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03:39
serpent's won't be engaging with us. Can I just check if there is anyone on Mr. Henderson? Oh, you are there. So I can see now. Maybe it's been reestablished has Yes, we lost sound for the first three or four minutes there. I think I wasn't alone on on. No, I'm in the same position. Mr. Henderson. Yes. Okay. I don't think you've missed anything substantive. I was just asking Mr. Phillpotts to provide a brief summary of the changes to the requirements.

04:26
Sorry, getting feedback. And Mr. Phillips has done that. He's going to provide more in writing. So there's nothing I think we we need to repeat your hypothetical,

04:40
sir. Yes. I mean, just for the benefit of those who weren't listening, essentially what I did was to cross refer to the schedules of changes that had been submitted at various deadlines, and indicated that I wasn't proposing to say more about those changes, because we'd be dealing with particular requirements in due course, I don't think anyone could have been disadvantaged by not hearing that.

05:08
Thank you. We've got to be recorded now. Anyway. So that's good. Thank you. So let's then move on to the requirements themselves. And I'd like to begin with requirements three into this fairly quickly. Common threes detailed design. And there are a number of changes to this, the last iteration to include consultation with TG entities, which we've talked about previously. That's fine. There's also the inclusion of cars in number places. The point about works involving trenchless technologies, including their location, I think that might be something that we asked for, rather than being source many anywhere else. Could you just explain why that has been put into words, it's intended to serve these?

06:25
So yeah, so What that's referring to is requirement three, paragraph two, D, and then sub paragraph three, D, sub paragraph, four, C, five, b, six, B, seven, C, and nine, C, and the details of works which involve trenchless technologies, including their location must now be provided as part of the detailed design process for the following work numbers. So that's to A to B, 3456, and eight. And that arises, if you're just bear with me, it arises in response to question DCO 2.8. And so, in the responses to question DCO, 2.8, the applicants committed to making those changes. So if you'll bear with me, I assure I can identify where that was dealt with. So this is rep six, one to one. And forgive me after struggling to find DCA 2.8. Yes, so the the question was simply that requirement three doesn't specifically refer to the use of trenchless technologies for the installation of pipelines. But the CMP

states that trenchless technologies will be used were reasonably practicable. And the question was, should the use of trenchless technologies be referenced in the DCO? And if not, why not? And the answer was that we require the ability to use these technologies for the crossing of roads, rail lines and minor surface bodies, the need for their use will be determined by the contractor as part of the feed process. And hence, requirement three was amended, so that the use of those technologies would form part of the approval of detailed design by the relevant planning authority, so that that's what lay behind the change, because the decision as to their use, would come at a later stage. And obviously, where they are used is for particular reasons which might affect the interests of certain parties. And therefore they have been added where appropriate into requirement three, so that those parties have an opportunity To understand where they're proposed to be used, and consider whether that's acceptable. So, apologies for the queue, taking a while to find the reference, but that was the index.

10:10
Okay, and still on requirements three. Can you explain the inclusion of the hit song, subsection five routes and method of construction of the water supply? pipelines?

10:38
Think I think that is the only reference. Actually. No. Sorry. It has it has just moved hasn't said

10:48
Indeed, as that's just been pointed out, that is a formatting change as opposed to a substantive change. Yep,

10:54
that's fine. Thank you. Sorry, nothing further on. Requirements three. The next requirements I wanted to raise was requirements 13 contaminated land and groundwater.

11:28
So ads deadline eight oh 49 or paito 49. The applicants response to Deadline five submissions. The applicant confirms that requirements 13 to have been reworded as requested by the Environment Agency. And that's where we have the inclusion of the risk assessment including desktop study and risk assessment. The environmental agency at satellite eight repeats over 54 sets, we welcome the changes made to it to requirements 13. However, the proposed changes, as outlined in rep 6122 Do not fully address our comments as provided as part of the deadline six submissions, which were rep seven I want to. And the Environment Agency also said in rep nine oh 27. So the latest comments, the proposed changes do not fully address our comments. Therefore, the current wording of requirements 13 is not acceptable. However, at our meeting a fifth of October the applicants the contents of requirements 13 was discussed with a view to making changes which will address our concerns. And then we have requirement 13 to F to H the wording in that isn't identical to what was provided in rep 802 Blow three can ask what's the Environment Agency themselves were seeking at its meeting on the fifth of October? And are they likely to be matters which are acceptable to the applicants? And if not why?

13:46

So if I might address that question in a slightly roundabout way rather than getting into what was discussed at that particular meeting to which you've referred matters have moved on materially since then, and so if I explain my understanding where we've now reached, obviously, we don't I don't think we have the agency here represented that they can make their position known. So, we had a meeting with representatives of the environmental agency on the 13th of October to discuss amongst other things requirements 13 And it was agreed in that meeting, that whereas the environmental agency had sought a an elevated approval joint approval role with the local or the relevant planning authority. It is agreed that that was not necessary, provided that it had a console T role in relation to relevant matters in requirement 13 And it was agreed that At the Environment Agency would be added as a console T within requirement 13. In those instances where in the version that you currently have, there is an approval required, but it's not currently identified as a console t, so that subject to that change, my understanding is the Environment Agency is content, that it should be a console T, and that there's no need for a joint decision by it and the relevant planning authority, which is a sensible concession by may make that point. Secondly, subject to some additional details of the scheme that is to be submitted under paragraph two. So beyond those which are set out in the draft, that was put in a deadline aid, there are some additional details to be submitted, which will come in the version that you will see at deadline 12, which had been discussed in advance of the environmental agency, that were those being added in our understanding is that the environmental agency is content, that with those revisions, requirement, 13 would be an acceptable form. So whilst the Environment Agency will have to confirm the position to them themselves, our expectation is that the version that you get in the finalised DCO at deadline 12 will be one that the EA is content with. And the next iteration of the statement of common ground with the Environment Agency will confirm that position.

16:53
And cute is helpful. Can I just pick up somebody else as well in terms of the evolution of this requirements, and deadline eights new subsections two, part two have been added. So that's f g and h. Two highlighted in blue on the track change version. Now having compared those with the environmental agencies comments at rep five Oh 32 There seems to be a difference in some of the detailed wording, again, because we don't have the confirmation from the Environmental Agency themselves that they're happy with that precise wording. I just like to find a way of clarifying with them that they are happy. So if you are if you are having further discussions with them, we can even go back to their original version. They're happy with the final version fine. But I have identified that there are elements there a difference between what the environmental agency suggested in rep five oh 32. And what now appears in rep eight to below two, so that could just be clarified with them.

18:31
So yes, I understand the point, we will make sure that in our communications of the environmental agency, and obviously they'll be able to listen back to this, that they confirm their position, if it is as I've just outlined to you is notwithstanding any differences that they may exist between the form of words that they initially proposed and those which now appear in the draft of a consent order. So we've got a note of that and we'll take that up with them.

18:58

Thank you. Then the next requirements I wish to highlight was requirements 16 construction environmental management plan. Can the environmental agency as rep five oh 32 said they'd welcome revisions to requirements 16 to accommodate the findings of the ground investigation work and grounds work, groundwater monitoring

19:54
the latest version of the DCO rep hates to blow too It includes 16 to one reference to the groundwater monitoring plan. So I think those comments again, seems to have been incorporated. But that seems to be one missing, which is that. Rep 6122 had an additional proposal, which was in relation to the measures outlined in paragraph 619 and 612, to the habitats regulations, assessments report. That reference hasn't made his way through to the final version, or the latest version of the DCO. I couldn't understand why that omission occurred.

21:11
So we can look into that I didn't have instructions on that particular point. But we have had a response that deadline seven from the Environment Agency rep Seven, zero 12, where it confirmed it had no further comments and was satisfied with the updates to requirement 16. We can double check that with the additional reference to which you've uncovered.

21:38
So again, it may not be necessary to go back to that original comment they made. If they're happy now, then that that's enough. Thank you. So moving on to requirements 23 and 25. And don't think this was like listed on the agenda. Which again, comes both environments, agencies comments, rep five oh 32, where they said we recommend these requirements updates to accommodate the findings of ground investigation work similar points as previously. And the applicants, latest TCO were paid to has included amendments, requirement 23. One and requirement 25. Three doesn't make reference to groundwater monitoring and grantee investigation reports. So I suppose my question to you is how have you had that confirmation from the environmental agency that its contents with the proposed amendments? Bearing in mind? They didn't say 10 comments on these? It's deadline nine? Can that might be something to take back to them?

23:03
Yes, I have to check that I mean that these were updates made in response to points that are the points that have been raised by the Environment Agency. As you've indicated, I'm I don't have to hand anything which confirms their position on it, but we can make sure that's captured and stay in common ground.

23:23
Thank you. Moving on to the crime requirement 31 which is the content sides captured transfer and storage. So the requirement 30 ones revised as we add five to blow two to reflect the permitting approach agreed with the environmental agency with two environmental permits required. One being forward number one, one being for work number seven that moved forward. We then asked questions about quirements 31. In our secondary written questions, with the applicants responding at rep six one to one, client service responding rep six, one to nine and the applicants further commenting at rep

seven double o nine and not intending to go through those comments we can come back to them if need be. We then asked a further question in our letter of 16 to September annex see the letter just PD so PD oh one nine and this asked Question two. So the environmental agency, the applicants and clients Earth regarding the scope of the environmental permits was particularly regards securing carbon capture. And on this environmental agency responded as rep nine oh 27 The applicants at rep 909 teen and clientearth rep nine. Oh 25. Can I turn to 10? Going through those detailed comments. But what I would like to do is just understand now, the positions of the parties based on those various comments, and perhaps I will start with client's Earth. And if there is any comments further, Mr. Han's Jones you wish to make to summarise your position now having had those further submissions from the Environment Agency and the applicants. Mr. Han's Jones, you there?

26:25
I am, sir. Thank you. If it would assist, I can certainly give a brief overview of clients position in light of the latest submissions on this point. You'd be held pilot welcomes the environment agency's clarification on the application of the capture rate requirements in respect to the generating station. And also have a notes the points that have been raised by the examining authority in its written questions published recently, around the fundamental uncertainty around the terms of the permit. However, leaving that to one side, it seems agreed that the permit will not cover any requirements in respect to the export of the captured carbon dioxide. And so in that context, climate concerns around that issue, remain and would still incline SP require additional provisions to secure that intended operation of the plant in the DCO. So if that's helpful, sir, I'll leave it there. In case you're the applicants have any other comments or questions?

27:46
So just to clarify, you're still looking for the amendments, which you proposed earlier in the examination, or the KP three approach, one or the other. You still have a difference of opinion with regard to the applicants proposals.

28:07
Yes, that's right. Yes, that's That's correct. I think we would be happy to suggest an amended approach that did not address capture rates, specifically, if that was preferred by the applicants. However, we think given the uncertainty in the terms of the environmental permit, there, it would seem also helpful to have that issue. Clear in the terms of the DCO as well. But I suppose the key point is that, as we understand it, there's no requirement export of the captured carbon dioxide for further onward storage. And so that would be the the key requirement that climate we'd like to see covered in the DCO.

28:54
Thank you. Mr. Phillips?

28:59
Yes, I'll try and keep this reasonably brief. But it may be worth just in the absence of the environmental agencies presence at this hearing, and just dealing first of all, as a preliminary point, with an issue that they had raised, you may recall about whether the scope of requirement 31 ought to be extended to cover work number six, that was just what they had raised. At the meeting on the 13th of October two,

which I referred a moment ago. The Environmental Agency has confirmed it's no longer seeking this change and its content with requirement 31 as it is drafted. But that is that is our understanding of the environment agency's current position again, will seek to capture that in a statement of common ground in due course. Putting that then to one side, two issues essentially remain outstanding between ourselves was inclined to earth, there is the issue as to the need or otherwise for requirements in terms of its transport and storage elsewhere. At extensively orally and in writing, and I don't have anything to add on that matters have not moved on. So far as the other matter, which is to do with whether it's appropriate to duplicate the control over capture rate that will be within the environmental permit in the DCO. Opposition remains that that is plainly not appropriate. We have in the last issues specific hearing, and in the written summary that followed, dealt in detail with the key B, three drafting points. And we don't believe that there has been anything new set by client Earth, which properly engages with those detailed submissions as to why the additional wording in key B three is not necessary. So our position on that matter, remains, as we outlined the last issue specific hearing. And the detail can be found in rep 5025, pages 14 to 16. We note and I'll return to this that you've asked a further question Gen. 3.3. About control of the CCGT in unabated mode. In a moment, I'm going to ask Dr. Richard Lowe, who sat to the right and Mr. McDonald, just to provide an overview of of how that works, we'll obviously respond in detail in in writing. But the overview in terms of duplication is relatively simple. Parliament has provided the means by which carbon capture rates should be regulated, and that's through the environmental permitting regime, with an independent regulator in the form of the Environment Agency. And the Environment Agency has subsequently to the last issue specific hearing confirmed that that matter will be regulated in the environmental permit. And that is a sufficient and adequate regime. And so any decision on this application for a DCA must first of all, assume that that regime will operate effectively. And secondly, therefore not seek to duplicate its effects in the development consent order. Now, one of the matters which Dr. Lowe has explained to me, and I'll ask him, just to elaborate on in a moment, is the way that that regime operates. And that it's that so far as it contains flexibility to allow for a bespoke approach

33:23
for each permit, that that is a strength, not a weakness, and that the overall effect is to steadily tighten the what is bat best available technology for a relevant process, such that over time, the regulation tightens and improves as technology and experience develops, which is another reason why it would be inappropriate now in a DCO. To seek to deal with this matter in a way which is not only duplicating, but lacks that flexibility, and the ability, therefore to tighten controls, and to deal with the likely slash inevitable development of understanding of these technologies over the course of the lifetime of the plant. So but that's by way of overview, and I'll just hand over to Dr. Lowe. Now, just to add anything further about the way the regime deals with this matter.

34:32
Thank you, Richard low representing the applicants. As Mr. Robot says the permit is an established protocol to regulate industry in accordance with best available techniques. And as we've seen, for example, in the large combustion plants sector, the application of bat progressively is reviewed and tightened on a typically six to eight year cycle, such that A plonk that was consented 20 years ago, at a certain level of emissions performance. Today we'd have to achieve a tighter performance. And I think that's the point. That's that's the Mr. Philpott was raising there, that bat is progressively tightening

emissions controls across different industries. And we certainly see that in, in other industrial applications as well. So with regards to the carbon capture, the use of the carbon capture plant on this generating station would be considered to be bad because we are building the plant. It's the CCS plant from the outset. And therefore its operational be regulated in accordance with the permit. And while we don't yet have the actual wording in the permit, yet, from the Environment Agency, we agree with the wording and the position that they set out in their response to the written question around the approach that would be applied in the permit. Any operator that is failing to meet the requirements of a permit must notify the Environment Agency accordingly. And there are a number of provisions that are standard clauses within permits relating to if there is a departure from normal operation, a breakdown of equipment or breach of any permit condition, and that could be an emission level, then notification has to be given to the Environment Agency of that. And indeed, there are usually provisions as well to say that should a corrective action not be able to address an issue, then the installation may have to suspend its operations until the issue is resolved. So there are a number of controls set within the permit as to how it will be regulated by the Environment Agency. And those are the controls that we think are appropriate to use for the regulation of the operational facility.

36:56
Thank you. So yeah, so that that, in a nutshell, is the sort of the practical reality that underlies the general principle that if you've got an existing regulatory regime, you don't duplicate it. In another process, it would plainly be impractical, and it's not necessary.

37:17
Thank you. Mr. Hunter Jones, do you want to come back on anything you've heard from the applicants on that?

37:27
Like you say, I think I just make one general point on duplication. I think, here, it was accepted in KB three, that including a capture rate requirement, to perform a kind of baseline against which the plant would be required to operate and to avoid the plant being granted development consent on the basis CCS but then operating in unabated mode. at full load that was accepted as appropriate, I think there is a distinction to be made here between a planning control that is seeking to ensure that the development operates as envisaged for the purposes of the planning merits, and a regulatory regime, which has missed of football and Dr. Lowe described is about ratcheting up technical performance over time, and ensuring best available techniques are used. That said, as I said earlier, in light of the environment agency's confirmation on that point, our key concern is about the export of the captured co2. But we do not think there's any harm or duplication risk per se, including the kind of capture rate requirement that was included in the keybie. Three for draft DCO.

38:49
Thanks very much. Thank you

38:52
to only briefly, clearly the key B three document to which references made is not a made DCO where the Secretary of State has reached a concluded view as to what is appropriate. And the test, of course,

is what the Secretary of State considers to be necessary, as opposed to what's described as the absence of harm we say there would be harm its duplication is inappropriate in principle, but the Secretary State in this case and you and advising him will clearly need to form a view as to what is appropriate based on the arguments and submissions and evidence that you have heard.

39:35
Thank you. Yes, clearly, we have two different views on the way in which this requirements should be addressed. And we will take that away, no recommendation.

39:53
Thank you. So moving on. On now to requirements 32 which is decommissioning. So there have been a couple of amendments to the latest version of DCO including consultation with the environmental agency on this principle of the submission of a management plan to commissioning Environment Management Plan. The point I wanted to say specifically rays here was in relation to the difference difference approach between retaining structures in situ and removing them. Clearly the requirements provides for difference approaches subsection four B purchase is proposed to be left in situ not removed steps to be taken to decommissioning such apparatus ensure you remain safe. So, new edition. So, I suppose what's I'm seeking clarification on is who decides how is it decided? Which material is left in situ and which material is taken away? And clearly, though there must be a role here for the relevant planning authority in that so we'll come to Mr. Miller in a moment, but can the applicant explain how this decommissioning plan will work in practice?

42:17
So, yes, it's perhaps worth just working through the broad form of the requirement to understand that so the first part of it identifies the timing trigger, which we discussed, I believe in the previous hearing. And when that trigger is pulled, The Undertaker has to submit to the relevant planning authority or its approval, the decommissioning environmental management plan for the relevant part. And that's the bit We're particularly concerned with relation to the point you've raised, there is consultation by the relevant planning authority with sem core and the environmental agency in relation to that plan, and nothing can happen under subparagraph. Two, until that plan has been approved for the relevant part by the relevant planning authority. And then one goes on to three, which is that if the information that has been provided to the relevant planning authority to inform its decision is not approved, then the undertaker must make a further submission to the planning authority, but the contents of the plan have to identify what is going to be demolished and removed and what is not. And where matters aren't where buildings and apparatus are to be demolished, removed, one can see from skipping down to C, and following that the details of how that is to take place, when and in what order what's going to come in its place. Any questions of phasing, timetable, traffic regulation, and so on dealing with noise, all of that has to be included within the plan to the where you're going to take something away where you're going to demolish something, all of those matters have to be explained. Relevant planning authority has to give us approval that all of that is appropriate. Before any of that can take place, where something is not going to be taken away where it's going to be left in place. Then the applicant has to explain what's going to be done to decommission the apparatus and ensure it remains safe. In other words to satisfy the relevant planning authority, that leaving something in place is appropriate, because of the approach that will be taken. And that would have to be clearly a decision a judgement made on an item by item

basis. But if the relevant planning authority is not satisfied with any aspect of that plan, including, for example, that is not satisfied that you can leave something in place because it wouldn't be safe, or it might pose some other unacceptable risk unacceptable in the public interest, then the plan would not be approved. And then there would need to be a further submission pursuant to subparagraph. Three. So whatever one is proposing to do, the details of that and everything that is required, and automate that, except when the public interest is regulated by the decision of the relevant planning authority, informed by appropriate consultation, which has to include some core in the Environment Agency, but could include anyone else they feel is appropriate. And therefore, whichever route is ultimately chosen by the applicant is not completely at their discretion, because if a different judgement is reached by the relevant planning authority, and they reject the plan, well, then the development can't go ahead. And it has to be one has to go back to look at the plan again.

46:37
Thank you that that's helpful. What would happen if there was a disagreement between the relevant planning authority and the applicants? And what I mean, what I'm trying to get at is where's the balance of power here? Because if the applicants are saying we don't think something should be

47:04
demolished, although we we don't agree, we want to keep something in situ. Let's take that example. And the local authority says we wanted taking away how is that issue resolved?

47:21
We're looking at, as I said, that one needs to look at the way that paragraph a subparagraph. Three, deals with those circumstances. So in other words, where the information that is supplied is not approved, then the undertaker within two months, has to make a further submission. So the undertake can't sit on its hands in those circumstances, it must come back with another another proposal. And what I'm also just checking is the application of sheduled 13, which is the procedure for discharge of requirements. Because under shedule, 13, there is a procedure set out which deals with the possibility that there might be disagreement as to as to details that are submitted, and that includes the possibility in paragraph five of appeal. So one couldn't end up in a position where there is stalemate. But the idea of the requirement is in the first instance, you put in further details in one way or another that matter will have to be resolved. But this is not a situation where the applicant is allowed to essentially sit on his hands and not propose anything. But ultimately, if matters can't be agreed, then there is the ability to go to appeal.

49:12
Understood. Yes, I think that cuts, that takes my thinking further forward. So thank you for that. It is shedule 13, which bites at some point. Yeah. Mr. Miller, can I just ask your view on this because this is where like a number of requirements local authority will get drawn into having to consider submissions from the applicants and taker. Do you have any comments you wish to make on this?

49:51
Just very generally. So I think to answer your question about balance of power it very much recive the planning authority as I read the condition and I'm not absolute To be certain, it's a certain level of

control that we would normally seek in a decommissioning condition. I think we'd need to give further submit, do a further submission. The general tenor of the condition is absolutely fine. It goes into a level of detail which I have to say from experience. Ordinarily, the planning authority wouldn't normally seek I, I do struggle with subparagraph. Three, only because we as a planning authority, we work with some of the biggest industrial employees in the area on areas like Wilton, and I'm trying to think of where we we've actually had a disagreement about infrastructure that should be removed or retained. So the provision itself is fine if we if for some reason, the local planning authority takes issue with the information submitted, the applicant has a further opportunity to review that and resubmit. subparagraph four takes us into another level of detail my only point on and like you, I, I immediately homed in on subparagraph. B. Any equipment which is proposed to be left in in situ and not removed and steps taken to decommission. That's largely a decision for the operator, I don't think the local planning authority would be in a question to technically question why a piece of that practice would be left on site. I'll be blunt, it could simply be because of reasons of cost of decommissioning. And then there are other areas for example. The means of the removal of the decommissioning fine with that, it's just going back to Council's point about the operation of other regulatory regimes. I'm not sure the planning authority would be the right party to make any decision on the safety of that equipment once it was decommissioned. But we may well pick that up through Well, the applicant will pick that up to their submission, and we can easily pick that up through consultation with the relevant bodies. So generally speaking, it is a condition that goes into a greater level of detail than I'm used to seeing on such a condition. That's not a criticism, if the applicant is happy to provide that level of information to inform our decision. But I think we would possibly take this conditional way of a further think about it, and maybe do a further representation. So thank you, that was helpful generally.

52:39
And as he set out, you will be in second consultation with Semco and environmental agency, which will assist you in technical errors that you might have not having the house good, beautiful, authentic fella.

52:55
So only, as I understand it, the sort of issue that might arise is if you're looking at a pipeline, which is under the ground, and the question is, well, do you leave it there? Do you dig it out? There may be a adjustment to be made based on the environmental risk associated with one option or the other. And that is a technical matter. But it's entirely conceivable that the view of the environmental agency might not be the same as the view of Sembcorp might not be the same as the view of the Undertaker, so someone has to hold the rain. But they will be informed in their judgement by the technical material that is supplied by those parties. And it's the sort of classic exercise of judgement in the public interest which belt and panning authority is probably the best place to deal with

53:41
it. Thank you. I've no further detailed questions about any other requirements, but I do know that

54:00
same call, I think had issues with number of requirements 1118 and 37. This refers back to a question I think we asked. Surgery in question three point foot ca 3.4. Can cemco provide any comments on the following to include it relevance to sencor, including definitions and requirements 11 ating, the third

seven. So I will ask Mr. Pious if there's anything you want to add at this point in relation to any of those requirements. We've covered this morning.

54:46
So I have I have one point to make which relates to the requirements 37 not relating to the ones you just listed. That's why you want me to deal with that now or?

54:58
Yes, while we're still on the requirements look It's still the

55:01
Thank you. Let me just just pulling that up on my own screen. Give me sir. So, you'll recall, sir, that last hearing, we made a request which we're grateful it's been accepted, which is that sim cord via console T on various map there is in the works in relation to the requirements. The result is that simple has been added to a consultative many button above, but by no means all of the requirements. And in effect, it will be a console t when the requirement may be reasonably expected to relate to a matter which may impact impact on the safe and efficient operation of pipeline. What we are concerned with, however, is the necessity for requirement 37. It's a necessity point effectively. And this provides that the relevant planning authority must consult with simple only when there is authorised, which in the relevant planning authorities opinion could affect certain cause interests. So there's a there's a filter there, which takes it outside and potentially some cause decision making and restricts the operation of of the gift that's been given in terms of Sim cord being a console T and respectively, development requirements. So the points we make fundamentally, we question necessity. This condition 37 appears to be focused on limiting the circumstances in which cemco would provide consultation responses. But fundamentally, we have no interest in wasting resources responding on matters in which we don't have an interest. It's already the case. Second point, it's already the case that sim core is not required to be consulted on everything, but only on the matters in which there is the prospect of an impact on the safe and efficient operation and maintenance of the pipeline. Mr. Phil pops explained earlier, I think that the proportionate approach has sought to be taken in identifying relevant Consultation requirements and we agree on perhaps more importantly, or related to these issues is as previously explained, both in writing and orally, the operation of the pipeline is a complex undertaking, involving, as you heard previously served not only a carefully crafted set of interlocking legal rights, but quite bespoke, operational and maintenance issues, not all of which are evident to those who are unfamiliar with the pipe pipeline, many of which require bespoke responses, which sim core is very experienced and identify and given it's not experienced in managing the pipeline. So it's difficult in those circumstances to see how the planning authority will be better placed than sim Corp to assess whether the relevant requirement would impact on a matter of concern to seven core relating to the pipeline, particularly given, as I say, the often oftentimes unique and complex nature of the pipelines maintenance operation. So we say inevitably, it will be incumbent on the planning authority to make inquiries with SIM core. And of course, the condition makes provision that for that in in subsection two, that the undertaking cynical must provide information if requested. But it does give rise to risks and best, there's a risk that the planning authority will fail to properly discharge its responsibilities to form a reasonable opinion about the effect on sim cause interests. And it has to act reasonably when forming an opinion. And acting reasonably can involved and in many cases legally is required to involve making proper inquiries. But at worst, it

risks not consulting with SIM corner matter which will have a real and serious impact on a safe and efficient operation the pipeline. And we say the effect of this condition, even if you if the point is made, well, the planning authority can consult with SIM core is that it's only going to build in delay. It's only going to give lip cemco less time to consider whatever application it is in respect of the requirement. And less time for some call to respond shouldn't have an interest. If there is less time to respond substantively that only defeats the purpose in including the opportunity for consultation in the first place. It we say it's just it's unnecessary, fundamentally, but it also is a recipe. We also say for a delay and potential missteps in the decision making process.

59:44
I hope that's helpful. Thank you.

59:49
Yes, so I suspect that in practice, this probably is an issue where common sense and the ability of the decision maker to rely on decision on other decision makers, such as a regional planning authority exercising their duties reasonably will provide the answer but just just dealing with the submissions that have been made. The purpose of this is simply to ensure that where it is obvious, that notwithstanding some call being identified as a consultation, in respect of a particular requirement, that an individual submission simply has no inter interaction with some cause interests is simply couldn't have met them, that the unnecessary step then of seeking the same cause view, it doesn't have to be taken. So that's the that's the purpose of it simply to avoid unnecessary bureaucracy and unnecessary consultation in circumstances where it's obviously not needed. And I say, obviously, not needed, because the bar is set, deliberately low. So it's development, which in the authorities opinion could not wood, but could affect sem cause interests. So it's a it's a very low bar. And we anticipate that in practice, in order the most obvious cases that it simply could not affect some goals interests, rather than planning authority would simply consult them. Why why not? So we think in reality, that this the concerns which have been articulated, would not arise. It is a standard expectation on planning authorities and other decision makers, that where they are to make a decision on a discharge of a requirement that might affect a relevant parties interests, that they would consult with them. We've gone beyond that, and we've actually specified here where same core need to be consulted upon. This is simply a measure to ensure that it operates in a sensible way. And we don't think in reality is likely to give rise to the problems that are identified. But I'm not sure I can take matters much further. I think the the the risk is understood, we think it's adequately catered for. Beyond that as a matter of

1:02:31
judgement. Is the bias. Is there anything further you wish to say on that? Or are there any changes you wish to make to the requirements to provide greater assurance? Your clients?

1:02:51
So no, I think the the, the point that Mr. Bob made is that the practicalities of this mean that it will operate effectively? And to that? So it? The answer really is? Well, the practicality of this situation is if if a requirement is there's an application in respect of a relevant requirement, which doesn't concern sim core at all and it's consulted upon, then it's not going to take the time to reply. It's just unnecessary. And in circumstances in which there is the risk of poor decision making and time is running, because as you

know, so there's only a specified amount of time for a planning authority to consider any relevant requirement application after which there's deemed consent, then that is a matter of real concern for simple. So our position is simply that this requirement is unnecessary and should be removed.

1:03:53
Thank you. I was going to ask a local authorities point of view, your error seems to be in the middle here. Yeah. You you do consult cemco on different things at the moment, don't you?

1:04:04
Indeed, yes. My main concern, so is looking at the way that we were let's take a practical example. The way that the planning authority consults on planning applications and discharge of conditions and various other things is now fully automated and electronic. So I have to say, practically speaking, let's take an extreme example. If we came to a an agreement with Sembcorp, and the applicants that Sembcorp will be notified of every submission that came in in relation to the discharge of condition and other matters. That doesn't create a burden on the planning authority in terms of work administratively, because all we would require would be the email address of a relevant contacted Sembcorp. An automated consultation would go out. I'd like to think that there would be discussion before the submission of the relevant conditions, that seems to me to be the most appropriate solution so that Sembcorp are aware that a submission is coming in and they are satisfied, it does not have any impact on their interests. My main caution, and I'll leave the decision as to whether the requirement is needed or not, is is the phrase which in which in the relevant planning authorities opinion, could affect some court interest, I will be concerned if my officers were put in a position of having to make a decision as to whether a submission was something that just legitimately affected a third party's interests. So that would be my caution. But on the practical side of consulting with Sembcorp, it doesn't really give give us any great concerns, given the systems that we operate within the council. It may lead to unnecessary consultation. But as I say, I think the best way for that to be resolved would be for discussions to take place between the parties before the submission was made.

1:06:07
Thank you, Mr. biosensing. Further for go back to Mr. Hill.

1:06:12
No, just just the only point is to say that, of course, if there was pre application consultation, which we would welcome as well, then we would constructively seek to engage in that. And that would obviously in practically reduce the scope or of the circumstances in which we would need to consult or respond to any consultation requests, because our points would have already been addressed, we would hope.

1:06:36
So yes, there's two brief points that clearly if an undertaker is anticipating making a submission for approval of details, which could affect sencos interests, the reality is, it's in the Undertaker's interests to engage with SIM core first, and if it doesn't, well, and problems emerge, it shouldn't be surprised by that. So we can anticipate that that would happen in practice. But the second point is that the clarification as to in practice, how the local planning authorities consultation is undertaken is very helpful. I think we'd like to take that point away and consider it in the context of the way that

requirements 37 is currently drafted. And it might be a point that we could usefully discuss with the local planning authority to understand the practical implications either way.

1:07:33
Thank you. I think that would be helpful. Mr. Miller, you're welcome that. Good. Thank you. Good, thank you. So the only other issue and requirements was North T's group. The submission yesterday? So yes, Mr. Danny green. Do you want to explain your comments then in relation to paragraph three, seven, and I think 16 and 32. Those various requirements? Thank you.

1:08:13
Yes, sir. I certainly I can do so it may take between five and 10 minutes. But if it's convenient now, I'll take it.

1:08:20
Yes. Let's continue this for now. And then we'll have a break. After

1:08:24
that's very kind. Sir. Paragraphs 18 to 20 of our submissions, ready, raise two points. The first is a request for consulte status, and the others about decommissioning if I can raise the request for request for consultees status, it is in respect of paragraphs three, three, excuse me, three, seven, and 16. But I would actually add, because of the discussion earlier, paragraph 30 to one, the request for consultees status is not new. It was raised by North tees in the deadline two and six representations. And it's also been recognised in negotiations by the applicant, I can't go into the details of those negotiations, but it was recognised by by them, so there's not a new point. And so in order to make good the reason for consultation status, I wonder if the land plans of August The 30th can be put up on the screen, sir.

1:09:49
Which plans in particular, I think might be difficult to do that. But

1:09:54
yes, I mean, I've been able to do it quite quickly. It's 00 to one six to eight And Zed to DCO 4.2. And its land plans three and four.

1:10:07
Do you have the examination Library Reference Number?

1:10:11
That was the?

1:10:25
So lesson plans from August. So that's

1:10:30
correct. It's under the deadline six of motion.

1:10:34
Yes.

1:10:35
Wants to the reference that I've got as a heading 0021626015

1:10:45
and been told, are too long for can you confirm what she says please.

1:11:18
So first of all sheet three, sheet three, which is on page four of that document.

1:11:29
Okay, we're trying to get those up as we speak.

1:11:48
So that's very helpful. So apart from the sugar cane,

1:11:54
before you, you speak about this. In particular, though, this, the DCO hearing should be focusing on the TCL text with with trying to draw a distinction between the TCO hearing which considers the wording of the TCO and the the compulsory acquisition hearing, which deals with parcels of land which we'll be dealing with smile. So I hope we're not getting into too much detail today on looking at the plans. So we

1:12:32
know sir, I appreciate the distinction. My purpose of looking at the plan is just to explain the interest of NTG. The the so what you have in plan three is a length of the pipeline corridor. And if one goes down to plan for one has also a further length of the pipeline corridor. It's unnecessary for purposes of my submission to go into the precise plot numbers. But NT G is the landowner of the bulk of that length. sencor only has an easement in relation to pipes that are in that length. So NTG is the landowner with landowners responsibilities for a large length of the pipeline corridor. It therefore has responsibilities as a landowner for such things as contamination, foreign safety, it has a far watering point, adjoining it has access roads, for the purposes of maintenance, and so forth. Its interest is therefore no different from sem Corps. And it's because of that, that I submit that in relation to the three paragraphs I've mentioned, three 716 and 30. To one NTG should have consultative status, because its interest is no different from sencor and deed. It has much larger responsibilities for the corridor.

1:14:15
Thank you very much instead, Mr. Philpott?

1:14:20
So yes, I'll deal with this at a relatively high level for the purposes of today. But in short, we don't accept that NTG is in a similar position to sem core. For these purposes, we'll get a response on the individual

requirements in writing. But the same core of course, operate the pipeline code or on behalf of themselves and on behalf of other operators. With those responsibilities in mind, they have a I understand it, both operational engineering and other resources to facilitate the management of the corridor cemco have made representations to in detail about the nature of their interest in the nature of their operations in that respect. NT G is as has just been explained, essentially a landowner, it doesn't perform those similar functions to sem Corp, and therefore, the approach that has been taken to sencos interest doesn't simply translate across to NT G, because their roles are different. And having said that, now that the position that NTG takes in terms of narrowing down what it wants to be consulted about, and the reasons it says that it believes that it's appropriate, we'll take that away and and consider it and we'll respond in writing. But it has to be there has to be some particular reason to name a console T. Yes, because as a matter of general practice, when drafting requirements in DC, pos or conditions on planning permissions, normally, one leaves it to the sensible discretion of the determining authority who to consult. We've made exceptions in the case of sencor, in particular, because of the unusual and particular role they play on the land here, and the way in which the proposed development will interact with their interests and the and their operations and their regulation of their own operations. That is a highly unusual situation. It's different from the position of a landowner. And that's why we've been willing to work with them to incorporate them as a particular consulting named on the face of certain requirements. Having dealt with it at that level of generality, the detail of it, my clients need to have an opportunity to consider I'd have to take instructions on that. So I suggest that's better dealt with in writing.

1:17:17
Thank you. Can I just check then we're talking earlier about Cgn, CGS T's are they consulted in the same way, they have a different status.

1:17:33
Well, the TG entities, if you recall the discussion earlier, their consultation is in relation to particular sensitivities that they have over access. Without going into the detail of that, which I'd have to take instructions on, that reflects the fact that they actually only appear in a relatively limited number of places, right. And it is reflective of the particular sensitivity that exists there over access. And so they are they are treated differently, the principle is the same. But it operates in a much smaller and more controlled way.

1:18:18
Understood. Thank you. Mr. Danny green, you've heard Mr. Phillpotts comments there, on your request. And he will obviously come back in writing the next deadline. Is there anything further you wish to add at this point?

1:18:32
So that's very, that's very helpful. But I I'm afraid we don't see that there is very much difference between opposition as London with lambda and responsibilities, questions of contamination fall upon the landowner, the landowner is in possession of the land. Further, the landowner here has an access road, which is obviously within its possession, which is highly relevant to accessing the pipeline corridor. The landowner has rights to lay further pipelines, subject to certain private contract conditions

in the pipeline corridor. So the landowner here has pretty substantial interests. And they're not that different from Semco in relation to the pipeline corridor itself.

1:19:28
Thank you. Hey, that's and Mr. hilpert, you will take on both those comments, indeed,

1:19:33
grateful for those additional points, and we'll pick those up in the written response.

1:19:38
Thank you. So I think that brings us to the end of item four, which is looking at agile team deployments, payments, and this has been doing, yes.

1:19:54
So I did have one further point, which is in paragraph 20 of our submissions. And that does relate to paragraph requirement 32 of the shedule. And that is the question of consultation on a decommissioning. And there are significant health and safety and management issues relating to premises that remain on site. And therefore, in the order that we want the apparatus to be removed, bearing in mind NTG as the landowner doesn't want to be left with equipment just left on site. So, that's a further reason why we should be consulted. And the principal obligation of this requirement should be the decommission the equipment should be removed.

1:20:42
Thank you for that. So can can can revise to require that to treat discussed earlier, is there a mechanism or an approach which the applicants will take to involving

1:20:55
the the issue which has been raised essentially resolves itself? Because if you're dealing with a piece of land, where NTG is the landowner, that the authority, it seems to me it would have to exercise its discretion as to whom should be consulted, it seems very unlikely that it would not consult the landowner in those circumstances. The question as to whether or not it is appropriate in the public interest, for a particular piece of apparatus to come out or remain in situ involves, as I've indicated, a judgement about the relative environmental risks and other risks associated with either step out of the matter on which it is entirely plausible, that the landowner, the applicant, and others involve might have different views. And it would be inappropriate for the landowners private interests in those circumstances, to necessarily trump everything else, the public interest has to involve a balance between all of those considerations, someone has to hold the rain, that would be the planning authority. And the DCO needs to be the application of the DCN needs to be determined on the basis that the planning authority will exercise its responsibilities in a reasonable and lawful way, which would involve consulting those who will be directly affected by their decision if it's on NTDs land. As I said, it seems implausible, they will not be consulted and can make any such points they wanted based on the information given. Thank you.

1:22:42

Well, I'm very grateful for that response. But sir, I think we look forward to a full written response that we can do course, deal with.

1:22:51
Thank you. Thank you. It's good. So as I was saying, I think that's brings us to the end of item four requirements the DCO sheduled two, can I just check is there anything else and your wishes to raise in respect of both articles that were discussed earlier under item three and item four? No. Good. Thank you

1:23:34
Okay, it's time to break for lunch. The time is 13 minutes past one. I suggest we meet back here at so just over 45 minutes in at two o'clock. And we'll resume here at two o'clock and K