to examine matters arising from the contents of individual relevant representations, which matters there'll be subject to consideration as the examination progresses in writing orally as required. These will be following the submission of written representations. Consequently, if an issue isn't raised by the examining authority at this point, it doesn't mean that either the ESA won't come back to the provision later, or that an IP doesn't wish to raise an issue. It's expedient to examine some matters issues and questions already at the outset of the examination. In order to ensure the technical and legal matters arising from the draft dcl are identified and considered as early as possible. This hearing and any subsequent hearings will be held without prejudice, to our considerations of border planning merits of the application. As explained that preliminary meeting, whatever recommendation the examining authority ultimately make, it is the Secretary of State who makes the decision on the application. And the Secretary of State is not bound to accept our recommendation. So in the circumstances that we were to recommend the order should not be made, it's nonetheless necessary for us to prepare a draft developed consent order for the Secretary of State's should he decide not to accept our recommendation. Developing consent orders thought as the applicants documents and then the as the examining authorities documents, regardless of whether acceptance of the proposed scheme is recommended. As such, all parties are encouraged to comments on the draft dcl. Also, as indicated the pm yesterday, we've reserved Tuesday 12th of July, issue specific hearing three, and the week commencing Monday, the fifth of September, issue specific hearings into the draft DCO. If required. as set out in the agenda, we want to consider considered the DCO within the framework of the following matters, issues around how the draft is intended to work, what would be consented the extent to the powers and what requirements and agreements are proposed. Any possible issues of prevention, mitigation or compensation, which not covered by the DCO has currently drafted the justification for any changes from established practice the need for changes to the legislative provisions, the need for protective provisions and the scope and the initial views of other interested parties as to the appropriateness proportionality or efficacy of the proposals. So having outlined the purpose of the hearing with the haven't switched to comments in general terms on those matters. I've just outlined, Mr. Phil.

No. So that's all clearly understood. Thank you.

Thank you. Does anyone else have anything to say and direct them to? Okay, thank you. So we're going to move on to item three. And we're going to work through the articles and schedules of the draft DCM. And under this item, we're excluding sheduled, 212 13, and 14, which we'll come back to later. And what I'm hoping will happen is, I've asked Mr. Santamaria to assist in having a version, the latest version of the draft DCO on the screen so we can work through so that people can actually see the particular elements of the DCO, which we're discussing, but we have been having some IT problems. So this doesn't quite work. Please bear with us. Hopefully, everyone has a copy to hand anyway, on their own devices. So start off, I'd like to begin by asking the applicants to provide a very brief overview of each parts of the DCO. And then I'll ask questions in respect of the powers seeking responses where appropriate from the applicants. Good conclusions cancel their wish to comments, and from other parties who are here. And then IPS will also be invited to ask questions or clarification in relation to the

articles and schedules as we go along. So if we could begin, please, Mr. Phillpotts with a brief overview. These in terms of your identification of the articles and schedules relating to the proposed development.

Thank you, sir. For this, I'm going to hand over to Mr. Nick McDonald, who will be taking you through item three, and he'll provide hopefully the overview you need.

Thank you. Good morning, sir Nick MacDonald. On behalf of the applicants, as you've identified the latest version of the draft orders that are submitted on the 28th of April, as part of the applicants request, and his documents as on three, five and 136. That made the amendments required to the draft order only in relation to the proposed development changes and is otherwise similar to revision two, dated October 2021. The draft order is in the form of a statutory instrument as required, and includes provisions and drafting, which are required to enable the proposed development to be constructed, commissioned and operated, and which is similar to that in many previous DTOs. adapted and updated were required. The draft order is split into six parts with 48 Main articles and has 15 schedules setting out matters of detail referred to in the articles. I'll briefly outline the main provisions in the order and cross referring to the schedules where relevant. Part one contains three articles providing for the final orders name the date, it will come into force, Article Two, defining a number of terms which are used in the order and Article Three dealing with electronic communications. Part two of the order contains the principal powers with Article four providing development consent for the authorised development, and articles five and six, providing powers for its maintenance and operation. shedule one, two, the order defines the authorised development split into work numbers and which are shown on the works plans just document reference as one for eight. Articles seven and eight identify that it's principally the undertaker who has the benefit of the order, split between project A and project B and also set out how and to whom the benefit of the order can be transferred. Article Nine gives effect to the modification and application of various statutory provisions which interact with the proposed development either as set out in the article itself or in shedule three to the order. Part three addresses STS sets out the powers in relation to those within articles 10 to 16 to allow the undertaker to carry out works the streets and within them to temporarily stop up streets public rights of way and access land to enter into agreements with street to authorities and to manage traffic. Schedules four to six set out details in relation to the streets articles, such as specific streets or public rights of way where works are proposed or where temporary stopping up of those may be required. Part four contains supplemental powers required in relation to the authorised development to allow the discharge of water works to trees, protective works to buildings, surveys and investigations, and to deal with the removal of any human remains which may be found. Part Five contains powers and provisions relating to land and in particular permit the undertaker to compulsorily acquire or ticket temporary possession of the order land. The way in which the powers can be exercised in relation to which land is controlled by the drafting of the articles themselves, and the related detail in sheduled, seven and nine, and is as delineated on the land plans chart document as 146. Part Five also contains a number of other articles, which sets out how and when the powers of compulsory acquisition or to take temporary possession can be used, and including in relation to statutory undertakers. Part Six contains the miscellaneous and general provisions, including granting of two deemed marine licences themselves set out in sheduled, 10 and 11, each relating respectively, to project a and project B. articles dealing with Crown land and requiring financial

security to be put in place before any powers of compulsory acquisition or exercised an article to give effect to protected provisions, which are contained in sheduled, 12.

And other provisions relating to landlord and tenant law, operational land for the purposes of the 1990 Act, statutory nuisance, saving for Trinity house, the certification of documents, which are as listed in schedule 14, notices, and procedures for approvals and disputes. That was everything I was proposing to say by way of summaries.

That's good. Thank you very much. It's helpful. Does anyone wants comments on like general introduction? Thank you. That was helpful setting the scene I think now what I'd like to do is work through the articles and schedules, whether it matters on which the sending authority requires clarification, or matters that are otherwise outstanding. And so, some of this will be quite detailed picking up particular points, some of it will be asking for further explanation as to why certain provision is needed. But it's probably easier going through almost line by line won't be every line. But if we start at the beginning and work our way through, so I hope you'll bear with us on that. So again, Santa Maria, could you put up the the DCLs, we had it previously pleased, I think can start on what will be Page Page seven? That's fine. Thank you. Actually, just before that there's a in the preamble before that, there's the statement at Secretary of State is satisfied. The token space comprised within the motherland and burden with new rights authorised compulsory acquisition, along with the rest of it. That statements in the preamble about open space, it's covered in em. So explanatory memorandum. Two, point 6.5. Is that normal practice to include such statements at this point is not something that I personally have come across before.

And I believe so it's required by the terms of section 132. We can confirm in our summary of the

file. So just just for your note, I believe it's section 1322, which says an order granting developer consent subject to special parliamentary procedure in those circumstances unless US secretary it is satisfied that one of the subsections, three to five applies and that fact and the subsection concerned are recorded in the order or otherwise in the instrument or the document containing the audit. So it is, as Mr. McDonough said a statutory requirement that and it's there as part of the preamble, on the assumption, of course, that the order is made.

Yes. Okay. Thank you. Okay, so we can move on to Article Two interpretation, which is on page seven. And just like to clarify a number of these issues, first of all, so the first one is just checking that the 1966 acts, teasing hardly pools Port Authority act. I've seen it referenced a couple of places hardly pools portal, but I'm assuming that's correct. In what I've seen.

We will double checks are updated if necessary.

And then there's no reference to the 2009 acts, which is the marine and coastal access act 2009. It's defined in sheduled 10. For the peers below. In the definition teams. We're in licences. Should that be defined under Article Two

Nebuta for the applicant? Yes, if it's referenced in the articles rather than just the schedule, it should be.

Thank you. Next one, page eight I think is the definition of apparatus top of the page. As you set out in the explanatory memorandum, this is similar to the Edgar order. One of the additions here is pipe and cable protection communication, sorry, telecommunication equipment. That is the specifics for this project, presumably, where that's included

Nick MacDonald for the applicant, yes, that has set out an expansion memorandum that definition is an updated one with additional items which are necessary for the purposes of the authorised development um, which may be laid within STS which is what the what the article relates to.

Okay, thank you. The definition of commence the marine management organisation have put in their relevant representation, which is those 37 They've questioned something here and let them expand on that later if they need to. But it's this issue of why preconstruction monitoring services are excluded. Is there a reason for that which you can give now what you want to respond to that when you respond to the relevant representations?

That Nick McDonald for the applicant? Yes, sir. We've reviewed the MMOs comments and after discussing those with them, that's one of the points that we do anticipate updating this week.

Thank you. The definitions of commissioning date of final commissioning and emergency are these standards definitions? That is the question for those in DCO.

Nick MacDonald the Applicant Sorry Sir, did you say data final commissioning and emergency Yes. Certainly the definition in relation to data final commissioning is one which has been used in certain power generation development consent orders previously. It's and I believe the one in relation to emergency is not new drafting, but we will review that and come back to in our post hearing Nate,

thank you. Then on the following page on page nine framework construction workers travelled plan Yeah, just a consistency points. Thanks. somewheres references to work or travel time rather than workers. Someone which is used to say points for consistency, the

net MacDonald for the applicant, thank you. So we will review those.

And then indicative landscape and biodiversity strategy can think some of the documents and maybe even the shedule of certified documents because the landscaping, so just check the consistency there again, either landscape or landscaping. Thank you, sir. Okay. I will appreciate some of the pyramid nitpicking, but it's easier to do it this way than written questions. And we'll get through a lot quicker. Let me say deviation is now been taken out. Wasn't the original version. Could you just explain why that's why you're not adopting the approach of having limited deviation in this DCO.

Nick MacDonald, Paul, the applicant, yes, of course. The way in which the order works in this respect is by reference to the order limits the work numbers and shedule one article for grants development consent, and can only be carried out in respect of project A and project B within the order limits and specifies in articles four, three, that each numbered work must be situated within the corresponding

numbered area shown on the works plans. Though those works areas on the works plans, effectively provide the limits of deviation for each work, which must therefore be carried out solely within those areas. Any limits of deviation could have been added to the works planned, but they wouldn't have provided any greater definition they would have been around effectively around the edge of the work number shown for for each work on the works plans. So the concept was was removed because it wasn't in the drafting because it wouldn't have added anything.

So it's tight enough anyway without having limits within the works plans.

Yes. Yeah, that's cute.

Definition of maintain can the MMO have commented on this? Two points. Firstly, our adjust and improve appropriate terms. This definition gets changed according to each DCO. I know. The these terms seems to be additional in this case.

If I can just before I ask Mr. McDonough to explain the particular wording just by way of overview, as you say that this is an issue which seems to come up in every DCM, I don't think I have been in an examination where we haven't debated the definition and maintain that the general point I would make, which I've made before is that there is a risk of becoming too focused on the words that sit within the definition, the overall approach to the interpretation of it has to be framed in context, and the context is the concept of maintenance. And so if one were to attempt to do something under the guise of the definition of maintain, which goes beyond the concept of maintenance, then it simply would not be authorised. So to take as an example, improve, if in order to maintain the equipment, you take out some piece of kit and you put it in a space, something that is better. That is still maintenance, even if it constitutes an improvement. But clearly, if you go beyond the concept of maintenance, you really start changing what you're what you've put in place. And then then clearly you fall out with the definition. In addition to that general point of construction, what you also have here and this has become familiar drafting is that the definition is also constrained by reference to the assessment of significant adverse effects in the EAS. So you can see that the day definition is qualified by these words provided that such activities are not likely to give rise to any significant adverse effects that have not been assessed in the environmental statement. And so that further qualification serves to ensure that even under the guise of what is properly considered maintenance, you're not able to go outside the rock shell on below.

Thank you, that's helpful.

I don't think there's anything further

I was going to pick up on that point about any significant adverse effects. Whether that is the phrases used elsewhere is materially new or materially different environmental effects. Do you see a difference between those two terms?

The addition of adverse is obviously important, because if you do maintenance, are able to do something that results in a benefit effect is it is it is better than it than it was and is now produces a material benefit to the environment. And perhaps I don't know because of the improvement to the

emissions or the filtering out of some impurity in the way that a piece of apparatus discharges into the atmosphere or to the water that ought to be embraced within the concept of maintenance. But if it is going to be a significant adverse effect, it hasn't been assessed, then it seems to me that you have the Mischeif that the draft is intended to prevent, and it would be effective to deal with that. So that that's the distinction in this particular case understood

as clear, thank you. Okay, moving on, then next page, page 10. It's the definition of Undertaker and just wondered whether that should include responsibility for decommissioning as well.

Nick MacDonald for the applicant we will review that and come back to you, sir. Yes.

Okay. Article Two Two, then says definitions in paragraph one do not apply to the team's marine licences, except where expressly provided for in the marine licences. Can you explain why that's the case? Why they have been excluded please.

Nick MacDonald for the applicant, the general approach taken here and which I believe the MMO supports is that the marine licences are intended to be documents which can be viewed independently. And therefore the approach is usually to provide for definitions within the marine licences themselves. And there is also the potential for a definition to have a different meaning within a deemed marine licence to that within the remainder of the DCO. So it just provides for that that possibility anticipates the de marine licences in the future effectively becoming separate licences separate documents, which which could move on differently to that in the DCA

cube. thing think that was all I had on Article Two, although Mr. Henson, you made in your relevant representation, oh 15 a comment about permitted preliminary works done if you wanted to comment on that. Now, clearly, you have a further opportunity with your written representation, but he wants to raise that now happy.

Thank you, sir. It was merely just to say that we require further information on the on the detail there, and we're looking for potentially for greater protection through protected provisions which we can come back to. But whilst we do have a point in relation to limited deviation if I can make that now, yes, that's fine. This was also included in our Have a representation that you refer to. And that's that

we've had assurances in technical discussions over the months leading up to the submission of the application that

the pipeline corridors would be buried, so it's not to sterilise demand development on the surface of the land. And obviously, that would require some commitment to the vertical limits of deviation for those works. So it's really just to repeat the point that we made in our representation that we're seeking for the order to commit to vertical levels of deviation for certain period work. So it's not a sterilised development,

you think you would like to come back on that? So do you want to deal with that in written submissions?

I think we'll deal with that through response to the relevant representations. Thank you.

Okay. The final points just wants to raise on Article Two was that I noted within the revised spongy memorandum, the composition of the partnership has changed with the permission of any Eni, and total, does that have any implications for the DCO?

And so in terms of the DCA, we say, No, it's simply something called accurately what the position is, when we come to the compulsory acquisition hearing, or have someone who can speak to that and in terms of any implications that has in terms of funding matters of that sort. Okay, good. Thank

you. Okay, so that's Article Two. We won't spend as long and all the other articles you'll be pleased to hear Article Three, electronic communication, which is a phrase or provision that's become more common in TCS recently. Is the precedent for this have you used any particular previous DCO.

Net MacDonald for the applicant? I believe it has appeared in other DCS, we will confirm that in writing.

Okay, thank you. So, if we can move on to page 11, which is Article four, developing consent granted by the order does having different responsibilities for projects ANB creates any potential problems and is this a situation which is has been used in other VCOs?

Nick MacDonald for the applicant. So it has been used in other development consent orders, I believe the explanatory memorandum does refer to at least one and we can confirm that in in writing. Certainly the applicants position is it doesn't create any issues, there is a clarity as to what the powers are that are granted in the order. And they are provided to each of the undertaker entities to the extent required. And the reflect some of the matters that were discussed yesterday at the first issue specific hearing, in terms of the different roles that the two entities have in bringing forward the parts of the project and it's necessary to set up the development consent order. So as to provide for that split to reflect the wider position that is being under which the proposed development is coming forwards.

The only thing I would add to that the DCR happened to be familiar with which is the Hinkley Point C connection border which subsidy National Grid project there the definite definition of Undertaker was in two parts a in relation to the authorised development National Grid be in relation to what we defined as the WP D works includes WP D and WP D was a local distribution company. And so they were able to undertake those works. But my recollection we can check this as it National Grid were able to step in and do those works if that they did not so, but the concept is Mr. McManus said is not a novel And it certainly has been made to work in other cases.

Thank you and then following on from that does the DCO then ensure or is there any mechanism to ensure that both projects a and b will be built and operated? Clearly you will need to make sure that to consent be granted then both parts A and B happen together

then there is of course a strong functional link between them and the hazard was set out briefly yesterday at the hearing there's a construction shedule which is integrated and under which both project A and product B parts are to be are to come forward together the we will I will come back to you

sir in terms of any specific provision which secures that I am and whether that is something that needs to be in the order don't believe it does but we will review that

that's fine thank you Article Five maintenance does this need a subsection three which will cover the power to maintain confers under paragraph one does not relieve the undertaker of any requirements to obtain further licences under Part Four of the 2009 Act which is marine licencing for the works not covered by the teams marine licence

we will review that and come back to you

that's what I'm thinking. Can page 13 which is Article eight and it's eight eight a four. Says in relation only to transfer or lease of all or part of work. Number five A T's work limited or any other such entity as STD C may nominate.

Just looking at that, I wondered whether that terminology whether those vagueness about an appropriate entity. Clearly this is a specific phrase for this. The DCO Could you explain what that means in practice and perhaps ask Mr. Henderson if he's happy with this as well. It just took me slightly vague in terms of leaving things open ended. discussion.

Thank you Senate MacDonald for the applicant. This provision relates to the potential for work number five A which is the reuse of an existing water outfall into the Tees Bay. And the loss anticipated is that should that option come forward? That would be good By way of agreement, in terms of its ongoing use, as a piece of apparatus that will be operated by SDDC powers are included in the order so as to be able to carry out refurbishment works should that be required to ensure that the apparatus is fit for purpose. And this provision allows for those powers to be passed to, as it says diesel is limited or or another entity that SDDC nominate as it may be that they are better placed to carry out any such works in relation to that apparatus. In relation to the specific point about the drafting, we can consider whether may nominate and similar should be tightened up more precise in terms of providing a written notification or something along those lines to make it clearer.

I mean, if Mr. Hanson and his clients are happy with it, and maybe it doesn't need tightening up. Welcome to Hanson's view on that.

Tom Henderson or CDC, I can confirm that we have no particular issue with the wedding is coming and I agree with what's been said.

It's okay. I think we can leave that then as this kind of just

I would just say in passing. That that particular work is what is one of the elements that we're seeking amendment to generally within the yes proposals which we can return to this afternoon. Okay.

Okay, so, moving on Article Nine, which is the old potash harbour, harbour facilities order. Your potash, Anglo American have submitted relevant rap and have the opportunities to submit written

representations. I wasn't going to raise anything on this article now. But if Miss Thompson if there was anything you wanted to now, happy to you leave it's to see what the applicants respond.

Thank you. So we will be putting in relevant representations, written representations. But I think it's helpful to say at this stage that we have no objection to the principle of this article. It's the details that are still under discussion.

Thank you. It's called school 12 is the next one which is on page 14. Again, Mr. Hanson, you've objected on behalf of SDDC. On the basis of inclusion of lands rather than principles, so that can be dealt with separately I think just as a matter of construction of the article, should the wording after displayed apply to A to E as well so that's in 12 for E over the page

Nick MacDonald for the applicant will review that and confirm and in writing

thank you 1313 Four C two right at the bottom of the page. Any excess lands without first consulting natural England's I'm not sure nothing would have come through on this conference call. And they aren't here but what would happen if they oppose the closure so you provides the youth consultant, virtual England, what happens if they propose

to Nick MacDonald for the applicants, the applicants have are adding powers into the DCR as per this article to allow the management of access land and to set the principle and now at this stage, but the considered it's appropriate that at the time of implementation that Natural England are consulted, there is also a requirement which

requirements by reading

Yeah, requirements, thank you requirement five, which relates to public rights of way and access land management. And that requires the submission and approval and implementation of a plan in relation to public right of way and access land management. So there is a further controlled by that mechanism as well.

Okay, thank you. And so of course, if if the body approving or considering whether or not to approve that management plan, the relevant planning authority is not satisfied that Natural England hasn't been consulted doesn't have its views, it's unlikely to approve it.

Thank you what's called 16 which is on page 70. So how does this article and traffic regulation relate to article 13, which is a temporary stopping up? And the time periods, I think are also different. just clarify that for me, please.

Thanks. Thank you, Nick MacDonald. For the applicants. The two articles provide for a different powers. Temporary stopping up where that was, would prevent traffic passing along any particular street or a part of it. The traffic regulation article allows for a range of other mechanisms in order to be able to manage traffic and people on any particular street in the ways set out, for instance, in 16, one A and would enable the applicants The Undertaker to deal with traffic to ensure the the proposed

development could be delivered. And also that the any users of the relevant streets were safe and potentially were able to keep using that street in as so it may be an alternative to a temporary stopping up off the street or a part of it in relation to the timings as between the two we will review those and check whether they should be altered in any way whether they should be consistent

with them. Next one is article 20. Authority to surveil and investigate the land is set based on model provision and teaming. Multiple provision has this state the phrase the ends of 24 but such consent shall not be unreasonably withheld. I think you've executed after this one. Is there any reason? A simulation to for no trial. pools are to be made

Thank you. So, Nick MacDonald for the applicant and there is that is that article 44 provides a what needs to happen in relation to any consent approval or agreement says provided for generally in relation to the order yes

thank you in must the articles relating to compulsory acquisition can be set aside for now may come up this afternoon anyway so, let's move on to

mean it sounds cool 32 just temporary use of land page 29 Although before we think you the time periods 28 days well perhaps can Is that worth looking at me going had three months. Now, you base this on him in his 28 days reasonable to any particular justification for that sorry, this is 32 for a notice period

net MacDonald for the applicants said in order to enable the prompt delivery of the project and ensure that were temporary possession and in for maintaining the authorised development is required 28 days is considered a reasonable period. It's power that would in fact be used in practice is that the Undertaker's would, of course, be liaising with landowners and discussing any proposed use of powers with them. And it is unlikely that the notice would unless absolutely necessary, come out of the blue if you'd like you. But it's provided so that the Undertaker's have the ability to take possession in that period of if required, you

can queue so we can provide some precedent for where 20 days or indeed I think some cases shorter periods have been provided so that the entry points see connection order that we referred to earlier, my understanding is that had 14 days notice we'll look into that Thank

you. Next one, I think is article 44. procedure in relation to certain approvals, choose based on naming.

So this is one where perhaps it would be helpful to have the views of the local planning authorities. So if that's something that you could take away, please, article 44 would welcome your views on that. And just does this apply to the MMO in respect of teams marine licences was that, as you were saying earlier, Mr. McDonald, that the approach is try and keep things separate. Is that why it's not identified here?

Nick MacDonald for the applicants. There's nothing in article 44 which specifies as to whether it applies or not. We will review as to whether there should be anything added to the article or whether it's appropriate in its current form,

and Q and then fourth, fourth, sixth. consenting authorities identified it does not need defining those that convention that it is identified in that subsection and refers to those before.

And I don't know the answer to that often with my headset. I will there are certainly some conventions around DCR drafting and how the weather definition should be here or in Article Two, we will look at

article 46. refers to recipients business hours. Is that precedented? Is that clearly understood what business hours mean nowadays? Or it actually, was that defined somewhere.

So, my understanding of this is that it's bespoke as it were to each recipient. So if a recipient has different business hours, and they say, well, our business has finished it, say 4pm then it would be triggered so it's in that sense it's flexible government imposing business hours on every business.

Okay, I think that completes the articles. So then it can move on as many questions move on to shedule. One, please. Which will be on page 36? Work one a with number one, B three starts off CG CCGT and CCP cooling utilities infrastructure. Those abbreviations aren't defined anywhere as far as I can see. Could you look at please

never dawned on the applicant? Yes, sir. We will look at that. I believe that will link to the name of the work number that's also on the works plans. But yes, we will have which will need to match to ensure this clarity. But we will all look at that.

And then work number two, which is over the page. And there are changes to that now.

Do you want to say anything about those changes? Now you have to leave that you submitted change requests have accepted? It's just thinking through whether there's any need to explain further how the DCO has been modified to reflect those change requests. Pending additionally, we'll say this point

no. So there's nothing that the applicants want to address. Very happy to respond to questions.

Thank you moving on after work number 10 to some page 39. What's What's the 39? So yes, sir, that's set out as further associated developments. That's in terms of section 115 C is the development ticket?

Yes, sir, that's correct.

Okay, I don't think we have any further questions on schedule one, we may pick up some of the detail and when we've been through the change request documents in more detail that's, that seems okay. sheduled two we're going to deal with Under Item four on the agenda sheduled three is the modifications to and amendments, the York potash harbour facilities order, which we briefly touched on. So don't think selling needs to go into that now listen, and wants to know. sheduled, four to nine. I have

nothing to address at this point. Although some of those will be addressed through compulsory acquisition hearing this afternoon. scheduled 10 and 11 relates to the team's marine licences. And given that the MMO wants here, I think we'll pick those points up through written questions. There's no point dealing with them without them being able to comment. But we do have a few comments on on those.

So if I may, yes, Nick MacDonald for the applicant. The applicants have obviously reviewed the comments of the marine MLO in relation to those two, helpful set of potential amendments and comments. And we anticipate making a number of minor updates in relation to those the application will provide a response initially in the responses to relevant representations, deadline one and then any changes will be reflected in the updated DCO at deadline to

thank you. So moving on scheduled 13 procedure for discharge of crimes we'll deal with Under Item four scheduled 14 will be dealt with under item six. schedule 15. Sorry, Mr. Sensenbrenner, you're just taking the this the document down, but if I could have that on the screen, please. So it will be

in front of you the page reference number. It will be page 173. Documents and plans? Oh, no. So we're doing that. Schedule 15 design parameters which is page 1741. I wanted to talk. Sorry, thank you. The page number is different. So yeah, I've got page 174. And it's couple of pages before the one you're showing that you were on the right page. You can see now scheduled 15.

So the page differences may be to do with the track changes. Mine's also page one, some from looking at the track change version.

Okay. That's one. Thank you. Sorry for confusing everyone. We got there in the end. So what's being shown here is three columns maximum length, maximum, maximum width and maximum height. Should there be a column for minimum height? The reason thinking those terms is because of the accumulation to stacks and ensuring that elements have issues to do with things like air quality are addressed. So I'm going to ask Dr. Lowe to explain this. Thank you.

Thanks So really low representing the applicant, we haven't proposed a minimum set of parameters for stack heights. And that's because we're using the Rochdale envelope as you appreciate in terms of the building maskings. So where we have, for example, the absorber tower, if the final design of these operatories low Earth than is indicated there, the overall stack height could similarly be lowered. So we don't want to set a minimum on the stack height, because the choice was kind of driven by the equality effects and preventing significant effects. There's quite an element of downwash on the dispersion of emissions from the absorber tower. So by going for a smaller absorber tower, we may be able to achieve a lower stack height than we can currently indicate based on that parameter. They're in the in the table, if that makes sense. So if we have a minimum stack height, we may be able to get lower than the minimum stack height and still achieve appropriate environmental effects, depending on the final sizing of the absorber tower.

And so the environmental permit is the route to dealing with the air quality effects. And in order to obtain an environmental permit, it has to be at a particular height, in view of that regulator, or that's the height it will have to be and so that that series of effects is effectively covered in terms of stack height

by that separate system of regulation. By the doctor, though is making is it to impose a minimum now may mean that overall one ends up with a net of position in terms of environmental effects, which is not as good as it could be.

Okay, yeah. One of the reasons I was looking at this in those terms was because he was going with the Kemsley similar type of both minimum and maximum heights. So maybe I need to look back at that and see. And maybe you can also reference that, to justify why you don't need that. Kevin Lee, this for now.

Yes, it will. Thank you. Thank you for that helpful reference. We'll take that away and look at it in parallel. Thank

you. And then, again, looking consistency with the design and access statements, table 5.1 of that document, which is IPP hosts 71. That was the original and those now been updated. It provides maximum scale parameters for the PCC sites. And not all of those have been included in sheduled 15. Can, could you explain why that is the case are not the case. The things that are excluded the other cooling tower banks, low pressure can push low pressure compression facilities and HP compression facilities.

Thank you Senate McDonnell for the applicant. I will briefly just comment that the design parameters in shedule 15, are linked to those that were considered in the environmental statement, and which need to be secured. Because that was the basis of the assessment of environmental effects in in that document. The other matters referred to in the design and access statement, I understand were do not lead to changes in that assessment, and, therefore, were not specifically considered considered in overarching terms within the assessment, but in terms of the specific heights or dimensions of buildings weren't relevant to that assessment, that explains the difference between the three documents sheduled 15, here that the design and access statement in the environmental statement.

Okay, thank you. And then, maybe it doesn't necessarily come into this shedule but possibly more general question, how does the draft DCO secure? The assessment described measures of installation of cables and pipelines, for instance, including HDD and tunnelling. So is there a mechanism to ensure that that's is secure through the DCO. We spoke yesterday about his work number two is in C which describes the diameter of the gathering pipe is that similar approach which is adopted To tables and other pipelines

certainly McDonald for the applicants, there are a variety of control mechanisms which may be relevant to that, in some instances, the terms of the authorised element in schedule one may specify that there is a particular method that must be used or a particular parameter for a pipeline or other piece of apparatus. Beyond that, there are then various requirements which would secure the later approval of matters which may be relevant to that so, if it's to do with the detailed design, then requirement three secures the details of relating to each work number must be submitted to and approved by the relevant planning authority and must be implemented as approved to the extent to matters relate to the construction methodology, then that would principally be secured by the construction Environmental Management Plan which is secured by requirements 16 and has to be based on the framework construction Environmental Management Plan which is provided as part of the Yes. And again as a

matter which would need to be approved by the relevant planning authority and implemented as approved.

Thank you, that's completes item three.

And that's probably a good point for us to have a break in the proceedings. The time now is nearly 25 past 11. I suggest we break for about 20 minutes. So we'll come back at quarter to 12. Unless there's any objections to that anybody needs longer? In which case, I'll adjourn at 1123 and I'll see you back here at quarter to 12. Thank you