

WEBVTT - This file was generated by event.video

0

00:00:01.300 --> 00:00:04.700

Just contented to so hearings resumed.

1

00:00:05.400 --> 00:00:08.900

And I'll hand back to Mr. Digby Mr. Digby.

2

00:00:08.900 --> 00:00:12.200

I do apologize. Thank you. So, it's

3

00:00:11.200 --> 00:00:12.900

okay. Thank you.

4

00:00:13.600 --> 00:00:15.400

So we're at

5

00:00:21.600 --> 00:00:22.400

item three

6

00:00:23.600 --> 00:00:24.200

and we're

7

00:00:25.600 --> 00:00:26.300

just on the

8

00:00:28.300 --> 00:00:29.200

fourth bullet point

9

00:00:30.600 --> 00:00:32.000

about this application

10

00:00:32.800 --> 00:00:33.100

and

11

00:00:37.400 --> 00:00:38.900

ask question. I got it.

12

00:00:39.700 --> 00:00:40.700

bullet point four

13

00:00:42.200 --> 00:00:45.600

is to do with this application of the land drainage app

14

00:00:45.600 --> 00:00:47.100

1991.

15

00:00:48.900 --> 00:00:49.300

and

16

00:00:52.600 --> 00:00:56.100

I had this in mind if the idb's or

17

00:00:55.100 --> 00:00:58.600

the environment agency were here, but I would

18

00:00:58.600 --> 00:01:00.000

ask nevertheless.

19

00:01:01.700 --> 00:01:04.700

Article 6 would just apply sections 23

20

00:01:04.700 --> 00:01:07.800

and 32 of the land drainage at 1991.

21

00:01:08.800 --> 00:01:11.400

bylaws made under Section 66 of

22

00:01:11.400 --> 00:01:13.000

the landrange ACT 1991

23

00:01:14.500 --> 00:01:17.200

bylaws made or having effect on the

24

00:01:17.200 --> 00:01:21.300

scheduled 25 of the water resources at 1991.

25

00:01:22.200 --> 00:01:23.700

So I'll just to repeat.

26

00:01:24.600 --> 00:01:28.100
we're final part of bullet

27
00:01:27.100 --> 00:01:28.900
point for about

28
00:01:30.100 --> 00:01:32.700
Can you hear me or artist in my microphone on thank you.

29
00:01:34.300 --> 00:01:37.500
About article 6 to supplying sections 23 and 32

30
00:01:37.500 --> 00:01:38.800
of the land drainage Acts.

31
00:01:40.400 --> 00:01:43.700
bylaws made under Section 66 of the land drainage

32
00:01:43.700 --> 00:01:44.600
at 1991

33
00:01:45.600 --> 00:01:48.600
bylaws made or having effect under schedule 25

34
00:01:48.600 --> 00:01:51.200
of the water resources at 1991.

35
00:01:53.300 --> 00:01:56.400
And regulation 12 of the environmental permitting in

36
00:01:56.400 --> 00:01:58.700
England and Wales regulations 2016.

37
00:01:59.600 --> 00:02:02.300
And the legislation listed in schedule 3.

38
00:02:04.500 --> 00:02:05.100
my question

39
00:02:10.300 --> 00:02:12.300
To the environment agency under the ID.

40

00:02:14.600 --> 00:02:15.700
bees were they here would be

41

00:02:16.700 --> 00:02:19.300
whether they were consent the oriented their interests

42

00:02:19.300 --> 00:02:20.800
were adequately protected.

43

00:02:21.900 --> 00:02:24.700
So I'd like to hear if

44

00:02:24.700 --> 00:02:27.400
the lead flood authorities have

45

00:02:27.400 --> 00:02:30.100
anything they want to say on this item, please.

46

00:02:35.900 --> 00:02:37.100
Not at this presence.

47

00:02:38.600 --> 00:02:41.100
So Michael Bedford Suffolk County Council.

48

00:02:42.600 --> 00:02:46.100
Simply as the lead local flood Authority. We

49

00:02:45.100 --> 00:02:49.500
are separately covered in

50

00:02:49.500 --> 00:02:53.700
relation to the protective Provisions in schedule

51

00:02:53.700 --> 00:02:55.100
12.

52

00:02:56.100 --> 00:03:00.000
And whilst we do have a small issue about

53

00:02:59.700 --> 00:03:02.800

one aspect of those Provisions, which

54

00:03:02.800 --> 00:03:05.200

obviously isn't this agenda. Right and we didn't

55

00:03:05.200 --> 00:03:09.100

have any other wider issues and we hadn't taken

56

00:03:08.100 --> 00:03:12.000

exception to this

57

00:03:11.300 --> 00:03:15.100

part of article 6 essentially because

58

00:03:14.100 --> 00:03:17.200

so far as our interests as lead local

59

00:03:17.200 --> 00:03:20.400

flood Authority were concerned effectively. They are covered by

60

00:03:20.400 --> 00:03:23.400

those protective Provisions. Obviously, we can't speak

61

00:03:23.400 --> 00:03:26.000

for the idb's or the environment agency.

62

00:03:27.400 --> 00:03:30.400

Thank you very much, indeed, Mr. Bedford. That's very helpful.

63

00:03:30.400 --> 00:03:33.600

Any other comments from any other

64

00:03:33.600 --> 00:03:36.300

interested parties here?

65

00:03:38.200 --> 00:03:41.300

In which case could I invite the applicant to

66

00:03:41.300 --> 00:03:42.400

respond, please? Thank you.

67

00:03:43.900 --> 00:03:46.600

Richard Turney for the applicant. I don't think there's much to

68

00:03:46.600 --> 00:03:50.300

add obviously these Provisions this

69

00:03:49.300 --> 00:03:52.300

applications. But so far as we're concerned

70

00:03:52.300 --> 00:03:53.500

with matters of land drainage.

71

00:03:54.100 --> 00:03:57.900

We immediately go into the protective Provisions which extend

72

00:03:57.900 --> 00:04:00.600

to the environment agency and the local drainage

73

00:04:00.600 --> 00:04:03.600

authorities in their various forms in various places. So

74

00:04:03.600 --> 00:04:06.800

those are matters which obviously they

75

00:04:06.800 --> 00:04:09.600

have to some extent and can make representations

76

00:04:09.600 --> 00:04:13.000

on I think that protective Provisions

77

00:04:12.200 --> 00:04:16.900

in some respects is still under discussion, but hopefully those

78

00:04:16.900 --> 00:04:19.500

will be resolved satisfactory. I don't think without them

79

00:04:19.500 --> 00:04:22.000

in the room making specific points. We need to say much more

80

00:04:23.400 --> 00:04:24.900
Thank you very much indeed.

81
00:04:25.800 --> 00:04:28.300
So we've got the last three

82
00:04:28.300 --> 00:04:32.600
bullet points on item three, which relate

83
00:04:32.600 --> 00:04:35.700
to articles 18 one words

84
00:04:35.700 --> 00:04:37.700
scope of compulsory acquisition powers.

85
00:04:38.600 --> 00:04:42.100
article 43 scope of compensation

86
00:04:41.100 --> 00:04:43.200
guarantees

87
00:04:44.500 --> 00:04:48.100
and article 44 scope and proportionality

88
00:04:47.100 --> 00:04:51.000
of traffic regulation measures.

89
00:04:51.800 --> 00:04:55.000
I'd like to ask if under any

90
00:04:54.100 --> 00:04:57.100
of those items bearing in

91
00:04:57.100 --> 00:05:01.400
mind that articles 18 and 43 will

92
00:05:00.400 --> 00:05:03.100
be covered in so

93
00:05:03.100 --> 00:05:05.800
far as they should be in the compulsory acquisition hereings.

94

00:05:06.600 --> 00:05:09.800

So, I'm really just thinking about the actual drafting

95

00:05:09.800 --> 00:05:10.300

of the order.

96

00:05:12.500 --> 00:05:13.000

are there any

97

00:05:14.300 --> 00:05:17.300

Submissions that any interested parties would like

98

00:05:17.300 --> 00:05:20.700

to make on any of those three remaining items in

99

00:05:20.700 --> 00:05:21.900

item three.

100

00:05:28.100 --> 00:05:31.500

There's some is there anybody? Oh, Mr.

101

00:05:31.500 --> 00:05:32.600

Bedford. Yes, sir, if you like to.

102

00:05:33.800 --> 00:05:34.700

make your submissions

103

00:05:37.400 --> 00:05:37.900

Thank you, sir.

104

00:05:41.600 --> 00:05:42.400

Thank you, sir.

105

00:05:44.200 --> 00:05:47.300

For some reason my camera function won't light up but I

106

00:05:47.300 --> 00:05:50.700

don't think you need my camera because you can hear me. I think

107

00:05:50.700 --> 00:05:53.300

Michael Bedford Suffolk County Council. So I

108

00:05:53.300 --> 00:05:56.800

made my submissions at some length about what we

109

00:05:56.800 --> 00:05:59.900

see as the deficiencies of article 44

110

00:05:59.900 --> 00:06:03.000

in terms of traffic Authority

111

00:06:02.700 --> 00:06:05.100

approval earlier on

112

00:06:05.100 --> 00:06:08.500

today during the the morning session. I don't

113

00:06:08.500 --> 00:06:11.500

want to repeat obviously all of that. They're still live points.

114

00:06:11.500 --> 00:06:14.800

We weren't I'm afraid fully reassured by

115

00:06:14.800 --> 00:06:17.800

Mr. Attorney's response to those points. We'll

116

00:06:17.800 --> 00:06:19.400

pick up what we say in our

117

00:06:20.600 --> 00:06:23.600

Supposed hearing submissions including giving examples of

118

00:06:23.600 --> 00:06:26.500

where we think precedents either apply or don't

119

00:06:26.500 --> 00:06:29.400

apply that might help you. So that's all I

120

00:06:29.400 --> 00:06:30.100

really would want to say.

121

00:06:31.600 --> 00:06:32.300

Thank you very much.

122

00:06:35.700 --> 00:06:38.600

Is there anything else the applicant wishes to

123

00:06:38.600 --> 00:06:41.900

say on any of those? So just before this attorney?

124

00:06:41.900 --> 00:06:44.100

Yeah, sorry, not at all. Not

125

00:06:44.100 --> 00:06:47.400

at all said up. No, thank you. You have the disadvantage of the screens between

126

00:06:47.400 --> 00:06:51.500

between us. Thank you Richard kimblin.

127

00:06:52.900 --> 00:06:56.200

Temperature County Council and East Cambridge

128

00:06:55.200 --> 00:06:59.400

District Council, Mr. Bedford's points

129

00:06:58.400 --> 00:07:01.000

were made earlier this morning and

130

00:07:01.900 --> 00:07:04.500

we supported them we do so

131

00:07:04.500 --> 00:07:07.500

and we will do so in

132

00:07:07.500 --> 00:07:10.600

our post hearing submissions along those same lines

133

00:07:10.600 --> 00:07:13.200

and also by reference to

134

00:07:13.200 --> 00:07:16.000

the particular articles which are contained within

135

00:07:16.800 --> 00:07:18.300

part 3 of the draft dco.

136

00:07:19.700 --> 00:07:22.300

The general thrust of which will be as I

137

00:07:22.300 --> 00:07:23.100

indicated this morning.

138

00:07:23.900 --> 00:07:27.100

And that there is a deficiency in

139

00:07:26.100 --> 00:07:29.500

the ability of the highways authorities

140

00:07:29.500 --> 00:07:31.700

to control.

141

00:07:32.700 --> 00:07:34.600

and to engage with

142

00:07:35.700 --> 00:07:38.200

And proposals for a wide range

143

00:07:38.200 --> 00:07:40.000

of matters which affect the highway.

144

00:07:41.100 --> 00:07:44.400

and that the origin of that point is really this

145

00:07:44.400 --> 00:07:47.300

so as you will have seen from the local impact

146

00:07:47.300 --> 00:07:48.300

report there is

147

00:07:49.200 --> 00:07:52.400

Some fairly strong criticism in respect

148

00:07:52.400 --> 00:07:55.900

of the level of information presently provided and one

149

00:07:55.900 --> 00:07:59.400

thinks immediately of table nine in the lir.

150

00:08:00.200 --> 00:08:04.000

Which in a number of respects makes it

151

00:08:03.100 --> 00:08:07.000

very clear that the highways authorities collectively

152

00:08:06.900 --> 00:08:09.500

are dissatisfied with the information which

153

00:08:09.500 --> 00:08:10.000

they have.

154

00:08:11.500 --> 00:08:12.100

it

155

00:08:13.300 --> 00:08:15.800

the point which then flows into the into the draft.

156

00:08:16.800 --> 00:08:19.100

Eco is is this it's not a point

157

00:08:19.100 --> 00:08:19.400

about

158

00:08:21.300 --> 00:08:22.200

the merits of those

159

00:08:24.300 --> 00:08:27.700

observations made in the liar. It's this

160

00:08:27.700 --> 00:08:30.700

if if on review of the information in

161

00:08:30.700 --> 00:08:33.300

the draft Eco you are to

162

00:08:33.300 --> 00:08:35.500

any extent persuaded by those concerns.

163

00:08:36.600 --> 00:08:39.600

And you only have two remedies really one

164

00:08:39.600 --> 00:08:43.000

is to recommend the

165

00:08:42.400 --> 00:08:45.100

refusal of consent. The other is to

166

00:08:45.100 --> 00:08:47.900

adjust the drafting of the dco.

167

00:08:51.400 --> 00:08:55.500

Evidently without prejudice. We're here dealing with potential adjustments

168

00:08:55.500 --> 00:08:58.100

to the draft dco. The response that was made to

169

00:08:58.100 --> 00:09:01.300

you. This morning was was this well. These

170

00:09:01.300 --> 00:09:05.600

are these are precedents and you can find these articles

171

00:09:04.600 --> 00:09:08.500

in equivalent terms in

172

00:09:07.500 --> 00:09:10.200

other similar dcos.

173

00:09:11.300 --> 00:09:14.500

So that doesn't really help you. If you

174

00:09:14.500 --> 00:09:17.600
are persuaded that the information presently in

175
00:09:17.600 --> 00:09:18.900
front of you is not adequate.

176
00:09:20.600 --> 00:09:23.500
And so that the key point is the link between

177
00:09:23.500 --> 00:09:27.000
what is said about the adequacy of information and

178
00:09:26.800 --> 00:09:30.800
what can be done subsequently by

179
00:09:30.800 --> 00:09:33.500
having appropriate engagement and consultation.

180
00:09:34.500 --> 00:09:37.300
on the matters, which fall to

181
00:09:37.300 --> 00:09:37.400
be

182
00:09:38.400 --> 00:09:41.300
Are considered under part 3 and so

183
00:09:41.300 --> 00:09:44.100
that as you identified right at the outset it is

184
00:09:44.100 --> 00:09:46.400
that linkage between the lir.

185
00:09:47.300 --> 00:09:50.200
And what can be done at this stage in the

186
00:09:50.200 --> 00:09:51.700
examination to put things right?

187
00:09:54.300 --> 00:09:55.000
Thank you.

188

00:09:58.700 --> 00:10:02.200

Would you like to respond please the applicant?

189

00:10:01.200 --> 00:10:02.400

Thank you.

190

00:10:03.200 --> 00:10:05.200

Thank you, sir. Richard turning for the applicant.

191

00:10:05.800 --> 00:10:06.100

I

192

00:10:07.500 --> 00:10:10.300

just to be clear the exchanges we had at the outset. I

193

00:10:10.300 --> 00:10:13.300

thought were setting the scene as opposed to providing complete answers.

194

00:10:13.300 --> 00:10:16.500

So I'm not surprised that both men

195

00:10:16.500 --> 00:10:19.300

and friends are dissatisfied with the adequacy by response because

196

00:10:19.300 --> 00:10:23.700

it was necessarily partial but perhaps we

197

00:10:23.700 --> 00:10:26.300

can just set up some of the key issues. I

198

00:10:26.300 --> 00:10:29.600

think there's a lot to be discussed still between the parties.

199

00:10:29.600 --> 00:10:32.100

First of all

200

00:10:32.100 --> 00:10:35.200

one point of fact so that you

201

00:10:35.200 --> 00:10:39.900

you need to be aware of is that we have proposed agreements

202

00:10:38.900 --> 00:10:41.800

in respect of Highways

203

00:10:41.800 --> 00:10:45.100

matters with both of the highway authorities concerned

204

00:10:44.100 --> 00:10:47.700

those draft agreements

205

00:10:47.700 --> 00:10:51.100

heads of terms have been with the authorities for

206

00:10:50.100 --> 00:10:53.700

several months and we have not

207

00:10:53.700 --> 00:10:57.000

yet had their response to them understandable given

208

00:10:56.700 --> 00:11:00.000

local impact reports and so on but I

209

00:10:59.200 --> 00:11:03.200

would encourage them to look

210

00:11:02.200 --> 00:11:05.700

look to those side agreements as

211

00:11:05.700 --> 00:11:06.800

means of resolving some of their

212

00:11:07.600 --> 00:11:09.900

concerns in respect to the highways provisions

213

00:11:11.100 --> 00:11:14.100

the next contextual point to make is that

214

00:11:15.100 --> 00:11:18.500

I think we need to be absolutely clear as I highlighted briefly at

215

00:11:18.500 --> 00:11:19.200

the outset that

216

00:11:19.800 --> 00:11:22.900

the provisions in article

217

00:11:22.900 --> 00:11:25.200

44 and in particular

218

00:11:25.200 --> 00:11:29.800

in article 441 or in respective traffic regulation during

219

00:11:30.800 --> 00:11:32.500

the periods of construction

220

00:11:33.800 --> 00:11:36.500

This is not a development consent

221

00:11:36.500 --> 00:11:39.900

order which has significant permanent interferences

222

00:11:39.900 --> 00:11:42.200

with the highways in the area.

223

00:11:43.500 --> 00:11:46.600

in respect of those provisions

224

00:11:47.900 --> 00:11:50.700

We are applying for the measures

225

00:11:50.700 --> 00:11:51.900

set out.

226

00:11:52.900 --> 00:11:55.600

in the relevant columns

227

00:11:56.600 --> 00:11:57.500

in schedule 14

228

00:11:58.500 --> 00:12:01.000

So there is a

229

00:12:01.500 --> 00:12:04.600

specific identification of the roads in question. There's a

230

00:12:04.600 --> 00:12:06.800

specific identification of the measures.

231

00:12:07.500 --> 00:12:10.600

Which are envisage and the

232

00:12:10.600 --> 00:12:14.300

implementation of those measures is then really precisely

233

00:12:13.300 --> 00:12:17.600

that it's a matter of implementation if there's

234

00:12:17.600 --> 00:12:20.400

a specific points to be made then it's really

235

00:12:20.400 --> 00:12:23.200

examination process that those should be made rather than adding in

236

00:12:23.200 --> 00:12:23.800

an additional.

237

00:12:24.700 --> 00:12:26.900

stage of consent

238

00:12:28.900 --> 00:12:31.600

and where Powers Step

239

00:12:31.600 --> 00:12:34.600

Beyond those named roads in

240

00:12:34.600 --> 00:12:35.300

question.

241

00:12:36.200 --> 00:12:39.800

There is provision for the relevant

242

00:12:39.800 --> 00:12:42.700
traffic authority to give its consent

243

00:12:42.700 --> 00:12:44.300
and a requirement to obtain it. So.

244

00:12:45.200 --> 00:12:48.600
I think we need to be absolutely clear that there's a distinction

245

00:12:48.600 --> 00:12:52.400
both an article 44 and in article not

246

00:12:52.400 --> 00:12:56.000
nine between those Provisions where

247

00:12:55.300 --> 00:12:59.700
we have interventions in

248

00:12:59.700 --> 00:13:03.300
the highway that are known the

249

00:13:02.300 --> 00:13:05.100
title to be empowered by the order.

250

00:13:05.900 --> 00:13:09.900
where we say that there shouldn't be a subsequent approval

251

00:13:08.900 --> 00:13:11.700
mechanism by the

252

00:13:11.700 --> 00:13:14.300
two local Highway authorities and those measures where

253

00:13:15.200 --> 00:13:19.500
we may seek further interventions

254

00:13:18.500 --> 00:13:22.000
in the highway where there

255

00:13:21.100 --> 00:13:24.400
is broadly the distinction to

256

00:13:24.400 --> 00:13:27.400
be drawn and Authority is required. So

257

00:13:28.200 --> 00:13:30.200
that's the key point.

258

00:13:31.100 --> 00:13:34.500
Obviously, we have the local impact report and the

259

00:13:34.500 --> 00:13:38.000
specific concerns that have been raised by

260

00:13:37.400 --> 00:13:40.300
the highway authorities and respect to the roads. And

261

00:13:40.300 --> 00:13:43.300
that's a matter that we can respond to and will do so.

262

00:13:44.200 --> 00:13:47.200
But in terms of the overall approach we we say this

263

00:13:47.200 --> 00:13:52.000
is a an appropriate measure. It's a

264

00:13:52.500 --> 00:13:55.500
inevitable feature of these processes that

265

00:13:55.500 --> 00:13:58.400
there's a battle of Precedence and there are

266

00:13:58.400 --> 00:14:01.600
different approaches in different orders to traffic and

267

00:14:01.600 --> 00:14:04.700
Highway measures, but I think the final

268

00:14:04.700 --> 00:14:06.500

point I'd make is that these measures are not

269

00:14:07.500 --> 00:14:10.400

Tras, they're not traffic regulation orders. They're

270

00:14:10.400 --> 00:14:14.000

measures that are set out in the in the

271

00:14:13.300 --> 00:14:16.400

order. They are

272

00:14:16.400 --> 00:14:19.700

they maybe akin to them in some respects, but we

273

00:14:19.700 --> 00:14:23.800

need to ensure that whatever additional hurdles

274

00:14:22.800 --> 00:14:25.300

are put in the way of the applicant. They

275

00:14:25.300 --> 00:14:28.100

don't exceed those that would be in their place if they

276

00:14:28.100 --> 00:14:31.700

were seeking a traum temporary tro in the ordinary way

277

00:14:31.700 --> 00:14:34.300

and our position is that some other

278

00:14:34.300 --> 00:14:37.500

suggestions from the highway authorities today to

279

00:14:37.500 --> 00:14:41.000

effectively would put a great burden on this applicant who's

280

00:14:40.600 --> 00:14:43.100

seeking consent for

281

00:14:43.100 --> 00:14:46.300

a nationally significant infrastructure project. There would be placed on anyone

282

00:14:46.300 --> 00:14:49.200

else you wanted to have a temporary interference with

283

00:14:49.200 --> 00:14:52.900

the highway during the construction of their scheme.

284

00:14:54.500 --> 00:14:59.600

I think the final point is to also

285

00:14:59.600 --> 00:15:02.600

note the status of the applicant as

286

00:15:02.600 --> 00:15:05.400

a as an electricity Undertaker and the

287

00:15:05.400 --> 00:15:08.700

statutory powers that it will have in

288

00:15:08.700 --> 00:15:11.200

respect of breaking open the

289

00:15:11.200 --> 00:15:14.100

road and so on and we need to have that

290

00:15:14.100 --> 00:15:17.300

in mind as well when we're making sure that the restrictions are being.

291

00:15:18.900 --> 00:15:22.700

Put forward by the to Highway

292

00:15:22.700 --> 00:15:25.400

authorities. Do not exceed. What is

293

00:15:25.400 --> 00:15:28.500

reasonable because this is

294

00:15:28.500 --> 00:15:31.500

a this is a case where the applicant will have that certain

295

00:15:31.500 --> 00:15:33.100

powers and respect to the roads anyway.

296

00:15:36.200 --> 00:15:36.700

Thank you.

297

00:15:37.800 --> 00:15:40.800

So I think that concludes

298

00:15:40.800 --> 00:15:43.400

our questions under the item.

299

00:15:44.300 --> 00:15:47.700

So thank you everyone that's been very helpful. I'll now

300

00:15:47.700 --> 00:15:48.000

move on to

301

00:15:49.400 --> 00:15:51.600

item four on the agenda

302

00:15:53.100 --> 00:15:57.100

And in 194 we want to look at schedules to and 13

303

00:15:56.100 --> 00:15:58.700

in the dco.

304

00:16:00.500 --> 00:16:03.900

Schedule two deals with the applicants proposed requirements

305

00:16:03.900 --> 00:16:06.700

and it's given effect by Article 13.

306

00:16:08.200 --> 00:16:11.900

And schedule 13 deals with the applicants proposed

307

00:16:11.900 --> 00:16:14.000

procedure for the discharge of

308

00:16:14.200 --> 00:16:17.800

those requirements and is give an effect My article 42.

309

00:16:19.600 --> 00:16:22.000

Now we had a brief overview earlier.

310

00:16:23.200 --> 00:16:26.500

About the requirements which are scheduled to.

311

00:16:27.700 --> 00:16:28.200

so

312

00:16:29.300 --> 00:16:32.500

I think I'll move on and say that in

313

00:16:32.500 --> 00:16:33.700

respect to schedule two.

314

00:16:35.300 --> 00:16:35.900

we've got

315

00:16:36.900 --> 00:16:38.400

three areas. We want to look at.

316

00:16:40.200 --> 00:16:43.700

The first area is the relationship to each

317

00:16:43.700 --> 00:16:43.800

other.

318

00:16:44.700 --> 00:16:47.700

Of all the plans and documents which are to

319

00:16:47.700 --> 00:16:49.000

be secured by the dco.

320

00:16:51.100 --> 00:16:55.300

And second is to look at the need for further outline

321

00:16:54.300 --> 00:16:56.500

plans and documents.

322

00:16:57.900 --> 00:17:00.400

And the third aspects is

323

00:17:00.400 --> 00:17:02.900

to examine the approval process.

324

00:17:04.200 --> 00:17:06.500

For the battery file Safety Management plan.

325

00:17:07.700 --> 00:17:10.500

So our question is in these

326

00:17:10.500 --> 00:17:13.100

three areas a directed initial at

327

00:17:13.100 --> 00:17:13.800

the applicants.

328

00:17:14.700 --> 00:17:18.000

When we've heard the applicant will then hear interested

329

00:17:17.800 --> 00:17:20.300

parties who've registered to speak and

330

00:17:20.300 --> 00:17:22.700

then invite the applicant to respond.

331

00:17:24.100 --> 00:17:26.200

So if I put those three

332

00:17:27.700 --> 00:17:30.500

Questions and you could take them as you wish

333

00:17:30.500 --> 00:17:33.400

and then I will then move on to

334

00:17:33.400 --> 00:17:36.700

here interested parties and

335

00:17:36.700 --> 00:17:39.200

then the applicants again in response.

336

00:17:40.100 --> 00:17:41.600

so firstly

337

00:17:42.700 --> 00:17:45.600

if you could please clarify the relationship

338

00:17:45.600 --> 00:17:48.600

to each other of all plans

339

00:17:48.600 --> 00:17:51.300

and documents to be secured by the dco.

340

00:17:53.400 --> 00:17:56.500

Secondly, if you could tell us about any

341

00:17:56.500 --> 00:17:57.600

areas of the project.

342

00:17:58.900 --> 00:18:01.300

Which don't appear currently to be

343

00:18:01.300 --> 00:18:03.700

covered by outline plans and related requirements.

344

00:18:05.100 --> 00:18:09.000

For example, I think Highway access or individual aspects

345

00:18:08.200 --> 00:18:11.800

of construction practice or light illusions.

346

00:18:12.700 --> 00:18:15.600

And thirdly if you could please explain

347

00:18:15.600 --> 00:18:18.200

your proposed arrangements for the

348

00:18:18.200 --> 00:18:21.200

approval of the battery fast Safety Management plan.

349

00:18:22.200 --> 00:18:23.600

Is that okay?

350

00:18:25.700 --> 00:18:28.500

To the applicants Rich attorney

351

00:18:28.500 --> 00:18:31.300

for the applicant. Yes. Thank you, sir. Thank

352

00:18:31.300 --> 00:18:35.900

you. I'll take the tell them

353

00:18:35.900 --> 00:18:38.900

in that order clarification of the relationship of

354

00:18:38.900 --> 00:18:42.800

the plans and documents to be secured in response

355

00:18:42.800 --> 00:18:46.200

to your first written question on this

356

00:18:45.200 --> 00:18:48.700

topic, which is for

357

00:18:48.700 --> 00:18:52.100

your note 1.5.64 with

358

00:18:51.100 --> 00:18:54.300

produced in draft

359

00:18:54.300 --> 00:18:58.300

a table which illustrates those

360

00:18:58.300 --> 00:19:01.400

relationships which I hope will assist certainly it's assisted me

361

00:19:01.400 --> 00:19:05.300

in preparing for this hearing. So rather than

362

00:19:05.300 --> 00:19:08.400

going through them line by line. Can I flag that

363

00:19:08.400 --> 00:19:12.200

because I think that will provide you with some assistance and doubtless your

364

00:19:12.200 --> 00:19:15.800

last further questions to the extent that it doesn't answer your

365

00:19:15.800 --> 00:19:19.200

concerns in full, but let me just say a

366

00:19:18.200 --> 00:19:21.800

little bit more the general principle in

367

00:19:21.800 --> 00:19:24.500

the requirements is that each of the requirements is topic

368

00:19:24.500 --> 00:19:24.700

specific?

369

00:19:25.700 --> 00:19:29.000

and then when you look at requirements seven onwards

370

00:19:28.000 --> 00:19:31.400

either requiring

371

00:19:31.400 --> 00:19:36.200

compliance with submitted documents or requiring updates to

372

00:19:35.200 --> 00:19:38.700

framework or outline

373

00:19:38.700 --> 00:19:42.500

plans have been submitted as part of the application and

374

00:19:41.500 --> 00:19:44.700

those requirement those

375

00:19:44.700 --> 00:19:47.600

documents referred to then correlate with the list of documents,

which

376

00:19:47.600 --> 00:19:50.300

you haven't scheduled 10, which are the ones that

377

00:19:50.300 --> 00:19:51.700

are being approved and

378

00:19:53.300 --> 00:19:57.300

there are various points perhaps

379

00:19:56.300 --> 00:19:59.400

where we we anticipate that

380

00:19:59.400 --> 00:20:00.200

there is a degree of

381

00:20:00.800 --> 00:20:03.200

overlap crossover between the

382

00:20:03.200 --> 00:20:04.100

various requirements

383

00:20:05.100 --> 00:20:08.800

So for example

384

00:20:08.800 --> 00:20:13.800

in construction the

385

00:20:11.800 --> 00:20:16.800

the construction

386

00:20:15.800 --> 00:20:18.400

Environmental Management plan, which

387

00:20:18.400 --> 00:20:21.500

is provided in framework form app. One

388

00:20:21.500 --> 00:20:24.300

two, three covers a variety of issues which

389

00:20:24.300 --> 00:20:27.500

include matters relating to for example, archeology and

390

00:20:27.500 --> 00:20:30.300

ground conditions and Water Management all of

391

00:20:30.300 --> 00:20:33.800

which then have to be subject to further submissions under the

392

00:20:33.800 --> 00:20:34.400

requirements.

393

00:20:36.400 --> 00:20:39.500

But it is

394

00:20:39.500 --> 00:20:44.500

we say appropriate that they are submitted separately

395

00:20:43.500 --> 00:20:47.600

to that construction Environmental

396

00:20:47.600 --> 00:20:51.700

Management plan and more detail

397

00:20:51.700 --> 00:20:54.500

inevitably be provided to meet the requirements

398

00:20:54.500 --> 00:20:57.600

particular statutory consulties and so on. So that's

399

00:20:57.600 --> 00:21:00.300

an example of the kind of

400

00:21:00.300 --> 00:21:04.400

overlap that does occur. The construction

401

00:21:04.400 --> 00:21:08.600

Environmental Management plan is a is a significant document Broad

402

00:21:07.600 --> 00:21:10.800

in range, but in

403

00:21:10.800 --> 00:21:13.400

places the short point is there's further detail

404

00:21:13.400 --> 00:21:16.400

to come see the particular requirements. So for example,

405

00:21:16.400 --> 00:21:19.600

requirement 13 or archeology or requirement 18

406

00:21:19.600 --> 00:21:20.400

on ground conditions,

407

00:21:22.800 --> 00:21:25.300

So I think that gives an example there are other examples

408

00:21:25.300 --> 00:21:29.100

perhaps where there's degrees of overlap, but I

409

00:21:28.100 --> 00:21:31.200

don't think it's necessary for these purposes to go

410

00:21:31.200 --> 00:21:31.600

into them.

411

00:21:33.500 --> 00:21:34.400

and

412

00:21:36.800 --> 00:21:39.700

in terms of next question

413

00:21:39.700 --> 00:21:44.600

need for any supplementary outline

414

00:21:44.600 --> 00:21:49.600

plans and the example.

415

00:21:49.600 --> 00:21:53.900

We're on Highway access individual aspects

416

00:21:53.900 --> 00:21:57.400

of construction practice and light emissions in relation

417

00:21:57.400 --> 00:21:58.100

to traffic.

418

00:21:59.400 --> 00:22:02.600

I think discussions are ongoing with the highway authorities

419

00:22:02.600 --> 00:22:05.400

in respect of the framework construction traffic

420

00:22:05.400 --> 00:22:08.300

management plan. And we think that's

421

00:22:08.300 --> 00:22:12.200

probably the way in which these books should be resolved particular

422

00:22:11.200 --> 00:22:15.200

concerns about Highway accesses and

423

00:22:14.200 --> 00:22:19.100

their laying out and formation. We

424

00:22:17.100 --> 00:22:21.200

should make further

425

00:22:20.200 --> 00:22:23.600

provision in the construction traffic management plan.

426

00:22:23.600 --> 00:22:25.400

And certainly we're amenable to discussing that

427

00:22:27.800 --> 00:22:28.300

and

428

00:22:30.200 --> 00:22:30.700

then

429

00:22:33.700 --> 00:22:37.900

In respect of other environmental matters,

430

00:22:37.900 --> 00:22:40.600

there's a range as I've indicated a

431

00:22:40.600 --> 00:22:43.200

range of other matters, which will be dealt with

432

00:22:43.200 --> 00:22:46.600

through subsequent requirements to

433

00:22:46.600 --> 00:22:50.900

put in details. So requirement

434

00:22:49.900 --> 00:22:53.000

11 fencing requirement

435

00:22:52.700 --> 00:22:55.100

13 Heritage and so on so there's

436

00:22:55.100 --> 00:22:58.500

a range of matters where you don't have a draft

437

00:22:58.500 --> 00:23:02.800

plan but there's nonetheless an obligation to submit for

438

00:23:01.800 --> 00:23:04.900

the detail when we

439

00:23:04.900 --> 00:23:07.200

come to implementation of the scheme.

440

00:23:09.100 --> 00:23:13.100

and I think that the key point to emphasize is

441

00:23:12.100 --> 00:23:13.200

that

442

00:23:15.900 --> 00:23:19.600

we're we're open to suggestions as

443

00:23:18.600 --> 00:23:21.300

to whether there are

444

00:23:21.300 --> 00:23:24.300

matters in the framework construction Environmental Management plan that

445

00:23:24.300 --> 00:23:28.800

need to be further clarified and we anticipate

446

00:23:28.800 --> 00:23:33.100

some updates already from stakeholders representations

447

00:23:31.100 --> 00:23:33.700

to date.

448

00:23:34.200 --> 00:23:37.700

But essentially we don't think from what

449

00:23:37.700 --> 00:23:40.100

we've seen that there's a need for any further.

450

00:23:40.900 --> 00:23:43.900

Whole plans to be submitted either now or

451

00:23:43.900 --> 00:23:46.100

for requirements to be imposed for their submission. We think

452

00:23:46.100 --> 00:23:49.600

that between those framework plans and between this and

453

00:23:49.600 --> 00:23:53.100

those and the specific requirements on specific matters that

454

00:23:52.100 --> 00:23:55.600

we've covered the territory and there's sufficient

455

00:23:55.600 --> 00:23:56.400

environmental control.

456

00:23:57.300 --> 00:23:59.000
So that's our overarching point on.

457
00:23:59.800 --> 00:24:01.700
your second bullet point and

458
00:24:04.100 --> 00:24:08.500
approval of battery Fire Safety Management plan is

459
00:24:07.500 --> 00:24:12.200
requirement seven. It

460
00:24:10.200 --> 00:24:14.600
has to submitted plan

461
00:24:14.600 --> 00:24:17.900
has to substantially Accord with the outline and

462
00:24:17.900 --> 00:24:20.900
as I've already indicated the outline is being substantially

463
00:24:20.900 --> 00:24:23.600
developed during the course of the examination and

464
00:24:23.600 --> 00:24:27.200
there'll be a further draft at deadline too. It needs

465
00:24:27.200 --> 00:24:30.400
to be submitted and approved by the relevant planning authorities
before

466
00:24:30.400 --> 00:24:33.300
the commencement of the of the

467
00:24:33.300 --> 00:24:36.200
best element the work number two is it's

468
00:24:36.200 --> 00:24:40.400
described and there's an obligation to consult the

469
00:24:39.400 --> 00:24:42.400

fire and Rescue Services of

470

00:24:42.400 --> 00:24:43.900
both counties.

471

00:24:46.000 --> 00:24:46.300
and

472

00:24:49.200 --> 00:24:52.900
I think there's a further point which again so

473

00:24:52.900 --> 00:24:55.700
you've already raised in written questions,

474

00:24:55.700 --> 00:24:58.500
which is about who

475

00:24:58.500 --> 00:25:01.200
should be consulted as I say the draft

476

00:25:01.200 --> 00:25:05.200
at the moment requires consultation with the fire and Rescue
Services. There's no

477

00:25:05.200 --> 00:25:09.000
requirement in respect of the ambulance trust,

478

00:25:08.100 --> 00:25:13.400
but we

479

00:25:12.400 --> 00:25:15.500
just note there that the

480

00:25:15.500 --> 00:25:18.300
ambulance trust has submitted a relevant rep and doesn't suggest it

481

00:25:18.300 --> 00:25:21.800
needs to be consulted on the previous

482

00:25:21.800 --> 00:25:24.200
plan. But again, that's a matter

483

00:25:24.200 --> 00:25:28.100

that happened to take away if someone says otherwise and

484

00:25:31.100 --> 00:25:35.000

In terms of a specific point made about the

485

00:25:34.300 --> 00:25:36.500

health and safety executive.

486

00:25:37.500 --> 00:25:41.200

There's been a suggestion. I think led by say no

487

00:25:40.200 --> 00:25:41.700

to Sonica.

488

00:25:42.400 --> 00:25:45.200

That the health and safety executive needs

489

00:25:45.200 --> 00:25:49.400

to be consulted in the approval of the battery

490

00:25:48.400 --> 00:25:52.600

Fire Safety Management plan. And

491

00:25:51.600 --> 00:25:54.700

we content

492

00:25:54.700 --> 00:25:57.100

for the inclusion of HSC as a Consulting on that

493

00:25:57.100 --> 00:26:01.100

on that document. And in any

494

00:26:00.100 --> 00:26:04.600

event, essentially the outline plan

495

00:26:03.600 --> 00:26:06.500

already indicates that HSE is

496

00:26:06.500 --> 00:26:09.700

a key stakeholder. The plan has to be prepared in

497

00:26:09.700 --> 00:26:13.800

collaboration with the HSE and therefore

498

00:26:12.800 --> 00:26:15.500

adding a further conversation requirement

499

00:26:15.500 --> 00:26:18.300

might add very little but certainly isn't a

500

00:26:18.300 --> 00:26:21.600

problem. So I think that is the

501

00:26:21.600 --> 00:26:24.500

answer to the three questions for these purposes. Thank you.

502

00:26:24.500 --> 00:26:27.400

I just have one brief question relating to

503

00:26:27.400 --> 00:26:27.600

the

504

00:26:28.300 --> 00:26:29.300

the second part

505

00:26:30.800 --> 00:26:34.100

So if I understand it correctly you don't propose to.

506

00:26:36.100 --> 00:26:40.100

Queue any further plans as such or outline plans, but

507

00:26:39.100 --> 00:26:42.300

anything that is felt to be

508

00:26:42.300 --> 00:26:45.700

necessary, which hasn't already been provided will be

509

00:26:45.700 --> 00:26:48.100

added to one of the plans which already exists.

510

00:26:59.700 --> 00:27:02.600

So I just yeah, yeah, so sorry

511

00:27:02.600 --> 00:27:05.500

Richard turning for the applicant. Sorry, Mr. Griffiths has given me

512

00:27:05.500 --> 00:27:08.500

a minor correction on that point. I think the overall thrust

513

00:27:08.500 --> 00:27:11.500

Remains the Same in terms of permitted preliminary

514

00:27:11.500 --> 00:27:14.100

Works. We're looking at the possibility of dealing with

515

00:27:14.100 --> 00:27:17.700

that with the traffic impacts of that through

516

00:27:17.700 --> 00:27:20.600

the requirement to submit a separate plan for

517

00:27:20.600 --> 00:27:23.400

any permitted preliminary Works, which goes to

518

00:27:23.400 --> 00:27:26.200

the point raised earlier about scope of those and how that might

519

00:27:26.200 --> 00:27:30.800

interact with the highway authorities responsibilities, but I

520

00:27:30.800 --> 00:27:33.300

think that's that's the only area we'll

521

00:27:33.300 --> 00:27:36.300

be anticipate a further right so the plan might

522

00:27:36.300 --> 00:27:39.300

be included in changes to the requirement. Thanks very much.

523

00:27:39.300 --> 00:27:43.400

Just thank you Mr. Ricky.

524

00:27:42.400 --> 00:27:45.500

Can I just clarify Mr. Attorney that you

525

00:27:45.500 --> 00:27:49.600

referred to a draft table being available or

526

00:27:48.600 --> 00:27:51.900

has it been submitted is it if so,

527

00:27:51.900 --> 00:27:53.600

could you give me the reference? I'm sorry.

528

00:27:54.700 --> 00:27:57.300

Not submitted yet. Sorry. I wasn't clear deadline to

529

00:27:57.300 --> 00:28:00.700

deadline to that becoming so it's coming in in answer

530

00:28:00.700 --> 00:28:04.000

to your questions on on these points totally good.

531

00:28:04.800 --> 00:28:05.400

so

532

00:28:06.800 --> 00:28:07.100

it

533

00:28:08.500 --> 00:28:10.700

does it have a title at the moment is it?

534

00:28:12.500 --> 00:28:15.200

Just stationed. It's I don't think

535

00:28:15.200 --> 00:28:18.700

I haven't seen the title too. I've got a draft here. So I

536

00:28:18.700 --> 00:28:21.900

don't slightly awkward position. But but

537

00:28:21.900 --> 00:28:24.600

we're proposed it. We're proposing to just append

538

00:28:24.600 --> 00:28:28.000

it to the answers to those questions and

539

00:28:27.300 --> 00:28:31.200

and it's just providing a sort of graphical illustration

540

00:28:30.200 --> 00:28:34.300

of how the various tears interact. Yes,

541

00:28:33.300 --> 00:28:36.700

that would be incredibly useful. Actually.

542

00:28:36.700 --> 00:28:39.500

I think we do we would really help the panel

543

00:28:39.500 --> 00:28:42.900

to get this overall. Yes of how

544

00:28:42.900 --> 00:28:45.900

those plans relate to each other. I agree.

545

00:28:45.900 --> 00:28:48.100

I certainly found it help for myself. So, all right. Thank

546

00:28:48.100 --> 00:28:51.400

you. Just sort of a sort of plan of plans

547

00:28:51.400 --> 00:28:51.900

as it were.

548

00:28:52.700 --> 00:28:54.600

Yeah, just show you.

549

00:28:55.200 --> 00:28:58.300

All right, we wouldn't normally do

550

00:28:58.300 --> 00:29:01.600

this but given it sitting here and we're talking at slightly cross purposes. Sorry

551

00:29:01.600 --> 00:29:04.100

Richard Tony for the applicant. Again. This is this is the kind

552

00:29:04.100 --> 00:29:07.700

of table we have in mind which it shows in various boxes the interaction

553

00:29:07.700 --> 00:29:10.300

between the plans. So then you can sort of follow through

554

00:29:10.300 --> 00:29:13.600

the framework. So hopefully that

555

00:29:13.600 --> 00:29:16.100

will assist when you see it and if it doesn't all you

556

00:29:16.100 --> 00:29:18.200

need further clarification will provide that

557

00:29:19.200 --> 00:29:20.200

but thank you very much.

558

00:29:21.700 --> 00:29:22.100

Thank you.

559

00:29:25.400 --> 00:29:28.600

Does anyone have any questions or

560

00:29:28.600 --> 00:29:31.100

comments on what the applicants just said?

561

00:29:32.400 --> 00:29:33.300

on those three points

562

00:29:38.600 --> 00:29:39.000

can't see

563

00:29:40.400 --> 00:29:41.400

have we got Mr. Bedford?

564

00:29:42.300 --> 00:29:45.500

So who's anyone wishes to speak as a

565

00:29:45.500 --> 00:29:48.300

stick down that we are thank you where you thank you Daniel because

566

00:29:48.300 --> 00:29:51.200

Elko say notes on a correction group and the new market

567

00:29:51.200 --> 00:29:55.200

Horseman's group and on the specifically

568

00:29:54.200 --> 00:29:57.400

the things that we've heard rather than bringing up

569

00:29:57.400 --> 00:30:00.500

new issues on the bullet points. Yes. Yes, and

570

00:30:00.500 --> 00:30:03.800

in which case there's just one point arising

571

00:30:03.800 --> 00:30:07.100

out of specifically what we've heard which was from

572

00:30:06.100 --> 00:30:09.400

all about the battery Fire Safety Management

573

00:30:09.400 --> 00:30:12.400

plan we deal with that

574

00:30:12.400 --> 00:30:15.400

at the summary submissions. We put in it's rep

575

00:30:15.400 --> 00:30:17.200

one dash zero for seven.

576

00:30:18.100 --> 00:30:22.500

From paragraph 32 we proposed amendments

577

00:30:21.500 --> 00:30:24.400
to paragraph seven of schedule 2

578

00:30:24.400 --> 00:30:25.000
in that.

579

00:30:25.900 --> 00:30:29.000
One of which was the inclusion of HS

580

00:30:28.700 --> 00:30:31.400
e we've also now been

581

00:30:31.400 --> 00:30:34.500
told that there's a new outline plan coming

582

00:30:34.500 --> 00:30:37.500
one of the reasons for the Amendments. We

583

00:30:37.500 --> 00:30:40.700
proposed in paragraph seven which go further than simply suggesting

584

00:30:40.700 --> 00:30:43.300
including the HSA was because

585

00:30:43.300 --> 00:30:47.200
we had concerns about the quality the outline battery. Sorry

586

00:30:46.200 --> 00:30:49.600
the outline Fire Safety

587

00:30:49.600 --> 00:30:52.600
Management plan. Sorry outline battery

588

00:30:52.600 --> 00:30:55.400
Fire Safety Management plan. It may

589

00:30:55.400 --> 00:30:58.100
be that we still try to advance the Amendments that we

590

00:30:58.100 --> 00:31:01.500

suggest there. So it's among other things a

591

00:31:01.500 --> 00:31:04.200

requirement that the actual battery Fire Safety Management

592

00:31:04.200 --> 00:31:07.200

plan, which is approved is no less onerous so it can

593

00:31:07.200 --> 00:31:10.800

go above but need not be the same as the outline plan

594

00:31:10.800 --> 00:31:13.500

and requirements for reviews that regular

595

00:31:13.500 --> 00:31:16.300

intervals Etc. And we may see

596

00:31:16.300 --> 00:31:19.400

still advance that but as there is a new outline plan

597

00:31:19.400 --> 00:31:22.600

coming. It probably makes sense for us to have regards that

598

00:31:22.600 --> 00:31:25.500

plan before we say again whether

599

00:31:25.500 --> 00:31:25.600

we

600

00:31:25.800 --> 00:31:28.200

To advance about but I feel like about to you

601

00:31:28.200 --> 00:31:31.300

because even if it's not necessary, we save our

602

00:31:31.300 --> 00:31:34.200

sensible amendments one point I

603

00:31:34.200 --> 00:31:37.900

would make so seven five we suggest a review schedule for

604

00:31:37.900 --> 00:31:40.400

the battery Fire Safety Management plan. The reason

605

00:31:40.400 --> 00:31:43.600

why we suggest this is we understand from a various documents

606

00:31:43.600 --> 00:31:44.700

for over time the

607

00:31:46.400 --> 00:31:50.000

the equipment constituting the best may change and

608

00:31:49.200 --> 00:31:52.200

the include, you know, there may

609

00:31:52.200 --> 00:31:55.500

be developments in technology that make developments in

610

00:31:55.500 --> 00:31:58.900

approach to fight invest fires. And so

611

00:31:58.900 --> 00:32:01.600

reviews over time, maybe a sensible

612

00:32:01.600 --> 00:32:04.700

way of ensuring that safety is assured to

613

00:32:04.700 --> 00:32:07.400

the best level possible, but I'm not going to advance that

614

00:32:07.400 --> 00:32:10.400

for the moment because as I say, we would like to see the outline plan that's

615

00:32:10.400 --> 00:32:13.500

coming. No. Thank you very much. I gather Mr.

616

00:32:13.500 --> 00:32:16.800

Bedford has his online hand up, Mr. Bedford.

617

00:32:18.200 --> 00:32:21.400

Hmm. Thank you, sir. Michael Bedford Suffolk County

618

00:32:21.400 --> 00:32:22.600

Council. I'm grateful.

619

00:32:24.900 --> 00:32:25.900

for that and

620

00:32:27.800 --> 00:32:30.700

taking the the three points which

621

00:32:30.700 --> 00:32:32.200

have been identified.

622

00:32:33.600 --> 00:32:37.300

In terms of the first point as a

623

00:32:36.300 --> 00:32:39.600

way of our general concern about

624

00:32:39.600 --> 00:32:42.500

the lack of detail provided in relation

625

00:32:42.500 --> 00:32:45.900

to various highways matters, including the excess Arrangements

626

00:32:45.900 --> 00:32:48.900

has already been rehearsed in

627

00:32:48.900 --> 00:32:51.200

the local impact report particularly in

628

00:32:51.200 --> 00:32:54.500

Chapter 13, and Mr. Kimblins also made

629

00:32:54.500 --> 00:32:57.500

some helpful General comments on that

630

00:32:57.500 --> 00:33:00.500
as to wanting to

631
00:33:00.500 --> 00:33:03.300
see how that is then translated into the

632
00:33:03.300 --> 00:33:06.600
development consent order and the issue of

633
00:33:06.600 --> 00:33:08.700
further and

634
00:33:10.100 --> 00:33:13.800
That we certainly would like to see further work

635
00:33:13.800 --> 00:33:17.100
on the requirements and a specific requirement picking

636
00:33:16.100 --> 00:33:20.100
up on the highways access

637
00:33:19.100 --> 00:33:22.700
arrangements. So that

638
00:33:22.700 --> 00:33:26.100
is a concern of ours.

639
00:33:26.600 --> 00:33:31.300
in relation to the issues

640
00:33:30.300 --> 00:33:32.400
on

641
00:33:35.700 --> 00:33:39.000
the battery fire safety

642
00:33:39.800 --> 00:33:43.900
That's requirements seven. So you

643
00:33:43.900 --> 00:33:47.600
will have picked up that this development

644

00:33:46.600 --> 00:33:50.400
can send to order takes

645

00:33:49.400 --> 00:33:52.300
what I would suggest is quite a

646

00:33:52.300 --> 00:33:56.500
helpful approach to the discharging authorities

647

00:33:55.500 --> 00:33:58.000
for various requirements.

648

00:33:59.000 --> 00:33:59.300
and

649

00:34:00.700 --> 00:34:04.200
in in simple terms It generally works on

650

00:34:03.200 --> 00:34:06.400
the basis that the body with the most

651

00:34:06.400 --> 00:34:09.900
appropriate technical expertise is the

652

00:34:09.900 --> 00:34:13.000
body that is the discharging Authority and

653

00:34:12.300 --> 00:34:15.900
other participants or parties

654

00:34:15.900 --> 00:34:18.200
that might have an interest in the same

655

00:34:18.200 --> 00:34:21.800
subject matter work as consulties

656

00:34:21.800 --> 00:34:24.500
in that process and we

657

00:34:24.500 --> 00:34:27.900
accept that as a principle, but we

658
00:34:27.900 --> 00:34:31.100
think that that principle is not then reflected in

659
00:34:30.100 --> 00:34:32.900
requirements seven.

660
00:34:33.900 --> 00:34:38.100
And in requirements 7 the very

661
00:34:37.100 --> 00:34:40.800
important subject matter of the battery Fire Safety

662
00:34:40.800 --> 00:34:41.700
Management plan.

663
00:34:42.500 --> 00:34:45.400
Is is placed so far as discharge?

664
00:34:46.200 --> 00:34:49.100
With the relevant planning authorities, which obviously is the

665
00:34:49.100 --> 00:34:49.900
district level.

666
00:34:50.800 --> 00:34:53.700
And we don't think that that's appropriate

667
00:34:53.700 --> 00:34:56.900
as the County Council. We

668
00:34:56.900 --> 00:34:59.400
do have the responsibility for the fire and

669
00:34:59.400 --> 00:35:00.200
rescue service.

670
00:35:01.200 --> 00:35:04.800
And we do think we have the appropriate technical expertise

671

00:35:04.800 --> 00:35:07.900
to deal with the battery

672

00:35:07.900 --> 00:35:10.300
Fire Safety Management plan.

673

00:35:11.400 --> 00:35:15.200
We think therefore that we ought to be the discharging Authority.

674

00:35:15.800 --> 00:35:19.500
But we absolutely content that

675

00:35:18.500 --> 00:35:21.300
there should be consultation with other

676

00:35:21.300 --> 00:35:25.200
parties including obviously the district council including

677

00:35:24.200 --> 00:35:27.800
the health and safety executive. I think Mr. Turney

678

00:35:27.800 --> 00:35:32.100
is just indicated that that is now not opposed

679

00:35:30.100 --> 00:35:32.900
by the applicant.

680

00:35:33.800 --> 00:35:36.600
And and so so what we're effectively suggesting

681

00:35:36.600 --> 00:35:39.600
is that requirements seven is recast.

682

00:35:40.700 --> 00:35:43.800
So that I say the County Council for the

683

00:35:43.800 --> 00:35:46.200
battery Fire Safety Management plans so far

684

00:35:46.200 --> 00:35:49.400
as they affect Suffolk will be Suffolk County

685
00:35:49.400 --> 00:35:53.000
Council the county Authority and then

686
00:35:52.300 --> 00:35:55.800
there will be a consultation arrangement with other

687
00:35:55.800 --> 00:35:57.000
bodies.

688
00:35:58.400 --> 00:36:01.600
So that is our principle concerned

689
00:36:01.600 --> 00:36:04.000
about that. We do have some separate concerns about some of

690
00:36:04.100 --> 00:36:07.100
the other requirements but on those bullet points that were on at
the

691
00:36:07.100 --> 00:36:09.400
moment. Those are our key points.

692
00:36:10.100 --> 00:36:13.500
Of perhaps I should say I should should say by way of completion.

693
00:36:13.500 --> 00:36:16.800
We have discussed the matter with West Suffolk

694
00:36:16.800 --> 00:36:20.000
Council and they are content that

695
00:36:19.100 --> 00:36:23.100
we should be the discharging Authority for

696
00:36:22.100 --> 00:36:25.400
requirements seven, but no

697
00:36:25.400 --> 00:36:28.100

not miss perek can confirm that to you. So you get

698

00:36:28.100 --> 00:36:30.400

it directly from the The District Council.

699

00:36:32.500 --> 00:36:33.400

Thank you, Mr. Bedford.

700

00:36:34.700 --> 00:36:38.000

Yes, please. Yes, thank

701

00:36:37.100 --> 00:36:40.900

you. So just did follow on from Mr. Bedford's. Sorry Ritchie

702

00:36:40.900 --> 00:36:43.100

Barrick West Suffolk Council and just

703

00:36:43.100 --> 00:36:46.700

to follow on from Mr. Bedford's comments. I can confirm that see

704

00:36:46.700 --> 00:36:49.500

fires and west of a council is concerned where content

705

00:36:49.500 --> 00:36:52.700

for the County Council so for County Council to be the discharging Authority

706

00:36:52.700 --> 00:36:55.600

for requirements seven, and so

707

00:36:55.600 --> 00:36:58.700

while I'm speaking the only other point we had

708

00:36:58.700 --> 00:37:01.900

was and well we welcome Mr. Johnny's indication

709

00:37:01.900 --> 00:37:02.700

that as far as

710

00:37:03.700 --> 00:37:06.400

Additional information is needed that

711

00:37:06.400 --> 00:37:09.600

that will be provided in update in the existing plans.

712

00:37:10.300 --> 00:37:13.200

Save with one exception what we would just ask is if it could

713

00:37:13.200 --> 00:37:16.400

when they when the applicant does respond to the local impact report. It

714

00:37:16.400 --> 00:37:19.600

would be helpful to identify in response to

715

00:37:19.600 --> 00:37:22.600

where we see additional required information is required where

716

00:37:22.600 --> 00:37:25.300

exactly that's going to be incorporated just so that we can follow that three.

717

00:37:26.300 --> 00:37:26.600

Thank you.

718

00:37:27.700 --> 00:37:28.400

Mr. Kimlin

719

00:37:29.400 --> 00:37:31.700

So thank you very much Richard gimblin.

720

00:37:32.500 --> 00:37:37.000

Cambridges County East Cambridge District Two

721

00:37:35.600 --> 00:37:38.600

short points arising from

722

00:37:38.600 --> 00:37:40.900

the battery safety requirement.

723

00:37:41.900 --> 00:37:43.900

The first is that as presently drafted.

724

00:37:44.500 --> 00:37:47.200

It doesn't doesn't deal with

725

00:37:47.200 --> 00:37:50.900

the longer term. So it doesn't have wording to

726

00:37:50.900 --> 00:37:54.200

the effect and shall be kept in place Etc.

727

00:37:55.500 --> 00:37:58.300

And just taking that point a little

728

00:37:58.300 --> 00:38:02.000

bit further. Can we say that we take the

729

00:38:01.200 --> 00:38:05.100

view that similar sort of problem exists

730

00:38:04.100 --> 00:38:06.300

with the following requirements.

731

00:38:07.400 --> 00:38:11.500

At 9 16 17 19 20

732

00:38:10.500 --> 00:38:13.900

and 22 all

733

00:38:13.900 --> 00:38:16.600

of those. We think ought to have some provision

734

00:38:16.600 --> 00:38:19.500

for keeping those measures in place

735

00:38:19.500 --> 00:38:20.800

during the life of the development.

736

00:38:22.400 --> 00:38:25.400

so the second point which arises out

737

00:38:25.400 --> 00:38:25.500
of

738
00:38:26.600 --> 00:38:27.800
battery safety

739
00:38:28.600 --> 00:38:31.200
and whether this is the appropriate point to raise it or

740
00:38:31.200 --> 00:38:34.900
not, I'm not quite sure and but there is a question

741
00:38:34.900 --> 00:38:37.300
which we have asked of the applicants and we

742
00:38:37.300 --> 00:38:40.800
just put it into the arena now which is and

743
00:38:41.400 --> 00:38:44.300
do you require hazardous substances

744
00:38:44.300 --> 00:38:44.900
consent?

745
00:38:46.600 --> 00:38:50.000
And we would welcome from the applicant a

746
00:38:49.000 --> 00:38:51.300
detailed.

747
00:38:52.800 --> 00:38:55.200
Note explaining that

748
00:38:55.200 --> 00:38:56.100
one way or the other.

749
00:38:56.700 --> 00:38:59.400
And because what we certainly don't want to encounter is

750
00:38:59.400 --> 00:39:02.100
a situation where in due course we

751

00:39:02.100 --> 00:39:05.300

have to deal with another application. If it if it comes

752

00:39:05.300 --> 00:39:08.200

about that hazardous substances content is needed.

753

00:39:10.300 --> 00:39:13.800

Thank you as my two. Thank you very much. Yes again, what's

754

00:39:13.800 --> 00:39:16.500

suffer Council? And thank you sir. Reggie

755

00:39:16.500 --> 00:39:19.600

barric for Wester for Council. And so just because Mr.

756

00:39:19.600 --> 00:39:22.000

Gimblins made that point just to endorse that we

757

00:39:22.500 --> 00:39:25.500

also share the same concerns and do the well, we

758

00:39:25.500 --> 00:39:28.100

don't feel we have the information to determine whether or not

759

00:39:28.100 --> 00:39:31.300

that consent is required. But to the extent that the

760

00:39:31.300 --> 00:39:34.800

applicant is able to satisfy you one way or another if consent

761

00:39:34.800 --> 00:39:37.200

is required us reference again is that it

762

00:39:37.200 --> 00:39:40.200

should be all done through a streamline process IE the

763

00:39:40.200 --> 00:39:43.300

examining Authority should deal with that application rather than

764

00:39:43.300 --> 00:39:46.400
it coming back to the local authorities in due

765
00:39:46.400 --> 00:39:46.600
course.

766
00:39:48.100 --> 00:39:50.700
right anything we'll just

767
00:39:51.900 --> 00:39:53.400
thank you.

768
00:39:54.700 --> 00:39:56.200
Thank you, Dr. Fordham.

769
00:39:57.600 --> 00:40:00.700
Oh, the question of hazardous substances consent,

770
00:40:00.700 --> 00:40:03.000
Mr. Rigby was the one that I intended to

771
00:40:03.900 --> 00:40:06.000
raise specifically I mean

772
00:40:06.200 --> 00:40:09.900
is is now the appropriate point to start to

773
00:40:09.900 --> 00:40:12.000
do that or do you wish to deal with

774
00:40:12.300 --> 00:40:16.400
other matters first? We only want by all

775
00:40:15.400 --> 00:40:18.300
means speak we're interested at

776
00:40:18.300 --> 00:40:19.300
the moment in

777
00:40:20.400 --> 00:40:22.000
the arrangements for how the

778

00:40:23.100 --> 00:40:26.100

plan will be approved. So if you do anything you want

779

00:40:26.100 --> 00:40:27.900

to say on that, that would be welcome. Thank you.

780

00:40:29.600 --> 00:40:31.400

I think I'll bring it up later in that case.

781

00:40:32.400 --> 00:40:33.000

Thank you very much.

782

00:40:36.600 --> 00:40:40.200

Could I just mention Mr. Turney? I think I I

783

00:40:39.200 --> 00:40:42.000

just happened to have the consents and

784

00:40:42.200 --> 00:40:45.700

agreements position statement in front of me. I'd I

785

00:40:45.700 --> 00:40:49.300

don't see a reference to hazardous

786

00:40:48.300 --> 00:40:51.300

substances consent. Is that right?

787

00:40:51.300 --> 00:40:52.000

Is that intended?

788

00:40:54.100 --> 00:40:58.200

Sarah Richardson if the applicant that's right, and I'll

789

00:40:57.200 --> 00:41:00.300

go into say something about it if I may sure.

790

00:41:02.600 --> 00:41:03.800

select to follow the

791

00:41:05.600 --> 00:41:09.500

I think mystery was probably about to come back to me. Anyway, so I'll

792

00:41:08.500 --> 00:41:11.300

follow that point through and then and then pick

793

00:41:11.300 --> 00:41:15.200

up the other points in this. Yes, please do thank you. So has

794

00:41:14.200 --> 00:41:17.600

the substances consent. The the

795

00:41:17.600 --> 00:41:21.800

point is no we're not seeking an

796

00:41:20.800 --> 00:41:23.500

approval through this

797

00:41:23.500 --> 00:41:26.700

process for us to substances consent. The reason

798

00:41:26.700 --> 00:41:29.500

is that the need for such

799

00:41:29.500 --> 00:41:32.500

a consent is not at present

800

00:41:32.500 --> 00:41:36.100

known it will depend on the nature of

801

00:41:35.100 --> 00:41:38.500

the battery system.

802

00:41:39.700 --> 00:41:42.200

And whether there

803

00:41:42.200 --> 00:41:45.400

is a requirement to obtain that consent will will

804

00:41:45.400 --> 00:41:49.000

depend on on that and any practice of

805

00:41:48.200 --> 00:41:52.100

the relevant consenting authorities

806

00:41:51.100 --> 00:41:53.800

at the particular point in time.

807

00:41:54.800 --> 00:41:58.000

So we can't say now that

808

00:41:57.100 --> 00:42:00.200

we do need it or if we did need it

809

00:42:00.200 --> 00:42:02.800

in what terms we would seek that consent.

810

00:42:03.500 --> 00:42:03.600

So

811

00:42:05.600 --> 00:42:09.900

what we will do is update that statement

812

00:42:09.900 --> 00:42:13.200

of other consents to note. The

813

00:42:12.200 --> 00:42:15.300

potential need has to

814

00:42:15.300 --> 00:42:18.300

substance is consent if that is what

815

00:42:18.300 --> 00:42:21.600

is required for the type of battery and the

816

00:42:21.600 --> 00:42:25.200

arrangement of the batteries that we propose right?

817

00:42:24.200 --> 00:42:27.200

Thank you guys. Just ask on that.

818

00:42:27.200 --> 00:42:28.400

Is that because

819

00:42:29.400 --> 00:42:32.500

You don't see any need at the moment these up,

820

00:42:32.500 --> 00:42:35.100

but you make that there may be a need.

821

00:42:35.100 --> 00:42:36.600

Is that based on?

822

00:42:37.900 --> 00:42:39.400

the fact that the the

823

00:42:40.700 --> 00:42:41.100

as

824

00:42:41.900 --> 00:42:44.300

as presently intended the design

825

00:42:44.300 --> 00:42:47.600

of the storage system does not need in

826

00:42:47.600 --> 00:42:51.100

your view hazardous consent. I don't

827

00:42:50.100 --> 00:42:51.200

think

828

00:42:52.100 --> 00:42:55.400

my answer to that has involves forming a view on that

829

00:42:55.400 --> 00:42:58.400

if it would assist for us to take a

830

00:42:58.400 --> 00:43:03.200

position on that then we can do so in writing because essentially

831

00:43:02.200 --> 00:43:05.500

the representation has been made to you by Dr.

832

00:43:05.500 --> 00:43:09.100

Fordham that a lithium ion battery

833

00:43:08.100 --> 00:43:12.200

of this system of this scale would

834

00:43:11.200 --> 00:43:14.500

inevitably require us to substances consent

835

00:43:14.500 --> 00:43:17.200

and we can respond

836

00:43:17.200 --> 00:43:20.200

to that attaining we necessarily accept. That's right, but

837

00:43:21.400 --> 00:43:25.300

We accept that the presence of batteries.

838

00:43:26.400 --> 00:43:29.200

Could trigger a need for us in

839

00:43:29.200 --> 00:43:32.900

some substances consent in principle, depending on their composition

840

00:43:32.900 --> 00:43:35.500

and Arrangement. Okay. Thanks. We should

841

00:43:35.500 --> 00:43:38.500

hear from Dr. Fordham then. Thank you. Yes, just before

842

00:43:38.500 --> 00:43:41.900

you carry on for the applicant if I could just take Dr. Fordham

843

00:43:41.900 --> 00:43:43.500

again briefly. Thank you. Well.

844

00:43:44.600 --> 00:43:47.200

Apologies Mr. Rigby. I was assuming that

845

00:43:47.200 --> 00:43:50.200

we were going to deal with other things. But the Central Point

846

00:43:50.200 --> 00:43:56.100

really has come up here and concerning procedural

847

00:43:55.100 --> 00:43:58.400

matters. And what we what we do with this

848

00:43:58.400 --> 00:44:01.200

I'm left unclear as to

849

00:44:01.200 --> 00:44:05.100

whether the applicant is proposing to apply for

850

00:44:04.100 --> 00:44:07.500

at a later date for hazardous substances

851

00:44:07.500 --> 00:44:10.700

consent from the house of substances authorities who

852

00:44:10.700 --> 00:44:14.000

in this case would be the district councils or

853

00:44:13.500 --> 00:44:17.000

whether they would then seek an

854

00:44:16.400 --> 00:44:19.300

additional Direction which

855

00:44:19.300 --> 00:44:23.200

is open to them through this process and section

856

00:44:22.200 --> 00:44:26.000

12 to be of the planning hazardous

857

00:44:25.300 --> 00:44:29.400

Substances Act 1990. I I

858

00:44:28.400 --> 00:44:31.300

believe either the root would be available.

859

00:44:31.300 --> 00:44:34.500

We've just heard from the local authorities that they

860

00:44:34.500 --> 00:44:37.800

prefer that the county councils and not the district councils

861

00:44:37.800 --> 00:44:40.400

would be the discharging authorities. So

862

00:44:40.400 --> 00:44:43.100

I think that there's an element of confusion here.

863

00:44:44.500 --> 00:44:47.600

Learning the some additional statement in

864

00:44:47.600 --> 00:44:50.900

the dco if I turn to the National policy

865

00:44:50.900 --> 00:44:53.200

statement for energy e and one there's a

866

00:44:53.200 --> 00:44:57.000

whole section on hazardous substances and a

867

00:44:56.500 --> 00:44:59.600

footnote 94 which says that

868

00:44:59.600 --> 00:45:02.500

it can be applied for subsequent to

869

00:45:02.500 --> 00:45:05.400

a DCI application, but the applicant

870

00:45:05.400 --> 00:45:08.300

should consult with HSC and include details in

871

00:45:08.300 --> 00:45:11.600

their dco so and I was minded to

872

00:45:11.600 --> 00:45:14.400

come to this meeting to ask for an additional clause

873

00:45:14.400 --> 00:45:18.900

in the dco that was declaratory to

874

00:45:17.900 --> 00:45:20.700

the effect that has the substances

875

00:45:20.700 --> 00:45:23.100

consent where lawfully it may be

876

00:45:23.100 --> 00:45:26.500

required under the provisions of the Hazardous Substances. Act

877

00:45:26.500 --> 00:45:29.300

remains to be applied for and then

878

00:45:29.300 --> 00:45:32.700

at least nobody is in any doubt that

879

00:45:32.700 --> 00:45:37.200

the potentially required consent

880

00:45:35.200 --> 00:45:38.100

remains to

881

00:45:38.100 --> 00:45:39.800

the determined.

882

00:45:40.800 --> 00:45:43.400

Thank you, and I have a text which I'm prepared to

883

00:45:43.400 --> 00:45:46.600

put forward in my post hearing submission. Thank you. That would

884

00:45:46.600 --> 00:45:49.500

be useful if you can do that as your postering submission.

885

00:45:50.300 --> 00:45:53.100

Thank you very much. So if the applicant would like to

886

00:45:53.100 --> 00:45:56.900

respond to the points raised, please thank you

887

00:45:56.900 --> 00:45:59.300

Richard Turney for the applicant.

888

00:46:01.900 --> 00:46:04.500

I hope I can answer in this Dr. Fordham's representation

889

00:46:04.500 --> 00:46:04.800

this way.

890

00:46:07.700 --> 00:46:10.800

Are not sure that that sort of provision. In

891

00:46:10.800 --> 00:46:11.100

fact, I'm

892

00:46:11.700 --> 00:46:14.300

fairly sure that sort of provision would be inappropriate in

893

00:46:14.300 --> 00:46:17.300

the sense of an order declaring what it doesn't do as opposed

894

00:46:17.300 --> 00:46:20.300

to what it does do but certainly the

895

00:46:20.300 --> 00:46:23.500

point that he makes which is that this order will not

896

00:46:23.500 --> 00:46:26.500

Grant has the substances consent and

897

00:46:26.500 --> 00:46:29.900

if there was a need for such consent, it would have to be obtained through

898

00:46:29.900 --> 00:46:32.200

one means or another that's certainly

899

00:46:33.400 --> 00:46:36.600

The effect of this order as we promote it so

900

00:46:36.600 --> 00:46:39.400

if we required has to substances consent, it

901

00:46:39.400 --> 00:46:42.800

would have to be obtained outside the scope of this order. So I

902

00:46:42.800 --> 00:46:45.400

hope that's clear. I don't think I don't need declaration to that

903

00:46:45.400 --> 00:46:48.400

effect would be appropriate drafting in a development consent order,

904

00:46:48.400 --> 00:46:52.000

but that certainly the position as we

905

00:46:51.200 --> 00:46:54.500

see it. He's

906

00:46:55.400 --> 00:46:56.600

point about

907

00:46:58.600 --> 00:47:01.700

the position that's been reached between the county councils and

908

00:47:01.700 --> 00:47:04.600

the district councils is one which I think

909

00:47:04.600 --> 00:47:08.400

we have some sympathy with we are in

910

00:47:07.400 --> 00:47:10.600

a sense agnostic about who

911

00:47:10.600 --> 00:47:13.600

approves battery Fire Safety Management plan, but

912

00:47:13.600 --> 00:47:16.300

Dr. Fordham's point is a good one, which is

913

00:47:16.300 --> 00:47:20.100

that if there was also requirements of substances consent,

914

00:47:19.100 --> 00:47:22.600

that would be an application to the local planning Authority

915

00:47:22.600 --> 00:47:25.700

and they would then be two different

916

00:47:25.700 --> 00:47:29.200

approving authorities potentially dealing with similar issues.

917

00:47:28.200 --> 00:47:32.600

So to be

918

00:47:32.600 --> 00:47:35.200

frank as I say we're agnostic about which of the

919

00:47:35.200 --> 00:47:38.400

authorities how the authorities decide to make their own
Arrangements between

920

00:47:38.400 --> 00:47:41.600

themselves for approving the battery Fire

921

00:47:41.600 --> 00:47:44.700

Safety Management plan, and we've already

922

00:47:44.700 --> 00:47:47.900

identified that we're content for the relevant console

923

00:47:47.900 --> 00:47:51.400

tees to be added to that requirement. I

924

00:47:50.400 --> 00:47:53.300

think the other point that just Gates of

925

00:47:53.300 --> 00:47:54.900

working backwards through the submissions.

926

00:47:55.800 --> 00:47:58.400

And at some point I'm going to struggle to remember that everything that

927

00:47:58.400 --> 00:48:01.300

was put but a further point

928

00:48:01.300 --> 00:48:04.400

was made about review of the battery Fire Safety Management plan.

929

00:48:04.400 --> 00:48:09.100

Certainly the text in some

930

00:48:08.100 --> 00:48:11.100

places anticipates that certain Provisions will

931

00:48:11.100 --> 00:48:15.400

be kept under review and I

932

00:48:14.400 --> 00:48:18.100

think maybe once Mr. Cazelka

933

00:48:17.100 --> 00:48:20.300

and his clients have reviewed the next

934

00:48:20.300 --> 00:48:22.000

draft they can consider whether

935

00:48:22.800 --> 00:48:26.500

they still want to pursue the point about the requirement

936

00:48:26.500 --> 00:48:30.300

making some express provision for review and

937

00:48:29.300 --> 00:48:32.500

indeed battery.

938

00:48:32.500 --> 00:48:35.400

Five safety may be a matter what you want to come back to later in the examination

939

00:48:35.400 --> 00:48:36.100

in any event.

940

00:48:38.500 --> 00:48:42.400

Then there's a general point which is

941

00:48:42.400 --> 00:48:46.300

made about a number of the Articles and

942

00:48:46.300 --> 00:48:49.600

the ongoing implementation of the plans

943

00:48:49.600 --> 00:48:53.400

Mr. Kimblin's point.

944

00:48:54.600 --> 00:48:57.100

and I think

945

00:48:58.500 --> 00:49:01.200

to be frank. I don't think we agree with

946

00:49:01.200 --> 00:49:05.000

his suggestion that this is of left out of account. There's

947

00:49:04.300 --> 00:49:07.400

a requirement to carry out whatever is

948

00:49:07.400 --> 00:49:11.300

being set out in the plan in accordance with the approved plan.

949

00:49:10.300 --> 00:49:13.300

And obviously the approved plan

950

00:49:13.300 --> 00:49:16.300

will make the provision about whether it's something needs to be done every year or

951

00:49:16.300 --> 00:49:19.400
every five years or as a

952
00:49:19.400 --> 00:49:23.900
one-off so we don't think that's a realistic concern.

953
00:49:23.900 --> 00:49:26.500
But if there's specific wording in specific places,

954
00:49:26.500 --> 00:49:29.300
there was a long list I think of six or seven.

955
00:49:31.200 --> 00:49:34.800
Requirements then then doubtless.

956
00:49:34.800 --> 00:49:37.500
The the authorities will identify those

957
00:49:37.500 --> 00:49:40.300
and I'd note

958
00:49:40.300 --> 00:49:42.800
that the wording in respective on going implementation is

959
00:49:45.700 --> 00:49:48.800
fairly consistent through the terms of the the order

960
00:49:48.800 --> 00:49:50.000
and precedent.

961
00:49:51.100 --> 00:49:55.000
I think that also then

962
00:49:54.400 --> 00:49:57.700
largely deals with the points

963
00:49:57.700 --> 00:49:58.600
that were made by

964
00:50:01.800 --> 00:50:04.300
By Mr. Bedford

965

00:50:05.300 --> 00:50:06.100
and I think

966

00:50:08.700 --> 00:50:11.500
then the only further point I

967

00:50:11.500 --> 00:50:13.800
think that he was concerned was with the approval of

968

00:50:14.500 --> 00:50:16.300
site accesses now

969

00:50:18.900 --> 00:50:21.400
I think we just need a bit of clarity because

970

00:50:21.400 --> 00:50:24.900
the detail of site access

971

00:50:24.900 --> 00:50:27.600
Arrangements RC could through the detailed

972

00:50:27.600 --> 00:50:30.400
design approval under requirements six and it's

973

00:50:30.400 --> 00:50:33.800
not entirely clear to me. At least what he

974

00:50:33.800 --> 00:50:36.600
says that the Lacuna is in in

975

00:50:36.600 --> 00:50:40.200
terms of the drafting on approval of site accesses,

976

00:50:39.200 --> 00:50:42.500
but perhaps that can be clarified in their written

977

00:50:42.500 --> 00:50:44.200
submission.

978

00:50:45.300 --> 00:50:45.800
and then

979
00:50:47.800 --> 00:50:48.100
finally

980
00:50:50.100 --> 00:50:54.100
I think I've dealt with Miss parax points as

981
00:50:54.100 --> 00:50:58.300
well. Although she makes the broader point about has to

982
00:50:58.300 --> 00:51:01.300
substance substances consensive required being sought now

983
00:51:01.300 --> 00:51:04.200
as I've explained that's not

984
00:51:04.200 --> 00:51:07.500
something that we can do because we don't know the terms in

985
00:51:07.500 --> 00:51:12.100
which it would be sought so it necessarily will follow the event.
So

986
00:51:10.100 --> 00:51:14.000
whilst I see the the attraction

987
00:51:13.200 --> 00:51:16.800
of the point of resolving it now, I think

988
00:51:16.800 --> 00:51:19.700
it's the it's the doctor Fordham rather

989
00:51:19.700 --> 00:51:23.200
than the local authorities

990
00:51:22.200 --> 00:51:25.100
approach, which is the one that we're taking which is

991
00:51:25.100 --> 00:51:27.500

to make clear that if we do need it it comes later.

992

00:51:28.700 --> 00:51:31.700

Right. Thank you. I see

993

00:51:31.700 --> 00:51:35.000

you've got your hand raised again, Dr. Fordham. Yes, just to

994

00:51:34.100 --> 00:51:37.600

be a hundred percent clear Mr. Rigby. Could

995

00:51:37.600 --> 00:51:40.400

I please um ask that the

996

00:51:40.400 --> 00:51:43.600

applicant is clear about the root by which

997

00:51:43.600 --> 00:51:45.400

hazardous substances consent.

998

00:51:46.900 --> 00:51:49.300

If required lawfully is going

999

00:51:49.300 --> 00:51:52.700

to be sought are they going to go to the Hazardous substances
authorities

1000

00:51:52.700 --> 00:51:55.400

or would they seek to use a version of this

1001

00:51:55.400 --> 00:51:58.700

procedure to seek some variation in the dco I'm

1002

00:51:58.700 --> 00:52:01.600

on either is legally feasible as

1003

00:52:01.600 --> 00:52:04.300

I read things but I'd like to know what the

1004

00:52:04.300 --> 00:52:05.700

applicants intentions are.

1005

00:52:06.400 --> 00:52:09.300

Thank you, which you can respond to the applicant, please

1006

00:52:09.300 --> 00:52:12.800

Richard said if the applicant I I don't know how it

1007

00:52:12.800 --> 00:52:15.500

would be dealt with in due course, but I would say it is

1008

00:52:15.500 --> 00:52:19.300

highly likely to be an application to the Hazardous substances
consenting

1009

00:52:18.300 --> 00:52:21.200

Authority because the the other

1010

00:52:21.200 --> 00:52:24.500

route which I think I can see what Mr. Ford what Dr.

1011

00:52:24.500 --> 00:52:27.000

Fordham has in mind but it would involve I think

1012

00:52:27.600 --> 00:52:30.500

inevitably a material amendment to development consent order,

1013

00:52:30.500 --> 00:52:32.100

which is likely to be much more.

1014

00:52:32.900 --> 00:52:36.600

Fraught and time consuming then making

1015

00:52:35.600 --> 00:52:38.500

a fairly routine

1016

00:52:38.500 --> 00:52:41.400

application for a consent. Thank you. And I

1017

00:52:41.400 --> 00:52:44.400

see Mr. Bedford has his hand up

1018

00:52:44.400 --> 00:52:45.800

again, Mr. Bedford, please.

1019

00:52:49.400 --> 00:52:52.100

And so Michael Bedford Suffolk County because that is

1020

00:52:52.100 --> 00:52:55.400

interesting because I didn't think I did have my hand up, but

1021

00:52:55.400 --> 00:52:56.700

let me just check.

1022

00:52:57.700 --> 00:53:00.600

It like to see how Mr. Bedford

1023

00:53:00.600 --> 00:53:03.000

looks like it must be so but it on my screen.

1024

00:53:03.300 --> 00:53:04.100

It's not there at all.

1025

00:53:04.900 --> 00:53:07.400

So there's obviously a bit of a gremlin. But

1026

00:53:07.400 --> 00:53:10.800

anyway, thank you for giving me that opportunity. But I nothing further

1027

00:53:10.800 --> 00:53:13.400

to add on this point. Absolutely. Not a

1028

00:53:13.400 --> 00:53:16.700

problem. The technology is always fun. So right and

1029

00:53:16.700 --> 00:53:20.200

I just said Mr. King. Yes. Thank you.

1030

00:53:22.300 --> 00:53:25.400

Is turning I don't want to prolong it the discussion on this issue,

1031

00:53:25.400 --> 00:53:28.200
but I still would appreciate as clear

1032
00:53:28.200 --> 00:53:31.300
as an answer as possible. If it's not possible to give one today

1033
00:53:31.300 --> 00:53:34.600
to provide one based on the information that

1034
00:53:34.600 --> 00:53:38.500
we have had submitted to us about what

1035
00:53:37.500 --> 00:53:39.000
the

1036
00:53:40.500 --> 00:53:43.900
battery energy storage system is

1037
00:53:43.900 --> 00:53:44.600
going to be

1038
00:53:48.200 --> 00:53:51.500
the question simply is as that as it

1039
00:53:51.500 --> 00:53:52.200
stands at the moment.

1040
00:53:53.800 --> 00:53:57.100
Does does it require consent hazardous

1041
00:53:56.100 --> 00:53:58.200
substances consent?

1042
00:53:59.500 --> 00:54:02.500
Whether or not it's achieved by means of the dco or

1043
00:54:02.500 --> 00:54:02.800
otherwise.

1044
00:54:05.700 --> 00:54:06.300
so I

1045

00:54:08.400 --> 00:54:11.900

I purpose originally for applicant. I purposely

1046

00:54:11.900 --> 00:54:14.400

didn't answer your questions. So it wasn't

1047

00:54:14.400 --> 00:54:17.300

an inadvertent ambiguity. I'm not I'm not

1048

00:54:17.300 --> 00:54:20.500

going to answer that right now. I think if you need

1049

00:54:20.500 --> 00:54:23.200

an answer that question, which you obviously do from the way you put

1050

00:54:23.200 --> 00:54:26.900

it that we should do so in our written summary because there's

1051

00:54:26.900 --> 00:54:30.100

a as you would have perceived from Dr. Fordham's

1052

00:54:29.100 --> 00:54:32.000

submission. There's a there's a degree of complexity.

1053

00:54:32.900 --> 00:54:35.500

In in the question and it but

1054

00:54:35.500 --> 00:54:39.200

it turns in part on the on the nature of the substances that

1055

00:54:38.200 --> 00:54:41.200

are that would be likely to

1056

00:54:41.200 --> 00:54:44.600

be present. But I think we'll we'll take

1057

00:54:44.600 --> 00:54:47.500

that away to give you a proper answer rather than me trying

1058

00:54:47.500 --> 00:54:49.700

to do. So on the hoof and then being told I got it wrong afterwards.

1059

00:54:50.500 --> 00:54:52.700

right good doctor Fordham wish

1060

00:54:53.700 --> 00:54:56.100

Did Dr. Fordham wish to come back on that? Um,

1061

00:54:56.100 --> 00:55:00.700

well only to say that my written representation forthcoming

1062

00:54:59.700 --> 00:55:02.600

by 11th November whenever

1063

00:55:02.600 --> 00:55:05.100

the date is will put forward

1064

00:55:05.100 --> 00:55:08.400

the reasons that I am personally convinced that

1065

00:55:08.400 --> 00:55:12.800

hazardous substances consent is almost certainly required

1066

00:55:11.800 --> 00:55:14.600

for the battery element

1067

00:55:14.600 --> 00:55:17.600

in the scheme. I have to say almost certainly because

1068

00:55:17.600 --> 00:55:20.300

it's logically possible. Although I believe

1069

00:55:20.300 --> 00:55:21.800

quite improve.

1070

00:55:22.200 --> 00:55:25.500

That you could escape the need for hazardous

1071

00:55:25.500 --> 00:55:28.600

substance is consent either by their being

1072

00:55:28.600 --> 00:55:31.400

known hazardous substances or by there being

1073

00:55:31.400 --> 00:55:34.400

present below the control quantities. I mean

1074

00:55:34.400 --> 00:55:37.300

that's logically possible but I think in the size of the scheme

1075

00:55:37.300 --> 00:55:40.300

that we've heard talked about today going up

1076

00:55:40.300 --> 00:55:44.900

to I think the bidding stopped at 2400 megawatt

1077

00:55:44.900 --> 00:55:47.200

hours of storage capacity. I think

1078

00:55:47.200 --> 00:55:52.100

it's inconceivable that HSE HSC

1079

00:55:50.100 --> 00:55:53.500

would not be required.

1080

00:55:53.500 --> 00:55:56.300

All right forward the reasons in my in

1081

00:55:56.300 --> 00:55:58.600

my written rap. Okay. Thank you very much.

1082

00:55:59.400 --> 00:56:02.200

Thank you. So thank you

1083

00:56:02.200 --> 00:56:05.200

everyone if we just move on to the next part of this

1084

00:56:05.200 --> 00:56:08.000

items second part, which is schedule 13.

1085

00:56:09.500 --> 00:56:10.800
and first

1086

00:56:13.600 --> 00:56:13.800
to

1087

00:56:16.500 --> 00:56:19.200
Sorry, we talking on the previous item is something

1088

00:56:19.200 --> 00:56:22.500
someone else say on schedule too? Yeah, absolutely. Oh and

1089

00:56:22.500 --> 00:56:25.500
I don't I'm muted. Yes apologies Mr. Rigby

1090

00:56:25.500 --> 00:56:28.100
Daniel cuz ELCA saying a correction group and the new

1091

00:56:28.100 --> 00:56:31.100
Market's Horseman group. And as I understood it what we went
through

1092

00:56:31.100 --> 00:56:35.100
then was the matters raised by Sonica under

1093

00:56:34.100 --> 00:56:37.700
those bullet points. The room

1094

00:56:37.700 --> 00:56:40.100
hasn't been given the opportunity in Safar as

1095

00:56:40.100 --> 00:56:43.200
anyone has them to raise their own points that

1096

00:56:43.200 --> 00:56:46.600
may come under a free bullet points that are identified schedule
too.

1097

00:56:46.600 --> 00:56:50.400
I want I wanted to hear other people's

1098

00:56:50.400 --> 00:56:53.200

views on the questions. I've put to

1099

00:56:53.200 --> 00:56:55.100

the applicant. Yes. That's right.

1100

00:56:56.400 --> 00:56:59.400

What I'm asking is will there be an opportunity to raise

1101

00:56:59.400 --> 00:57:02.300

over matters which would arise under schedule 2 or you

1102

00:57:02.300 --> 00:57:05.600

now departing from that point we I was

1103

00:57:05.600 --> 00:57:09.000

going to move on to schedule 13 if anybody's got any burning

1104

00:57:08.100 --> 00:57:11.700

things they want to say I was

1105

00:57:11.700 --> 00:57:14.400

going to Hoover them up towards the end. But if I'm happy

1106

00:57:14.400 --> 00:57:17.400

to leave it towards the end. Okay. I bet what there are things may come

1107

00:57:17.400 --> 00:57:20.700

out and you can the course of of the hearing I understand

1108

00:57:20.700 --> 00:57:23.100

in which I would just flag for our three matters that we'd raise

1109

00:57:23.100 --> 00:57:26.100

them to schedule too, but I'm happy to come back to it. Okay. We have we

1110

00:57:26.100 --> 00:57:30.900

have a we have a catch all as it were is that

1111
00:57:30.900 --> 00:57:31.100
okay?

1112
00:57:32.600 --> 00:57:35.700
so on schedule 13

1113
00:57:39.600 --> 00:57:43.600
I'd like to put a question to the

1114
00:57:42.600 --> 00:57:44.800
relevant planning authorities.

1115
00:57:46.200 --> 00:57:49.700
To ask do you have any concerns in principle

1116
00:57:49.700 --> 00:57:52.200
with the procedure proposed for

1117
00:57:52.200 --> 00:57:55.200
the discharge of requirements or for managing appeals or

1118
00:57:55.200 --> 00:57:58.800
disputes under the development consent

1119
00:57:58.800 --> 00:57:59.000
order?

1120
00:58:00.500 --> 00:58:03.700
So if the local planning

1121
00:58:03.700 --> 00:58:05.900
authorities, I don't know who wants to go first.

1122
00:58:07.200 --> 00:58:09.500
Does Mr. Bedford have his hand up? I can't see.

1123
00:58:11.700 --> 00:58:12.000
No.

1124

00:58:13.300 --> 00:58:16.200

Does anyone else wish to speak to this item?

1125

00:58:17.600 --> 00:58:21.000

There's no and was up.

1126

00:58:20.700 --> 00:58:23.800

Sorry you would

1127

00:58:23.800 --> 00:58:26.400

you like to yeah, obviously slightly delayed hand. Yes.

1128

00:58:26.400 --> 00:58:29.200

I know you're feeling yeah. Sorry, sir. Yes. Thank you.

1129

00:58:29.200 --> 00:58:32.800

So Michael Bedford Suffolk County Council, I

1130

00:58:32.800 --> 00:58:35.600

think possibly strictly we might not be irrelevant planning Authority, but

1131

00:58:35.600 --> 00:58:38.800

we're certainly a relevant Authority for the purposes of

1132

00:58:38.800 --> 00:58:41.500

the operation of the requirements that are

1133

00:58:41.500 --> 00:58:44.700

dealt within schedule 13. So I

1134

00:58:44.700 --> 00:58:45.200

think we had

1135

00:58:47.100 --> 00:58:51.300

To points that we would want to raise

1136

00:58:50.300 --> 00:58:54.500

firstly in

1137

00:58:53.500 --> 00:58:57.100

relation to the mechanics

1138

00:58:56.100 --> 00:58:59.900
of schedule 13,

1139

00:58:59.900 --> 00:59:02.800
and there were

1140

00:59:02.800 --> 00:59:04.900
two points on time periods.

1141

00:59:06.100 --> 00:59:10.200
one in paragraph two item

1142

00:59:11.100 --> 00:59:14.600
one a where there is a a

1143

00:59:14.600 --> 00:59:16.400
period of 28 days.

1144

00:59:17.400 --> 00:59:21.100
For the relevant Authority under any

1145

00:59:20.100 --> 00:59:23.700
of the consent or

1146

00:59:23.700 --> 00:59:27.100
approval mechanisms to provide

1147

00:59:26.100 --> 00:59:29.300
a response within 28 days

1148

00:59:29.300 --> 00:59:33.000
unless it's a schedule to requirement

1149

00:59:32.700 --> 00:59:35.400
in which case under B. There's

1150

00:59:35.400 --> 00:59:36.300
a period of eight weeks.

1151

00:59:37.100 --> 00:59:41.300

Were perfectly content with the eight week period in

1152

00:59:40.300 --> 00:59:44.200

terms of requirements that

1153

00:59:43.200 --> 00:59:46.200

so far as other consents. We

1154

00:59:46.200 --> 00:59:49.300

consider the 28 day period is too short.

1155

00:59:50.600 --> 00:59:54.500

The advice note 15 in its

1156

00:59:54.500 --> 00:59:57.100

appendix one gives a period of

1157

00:59:57.100 --> 01:00:00.700

I think 42 days for that stage and

1158

01:00:00.700 --> 01:00:03.700

we don't really see that there's a need to reduce that.

1159

01:00:04.600 --> 01:00:09.300

And then the the second issue on

1160

01:00:09.300 --> 01:00:10.200

timing.

1161

01:00:11.700 --> 01:00:14.000

is in paragraph or

1162

01:00:15.100 --> 01:00:16.000

to

1163

01:00:17.200 --> 01:00:20.400

D and this is in the

1164

01:00:20.400 --> 01:00:21.500

appeals part of

1165

01:00:22.400 --> 01:00:26.300

The discharge Arrangements if there's an appeal against a either

1166

01:00:25.300 --> 01:00:30.200

a refusal or a non--

1167

01:00:28.200 --> 01:00:32.600

decision or

1168

01:00:32.600 --> 01:00:35.700

conditions. What for?

1169

01:00:36.400 --> 01:00:39.600

To D says is

1170

01:00:39.600 --> 01:00:43.000

that the relevant Authority in any console tea required

1171

01:00:42.200 --> 01:00:45.400

to be consulted Etc

1172

01:00:45.400 --> 01:00:48.100

must submit their representations within a period

1173

01:00:48.100 --> 01:00:50.000

of 10 business days.

1174

01:00:51.300 --> 01:00:55.700

And again in advice note 15 in appendix

1175

01:00:55.700 --> 01:00:58.800

one the relevant time periods that is indicated

1176

01:00:58.800 --> 01:01:02.400

in the guidance is 20 business days.

1177

01:01:04.200 --> 01:01:07.400

and certainly we consider that 10 business days

1178

01:01:07.400 --> 01:01:10.100

is too short and would consider that

1179

01:01:10.100 --> 01:01:11.400

there should be a

1180

01:01:13.100 --> 01:01:17.100

more substantive period and also as between

1181

01:01:16.100 --> 01:01:18.300

D and E.

1182

01:01:19.100 --> 01:01:23.100

the way that paragraph forms

1183

01:01:24.300 --> 01:01:27.500

Is that the relevant authorities go first?

1184

01:01:29.500 --> 01:01:32.300

Whether it's at the 10-day point or it's a 20-day point.

1185

01:01:33.200 --> 01:01:36.600

And then the Undertaker makes counter-submissions.

1186

01:01:37.200 --> 01:01:41.500

At a second later date whereas

1187

01:01:40.500 --> 01:01:43.700

under Article 15 both the

1188

01:01:43.700 --> 01:01:46.600

Undertaker and the relevant console

1189

01:01:46.600 --> 01:01:49.400

teammate their initial representations mutually at

1190

01:01:49.400 --> 01:01:50.000

the same time.

1191

01:01:51.100 --> 01:01:54.500

But then there is an opportunity for counter submissions as a

1192

01:01:54.500 --> 01:01:57.400

later stage and we again, we don't understand really why there

1193

01:01:57.400 --> 01:02:00.400

should be a departure from the advice 15 approach.

1194

01:02:01.100 --> 01:02:05.100

So those are the matters that relate to the time scale and

1195

01:02:04.100 --> 01:02:05.500

then the

1196

01:02:07.400 --> 01:02:10.000

separate matter is simply on the

1197

01:02:10.700 --> 01:02:13.500

overall mechanism for discharge of

1198

01:02:13.500 --> 01:02:14.300

requirements.

1199

01:02:15.400 --> 01:02:18.500

And it's the point I referred to earlier. We think

1200

01:02:18.500 --> 01:02:22.300

that the schedule would be improved if

1201

01:02:21.300 --> 01:02:24.700

it was spelled out that where

1202

01:02:24.700 --> 01:02:27.300

there is a in relation to the

1203

01:02:27.300 --> 01:02:30.300

two tier authorities where one tier

1204

01:02:30.300 --> 01:02:33.100

is the discharging Authority then there should

1205

01:02:33.100 --> 01:02:36.300

be a requirement to consult with the other

1206

01:02:36.300 --> 01:02:36.700

tier.

1207

01:02:37.400 --> 01:02:40.900

Higher or lower depending on the requirement, and we

1208

01:02:40.900 --> 01:02:43.400

know there's a precedent for that

1209

01:02:43.400 --> 01:02:47.500

in the size. Well see dco in

1210

01:02:47.500 --> 01:02:51.100

schedule 13 of its relevant Provisions

1211

01:02:50.100 --> 01:02:53.600

paragraph 1.4 as what

1212

01:02:53.600 --> 01:02:57.900

you might call a mutual consultation Arrangement

1213

01:02:56.900 --> 01:02:59.400

between higher tier

1214

01:02:59.400 --> 01:03:03.200

and lower tier authorities, and we

1215

01:03:02.200 --> 01:03:06.600

consider that to be a sensible approach.

1216

01:03:06.600 --> 01:03:09.100

So those were the points we wanted to

1217

01:03:09.100 --> 01:03:11.100

make on schedule 13. Thank you.

1218

01:03:12.500 --> 01:03:13.000

Thank you.

1219

01:03:14.800 --> 01:03:16.400

Yes, please. What's the f***?

1220

01:03:17.200 --> 01:03:21.300

Thank you, sir. Richie Barrick for West suffer Council. So indoors

1221

01:03:20.300 --> 01:03:23.100

everything that Mr. Bedford has said but we have

1222

01:03:23.100 --> 01:03:26.500

tea for the points to make and so the first ones is

1223

01:03:26.500 --> 01:03:29.600

to do with how applications the how applications

1224

01:03:29.600 --> 01:03:33.800

are dealt with at paragraph do of schedule

1225

01:03:32.800 --> 01:03:35.500

tarsheen. And so

1226

01:03:35.500 --> 01:03:38.200

this is in effect art soap paragraph three, which is

1227

01:03:38.200 --> 01:03:41.700

the deemed consent provision. See the default

1228

01:03:41.700 --> 01:03:44.500

position. Is that where the legal where the discharging

1229

01:03:44.500 --> 01:03:47.300

Authority doesn't mean the

1230

01:03:47.300 --> 01:03:50.600

application within the set time period or within any agreed extension

1231

01:03:50.600 --> 01:03:53.300

than the default is that there would be deemed consent without

1232

01:03:53.300 --> 01:03:56.200

any condition or qualification. And so

1233

01:03:56.200 --> 01:03:59.600

west of a council and objects to Ash approach. And

1234

01:03:59.600 --> 01:04:02.500

what we would like to see is the approach taken

1235

01:04:02.500 --> 01:04:06.000

message only in the recent other Farm

1236

01:04:05.400 --> 01:04:08.800

DCU is including Cleveland Crow where

1237

01:04:08.800 --> 01:04:13.000

instead of having deemed consent we would see effectively you'd

1238

01:04:12.100 --> 01:04:15.400

have to go down the non-determination route and you'd

1239

01:04:15.400 --> 01:04:16.300

have an appeal instead.

1240

01:04:16.900 --> 01:04:19.500

And I I do totally understand

1241

01:04:19.500 --> 01:04:22.300

the rationale for the deemed consent and I understand

1242

01:04:22.300 --> 01:04:25.300

the applicants concerns, which is that they obviously don't want

1243

01:04:25.300 --> 01:04:28.400

these processes to be held up in we're looking at nationally significant

1244

01:04:28.400 --> 01:04:31.300

infrastructure infrastructure projects, and it's important

1245

01:04:31.300 --> 01:04:34.200
to get the Bold ruling and not

1246

01:04:34.200 --> 01:04:37.500
have matches held up. But the flip side

1247

01:04:37.500 --> 01:04:40.300
really is that we're dealing here with um

1248

01:04:40.300 --> 01:04:44.300
requirements that have significant implications and

1249

01:04:43.300 --> 01:04:46.900
you have to get them right and

1250

01:04:46.900 --> 01:04:49.200
I don't understand the applicant to be

1251

01:04:49.200 --> 01:04:52.300
suggesting that you know, anyone would be Barbers fully holding

1252

01:04:52.300 --> 01:04:55.600
things up on the side of the local authorities. And so

1253

01:04:55.600 --> 01:04:58.700
really where there has been some jelly

1254

01:04:58.700 --> 01:05:01.200
and I presume this will often be

1255

01:05:01.200 --> 01:05:04.600
down to things like local Authority constraints and staff
availability

1256

01:05:04.600 --> 01:05:07.200
who are you know under a lot of fresh and

1257

01:05:07.200 --> 01:05:10.300
have to deal with lots of things that come in at the same time. So
to the extent

1258

01:05:10.300 --> 01:05:13.500

that there are the short administrative delays the the

1259

01:05:13.500 --> 01:05:16.200

balance shouldn't be struck on this side

1260

01:05:16.200 --> 01:05:16.500

of having

1261

01:05:16.900 --> 01:05:19.400

Consent without any qualifications or conditions,

1262

01:05:19.400 --> 01:05:22.200

but rather in the interest of proper planning, it would

1263

01:05:22.200 --> 01:05:25.100

be far more beneficial to have the sort of

1264

01:05:25.100 --> 01:05:28.200

the non-denomination route instead. So say that was my

1265

01:05:28.200 --> 01:05:31.200

first substantive point. The second one is just

1266

01:05:32.400 --> 01:05:35.800

I think perhaps more minor point which is just surrounding fees

1267

01:05:35.800 --> 01:05:39.800

and there's obviously

1268

01:05:39.800 --> 01:05:42.300

nothing in the in the draft Eco dealing with

1269

01:05:42.300 --> 01:05:46.200

fees as regards the discharge

1270

01:05:45.200 --> 01:05:48.100

of requirements. If we were in the

1271

01:05:48.100 --> 01:05:51.400

planning sphere we would have you know, the fees regulations Etc.

1272

01:05:51.400 --> 01:05:54.400

I just I guess I just want to Clarity at this

1273

01:05:54.400 --> 01:05:57.700

state. The applicant doesn't have an in principle objection to that to

1274

01:05:57.700 --> 01:06:00.200

the to the question of fees and and then that will have to

1275

01:06:00.200 --> 01:06:02.600

be discussed offline in the fast instance.

1276

01:06:03.400 --> 01:06:03.700

Thank you.

1277

01:06:05.500 --> 01:06:06.300

Mr. Kiman

1278

01:06:08.300 --> 01:06:11.300

I'm grateful for the opportunity. I have nothing to add to

1279

01:06:11.300 --> 01:06:12.600

what the other authorities have said.

1280

01:06:13.500 --> 01:06:16.200

Thank you very much. Ah, yes, sir for

1281

01:06:16.200 --> 01:06:18.200

essentials on the Muslims group.

1282

01:06:18.800 --> 01:06:21.400

And thank you Mr. Rigby. Don't because our questions. Yes. I'm

1283

01:06:21.400 --> 01:06:24.700

a new market Horseman's group is just one very minor addition

1284

01:06:24.700 --> 01:06:27.500

to what was parek said which we entirely

1285

01:06:27.500 --> 01:06:31.900

agree with and raised this point the the

1286

01:06:30.900 --> 01:06:33.400

process that was provided for

1287

01:06:33.400 --> 01:06:36.100

I think has as she flagged up in both cleave Hill

1288

01:06:36.100 --> 01:06:39.200

and little crow was for the appeal route

1289

01:06:39.200 --> 01:06:42.800

to be used in a case of non-determination rather than a deemed consent.

1290

01:06:42.800 --> 01:06:45.500

And that is all what the advice no advice

1291

01:06:45.500 --> 01:06:46.000

note 15.

1292

01:06:48.300 --> 01:06:51.800

And provides for as well. So we certainly regarded

1293

01:06:51.800 --> 01:06:54.700

this as an exceptional approach compared

1294

01:06:54.700 --> 01:06:56.700

to the normal approach which has been taken elsewhere.

1295

01:06:58.400 --> 01:07:01.700

I should say I was referring there to the deeming provision in paragraph two

1296

01:07:01.700 --> 01:07:02.500

three.

1297

01:07:04.500 --> 01:07:04.800

Thank you.

1298

01:07:06.300 --> 01:07:10.200

Right. Does anybody have?

1299

01:07:11.700 --> 01:07:14.700

Any other submissions on these two topics sort of

1300

01:07:14.700 --> 01:07:17.000

my hovering up item here. I just at the end

1301

01:07:17.100 --> 01:07:20.300

of item four mystery. I

1302

01:07:20.300 --> 01:07:20.600

thank you

1303

01:07:21.300 --> 01:07:24.400

Yes, and I don't know if this will be appropriate time

1304

01:07:24.400 --> 01:07:27.900

to bring up those over points under what

1305

01:07:27.900 --> 01:07:31.100

do they relate to decommissioning paragraph six

1306

01:07:30.100 --> 01:07:34.400

of schedule 2 and a

1307

01:07:33.400 --> 01:07:36.400

very short point on noise.

1308

01:07:37.500 --> 01:07:41.100

Get fine. Go ahead. I just wondered if Mr. Turney

1309

01:07:40.100 --> 01:07:43.100

would want to respond on the points made

1310

01:07:43.100 --> 01:07:46.700

on schedule 13 because I think I'm gonna take us in a different direction

1311

01:07:46.700 --> 01:07:49.400

from yes. You're going that's a schedule too on you. Yes.

1312

01:07:49.400 --> 01:07:52.400

Yes if that's okay with

1313

01:07:52.400 --> 01:07:55.300

everyone. Yes, we'll do that do it that way around. Yes. So

1314

01:07:55.300 --> 01:07:58.300

the applicants on schedule 13. Thank you, sir, Rich

1315

01:07:58.300 --> 01:08:02.300

attorney for the applicant. So it's to

1316

01:08:02.300 --> 01:08:04.100

bedford's points about dates.

1317

01:08:04.900 --> 01:08:08.800

In particular in the appeal process, we'll look

1318

01:08:08.800 --> 01:08:11.500

again at those and see if

1319

01:08:11.500 --> 01:08:15.200

that's those changes which we can make and

1320

01:08:14.200 --> 01:08:17.400

if not will explain our reasons. Why.

1321

01:08:18.200 --> 01:08:19.500

the

1322

01:08:21.200 --> 01:08:24.500

two-tier Authority point which is

1323

01:08:24.500 --> 01:08:27.900

the suggestion that there should be a general provision that if Authority

1324

01:08:27.900 --> 01:08:30.700

one is doing something it must consult authority

1325

01:08:30.700 --> 01:08:33.200

to we think we have

1326

01:08:33.200 --> 01:08:36.600

dealt with that satisfactorily in in the requirements themselves

1327

01:08:36.600 --> 01:08:39.700

with identified who the appropriate discharging authorities and

1328

01:08:39.700 --> 01:08:42.800

who the appropriate console tea is in the

1329

01:08:42.800 --> 01:08:45.500

relevant requirements. But if Mr.

1330

01:08:45.500 --> 01:08:48.300

Bedford wants to pursue

1331

01:08:48.300 --> 01:08:51.800

that point in I think he should identify where he says the Lacuna

1332

01:08:51.800 --> 01:08:54.700

is where is there something missing that somebody

1333

01:08:54.700 --> 01:08:57.400

needs to be consulted because that's probably best deal

1334

01:08:57.400 --> 01:09:00.500

with in the specific requirement rather than as a matter

1335

01:09:00.500 --> 01:09:03.700

of generality. Otherwise, we'll be

1336

01:09:03.700 --> 01:09:06.700

forced to consult people who have no interest or potentially forced

1337

01:09:06.700 --> 01:09:08.800

to consult people have no interest in the discharge of a

particular.

1338

01:09:09.800 --> 01:09:10.500
requirement

1339

01:09:13.300 --> 01:09:15.200
deemed consent

1340

01:09:17.800 --> 01:09:21.600
regular issue in dco examinations

1341

01:09:20.600 --> 01:09:23.600
and the in the examination of other orders.

1342

01:09:23.600 --> 01:09:26.000
We say deemed consent is the appropriate.

1343

01:09:26.800 --> 01:09:29.100
Approach to take and and if I

1344

01:09:29.100 --> 01:09:33.000
just briefly explain why yes, sometimes

1345

01:09:32.400 --> 01:09:35.500
things are more complicated and sometimes

1346

01:09:35.500 --> 01:09:39.200
unexpected problems occur.

1347

01:09:40.300 --> 01:09:43.200
But in those circumstances, there are two approaches that the

1348

01:09:43.200 --> 01:09:46.400
discharging Authority can take the first one is to seek to agree an

1349

01:09:46.400 --> 01:09:49.200
extension so that they have longer to determine the particular

1350

01:09:49.200 --> 01:09:54.700
application and obviously it will often very

1351

01:09:53.700 --> 01:09:56.000

often being the interest of

1352

01:09:56.200 --> 01:09:59.200

the applicant to agree that extension so they get the consent they want

1353

01:09:59.200 --> 01:10:02.900

and the second remedy is if you get to the end of the time period then

1354

01:10:02.900 --> 01:10:05.900

you're not satisfied that the approval in

1355

01:10:05.900 --> 01:10:08.100

question should be granted. Then you issue a

1356

01:10:08.100 --> 01:10:12.900

refusal notice and you get your appeal mechanism the deeming

1357

01:10:11.900 --> 01:10:16.200

of consent deals

1358

01:10:15.200 --> 01:10:18.300

with the situation where the authority to effect if

1359

01:10:18.300 --> 01:10:21.100

you takes no action at all not where they've that they

1360

01:10:21.100 --> 01:10:25.400

want to do something that they've run out of time or they need more information. So we

1361

01:10:25.400 --> 01:10:28.600

say it's appropriate there's deemed discharge provided for

1362

01:10:28.600 --> 01:10:31.200

under the development management procedural order as

1363

01:10:31.200 --> 01:10:34.200

you'll be well aware for normal planning applications. So this is

1364

01:10:34.200 --> 01:10:37.500

not a novel proposition and indeed

1365

01:10:37.500 --> 01:10:40.000

it's reflected another dca's that we say. It's

1366

01:10:40.200 --> 01:10:43.500

It's an appropriate mechanism the appeal mechanism

1367

01:10:43.500 --> 01:10:46.300

obviously has its particularly utility where

1368

01:10:46.300 --> 01:10:50.100

there is a disagreement and forcing the

1369

01:10:49.100 --> 01:10:52.400

applicant into an appeal mechanism where there might

1370

01:10:52.400 --> 01:10:55.100

not be a disagreement but simply indifference on

1371

01:10:55.100 --> 01:10:58.100

the part of the discharging Authority in the sense, they're not concerned about

1372

01:10:58.100 --> 01:11:01.100

the submission. They just haven't got around to approving it

1373

01:11:01.100 --> 01:11:04.600

would in of you

1374

01:11:04.600 --> 01:11:07.500

be an unnecessary burden on all parties including

1375

01:11:07.500 --> 01:11:10.700

the authority. He will have to then deal with an appeal.

1376

01:11:12.800 --> 01:11:15.400

That's deemed consent. And then I think the only

1377

01:11:15.400 --> 01:11:19.500

other point to respond on is fees. I

1378

01:11:18.500 --> 01:11:21.400

think the answer to miss parrot's question

1379

01:11:21.400 --> 01:11:26.600

is yes, the applicant is

1380

01:11:25.600 --> 01:11:28.400

content with the principle that

1381

01:11:28.400 --> 01:11:31.100

it would pay appropriate fees for

1382

01:11:31.100 --> 01:11:35.300

discharging requirements for seeking approvals. I

1383

01:11:34.300 --> 01:11:37.600

think that's probably best dealt with by whatever fees schedule

1384

01:11:37.600 --> 01:11:40.700

in the order that will specify those

1385

01:11:40.700 --> 01:11:43.500

fees. And that's something

1386

01:11:43.500 --> 01:11:46.700

that we can discuss with the relevant authorities.

1387

01:11:48.700 --> 01:11:49.200

Thank you.

1388

01:11:51.600 --> 01:11:52.800

Mr. Gazowski

1389

01:11:54.300 --> 01:11:57.300

Thank you, Mr. Rigby. I will take these points relatively quickly.

1390

01:11:57.300 --> 01:12:00.200

We're going back to schedule two. There are a

1391

01:12:00.200 --> 01:12:03.500

few things that we identify that should be

1392

01:12:03.500 --> 01:12:06.800

considered by the AXA and proposed for amendment to

1393

01:12:06.800 --> 01:12:10.100

be draft dco the most important and

1394

01:12:09.100 --> 01:12:13.700

pressing one we foresee is the one addressed

1395

01:12:12.700 --> 01:12:16.200

in our summary submissions

1396

01:12:15.200 --> 01:12:18.500

from paragraph 34, that's

1397

01:12:18.500 --> 01:12:21.800

rep 1-047 and that's

1398

01:12:21.800 --> 01:12:23.900

in concern of decommissioning.

1399

01:12:24.800 --> 01:12:28.300

so decommissioning is provided for in schedule

1400

01:12:27.300 --> 01:12:30.400

2, but the

1401

01:12:30.400 --> 01:12:34.000

decommissioning is concerning the

1402

01:12:35.600 --> 01:12:38.300

Sorry, the decommissioning is concerning we

1403

01:12:38.300 --> 01:12:42.300

decommissioning Environmental Management plan. The concerns

1404

01:12:41.300 --> 01:12:44.400

we have and we say there

1405

01:12:44.400 --> 01:12:48.200

should be a change to effect. It's a remedy of these concerns a

1406

01:12:47.200 --> 01:12:51.100

twofold first. There is

1407

01:12:51.100 --> 01:12:54.500

nothing to secure decommissioning in Miss

1408

01:12:54.500 --> 01:12:57.500

case. For example, if Sun occur

1409

01:12:57.500 --> 01:13:00.400

or whoever is running missing at the end of 40 years has

1410

01:13:00.400 --> 01:13:03.700

gone Bust or otherwise is unable to

1411

01:13:03.700 --> 01:13:06.800

do the decommissioning and we suggest that

1412

01:13:06.800 --> 01:13:09.500

there should be provision included for

1413

01:13:09.500 --> 01:13:12.300

a bombs to secure the decommissioning in this case

1414

01:13:12.300 --> 01:13:16.300

such at the expense about doesn't fall on local

1415

01:13:15.300 --> 01:13:19.700

communities and local councils. In

1416

01:13:18.700 --> 01:13:21.300

addition. We say that

1417

01:13:21.300 --> 01:13:24.400

the decommissioning provided for in the decommissioning
Environmental Management

1418

01:13:24.400 --> 01:13:27.500

plan is concerned with its name Environmental Management.

1419

01:13:27.500 --> 01:13:30.500

There isn't a plan which concerns the

1420

01:13:30.500 --> 01:13:33.200

actual decommissioning and the returning of the land to

1421

01:13:33.200 --> 01:13:35.300

the state. It was in Prior and we

1422

01:13:35.600 --> 01:13:37.000

It's important for you.

1423

01:13:38.100 --> 01:13:42.400

To have a baseline in mind which the

1424

01:13:41.400 --> 01:13:44.600

decommissioning will

1425

01:13:44.600 --> 01:13:47.200

have to achieve at the end of the 40 years

1426

01:13:47.200 --> 01:13:50.300

or 42 years, but the scheme exists for and we say

1427

01:13:50.300 --> 01:13:53.100

this is very important because the case Advanced by

1428

01:13:53.100 --> 01:13:57.300

Sonica is that this is a temporary scheme. We

1429

01:13:56.300 --> 01:13:59.000

dispute that for various reasons, but

1430

01:13:59.400 --> 01:14:02.400

assuming it is temporary one of the things that must be temporary

is

1431

01:14:02.400 --> 01:14:05.800

the impact on the land and so we share say

1432

01:14:05.800 --> 01:14:08.400

there should be an outline decommissioning plan that

1433

01:14:08.400 --> 01:14:11.700

sets the parameters against which successful decommissioning

1434

01:14:11.700 --> 01:14:14.600

will be tested and then you in your

1435

01:14:14.600 --> 01:14:17.600

consideration of this scheme can

1436

01:14:17.600 --> 01:14:20.900

weigh the fact that you know what the state the

1437

01:14:20.900 --> 01:14:23.300

scheme will be. Sorry for the land will be

1438

01:14:23.300 --> 01:14:26.300

returned to at the end of the 40 years or the 42 years.

1439

01:14:26.300 --> 01:14:29.900

We say I'm a current terms of the DCA. You

1440

01:14:29.900 --> 01:14:32.500

have no shirt and you have no Surety

1441

01:14:32.500 --> 01:14:35.300

on what actually will happen in decommissioning.

1442

01:14:36.600 --> 01:14:39.800

Or any sufficient detail of what will happen in decommissioning.

1443

01:14:40.300 --> 01:14:43.300

So that's my first point. My other two points were a lot shorter not

1444

01:14:43.300 --> 01:14:46.300

least as matters have come up in miss hearing but

1445

01:14:46.300 --> 01:14:49.200

maybe make them a little moose or at

1446

01:14:49.200 --> 01:14:52.600

least consider whether we should put them after the written representation stage

1447

01:14:52.600 --> 01:14:55.500

in our summary submissions from paragraph 30,

1448

01:14:55.500 --> 01:14:58.700

we propose amendments to paragraph six which

1449

01:14:58.700 --> 01:15:02.500

provides various detailed Provisions that

1450

01:15:02.500 --> 01:15:06.100

need to be in place before the case before the development commences.

1451

01:15:05.100 --> 01:15:08.800

We propose additions to

1452

01:15:08.800 --> 01:15:11.800

paragraph F in the

1453

01:15:11.800 --> 01:15:15.100

form of works and public highways and amendments

1454

01:15:14.100 --> 01:15:17.800

to what is currently I to win

1455

01:15:17.800 --> 01:15:20.500

two more broadly include a landscaping

1456

01:15:20.500 --> 01:15:24.000

and ecological works. I'm an addition to which would

1457

01:15:23.500 --> 01:15:26.200

be our new genius and where we've put it

1458

01:15:26.200 --> 01:15:29.300

concerning with stopping up diversion and creation of

1459

01:15:29.300 --> 01:15:32.200

public rights of way and permissive paths as you understand. It was

1460

01:15:32.200 --> 01:15:35.400

not much in a way of public rights of way and permissive paths that

1461

01:15:35.400 --> 01:15:39.600

are going to be changed because everything's temporary on the
applicant's case,

1462

01:15:39.600 --> 01:15:39.800

but

1463

01:15:40.300 --> 01:15:43.200

Like that as things that we think

1464

01:15:43.200 --> 01:15:46.800

are required to ensure but those items a properly

1465

01:15:46.800 --> 01:15:48.100

secured before this goes forwards.

1466

01:15:48.600 --> 01:15:51.000

And then the third point is noise.

1467

01:15:53.700 --> 01:15:56.200

Following the change application in

1468

01:15:56.200 --> 01:15:59.700

this case various things on site of

1469

01:15:59.700 --> 01:16:02.100

change particularly. There's now shunt reactor at one of the

1470

01:16:02.100 --> 01:16:05.300
best sites provided for we know

1471
01:16:05.300 --> 01:16:08.500
article seven of the dco provides the very standard

1472
01:16:08.500 --> 01:16:12.000
defense for statutory nuisance

1473
01:16:11.400 --> 01:16:15.000
based on noise. And I

1474
01:16:14.500 --> 01:16:17.600
don't dispute that's a usual thing seeing these

1475
01:16:17.600 --> 01:16:20.700
it appears in the two recent solar dcos.

1476
01:16:21.600 --> 01:16:24.900
The reason I raise this is that

1477
01:16:24.900 --> 01:16:27.300
considering the changes that have occurred and

1478
01:16:27.300 --> 01:16:30.600
whether noise will increase the results of that the provisions

1479
01:16:30.600 --> 01:16:34.300
dealing with noise in schedule too are rather

1480
01:16:33.300 --> 01:16:36.200
short and perfunctory and we say that

1481
01:16:36.200 --> 01:16:39.400
to protect though to a nearby to

1482
01:16:39.400 --> 01:16:42.100
best sites in circumstances where they

1483
01:16:42.100 --> 01:16:45.100
will have no recourse as a

1484

01:16:45.100 --> 01:16:48.600

matter of law because of article 7, there should be some provision

1485

01:16:48.600 --> 01:16:51.600

put into paragraph 17 to

1486

01:16:51.600 --> 01:16:54.700

provide absolute noise limits, so there

1487

01:16:54.700 --> 01:16:57.300

will be obviously as paragraph 171 provides for

1488

01:16:57.300 --> 01:17:00.800

there is a design to be subsequently agreed but in

1489

01:17:00.800 --> 01:17:03.400

our submission, there should be figures included at

1490

01:17:03.400 --> 01:17:07.100

paragraph 17 which represent the reasonable worst case which

1491

01:17:06.100 --> 01:17:09.600

the EXA regards as acceptable for

1492

01:17:09.600 --> 01:17:11.700

those who have to live close to this scheme.

1493

01:17:14.300 --> 01:17:14.700

Thank you.

1494

01:17:17.900 --> 01:17:18.700

Are there any other?

1495

01:17:19.700 --> 01:17:22.900

points anyone wishes to raise on schedule to or

1496

01:17:22.900 --> 01:17:23.800

schedule 13

1497

01:17:25.200 --> 01:17:28.600
and not seeing any

1498
01:17:28.600 --> 01:17:32.100
hands could the applicant. Please respond to

1499
01:17:31.100 --> 01:17:33.700
wrap up this item, please. Thank you.

1500
01:17:35.800 --> 01:17:41.000
That thanks there Rich attorney for the applicant concerns

1501
01:17:38.000 --> 01:17:41.200
about

1502
01:17:41.200 --> 01:17:45.100
decommissioning. There is a framework decommissioning Environmental

1503
01:17:44.100 --> 01:17:47.900
Management plan, and it

1504
01:17:47.900 --> 01:17:52.000
deals with the range of topics corresponding

1505
01:17:50.200 --> 01:17:53.500
with the topics for assessment under

1506
01:17:53.500 --> 01:17:57.400
the es and it

1507
01:17:56.400 --> 01:17:59.300
sets out for example the requirement to

1508
01:17:59.300 --> 01:18:05.000
submit a soils management plan and so on and for

1509
01:18:02.000 --> 01:18:05.100
the

1510
01:18:05.100 --> 01:18:09.800
preservation and retention of agricultural soils

1511

01:18:09.800 --> 01:18:12.800
and matters such

1512

01:18:12.800 --> 01:18:17.700
as that it provides for measures under

1513

01:18:17.700 --> 01:18:20.300
the landscape Environmental Management plan to

1514

01:18:20.300 --> 01:18:24.100
be considered and protected.

1515

01:18:25.100 --> 01:18:28.700
I think the short point is that we don't

1516

01:18:28.700 --> 01:18:32.700
accept the generality of the criticism that Mr. Gazelle

1517

01:18:32.700 --> 01:18:36.200
can makes and if say

1518

01:18:35.200 --> 01:18:38.100
no Seneca are going to run this point. They should

1519

01:18:38.100 --> 01:18:39.300
do it by reference to the

1520

01:18:40.200 --> 01:18:43.400
decommissioning Environmental Management

1521

01:18:43.400 --> 01:18:46.700
plan and explain how that needs to change.

1522

01:18:49.500 --> 01:18:52.400
and indeed, of course the the interaction between that and

1523

01:18:52.400 --> 01:18:55.300
the other prior plans which identify how

1524

01:18:55.300 --> 01:18:58.100
matters such as

1525

01:18:58.100 --> 01:19:01.400
agricultural soils again to be addressed through the construction
and operation of

1526

01:19:01.400 --> 01:19:04.600
the scheme and and the decommissioning

1527

01:19:04.600 --> 01:19:05.900
being the Final Phase that so

1528

01:19:07.700 --> 01:19:09.700
I think that addresses that in terms of

1529

01:19:11.400 --> 01:19:14.500
there's a suggestion about the provision of

1530

01:19:15.900 --> 01:19:18.700
a bond that that's

1531

01:19:18.700 --> 01:19:21.400
not an appropriate approach. We say

1532

01:19:21.400 --> 01:19:25.300
in this case. The operational life is

1533

01:19:25.300 --> 01:19:28.700
some 40 years hence the

1534

01:19:28.700 --> 01:19:32.300
provisions in respect of the decommissioning

1535

01:19:31.300 --> 01:19:34.800
Environmental Management plan are secured by

1536

01:19:34.800 --> 01:19:38.600
requirement. They're enforceable as a requirement obviously

1537

01:19:38.600 --> 01:19:41.200

with the criminal as well

1538

01:19:41.200 --> 01:19:45.000

as other sanctions available for failing to

1539

01:19:44.300 --> 01:19:48.800

comply with the provision to the DCA. And again,

1540

01:19:47.800 --> 01:19:50.800

I think we would invite say

1541

01:19:50.800 --> 01:19:53.800

no to Seneca to focus on the terms of those

1542

01:19:53.800 --> 01:19:56.200

plans and to explain

1543

01:19:56.200 --> 01:20:00.500

why they think there's a shortfall in those which we

1544

01:20:00.500 --> 01:20:03.500

can either address through the framework or indeed can be

1545

01:20:03.500 --> 01:20:08.900

matters that can be addressed when they come to be discharged in more

1546

01:20:07.900 --> 01:20:13.100

than 40 years time and we

1547

01:20:10.100 --> 01:20:13.600

have

1548

01:20:13.600 --> 01:20:15.600

indicated that

1549

01:20:15.800 --> 01:20:19.000

Continue to look at the framework plans and

1550

01:20:18.300 --> 01:20:21.600

that includes the decommissioning Environmental

1551

01:20:21.600 --> 01:20:24.200

Management plan. And I think that's the

1552

01:20:24.200 --> 01:20:24.300

way

1553

01:20:25.200 --> 01:20:26.000

to deal with it.

1554

01:20:28.100 --> 01:20:32.600

I didn't know various points made about various other

1555

01:20:32.600 --> 01:20:36.300

elements of the mitigation measures

1556

01:20:35.300 --> 01:20:38.600

stopping up and temporary

1557

01:20:38.600 --> 01:20:41.800

diversions and so on and I think

1558

01:20:41.800 --> 01:20:44.400

we'll respond to those in writing

1559

01:20:44.400 --> 01:20:47.100

as we need to I think that their points which are set out

1560

01:20:47.100 --> 01:20:50.000

in say not Sonic has written

1561

01:20:50.800 --> 01:20:53.200

Submissions, I'll just say

1562

01:20:53.200 --> 01:20:57.600

briefly on on noise, Mr. Cazelka

1563

01:20:56.600 --> 01:20:58.300

is right.

1564

01:20:59.400 --> 01:21:03.200
to identify the existence

1565
01:21:02.200 --> 01:21:04.800
of a noise requirement

1566
01:21:05.600 --> 01:21:08.500
the noise requirement doesn't spell out

1567
01:21:08.500 --> 01:21:13.900
in terms noise limits, but it does refer to those levels

1568
01:21:12.900 --> 01:21:16.000
which have been assessed in

1569
01:21:15.300 --> 01:21:20.000
the es and requires

1570
01:21:19.700 --> 01:21:22.700
the submission of an operational noise assessment,

1571
01:21:22.700 --> 01:21:26.500
which obviously has to come at detailed design

1572
01:21:25.500 --> 01:21:29.000
so that we can ensure that the appropriate

1573
01:21:28.600 --> 01:21:32.000
measures have been implemented in the

1574
01:21:31.300 --> 01:21:36.000
final design of the scheme. If there

1575
01:21:35.100 --> 01:21:38.200
are specific noise levels that

1576
01:21:38.200 --> 01:21:43.900
say no to Sonica or the local authorities identify it

1577
01:21:41.900 --> 01:21:44.200
help to

1578

01:21:44.200 --> 01:21:47.500

know if those are the same as the ones it identified in

1579

01:21:47.500 --> 01:21:50.300

the rating levels and the environmental

1580

01:21:50.300 --> 01:21:53.400

statement or whether they are different ones. If they are the

1581

01:21:53.400 --> 01:21:56.600

same then I think our position

1582

01:21:56.600 --> 01:22:00.800

would be that it would be duplicative to have

1583

01:21:59.800 --> 01:22:03.500

those recited in requirements 17

1584

01:22:03.500 --> 01:22:05.300

if they're

1585

01:22:05.600 --> 01:22:06.800

Then I think we need to know what they are.

1586

01:22:07.900 --> 01:22:11.300

Thank you. Thank you very much. And thank

1587

01:22:10.300 --> 01:22:12.600

you everyone for all your

1588

01:22:13.300 --> 01:22:16.500

contributions that's bringing us to the end of item for

1589

01:22:16.500 --> 01:22:19.300

on schedules two and 13.

1590

01:22:20.100 --> 01:22:22.600

I'd like to move on now to item five.

1591

01:22:23.800 --> 01:22:27.400
Which is to do with articles 38

1592
01:22:26.400 --> 01:22:28.700
and schedule 10.

1593
01:22:30.400 --> 01:22:33.300
Of the order which is documents and plans.

1594
01:22:34.500 --> 01:22:35.600
to be certified

1595
01:22:39.100 --> 01:22:42.200
So I want to review the list of

1596
01:22:42.200 --> 01:22:43.800
documents to be certified.

1597
01:22:45.500 --> 01:22:48.800
It's at schedule 10, which is given effect by article 38

1598
01:22:48.800 --> 01:22:51.900
and I want to seek the views of those presents as

1599
01:22:51.900 --> 01:22:53.500
to whether the list is complete.

1600
01:22:54.800 --> 01:22:58.000
And if not, what additional documents would need

1601
01:22:57.200 --> 01:22:58.800
to be included?

1602
01:23:00.600 --> 01:23:03.600
It's sort of ties in a bit with what we spoke

1603
01:23:03.600 --> 01:23:04.100
about earlier.

1604
01:23:05.200 --> 01:23:08.600
Relating to what? I like to call the plan of plans which

1605

01:23:08.600 --> 01:23:10.500

sort of shows everything ties in.

1606

01:23:11.800 --> 01:23:14.000

So I'd first like to hear.

1607

01:23:14.800 --> 01:23:17.300

Any interested passes other than the

1608

01:23:17.300 --> 01:23:20.500

applicants on this item and then here?

1609

01:23:21.400 --> 01:23:23.300

the applicants response

1610

01:23:27.700 --> 01:23:30.900

Is anybody wishing to speak from interested

1611

01:23:30.900 --> 01:23:31.100

parties?

1612

01:23:33.400 --> 01:23:37.300

Are Mr. Bedford? Yes. Yes. I'm looking

1613

01:23:37.300 --> 01:23:40.600

skywards here to see if you're you're there.

1614

01:23:42.800 --> 01:23:45.800

Thank you, sir. Michael Bedford for Suffolk County Council.

1615

01:23:47.200 --> 01:23:49.600

Just a couple of points.

1616

01:23:51.300 --> 01:23:54.500

which relate to some of the topics we've already been

1617

01:23:54.500 --> 01:23:57.600

discussing in relation to highways matters and the

1618

01:23:59.100 --> 01:24:02.400
question of the detail we have

1619
01:24:02.400 --> 01:24:05.500
again set out in the local impact report

1620
01:24:05.500 --> 01:24:08.500
where we have concerns about the

1621
01:24:08.500 --> 01:24:11.900
efficacy of information that has

1622
01:24:11.900 --> 01:24:14.300
knock-on consequences for the

1623
01:24:14.300 --> 01:24:17.500
amount of material that's

1624
01:24:17.500 --> 01:24:21.000
covered so far in the framework construction traffic

1625
01:24:20.400 --> 01:24:24.000
management plan, and we

1626
01:24:23.400 --> 01:24:26.500
consider that further work is needed on that

1627
01:24:26.500 --> 01:24:30.400
document. But in terms of obviously tying

1628
01:24:29.400 --> 01:24:32.500
that document to the dco it is tied

1629
01:24:32.500 --> 01:24:35.200
to the dco. We also have one further point on that

1630
01:24:35.200 --> 01:24:38.500
document which is in relation to public rights of

1631
01:24:38.500 --> 01:24:42.400
way. We consider it would be preferable if

1632

01:24:41.400 --> 01:24:44.900

there was a separate public rights where

1633

01:24:44.900 --> 01:24:47.600

you plan prepared rather than that simply

1634

01:24:47.600 --> 01:24:51.600

appearing as an adjunct within the framework

1635

01:24:50.600 --> 01:24:53.700

construction traffic management plan.

1636

01:24:53.700 --> 01:24:56.500

So those are two fairly narrow points.

1637

01:24:56.500 --> 01:24:58.800

They say they relate to the concerns we

1638

01:24:59.100 --> 01:25:02.400

Expressed a greater length about the

1639

01:25:02.400 --> 01:25:05.100

adequacy of some of the information in relation to

1640

01:25:05.100 --> 01:25:07.800

transport and access a movement matters.

1641

01:25:10.300 --> 01:25:10.600

Thank you.

1642

01:25:15.400 --> 01:25:17.900

Any other people wish to comment their?

1643

01:25:19.200 --> 01:25:21.000

Go back to the applicant, please. Thank you.

1644

01:25:22.500 --> 01:25:25.100

And thanks Sarah Rich attorney for the applicant.

1645

01:25:26.700 --> 01:25:30.600
there there are I think access and

1646
01:25:30.600 --> 01:25:32.400
rights of way plans that are

1647
01:25:33.300 --> 01:25:36.700
In the list of the documents and plans to be certified there the
first

1648
01:25:36.700 --> 01:25:40.600
and the list I think Mr. Bedford's

1649
01:25:40.600 --> 01:25:40.800
probably

1650
01:25:41.700 --> 01:25:44.900
seeking something further than

1651
01:25:44.900 --> 01:25:47.200
that in terms of

1652
01:25:47.200 --> 01:25:50.100
what's been provided. I think we're content that

1653
01:25:50.100 --> 01:25:54.800
this is sufficient and that the

1654
01:25:53.800 --> 01:25:56.400
access and rights way plans are the

1655
01:25:56.400 --> 01:25:59.400
commons that should be certified. I know

1656
01:25:59.400 --> 01:26:03.300
in discussions and written representations with the

1657
01:26:02.300 --> 01:26:05.200
highway authorities. There have

1658
01:26:05.200 --> 01:26:08.800

been discussions about for example showing the pre-existing extent

1659

01:26:08.800 --> 01:26:11.000
of the highway identifying

1660

01:26:12.500 --> 01:26:17.700
County boundaries and so on our position

1661

01:26:16.700 --> 01:26:20.300
is that we don't need those sort

1662

01:26:19.300 --> 01:26:22.800
of additional plans

1663

01:26:22.800 --> 01:26:26.100
to be certified but

1664

01:26:25.100 --> 01:26:28.200
that we're content that we

1665

01:26:28.200 --> 01:26:32.700
can agree to prepare those sorts of plans when it comes to
discharging

1666

01:26:31.700 --> 01:26:34.600
any requirements or indeed in ongoing

1667

01:26:34.600 --> 01:26:37.600
discussions with the with the relevant authorities.

1668

01:26:37.600 --> 01:26:40.000
So we think that's the means for dealing with

1669

01:26:40.300 --> 01:26:43.300
that as opposed to certifying a whole new set of

1670

01:26:43.300 --> 01:26:47.000
plans, which are I think going to be largely duplicative of

1671

01:26:46.100 --> 01:26:48.200
the application plans.

1672

01:26:49.500 --> 01:26:50.500

And thank you.

1673

01:26:53.800 --> 01:26:57.400

Thank you short and sweet. And so that's talking

1674

01:26:56.400 --> 01:26:59.600

some plans to be certified.

1675

01:27:01.500 --> 01:27:04.100

That's a note there, but I think we've covered it already.

1676

01:27:05.200 --> 01:27:06.000

So thanks everyone.

1677

01:27:07.100 --> 01:27:10.300

We're now move on to Watson 6 which deals with

1678

01:27:10.300 --> 01:27:11.800

protective provisions?

1679

01:27:13.400 --> 01:27:17.100

And to the applicant if you

1680

01:27:17.100 --> 01:27:19.800

could please give a brief update on progress.

1681

01:27:20.900 --> 01:27:23.600

between the parties regarding protective provisions,

1682

01:27:23.600 --> 01:27:26.700

and if you could please explain any

1683

01:27:26.700 --> 01:27:31.000

important differences of view and timescales for

1684

01:27:30.500 --> 01:27:33.400

resolution of any important differences, please

1685

01:27:38.700 --> 01:27:41.200
so Richard Griffis on path

1686
01:27:41.200 --> 01:27:42.400
the applicant. Thank you.

1687
01:27:43.700 --> 01:27:47.600
So the draft order at schedule.

1688
01:27:48.900 --> 01:27:51.200
Let's get page at schedule

1689
01:27:51.200 --> 01:27:56.300
12 identifies Parts one to 10 which identifies

1690
01:27:55.300 --> 01:27:58.600
either bespoke

1691
01:27:58.600 --> 01:28:01.400
protective Provisions or the generic protective positions

1692
01:28:01.400 --> 01:28:05.700
in terms of the perspective Provisions, the we

1693
01:28:04.700 --> 01:28:07.200
have four sets of

1694
01:28:07.200 --> 01:28:10.600
those parts that are now agreed and they are angry and

1695
01:28:10.600 --> 01:28:12.900
water our greed in there in part.

1696
01:28:13.900 --> 01:28:15.200
three of the order

1697
01:28:18.200 --> 01:28:20.800
Eastern power networks, UK PN

1698
01:28:21.800 --> 01:28:24.400
are also agreed and they are in part seven

1699

01:28:24.400 --> 01:28:24.800
of the order.

1700

01:28:26.600 --> 01:28:28.100
case and gas Limited

1701

01:28:29.200 --> 01:28:32.100
is our agreed and they're in part 4 of the

1702

01:28:32.100 --> 01:28:32.400
order.

1703

01:28:33.800 --> 01:28:36.900
And National highways are agreed

1704

01:28:36.900 --> 01:28:39.800
and they are in part

1705

01:28:39.800 --> 01:28:41.600
9 of the order.

1706

01:28:43.900 --> 01:28:46.900
In respect to the remaining bespoke protective

1707

01:28:46.900 --> 01:28:49.400
Provisions. We are in our list

1708

01:28:49.400 --> 01:28:52.400
days National Grid electricity transmission and National

1709

01:28:52.400 --> 01:28:53.500
Grid gas.

1710

01:28:54.500 --> 01:28:58.500
We are in active discussions with them and protect

1711

01:28:57.500 --> 01:29:00.800
Provisions have been between the

1712

01:29:00.800 --> 01:29:01.400
two parties.

1713
01:29:02.400 --> 01:29:06.200
And we've responded to their latest comments on the

1714
01:29:06.200 --> 01:29:09.600
in August. I'm waiting response from National Grid on

1715
01:29:09.600 --> 01:29:12.100
those fully anticipate that those protective Provisions will

1716
01:29:12.100 --> 01:29:14.200
be agreed during the course of the examination.

1717
01:29:15.800 --> 01:29:18.300
In respect of national network rail. Sorry

1718
01:29:18.300 --> 01:29:21.200
again. We're an active discussions with network Rail and

1719
01:29:21.200 --> 01:29:24.200
they are as an advanced stage and we fully expect

1720
01:29:24.200 --> 01:29:26.600
to have those agreed before the end of the examination.

1721
01:29:28.600 --> 01:29:31.200
The environment agency again. These are

1722
01:29:31.200 --> 01:29:35.200
first meetings have taken

1723
01:29:34.200 --> 01:29:37.700
place and we are

1724
01:29:37.700 --> 01:29:40.400
working through their latest set of comments which arrived

1725
01:29:40.400 --> 01:29:43.400
at the end of September and we

1726

01:29:43.400 --> 01:29:46.400

are looking to hopefully agree those fairly surely during

1727

01:29:46.400 --> 01:29:47.400

the course of the examination.

1728

01:29:49.600 --> 01:29:52.900

Regarding the various drainage Authority protective

1729

01:29:52.900 --> 01:29:56.500

Provisions. These are being negotiated

1730

01:29:55.500 --> 01:30:00.200

and are in advanced

1731

01:29:59.200 --> 01:30:02.100

stage. I think it's fair to say there's a

1732

01:30:02.100 --> 01:30:05.900

few points between us between the lead authorities

1733

01:30:05.900 --> 01:30:08.400

and the idps. But again, we're

1734

01:30:08.400 --> 01:30:11.000

looking to get these agreed by the end of the examination.

1735

01:30:13.300 --> 01:30:16.600

And finally, so South Staffordshire water,

1736

01:30:16.600 --> 01:30:19.400

we contacted South Africa water

1737

01:30:19.400 --> 01:30:22.200

following their relevant representation, which identified that

1738

01:30:22.200 --> 01:30:25.700

they had infrastructure in the order limits

1739

01:30:25.700 --> 01:30:28.500
and these are now in almost

1740
01:30:28.500 --> 01:30:31.400
final form following their latest

1741
01:30:31.400 --> 01:30:34.200
iteration, and we certainly hope

1742
01:30:34.200 --> 01:30:37.500
to have those Provisions in agreed form

1743
01:30:37.500 --> 01:30:38.400
very shortly.

1744
01:30:39.400 --> 01:30:42.600
There are eight other utility providers that the applicant has

1745
01:30:42.600 --> 01:30:45.900
been in contact with we've identified through our various searches
one

1746
01:30:45.900 --> 01:30:48.200
of those Vodafone confirms that they do

1747
01:30:48.200 --> 01:30:51.500
not have any assets that assets are not affected by the scheme. So

1748
01:30:51.500 --> 01:30:54.300
we are those conversations with Vodafone have

1749
01:30:54.300 --> 01:30:54.400
now.

1750
01:30:55.600 --> 01:30:58.400
Fallen away we're still waiting and chasing

1751
01:30:58.400 --> 01:31:02.500
for responses from the other seven,

1752
01:31:02.500 --> 01:31:05.600

but as they are identified through

1753

01:31:05.600 --> 01:31:09.800

either the standard Communications protective

1754

01:31:09.800 --> 01:31:12.500

Provisions or gas electricity. They are automatically

1755

01:31:12.500 --> 01:31:15.200

covered by the general protective Provisions if they do not respond,

1756

01:31:15.200 --> 01:31:19.100

but we will continue to follow up with

1757

01:31:18.100 --> 01:31:21.800

those seven other bodies. That's

1758

01:31:21.800 --> 01:31:24.100

a quick one through of where we are. So

1759

01:31:24.800 --> 01:31:28.600

thanks very much. That's that's very helpful. But are

1760

01:31:27.600 --> 01:31:31.100

there any points any other parties

1761

01:31:30.100 --> 01:31:32.800

wish to make on protective provisions?

1762

01:31:39.100 --> 01:31:42.900

Mr. Bedford you wish to make any points? I

1763

01:31:42.900 --> 01:31:45.800

can't see. Thank you

1764

01:31:45.800 --> 01:31:48.800

so much. Thank you. So Michael Bedford Suffolk County

1765

01:31:48.800 --> 01:31:53.000

Council to points, please

1766

01:31:51.100 --> 01:31:55.500
sir one

1767

01:31:54.500 --> 01:31:55.900
is

1768

01:31:56.900 --> 01:31:59.900
a narrow point in relation

1769

01:31:59.900 --> 01:32:00.800
to part 8

1770

01:32:02.600 --> 01:32:05.100
of the protective Provisions which deals with the

1771

01:32:05.100 --> 01:32:09.800
drainage authorities and the

1772

01:32:08.800 --> 01:32:12.800
definition at paragraph

1773

01:32:11.800 --> 01:32:16.100
89 includes

1774

01:32:14.100 --> 01:32:17.500
the lead local flood or

1775

01:32:17.500 --> 01:32:21.500
authority or some areas as a

1776

01:32:20.500 --> 01:32:23.600
drainage Authority.

1777

01:32:25.400 --> 01:32:28.400
And there is there has

1778

01:32:28.400 --> 01:32:31.400
been as Mr. Griffiths just said some very useful

1779

01:32:31.400 --> 01:32:34.800
dialogue and liaison on the

1780
01:32:34.800 --> 01:32:37.700
bulk of these Clauses and

1781
01:32:37.700 --> 01:32:38.000
we are

1782
01:32:39.500 --> 01:32:42.400
moving to a hopefully a

1783
01:32:42.400 --> 01:32:45.600
mutually satisfactory position. There is

1784
01:32:45.600 --> 01:32:48.400
an issue in relation to

1785
01:32:48.400 --> 01:32:51.400
the financial Arrangement side

1786
01:32:51.400 --> 01:32:55.600
of matters in paragraph 95, which

1787
01:32:54.600 --> 01:32:59.100
is currently outstanding the

1788
01:32:58.100 --> 01:33:02.300
moment in relation to that

1789
01:33:01.300 --> 01:33:05.100
provision. There is

1790
01:33:04.100 --> 01:33:08.600
said to be an obligation where

1791
01:33:07.600 --> 01:33:10.700
the circumstances arise for

1792
01:33:10.700 --> 01:33:14.400
the applicant to pay reasonable compensation

1793

01:33:13.400 --> 01:33:16.700
to the relevant

1794

01:33:16.700 --> 01:33:21.000
Authority for losses or costs incurred.

1795

01:33:19.400 --> 01:33:22.600
We think that falls short

1796

01:33:22.600 --> 01:33:25.200
of what is required and could lead

1797

01:33:25.200 --> 01:33:28.500
to unnecessary dispute as to what is or

1798

01:33:28.500 --> 01:33:31.200
isn't reasonable compensation. What we

1799

01:33:31.200 --> 01:33:34.900
would prefer to see having looked at precedence elsewhere.

1800

01:33:35.900 --> 01:33:39.000
Is something which was clearer to

1801

01:33:38.500 --> 01:33:41.600
ensure that it covered the actual costs

1802

01:33:41.600 --> 01:33:44.600
that were incurred by The

1803

01:33:44.600 --> 01:33:47.800
Authority we're content

1804

01:33:47.800 --> 01:33:50.400
that there may need to be a caveat to ensure that they're

1805

01:33:50.400 --> 01:33:53.100
reasonably incurred. So as it were to stop in kind

1806

01:33:53.100 --> 01:33:58.100
of gold plating or super placing of works and

1807
01:33:57.100 --> 01:34:00.300
and I think we think that

1808
01:34:00.300 --> 01:34:03.900
there is a a useful precedent from the Southampton to

1809
01:34:03.900 --> 01:34:06.200
London pipeline dco. We can pick that

1810
01:34:06.200 --> 01:34:10.500
up in our postering submissions. There are also precedents

1811
01:34:09.500 --> 01:34:13.300
in the other solar farm dco.

1812
01:34:12.300 --> 01:34:15.800
So that's a fairly

1813
01:34:15.800 --> 01:34:18.400
narrow issue, but it's it's still an outstanding issue.

1814
01:34:18.400 --> 01:34:21.500
I say dialogue is continuing then so

1815
01:34:21.500 --> 01:34:25.200
the second point on protective provisions

1816
01:34:26.100 --> 01:34:29.200
is a wide appointment which is to say it's the

1817
01:34:29.200 --> 01:34:33.100
absence of any protective Provisions

1818
01:34:32.100 --> 01:34:35.200
in relation to the

1819
01:34:37.800 --> 01:34:40.300
Infrastructure of the

1820

01:34:40.300 --> 01:34:43.300

county councilors highways Authority and the

1821

01:34:43.300 --> 01:34:46.600

impact of the project on the county

1822

01:34:46.600 --> 01:34:49.500

council's infrastructure as highways Authority

1823

01:34:49.500 --> 01:34:53.300

and that's a obviously there's

1824

01:34:52.300 --> 01:34:56.400

a number of ways in which that

1825

01:34:55.400 --> 01:35:00.100

matter can be dealt with that

1826

01:34:58.100 --> 01:35:02.000

has early been reference to

1827

01:35:01.400 --> 01:35:04.500

a side agreement effectively a

1828

01:35:04.500 --> 01:35:07.700

type of the two seven eight highways act 1980 type of

1829

01:35:07.700 --> 01:35:12.000

agreement that might be capable of addressing

1830

01:35:10.300 --> 01:35:14.600

the county council's concerns

1831

01:35:13.600 --> 01:35:16.400

and you've heard mention

1832

01:35:16.400 --> 01:35:19.300

of the fact that head to terms have been shared and we

1833

01:35:19.300 --> 01:35:23.200
are certainly looking to respond on that and to

1834
01:35:22.200 --> 01:35:25.500
progress that forward and if

1835
01:35:25.500 --> 01:35:28.800
we reach a satisfactory conclusion

1836
01:35:28.800 --> 01:35:32.000
to such an agreement, then

1837
01:35:31.400 --> 01:35:34.700
it may well be that protective Provisions would

1838
01:35:34.700 --> 01:35:37.500
not be also required in the DC.

1839
01:35:38.500 --> 01:35:41.500
However, the county council's default

1840
01:35:41.500 --> 01:35:44.400
position has to be that if

1841
01:35:44.400 --> 01:35:47.600
a suitably agreed position is not reached

1842
01:35:47.600 --> 01:35:51.200
through some side agreement. Then the

1843
01:35:51.200 --> 01:35:54.300
county council's infrastructure, which is there for

1844
01:35:54.300 --> 01:35:57.600
the benefit of the public and Highway users of

1845
01:35:57.600 --> 01:36:00.600
the county should be protected by

1846
01:36:00.600 --> 01:36:03.400
protective Provisions for which there

1847

01:36:03.400 --> 01:36:07.100

are precedents in other development consent orders

1848

01:36:06.100 --> 01:36:09.200

and more particularly. You

1849

01:36:09.200 --> 01:36:12.500

will note that part now in

1850

01:36:13.100 --> 01:36:16.600

Of this dco does include

1851

01:36:16.600 --> 01:36:19.200

protective Provisions expressly for National

1852

01:36:19.200 --> 01:36:22.600

highways highways infrastructure to the

1853

01:36:22.600 --> 01:36:25.800

extent that's impacted by the scheme and we

1854

01:36:25.800 --> 01:36:28.000

see no good reason say if we're not

1855

01:36:28.300 --> 01:36:31.300

able to reach an agreement why protective Provisions should

1856

01:36:31.300 --> 01:36:35.000

not be made available for the county council's highways infrastructure,

1857

01:36:34.500 --> 01:36:38.000

which I say is is precedented in

1858

01:36:37.400 --> 01:36:40.800

other dcos. So that's a

1859

01:36:40.800 --> 01:36:43.900

matter where we haven't at the moment reached as

1860

01:36:43.900 --> 01:36:46.800

it were a common position with the applicant. I say

1861

01:36:46.800 --> 01:36:49.800

if we reach an agreement protective Provisions

1862

01:36:49.800 --> 01:36:52.300

might not be needed. But if we don't reach an agreement, I'm

1863

01:36:52.300 --> 01:36:55.500

afraid we take the view that protective Provisions will be required.

1864

01:36:55.500 --> 01:36:57.400

So that's our position.

1865

01:36:59.300 --> 01:36:59.300

Thank you.

1866

01:37:04.300 --> 01:37:07.900

Mr. Kimberlin is that the position of of your

1867

01:37:07.900 --> 01:37:10.500

County Council so that very much so and

1868

01:37:10.500 --> 01:37:13.200

I'm grateful to Mr. Bedford for the way in which he's

1869

01:37:13.200 --> 01:37:16.200

explained those so very clearly there's one additional

1870

01:37:16.200 --> 01:37:16.500

point.

1871

01:37:19.900 --> 01:37:22.600

And this and that's in it's a point,

1872

01:37:22.600 --> 01:37:24.500

which you've heard submissions about.

1873

01:37:25.400 --> 01:37:28.100

In the slightly different context is about timing.

1874

01:37:29.200 --> 01:37:32.600

article that 90 in the order deals

1875

01:37:32.600 --> 01:37:36.100

with protective Provisions in respect of drainage authorities,

1876

01:37:35.100 --> 01:37:38.500

and it's a very straightforward point about the

1877

01:37:38.500 --> 01:37:39.700

length of time that

1878

01:37:42.100 --> 01:37:45.400

such authorities will have to either require further

1879

01:37:45.400 --> 01:37:48.300

information or the period

1880

01:37:48.300 --> 01:37:49.500

during which

1881

01:37:50.500 --> 01:37:53.200

consent will be deemed to have been given.

1882

01:37:54.100 --> 01:37:57.700

Presently it's a 14-day period

1883

01:37:57.700 --> 01:38:00.400

to ask for further information. We would respectfully suggest

1884

01:38:00.400 --> 01:38:01.200

28.

1885

01:38:02.400 --> 01:38:04.400

And so far as the the default.

1886

01:38:05.300 --> 01:38:08.300

To the grant his concerned rather than 28 days.

1887

01:38:08.300 --> 01:38:09.500

We would suggest two months.

1888

01:38:12.900 --> 01:38:15.800

We're very happy to discuss those with the applicant.

1889

01:38:16.700 --> 01:38:17.700

in the usual way

1890

01:38:18.600 --> 01:38:18.900

Thank you.

1891

01:38:21.100 --> 01:38:24.500

Are there any more submissions from interest to

1892

01:38:24.500 --> 01:38:26.300

parties on the protective provisions?

1893

01:38:29.200 --> 01:38:32.400

Thank you so much case for the applicant please

1894

01:38:32.400 --> 01:38:33.100

if you could respond.

1895

01:38:34.700 --> 01:38:36.600

Thank you. So rich Griffis on behalf of the

1896

01:38:37.600 --> 01:38:40.200

applicant in terms of Mr. I start

1897

01:38:40.200 --> 01:38:43.600

with Mr. Bedford's regarding his first point on part

1898

01:38:43.600 --> 01:38:46.500

8. Yes. I'm going to

1899

01:38:46.500 --> 01:38:48.700

get the detail negotiations now between

1900

01:38:49.600 --> 01:38:52.600

The perspective parties but we are that is

1901

01:38:52.600 --> 01:38:55.700

the the pointy summarizes effectively the

1902

01:38:55.700 --> 01:38:58.600

the key Point that's outstanding

1903

01:38:58.600 --> 01:39:01.900

on those particular protective Provisions. Very pleased that as

1904

01:39:01.900 --> 01:39:05.800

a recognition that costs need to be reasonable so that we

1905

01:39:04.800 --> 01:39:08.100

will continue to look at those the drafting

1906

01:39:07.100 --> 01:39:10.500

between the two parties and the various Prestons

1907

01:39:10.500 --> 01:39:13.400

that we've both sighted between each other on made orders

1908

01:39:13.400 --> 01:39:16.500

in respect to that point, but I see no

1909

01:39:16.500 --> 01:39:18.600

reason why we were not to reach a landing point.

1910

01:39:19.600 --> 01:39:22.800

On that issue regarding the

1911

01:39:22.800 --> 01:39:25.400

second point which also point

1912

01:39:25.400 --> 01:39:26.400

from caymanshire County Council.

1913

01:39:28.200 --> 01:39:31.300

We have to progress the need for tattoo Provisions, which

1914

01:39:31.300 --> 01:39:34.100

we don't accept at this point. We need to have response to the heads of

1915

01:39:34.100 --> 01:39:37.000

terms of the side agreement that we've issued in August.

1916

01:39:38.100 --> 01:39:41.700

So we do need to have we look forward to those that

1917

01:39:41.700 --> 01:39:44.900

those comments so that we can progress ideally that

1918

01:39:44.900 --> 01:39:47.600

side agreement so we can reach agreements on it

1919

01:39:47.600 --> 01:39:50.200

sooner rather than later. So I would urge if we could have those

1920

01:39:50.200 --> 01:39:51.800

comments as soon as possible.

1921

01:39:53.200 --> 01:39:57.400

And then regarding the final point from the County

1922

01:39:57.400 --> 01:39:58.600

Council Cambridge County Council.

1923

01:40:00.100 --> 01:40:01.500

so I might miss heard but I think

1924

01:40:03.100 --> 01:40:06.700

we referring to schedule 13 doesn't apply

1925

01:40:06.700 --> 01:40:10.200

to protective Provisions. So I might have missed heard what

1926

01:40:09.200 --> 01:40:13.400

was being said there. But article

1927

01:40:12.400 --> 01:40:15.300

42 doesn't apply doesn't apply

1928

01:40:15.300 --> 01:40:18.700

the precept procedure for discharge to protective

1929

01:40:18.700 --> 01:40:21.200

Provisions, but I may have

1930

01:40:21.200 --> 01:40:23.000

misheard what you said so policies I have.

1931

01:40:25.100 --> 01:40:25.500

Thank you.

1932

01:40:28.200 --> 01:40:31.400

Right, so that concludes items six

1933

01:40:31.400 --> 01:40:32.800

on the agenda. So thanks everyone.

1934

01:40:33.900 --> 01:40:37.800

Who move on to items seven which is consents licenses?

1935

01:40:38.700 --> 01:40:39.800

and other agreements

1936

01:40:44.600 --> 01:40:47.300

and I suppose a suitable starting point would

1937

01:40:47.300 --> 01:40:50.600

appear to be the applicants consents an

1938

01:40:50.600 --> 01:40:53.200

agreements position statement, which was submitted with the

1939

01:40:53.200 --> 01:40:54.200

original applications.

1940

01:40:55.400 --> 01:40:57.500

That's app 021.

1941

01:40:58.600 --> 01:41:01.300

I first question. The applicant is could

1942

01:41:01.300 --> 01:41:04.300

you confirm please? This is the latest version of your

1943

01:41:04.300 --> 01:41:05.400

statement.

1944

01:41:09.800 --> 01:41:12.300

so rich attorney

1945

01:41:12.300 --> 01:41:16.200

for the applicant that is the latest document

1946

01:41:15.200 --> 01:41:18.200

that you have, but we're going

1947

01:41:18.200 --> 01:41:19.900

to put in an update at deadline to

1948

01:41:21.100 --> 01:41:24.200

Thanks very much. Because I was just mindful that we didn't have

1949

01:41:24.200 --> 01:41:27.700

a revised version submitted with the change applications. I assume

1950

01:41:27.700 --> 01:41:30.600

that was that was correct. That's that's right

1951

01:41:30.600 --> 01:41:33.400

had anything there's anything in the change application and at

1952

01:41:33.400 --> 01:41:37.500

all to that I change that's fine. But we are proposing to provide
an

1953

01:41:37.500 --> 01:41:40.200

update at the next deadline. Thank you

1954

01:41:40.200 --> 01:41:43.200
sort of as a sort of

1955

01:41:43.200 --> 01:41:43.900
a heads up to that.

1956

01:41:46.500 --> 01:41:49.500
If you give us a brief update on progress and time scales.

1957

01:41:50.500 --> 01:41:53.100
for completion of these consents and

1958

01:41:53.100 --> 01:41:53.600
licenses

1959

01:41:54.700 --> 01:41:55.800
and another agreements.

1960

01:41:57.600 --> 01:42:00.400
Thanks Eric attorney for the applicant.

1961

01:42:02.300 --> 01:42:05.600
It's a it's a broadly speaking. It's a mix of

1962

01:42:05.600 --> 01:42:06.400
those where?

1963

01:42:07.200 --> 01:42:10.700
We can seek the relevant consent license

1964

01:42:10.700 --> 01:42:11.600
or agreement.

1965

01:42:12.600 --> 01:42:15.600
Now and those were it depends

1966

01:42:15.600 --> 01:42:18.500
on what is proposed in detail later. So

1967

01:42:18.500 --> 01:42:22.700

I think as we've already explained the need

1968

01:42:21.700 --> 01:42:24.500

for a electricity generation

1969

01:42:24.500 --> 01:42:28.000

license already been met in

1970

01:42:27.400 --> 01:42:32.700

terms of obtaining that license the

1971

01:42:30.700 --> 01:42:34.600

water abstraction

1972

01:42:34.600 --> 01:42:36.800

and discharge.

1973

01:42:38.900 --> 01:42:41.500

a permits depend on the

1974

01:42:45.200 --> 01:42:48.400

detailed design and the the requirement the extent to

1975

01:42:48.400 --> 01:42:52.100

which we do need to have any groundwater pumping

1976

01:42:51.100 --> 01:42:54.400

dewatering discharge and so

1977

01:42:54.400 --> 01:42:57.700

on and obviously the protect Provisions irrelevant

1978

01:42:57.700 --> 01:43:01.300

also to that engagement with the environment

1979

01:43:00.300 --> 01:43:03.500

agency on seeking those

1980

01:43:03.500 --> 01:43:04.300

approvals.

1981

01:43:06.800 --> 01:43:10.300

The connection agreement to

1982

01:43:09.300 --> 01:43:12.200

the grid obviously is a critical part of

1983

01:43:12.200 --> 01:43:17.400

the scheme. There is a grid connection offer in place and there's

1984

01:43:16.400 --> 01:43:19.300

the relevant agreements in

1985

01:43:19.300 --> 01:43:22.400

place with National Grid, which

1986

01:43:22.400 --> 01:43:25.300

we've explained in the grid connection

1987

01:43:25.300 --> 01:43:25.800

statement.

1988

01:43:28.900 --> 01:43:31.900

In terms of any permission

1989

01:43:31.900 --> 01:43:34.500

required for transport of

1990

01:43:34.500 --> 01:43:37.600

abnormal loads. Those are

1991

01:43:37.600 --> 01:43:40.400

required to be made in advance of the

1992

01:43:40.400 --> 01:43:43.500

the advanced the

1993

01:43:43.500 --> 01:43:46.200

need for them quite obviously but that's secured through

1994

01:43:46.200 --> 01:43:51.100

the construction traffic management plan, whether there's

1995

01:43:50.100 --> 01:43:54.700

a further license under

1996

01:43:54.700 --> 01:43:58.900

the controller police shot 1974 for generation

1997

01:43:58.900 --> 01:44:02.100

of electricity and connection with the construction projects.

1998

01:44:01.100 --> 01:44:04.800

That's temporary generators. There has

1999

01:44:04.800 --> 01:44:07.400

to be an application made in advance of construction

2000

01:44:07.400 --> 01:44:11.400

same goes for any relevant

2001

01:44:10.400 --> 01:44:13.600

water abstraction or impoundment that

2002

01:44:13.600 --> 01:44:16.200

has to be aware of consent has to be sort from

2003

01:44:16.200 --> 01:44:19.500

others and then in

2004

01:44:19.500 --> 01:44:24.400

respect of the protection of

2005

01:44:25.400 --> 01:44:28.200

Badgers act I think that's the only other one the

2006

01:44:28.200 --> 01:44:32.600

badger license the process

2007

01:44:31.600 --> 01:44:35.200

takes place before construction. So

2008

01:44:34.200 --> 01:44:38.600

again from final ecological survey

2009

01:44:37.600 --> 01:44:41.300

work to identify whether they're any sets

2010

01:44:40.300 --> 01:44:43.400

that are affected and then carry out

2011

01:44:43.400 --> 01:44:46.200

those works of required by

2012

01:44:46.200 --> 01:44:49.100

webmication. So that's the overall pattern we'll be

2013

01:44:49.100 --> 01:44:52.800

adding to that list has a substances consent

2014

01:44:52.800 --> 01:44:55.400

if required and that will

2015

01:44:55.400 --> 01:44:56.200

be in the updated version.

2016

01:44:57.100 --> 01:45:00.500

thank you, and we've spoken a bit already about

2017

01:45:00.500 --> 01:45:03.400

planning obligations and side agreements and the

2018

01:45:03.400 --> 01:45:03.600

like

2019

01:45:04.200 --> 01:45:07.100

are there any others that you think you might

2020

01:45:07.100 --> 01:45:09.600

need and what time scales do you envision?

2021

01:45:10.400 --> 01:45:13.200
Well, we are at Rich

2022
01:45:13.200 --> 01:45:16.700
Tony for the applicant. I think the answer is

2023
01:45:16.700 --> 01:45:19.500
we are in negotiations. Well,

2024
01:45:19.500 --> 01:45:22.400
I don't think that's fair. We're trying to negotiate with

2025
01:45:22.400 --> 01:45:25.800
the authorities on this and Mr. Griffiths

2026
01:45:25.800 --> 01:45:29.300
already politely made the point but we do need engagement on

2027
01:45:28.300 --> 01:45:32.300
that. And so those agreements for

2028
01:45:32.300 --> 01:45:35.400
example in respect of Highways matters are ones which

2029
01:45:35.400 --> 01:45:39.300
are going to address the highway authorities

2030
01:45:38.300 --> 01:45:41.900
concerns about the protection of their Highway interests.

2031
01:45:41.900 --> 01:45:44.500
And we want to progress those

2032
01:45:44.500 --> 01:45:47.500
to reach agreements on them and the same goes and

2033
01:45:47.500 --> 01:45:50.500
any other matters that are outstanding between

2034
01:45:50.500 --> 01:45:55.100
us and the authorities we still

2035

01:45:53.100 --> 01:45:56.200

Keen to continue

2036

01:45:56.200 --> 01:45:59.200

to resolve matters through agreement where

2037

01:45:59.200 --> 01:46:02.200

we can I think in respects of

2038

01:46:02.200 --> 01:46:05.600

anything beyond the highways side agreement, so

2039

01:46:05.600 --> 01:46:08.500

anything we have identified any anything that

2040

01:46:08.500 --> 01:46:09.400

is strictly necessary.

2041

01:46:10.200 --> 01:46:13.300

But we are engaging with the Authority for example in.

2042

01:46:13.800 --> 01:46:16.200

On ppas and so on which we

2043

01:46:16.200 --> 01:46:19.500

continue to to do but they're not necessary for

2044

01:46:19.500 --> 01:46:22.400

addressing the project which is

2045

01:46:22.400 --> 01:46:24.200

the subject to this application.

2046

01:46:25.900 --> 01:46:26.200

Thank you.

2047

01:46:27.200 --> 01:46:30.200

Are there any points any interested parties want to work

2048

01:46:30.200 --> 01:46:32.600

and want the applicants before we move on?

2049

01:46:34.700 --> 01:46:37.600

Just about Bedford.

2050

01:46:37.600 --> 01:46:38.800

Yes, Mr. Bedford.

2051

01:46:42.400 --> 01:46:43.100

Thank you, sir.

2052

01:46:44.200 --> 01:46:49.200

Michael Bedford Suffolk County Council to points

2053

01:46:47.200 --> 01:46:50.700

in relation

2054

01:46:50.700 --> 01:46:53.800

to the side agreements. Yes. The point

2055

01:46:53.800 --> 01:46:57.900

has already been rehearsed about making

2056

01:46:56.900 --> 01:47:00.500

progress on that and Mr.

2057

01:46:59.500 --> 01:47:02.800

Turney were either

2058

01:47:02.800 --> 01:47:05.800

by intention or coincidentally put

2059

01:47:05.800 --> 01:47:08.700

his finger on part of the point when he

2060

01:47:08.700 --> 01:47:11.500

cross referred to PPA planning performance

2061

01:47:11.500 --> 01:47:14.300

agreement. There are issues in

2062

01:47:14.300 --> 01:47:17.400
relation to resources and

2063

01:47:17.400 --> 01:47:21.200
personal availability and the County

2064

01:47:20.200 --> 01:47:23.700
Council obviously has

2065

01:47:23.700 --> 01:47:26.300
a lot of pressures that it is

2066

01:47:26.300 --> 01:47:30.100
working under and obviously that limits how

2067

01:47:29.100 --> 01:47:33.500
much and how often resources can

2068

01:47:33.500 --> 01:47:36.500
be devoted to this project. I

2069

01:47:36.500 --> 01:47:40.000
appreciate entirely from the applicants perspective. This

2070

01:47:39.200 --> 01:47:42.200
is as it were the biggest thing on their table,

2071

01:47:42.200 --> 01:47:43.900
but it's not necessarily the

2072

01:47:44.100 --> 01:47:47.600
Thing on the table of the officers of the County Council

2073

01:47:47.600 --> 01:47:50.800
who are involved in these matters, and I'm

2074

01:47:50.800 --> 01:47:53.600
sure I don't need to say anything more about that. But we

2075

01:47:53.600 --> 01:47:56.900
will obviously Endeavor to take the

2076
01:47:56.900 --> 01:47:59.200
Cooperative approach. We've been taking thus far

2077
01:47:59.200 --> 01:48:02.600
and continuing it and move forward with the

2078
01:48:02.600 --> 01:48:03.300
agreements.

2079
01:48:04.100 --> 01:48:08.700
But clearly there are resource and Personnel

2080
01:48:08.700 --> 01:48:11.200
issues that also have to be factored into that.

2081
01:48:11.200 --> 01:48:14.600
So that's all I wanted to say about side agreements the

2082
01:48:14.600 --> 01:48:17.100
other aspect which is not

2083
01:48:17.100 --> 01:48:20.800
at the moment in any kind of Co 8 form that could

2084
01:48:20.800 --> 01:48:24.200
be the subject of an agreement and

2085
01:48:23.200 --> 01:48:26.300
will not be realistically capable

2086
01:48:26.300 --> 01:48:29.100
of being so until at least you've had the

2087
01:48:29.100 --> 01:48:32.300
topic specific issues specific

2088
01:48:32.300 --> 01:48:35.600
hearings and you've had the opportunity to

2089

01:48:35.600 --> 01:48:38.400

consider further comments on the issues raised

2090

01:48:38.400 --> 01:48:41.400

on the local impact report. But clearly we

2091

01:48:41.400 --> 01:48:44.900

see there is a need for a considerable

2092

01:48:44.900 --> 01:48:47.200

amount more mitigation to be

2093

01:48:47.200 --> 01:48:50.400

provided by the applicant across a range

2094

01:48:50.400 --> 01:48:53.600

of topics and to the extent that following

2095

01:48:53.600 --> 01:48:57.000

the mitigation High Rocky mitigation isn't

2096

01:48:56.600 --> 01:48:59.000

possible. Then there may be

2097

01:48:59.300 --> 01:49:02.300

a need to consider what sometimes called offsetting and what

2098

01:49:02.300 --> 01:49:03.600

sometimes called compensation

2099

01:49:04.700 --> 01:49:07.400

Securing of those matters is likely

2100

01:49:07.400 --> 01:49:11.200

to require a planning obligation planning

2101

01:49:10.200 --> 01:49:11.600

agreement.

2102

01:49:13.500 --> 01:49:16.400
Obviously there can be no as it were

2103
01:49:16.400 --> 01:49:19.700
pop populating of

2104
01:49:19.700 --> 01:49:22.400
such a document at this stage

2105
01:49:22.400 --> 01:49:25.500
of the examination, but it is something which

2106
01:49:25.500 --> 01:49:28.200
if it's possible to

2107
01:49:28.200 --> 01:49:28.700
achieve.

2108
01:49:30.300 --> 01:49:33.500
A resolution of some of these issues that may be

2109
01:49:33.500 --> 01:49:37.200
through the provision of mitigation and/or offsetting

2110
01:49:36.200 --> 01:49:39.200
stroke compensation, which I say

2111
01:49:39.200 --> 01:49:40.800
will need to then be secured.

2112
01:49:41.400 --> 01:49:44.400
And it may well be that the best way to secure that

2113
01:49:44.400 --> 01:49:47.500
is through an agreement. So that's all I

2114
01:49:47.500 --> 01:49:50.200
say about that. I say there's nothing really to report you at the
moment

2115
01:49:50.200 --> 01:49:53.700

and I don't think there will be until the examination has

2116

01:49:53.700 --> 01:49:55.100
some what further progressed.

2117

01:49:56.100 --> 01:49:56.700
Thank you, sir.

2118

01:49:57.600 --> 01:49:57.900
Thank you.

2119

01:49:58.900 --> 01:50:01.500
Is there anything the applicant wants to say briefly

2120

01:50:01.500 --> 01:50:04.400
and response that thank you very much there Richard

2121

01:50:04.400 --> 01:50:08.000
Turney for the applicant. I think obviously we

2122

01:50:07.200 --> 01:50:10.100
recognize resourcing issues, but it would

2123

01:50:10.100 --> 01:50:11.400
be far in.

2124

01:50:12.600 --> 01:50:15.400
You know with respect to the point that's made it'd be

2125

01:50:15.400 --> 01:50:17.000
far better use of resources. If we

2126

01:50:18.100 --> 01:50:20.400
for example on side agreements

2127

01:50:21.200 --> 01:50:24.400
looked at the side agreement that's on the desk rather than

2128

01:50:25.800 --> 01:50:28.200
coming to examination hearings to argue for

2129

01:50:28.200 --> 01:50:31.700

protective Provisions that duplicate that it's just it's inefficient

2130

01:50:31.700 --> 01:50:34.800

to examine matters for

2131

01:50:34.800 --> 01:50:37.300

everybody when there's a proposal in

2132

01:50:37.300 --> 01:50:40.700

place. So I think we do need to focus on what is

2133

01:50:40.700 --> 01:50:43.200

already been put forward and as sitting with the Authority for

2134

01:50:43.200 --> 01:50:47.300

some months now, I take the point about planning obligations

2135

01:50:46.300 --> 01:50:49.800

I think though again

2136

01:50:50.700 --> 01:50:53.800

What we really need to see from any of the

2137

01:50:53.800 --> 01:50:56.400

authorities that considered a planning obligation is

2138

01:50:56.400 --> 01:50:59.500

necessary is an identification at least in the broad in

2139

01:50:59.500 --> 01:51:02.300

Broad terms of what that should cover. So we

2140

01:51:02.300 --> 01:51:06.100

need to see sort of heads of terms for that. The applicant

2141

01:51:05.100 --> 01:51:08.600

is willing and and

2142

01:51:08.600 --> 01:51:11.800

ready to discuss planning obligations. If

2143

01:51:11.800 --> 01:51:15.000

they are suggested to

2144

01:51:14.200 --> 01:51:17.700

be necessary to address any of the concerns

2145

01:51:17.700 --> 01:51:21.600

raised by the authorities and we're

2146

01:51:20.600 --> 01:51:23.400

just invite an identification at least in

2147

01:51:23.400 --> 01:51:26.200

Broad terms of what the heads of terms would be on that. What

2148

01:51:26.200 --> 01:51:30.000

are they to cover because it's quite

2149

01:51:29.300 --> 01:51:32.100

hard to although there's reference to it in the

2150

01:51:32.100 --> 01:51:36.600

local impact report. It's quite hard to discern what specifically the

2151

01:51:35.600 --> 01:51:38.300

authorities have in mind in

2152

01:51:38.300 --> 01:51:42.100

terms of matters to be dealt with through that route. So

2153

01:51:41.100 --> 01:51:44.900

I think we're just encourage the authorities to

2154

01:51:44.900 --> 01:51:47.400

see to what extent the side

2155

01:51:47.400 --> 01:51:50.200

agreement can address their concerns and then

2156

01:51:50.700 --> 01:51:53.700

Out what other points they'd like to see encapsulated in

2157

01:51:53.700 --> 01:51:56.200

agreements and and we can take those and run

2158

01:51:56.200 --> 01:51:56.400

with them.

2159

01:51:57.800 --> 01:52:00.700

Thank you. So that concludes

2160

01:52:00.700 --> 01:52:01.800

items seven.

2161

01:52:04.600 --> 01:52:07.500

Thank you very much for that Mr. Turney.

2162

01:52:07.500 --> 01:52:10.700

I wanted to add this because it

2163

01:52:10.700 --> 01:52:13.200

it comes out of the lir from the

2164

01:52:13.200 --> 01:52:16.100

joint councils and I'm grateful for

2165

01:52:16.100 --> 01:52:20.000

you your last comment that you're prepared

2166

01:52:19.100 --> 01:52:22.100

to look at additional issues.

2167

01:52:22.900 --> 01:52:25.400

Both of them purely Highway

2168

01:52:25.400 --> 01:52:28.400

related section 106 obligations. If

2169

01:52:28.400 --> 01:52:31.400

there is a justification provided and if

2170

01:52:31.400 --> 01:52:35.400

heads of terms are provided we've mentioned

2171

01:52:35.400 --> 01:52:37.500

in Broad terms the ecological

2172

01:52:38.800 --> 01:52:43.000

lvia mitigation that might be excuse me

2173

01:52:42.200 --> 01:52:45.700

of which it section

2174

01:52:45.700 --> 01:52:49.100

106 may or may not form part of those overall measures.

2175

01:52:48.100 --> 01:52:51.100

Excuse me.

2176

01:52:52.200 --> 01:52:53.000

is one of the

2177

01:52:53.900 --> 01:52:58.100

Tranche that comes out of the allir in

2178

01:52:56.100 --> 01:53:00.000

terms of the socio-economic aspects

2179

01:52:59.600 --> 01:53:03.100

of the of the project that hasn't

2180

01:53:02.100 --> 01:53:05.300

been mentioned so far and that's in

2181

01:53:05.300 --> 01:53:10.200

relation to paragraph 12.96. There

2182

01:53:08.200 --> 01:53:12.100

is a long list

2183

01:53:11.100 --> 01:53:17.300

here that is given of proposals

2184

01:53:14.300 --> 01:53:17.800

on

2185

01:53:17.800 --> 01:53:20.800

the part of the local authorities to

2186

01:53:20.800 --> 01:53:24.300

secure through obligations matters

2187

01:53:23.300 --> 01:53:26.700

such as employment Outreach fund

2188

01:53:26.700 --> 01:53:29.200

capital and revenue fund for local

2189

01:53:29.200 --> 01:53:34.300

skills infrastructure Workforce delivery strategy an

2190

01:53:32.300 --> 01:53:35.700

apprentice strategy and

2191

01:53:35.700 --> 01:53:38.000

mango for things provision of

2192

01:53:38.300 --> 01:53:41.200

a bursary scheme to support removal of barriers to training and

2193

01:53:41.200 --> 01:53:45.000

development and funding towards the regional skills coordination

2194

01:53:44.000 --> 01:53:45.600

function.

2195

01:53:50.500 --> 01:53:54.500

I realized those are in perhaps nice

2196

01:53:53.500 --> 01:53:56.200
and form, but I

2197

01:53:56.200 --> 01:54:00.100
assume that among you local

2198

01:53:59.100 --> 01:54:02.800
authorities. There will be a a more

2199

01:54:02.800 --> 01:54:05.600
detailed proposal put to the applicant and that

2200

01:54:05.600 --> 01:54:08.800
some engagement can be made on that so that

2201

01:54:08.800 --> 01:54:09.600
we will have.

2202

01:54:12.300 --> 01:54:15.600
By deadline to when the initial statements of Common Ground,

2203

01:54:15.600 --> 01:54:18.500
are you an indication of

2204

01:54:18.500 --> 01:54:21.500
of where the party's positions lie in

2205

01:54:21.500 --> 01:54:23.100
respect of those matters?

2206

01:54:23.800 --> 01:54:26.600
Is that I'll just leave that there I think is that a

2207

01:54:26.600 --> 01:54:26.700
fair.

2208

01:54:27.500 --> 01:54:30.400
In summary of what I think is reasonable to

2209

01:54:30.400 --> 01:54:33.400

to expect that. Thank you, sir, average

2210

01:54:33.400 --> 01:54:36.100

saying for the applicant that that's that's very helpful and that fits with

2211

01:54:36.100 --> 01:54:39.700

our expectation I think

2212

01:54:39.700 --> 01:54:42.100

on those matter just note and it's just for your

2213

01:54:42.100 --> 01:54:45.400

note and then it's again to the detail, but there is the outline skills

2214

01:54:45.400 --> 01:54:48.900

supply chain and employment plans secured by requirement 20,

2215

01:54:48.900 --> 01:54:51.400

but I think some of the detailed points

2216

01:54:51.400 --> 01:54:54.700

that are put in the lir go perhaps oh granular

2217

01:54:54.700 --> 01:54:56.800

than that. Maybe maybe go further as well.

2218

01:54:58.300 --> 01:54:58.700

Okay. Thank you.

2219

01:55:00.300 --> 01:55:00.700

Thank you, everyone.

2220

01:55:01.500 --> 01:55:04.700

Thanks that concludes Us in seven.

2221

01:55:04.700 --> 01:55:07.200

So thanks everyone and I'll hand back to Mr.

2222

01:55:07.200 --> 01:55:09.700

King to move on to statements of common ground.

2223

01:55:12.300 --> 01:55:15.300

Okay, thank you. Very so item eight statements of

2224

01:55:15.300 --> 01:55:19.700

Common Ground relevant to the the dco. I

2225

01:55:18.700 --> 01:55:21.500

just like to hear really from the applicant

2226

01:55:21.500 --> 01:55:25.000

where we are with that and what

2227

01:55:24.400 --> 01:55:27.900

can we can expect at deadline

2228

01:55:27.900 --> 01:55:30.500

too in terms of the statements from the

2229

01:55:30.500 --> 01:55:35.300

from the several parties

2230

01:55:34.300 --> 01:55:37.100

that you will have been engaging with.

2231

01:55:39.500 --> 01:55:42.500

Rich attorney for the

2232

01:55:42.500 --> 01:55:43.500

applicant

2233

01:55:45.300 --> 01:55:47.100

Just by way of update.

2234

01:55:49.700 --> 01:55:52.200

I don't know that there's there's a long list I did. So

2235

01:55:52.200 --> 01:55:55.300

do you want me to just quickly run through them how many

2236

01:55:55.300 --> 01:55:56.100

if we got so far?

2237

01:55:58.600 --> 01:56:02.200

It's even count them. There's about I think there's about when the

2238

01:56:01.200 --> 01:56:04.200

statements of common

2239

01:56:04.200 --> 01:56:07.400

ground in the offing. So there's the local

2240

01:56:07.400 --> 01:56:10.800

authorities which are

2241

01:56:10.800 --> 01:56:13.500

the the four main authorities the two counties

2242

01:56:13.500 --> 01:56:16.600

the two yes this trip

2243

01:56:16.600 --> 01:56:17.100

authorities.

2244

01:56:19.400 --> 01:56:23.000

That there's been ongoing meetings through October. There

2245

01:56:22.200 --> 01:56:25.700

was one a meeting last week There's a

2246

01:56:25.700 --> 01:56:29.100

further meeting this week. And so

2247

01:56:28.100 --> 01:56:31.400

hopefully we can make some progress on

2248

01:56:31.400 --> 01:56:32.000

on that.

2249

01:56:34.100 --> 01:56:38.100

Again, then environment agency that

2250

01:56:37.100 --> 01:56:40.300

there's a there was a meeting a couple

2251

01:56:40.300 --> 01:56:43.500

of weeks ago and a further meeting this week. So

2252

01:56:43.500 --> 01:56:46.200

again that hopefully one that we provide a substantive update on

2253

01:56:46.200 --> 01:56:47.800

shortly.

2254

01:56:50.700 --> 01:56:54.600

Natural England, there's been

2255

01:56:54.600 --> 01:56:57.400

a productive exchange with natural angle on

2256

01:56:57.400 --> 01:57:00.700

savings common ground. It's current that one's currently with us following a

2257

01:57:00.700 --> 01:57:03.400

meeting that was held two weeks

2258

01:57:03.400 --> 01:57:06.200

ago. So that that one's with the applicant.

2259

01:57:08.500 --> 01:57:12.200

Historic England there's been

2260

01:57:12.200 --> 01:57:17.500

a a meeting in October as well most

2261

01:57:15.500 --> 01:57:18.700

points remain under

2262

01:57:18.700 --> 01:57:21.100

discussion because historic Kingdom want

2263

01:57:21.100 --> 01:57:26.200

to wait. I wanted at that point to wait the submission of their written

2264

01:57:24.200 --> 01:57:27.000

representations.

2265

01:57:28.800 --> 01:57:31.300

National highways, I think we're almost there. There's only one point under

2266

01:57:31.300 --> 01:57:32.800

discussion that sits with us.

2267

01:57:35.800 --> 01:57:38.500

Suffolk Wildlife trust we are awaiting a

2268

01:57:38.500 --> 01:57:43.300

response from them rspb have

2269

01:57:43.300 --> 01:57:47.000

said they do not want to enter into a statement of common ground in respect

2270

01:57:46.100 --> 01:57:47.800

to these proposals.

2271

01:57:50.400 --> 01:57:55.800

In respect of the new market Horseman and

2272

01:57:54.800 --> 01:57:57.600

say no to

2273

01:57:57.600 --> 01:57:57.900

Seneca.

2274

01:57:58.800 --> 01:58:01.800

We have issued a draft

2275

01:58:01.800 --> 01:58:04.400

State Common Ground and we're awaiting response, but

2276

01:58:04.400 --> 01:58:08.700

I don't think we anticipate that prior to

2277

01:58:07.700 --> 01:58:09.800

deadline to.

2278

01:58:12.500 --> 01:58:15.500

and I think the same point applies to

2279

01:58:16.700 --> 01:58:19.100

The parish and town councils which are listed

2280

01:58:19.100 --> 01:58:22.400

I won't run through them all because they're multiple

2281

01:58:22.400 --> 01:58:25.900

ones. But I think the base position is drafts dated

2282

01:58:25.900 --> 01:58:27.900

September mid-september are with

2283

01:58:29.800 --> 01:58:32.500

the relevant parish councils and other

2284

01:58:32.500 --> 01:58:35.800

organizations. I don't

2285

01:58:35.800 --> 01:58:38.000

even anticipate will conclude days before deadline, too.

2286

01:58:38.700 --> 01:58:42.300

And then just be

2287

01:58:42.300 --> 01:58:46.100

clear when you say you enter that you won't conclude them. What we're

2288

01:58:45.100 --> 01:58:48.400

looking for at deadline to is is

2289

01:58:48.400 --> 01:58:51.800
the statement I of areas of

2290

01:58:51.800 --> 01:58:53.100
agreement and disagreement.

2291

01:58:54.300 --> 01:58:57.600
That's the first iteration if you like. Yes, I don't

2292

01:58:57.600 --> 01:58:59.400
think even that is realistic and

2293

01:59:00.500 --> 01:59:03.700
simply for this reason that the the drafts are

2294

01:59:03.700 --> 01:59:03.900
with

2295

01:59:04.600 --> 01:59:07.100
these parish councils and at the same applies I think

2296

01:59:07.100 --> 01:59:10.500
to Mr. Kozelka's clients. The drafts are with them. Okay?

2297

01:59:12.300 --> 01:59:16.000
We have suggested meeting a meeting and we

2298

01:59:15.100 --> 01:59:18.200
are I think in general awaiting a

2299

01:59:18.200 --> 01:59:21.400
response to that suggestion. So I think even the prospect

2300

01:59:21.400 --> 01:59:21.900
of a

2301

01:59:22.900 --> 01:59:26.200
These are the points we disagree on statement is probably

2302

01:59:25.200 --> 01:59:27.800
slim at deadline to with those.

2303
01:59:29.900 --> 01:59:32.600
Parachute paraffin town councils and and this the

2304
01:59:32.600 --> 01:59:35.300
main opposition group in in The Horseman and

2305
01:59:35.300 --> 01:59:36.900
Saint Ed Seneca. Yes.

2306
01:59:38.600 --> 01:59:42.500
There's a couple of other sort of.

2307
01:59:44.700 --> 01:59:48.900
Technical consulties Ministry

2308
01:59:48.900 --> 01:59:52.600
of Defense. We have no response the gnats

2309
01:59:51.600 --> 01:59:55.600
National Air Traffic Services, no objection

2310
01:59:55.600 --> 02:00:01.500
and they withdrew their their relevant

2311
02:00:00.500 --> 02:00:04.800
rap, and I

2312
02:00:03.800 --> 02:00:06.500
think there's we've since Center

2313
02:00:06.500 --> 02:00:09.100
sort of formal same to Common Ground seek to

2314
02:00:09.100 --> 02:00:12.700
have that in writing the east

2315
02:00:12.700 --> 02:00:15.400
of England Ambulance Service. I think we've agreed

2316

02:00:15.400 --> 02:00:18.100

everything we need to and hopefully that's

2317

02:00:18.100 --> 02:00:22.100

one that we will be able to issue in final form ahead

2318

02:00:21.100 --> 02:00:22.900

of deadline to

2319

02:00:23.900 --> 02:00:27.300

And then there's a handful.

2320

02:00:29.600 --> 02:00:32.100

where Matt is still lie with

2321

02:00:32.100 --> 02:00:32.600

us, so

2322

02:00:33.900 --> 02:00:35.900

In the sense that we haven't yet progressed.

2323

02:00:36.800 --> 02:00:39.900

And that's angry and water which we're

2324

02:00:39.900 --> 02:00:44.900

going to issue is same to Common Ground shortly. And then

2325

02:00:44.900 --> 02:00:48.000

there are three other Parish in

2326

02:00:47.200 --> 02:00:50.400

town councils, which are Kenneth Barton Mills

2327

02:00:50.400 --> 02:00:54.000

Wicken West Rowan New Market Town Council

2328

02:00:53.700 --> 02:00:55.400

where we have not yet.

2329

02:00:56.200 --> 02:00:59.400

issued statements of Common Ground so they're they're slightly behind where

2330

02:00:59.400 --> 02:01:00.100

the other

2331

02:01:01.300 --> 02:01:04.400

Parish councils such as that the tea

2332

02:01:04.400 --> 02:01:07.400

That's represented today. We're slightly

2333

02:01:07.400 --> 02:01:10.000

behind with those those ones. So there's I think

2334

02:01:10.300 --> 02:01:14.100

there's about 30 live statements

2335

02:01:13.100 --> 02:01:14.500

common ground.

2336

02:01:16.600 --> 02:01:19.100

That the key ones are being

2337

02:01:19.100 --> 02:01:22.200

are being progressed and they're meetings in place. I don't.

2338

02:01:23.400 --> 02:01:26.800

I don't know what the fate of the multiple Parish Council statement

2339

02:01:26.800 --> 02:01:29.500

to Common Grounds will in fact be I think we have to be realistic about

2340

02:01:29.500 --> 02:01:32.400

that. But it may be that progress with say

2341

02:01:32.400 --> 02:01:35.300

no to Sonica may may unlock some of

2342

02:01:35.300 --> 02:01:36.600
those right.

2343
02:01:38.300 --> 02:01:41.000
Okay, that's very helpful. Thank you very much. It's turning and

2344
02:01:43.600 --> 02:01:48.200
clearly a statement common ground with the say notes.

2345
02:01:47.200 --> 02:01:51.200
Seneca stroke Horseman and will be

2346
02:01:51.200 --> 02:01:54.500
of great interest to us. As soon

2347
02:01:54.500 --> 02:01:57.500
as we are able to see it. So just

2348
02:01:57.500 --> 02:02:00.200
encourage you to continue your good work

2349
02:02:00.200 --> 02:02:04.700
or parties. Was that emergency for

2350
02:02:03.700 --> 02:02:05.400
the applicant I think on

2351
02:02:06.300 --> 02:02:09.600
Having heard the representations today. It

2352
02:02:09.600 --> 02:02:12.200
seems to me that with say no

2353
02:02:12.200 --> 02:02:15.300
Seneca. There are probably areas where you would be assisted by

2354
02:02:15.300 --> 02:02:18.500
technical agreement. Even if they're

2355
02:02:18.500 --> 02:02:22.100
a broad issues of dispute. So once they

2356

02:02:22.100 --> 02:02:25.400

know Santa Clara have seen the revised battery Safety Management

2357

02:02:25.400 --> 02:02:28.600

plan. I think those areas where we could probably narrow

2358

02:02:28.600 --> 02:02:32.000

the areas of dispute and interest in liaison

2359

02:02:31.200 --> 02:02:35.200

with Dr. Fordham as well, which will

2360

02:02:34.200 --> 02:02:37.500

allow any further examination of those topics to

2361

02:02:37.500 --> 02:02:40.800

be a bit more focused. Even if there are still many issues

2362

02:02:40.800 --> 02:02:43.600

at large between this which is frankly probably

2363

02:02:43.600 --> 02:02:45.000

where we'll end up, okay?

2364

02:02:46.200 --> 02:02:48.900

Good. Thank you for that now.

2365

02:02:50.500 --> 02:02:53.500

That's all I really wanted to deal with

2366

02:02:53.500 --> 02:02:56.300

except to hear from any other parties who

2367

02:02:56.300 --> 02:02:59.100

want to make any comments on what's on what

2368

02:02:59.100 --> 02:02:59.800

you've just heard.

2369

02:03:02.100 --> 02:03:02.900
Mr. Bedford

2370
02:03:04.400 --> 02:03:04.800
I

2371
02:03:06.300 --> 02:03:09.300
am looking for your hand, but it's not there.

2372
02:03:10.100 --> 02:03:14.000
So it wasn't there because I had nothing really to add on this item.
There

2373
02:03:13.200 --> 02:03:16.300
are discussions which are on going

2374
02:03:16.300 --> 02:03:21.300
we obviously will try to make progress and obviously

2375
02:03:19.300 --> 02:03:22.900
if we

2376
02:03:22.900 --> 02:03:26.000
can't and the relevant document

2377
02:03:25.400 --> 02:03:28.400
you see it deadline to will identify the areas which

2378
02:03:28.400 --> 02:03:31.100
are still under discussion as opposed to areas which

2379
02:03:31.100 --> 02:03:33.100
have been agreed. That's it. Yes.

2380
02:03:34.300 --> 02:03:37.300
Good. Thank you for that. Okay, any of the comments on

2381
02:03:37.300 --> 02:03:40.200
and from anyone on on statements of common ground?

2382
02:03:41.300 --> 02:03:41.700

so

2383

02:03:42.900 --> 02:03:44.400

that concludes item 8.

2384

02:03:45.200 --> 02:03:48.500

And so item 9 is review

2385

02:03:48.500 --> 02:03:52.100

of issues and actions arising. We're going to take a a

2386

02:03:51.100 --> 02:03:54.400

tea break here or

2387

02:03:54.400 --> 02:03:58.600

brake for whatever refreshment you like that's available

2388

02:03:58.600 --> 02:04:01.900

in the room and we'll

2389

02:04:01.900 --> 02:04:05.400

come back at quarter past

2390

02:04:04.400 --> 02:04:06.200

four.

2391

02:04:07.100 --> 02:04:08.400

That's all right with everyone.

2392

02:04:09.200 --> 02:04:12.800

And we'll just wrap up then say I

2393

02:04:12.800 --> 02:04:15.200

am just before we adjourn for

2394

02:04:15.200 --> 02:04:19.300

tea or whatever else it is. That's available Richard kimblin

2395

02:04:18.300 --> 02:04:21.300

for Cambridgeshire and

2396

02:04:21.300 --> 02:04:24.200

for East Cambridgeshire. And so can I just

2397

02:04:24.200 --> 02:04:27.500

flag there may well be a number

2398

02:04:27.500 --> 02:04:30.700

of matters which haven't found a happy

2399

02:04:30.700 --> 02:04:33.200

place within the agenda, which we would

2400

02:04:33.200 --> 02:04:36.500

like to to raise and respect of the the draft

2401

02:04:36.500 --> 02:04:39.200

dco and weather to ask whether or not when we

2402

02:04:39.200 --> 02:04:42.400

come back whether that would be suitable time to just sweep them

2403

02:04:42.400 --> 02:04:45.700

up. You're quite right that the I was

2404

02:04:45.700 --> 02:04:49.600

going to ask whether any other matters. So, do

2405

02:04:48.600 --> 02:04:51.500

you have a long list or a very

2406

02:04:51.500 --> 02:04:54.400

short list? So shortlist? Okay. Well, let's let's have

2407

02:04:54.400 --> 02:04:58.200

a break and we'll come back at a quarter

2408

02:04:57.200 --> 02:05:00.600

past and we'll we'll finish up then. Thank

2409

02:05:00.600 --> 02:05:01.000

you. Thank you.