

WEBVTT – This file was automatically generated by event.video

0

00:00:00.800 --> 00:00:03.600

Thank you. Good morning. Everybody. It's ten o'clock

1

00:00:03.600 --> 00:00:07.200

and we're now resuming the hearing on

2

00:00:06.200 --> 00:00:09.900

issue specific hearing

3

00:00:09.900 --> 00:00:10.500

number four.

4

00:00:12.100 --> 00:00:15.900

Today we're going to deal with dco matters that's development consent

5

00:00:15.900 --> 00:00:16.600

automatters.

6

00:00:17.200 --> 00:00:20.600

And I check with the IT team that the recording is.

7

00:00:21.800 --> 00:00:23.600

Now being live streamed. Thank you.

8

00:00:24.500 --> 00:00:26.200

Can everybody hear me at the back?

9

00:00:27.300 --> 00:00:28.000

Good. Thank you.

10

00:00:29.500 --> 00:00:33.000

Now, is there anybody registered to

11

00:00:32.500 --> 00:00:36.000

speak who was not here yesterday?

12

00:00:39.600 --> 00:00:42.100

Anybody on line?

13

00:00:42.800 --> 00:00:42.900

Who?

14

00:00:45.300 --> 00:00:48.000

Was not here yesterday who is registered to speak.

15

00:00:51.100 --> 00:00:56.100

No, okay. Well in that case and we'll we'll

16

00:00:54.100 --> 00:00:57.100

proceed.

17

00:00:58.600 --> 00:01:02.800

Without going around the table on this occasion and

18

00:01:01.800 --> 00:01:04.200

but for the benefit of

19

00:01:04.200 --> 00:01:07.400

the the recording, I'll just say, my

20

00:01:07.400 --> 00:01:10.300

name is Graham Keen. I'm a planning inspector and solicitor employed

21

00:01:10.300 --> 00:01:13.300

by the planning inspectorate and pointed by the Secretary of State for loving

22

00:01:13.300 --> 00:01:16.400

up housing and communities as lead member of the panel examining

23

00:01:16.400 --> 00:01:20.100

this application. It's my left is Karen

24

00:01:19.100 --> 00:01:20.500

Taylor.

25

00:01:21.900 --> 00:01:24.600

Yes, good morning everyone. I'm Karen Taylor.

26

00:01:24.600 --> 00:01:27.100

I'm a chartered Town planner and chartered member

27

00:01:27.100 --> 00:01:30.600

of the landscape Institute. Thank you and to my writers

28

00:01:30.600 --> 00:01:31.200

guy Rigby.

29

00:01:34.300 --> 00:01:36.700

Good morning, everyone. My name is Guy Rigby.

30

00:01:37.900 --> 00:01:40.300

I will try to civil engineer and also

31

00:01:40.300 --> 00:01:43.800

a member of a pool of qualified persons as you'll

32

00:01:43.800 --> 00:01:45.700

to serve as an examining inspector.

33

00:01:46.500 --> 00:01:49.700

And I'm appointed to this panel and employed by the planning inspectors

34

00:01:49.700 --> 00:01:51.000

on a fixed term contract.

35

00:01:52.200 --> 00:01:55.500

Thank you, Mr. Rigby supporting us today at Michel Gregory

36

00:01:55.500 --> 00:01:58.100

and Kailyn Atkins who are here in

37

00:01:58.100 --> 00:02:01.200

the room. And for those who may need

38

00:02:01.200 --> 00:02:04.100

online support Louise haraway is online.

39

00:02:05.100 --> 00:02:08.800

Please check our rule 6 letter on the national infrastructure web

40

00:02:08.800 --> 00:02:11.500

page for procedure in these hearings and

41

00:02:11.500 --> 00:02:14.700

check the website from time to time for communications from

42

00:02:14.700 --> 00:02:16.300

from us the panel.

43

00:02:17.900 --> 00:02:20.900

All hearings are being live streamed and recorded for

44

00:02:20.900 --> 00:02:23.300

those online. Please stay muted unless you're

45

00:02:23.300 --> 00:02:26.400

speaking. If you wish to speaker to relevant point, please use

46

00:02:26.400 --> 00:02:29.400

the team's hands up function or turn on the camera so

47

00:02:29.400 --> 00:02:30.500

we can see you wish to speak.

48

00:02:31.500 --> 00:02:34.000

The recordings we make are retained and published. So they

49

00:02:34.500 --> 00:02:37.800

form a public record that can contain your personal information
switch the

50

00:02:37.800 --> 00:02:41.300

gdpr general data protection regulation applies.

51

00:02:42.200 --> 00:02:45.200

Few housekeeping points the fire alarm

52

00:02:45.200 --> 00:02:48.200

no fire alarm scheduled today. So if there is a

53

00:02:48.200 --> 00:02:51.400

fire alarm the best way of proceeding is

54

00:02:51.400 --> 00:02:54.400

out through the main front doors and either left or right

55

00:02:54.400 --> 00:02:57.600

away from the the Pavements Edge

56

00:02:57.600 --> 00:03:00.300

if there's a fire at the front of the building

57

00:03:00.300 --> 00:03:03.500

and the best way is to go out through those double

58

00:03:03.500 --> 00:03:05.600

doors to my left over there.

59

00:03:08.700 --> 00:03:11.300

The toilets are through the corridors to my

60

00:03:11.300 --> 00:03:11.600

right.

61

00:03:15.100 --> 00:03:18.300

There will be a break that will take round about

62

00:03:18.300 --> 00:03:21.900

mid-morning for about 20 minutes and

63

00:03:21.900 --> 00:03:25.600

if needed mid afternoon lunch may

64

00:03:25.600 --> 00:03:29.200

be Movable Feast. We'll see how we get. I'm I'm

65

00:03:30.400 --> 00:03:33.200

expecting we may finish sometime in

66

00:03:33.200 --> 00:03:38.300

the afternoon, but we'll see what progress we make so we

67

00:03:36.300 --> 00:03:39.400

may be flexible around

68

00:03:39.400 --> 00:03:40.300

about lunchtime.

69

00:03:43.700 --> 00:03:46.500

So any questions on procedure so

70

00:03:46.500 --> 00:03:46.700

far?

71

00:03:47.500 --> 00:03:48.500

Yes, Mr. Steele.

72

00:03:50.100 --> 00:03:53.800

Good morning, sir. Good morning. Madam. Good morning. Says John steel

73

00:03:53.800 --> 00:03:56.800

Casey for the Seneca group

74

00:03:56.800 --> 00:03:59.100

smts. May I just

75

00:03:59.100 --> 00:04:03.000

say so that I will be here for only part of the day. But Mr. Kozelco

76

00:04:02.200 --> 00:04:05.200

will take over later on. I just make that point

77

00:04:05.200 --> 00:04:08.500

at the moment see or aware of that and it is no discourse.

78

00:04:08.500 --> 00:04:11.200

I hope to the panel then take

79

00:04:11.200 --> 00:04:13.300

and thank you for letting us know Mr. Steele.

80

00:04:17.600 --> 00:04:18.600

Okay, so

81

00:04:21.300 --> 00:04:24.100

we'll move on to a gender item six then which is

82

00:04:24.100 --> 00:04:26.700

the draft development consent order.

83

00:04:27.700 --> 00:04:30.600

And we'll be referring mainly to the latest

84

00:04:30.600 --> 00:04:34.200

version of the draft dco, which is

85

00:04:34.200 --> 00:04:37.300

in the library examination reference r e p.

86

00:04:37.300 --> 00:04:40.700

Well the tracked version which is the version I'm looking

87

00:04:40.700 --> 00:04:40.900

at.

88

00:04:41.800 --> 00:04:43.000

Excuse me.

89

00:04:43.900 --> 00:04:46.400

Is reference r e

90

00:04:46.400 --> 00:04:49.100

p 6 - 0 1 3.

91

00:04:52.500 --> 00:04:55.600

Now the first item sub-item on

92

00:04:55.600 --> 00:04:58.900

the agenda. I've entitled compensation

93

00:04:58.900 --> 00:05:01.300

packages section 106 agreements and

94

00:05:01.300 --> 00:05:02.400

side agreements.

95

00:05:03.100 --> 00:05:06.600

And I'm interested to know the progress that's being made on

96

00:05:06.600 --> 00:05:09.700

those matters and I intend to

97

00:05:09.700 --> 00:05:13.500

start with the last one with the side agreement.

98

00:05:15.600 --> 00:05:18.200

In its letter to the panel of three February which is

99

00:05:18.200 --> 00:05:22.900

reference as - 322 the applicant

100

00:05:22.900 --> 00:05:25.300

has drafted the what it

101

00:05:25.300 --> 00:05:28.800

refers to as the attached to protective Provisions to cover

102

00:05:28.800 --> 00:05:32.400

the issues that were proposed to be contained within a

103

00:05:31.400 --> 00:05:34.600

side agreement to can be completed with

104

00:05:34.600 --> 00:05:37.500

the local Highway authorities. The applicant has

105

00:05:37.500 --> 00:05:40.900

not had the opportunity to discuss the detail of the draft Provisions

106

00:05:40.900 --> 00:05:43.300
with the lhas before

107

00:05:43.300 --> 00:05:47.500
submitting them to to the examination. Although

108

00:05:46.500 --> 00:05:49.600
it's anticipated discussions will proceed

109

00:05:49.600 --> 00:05:50.900
in in parallel.

110

00:05:53.300 --> 00:05:56.800
So acknowledging that the authorities will

111

00:05:56.800 --> 00:05:59.200
want to consider those protective Provisions. The

112

00:05:59.200 --> 00:06:03.000
applicant has determined it will not be submitting an

113

00:06:02.300 --> 00:06:05.700
updated construction traffic management

114

00:06:05.700 --> 00:06:08.300
plan outline at this stage and we'll

115

00:06:08.300 --> 00:06:09.700
do so at deadline seven.

116

00:06:10.600 --> 00:06:13.500
To best reflect what has been able to be agreed with

117

00:06:13.500 --> 00:06:16.400
the councils. Does that Mr. Tony broadly reflect

118

00:06:16.400 --> 00:06:18.100
the applicant's position on that?

119

00:06:19.600 --> 00:06:24.200

Good morning, Sir Richard Turney for the applicant. Yes

120

00:06:22.200 --> 00:06:25.500

that reflects the

121

00:06:25.500 --> 00:06:28.400

position. Could I just explain where

122

00:06:28.400 --> 00:06:31.200

we are in terms of progress since then just

123

00:06:31.200 --> 00:06:34.100

so you know and I've spoken to

124

00:06:34.100 --> 00:06:37.100

Mr. Bedford this morning about the spell which very

125

00:06:37.100 --> 00:06:37.300

helpful.

126

00:06:38.600 --> 00:06:41.200

Protect Provisions as that letter says have been

127

00:06:41.200 --> 00:06:44.800

provided in in draft form both to

128

00:06:44.800 --> 00:06:47.700

the examination and to the local Highway

129

00:06:47.700 --> 00:06:50.900

authorities those Provisions have

130

00:06:50.900 --> 00:06:51.400

not yet been.

131

00:06:53.900 --> 00:06:56.400

Subjects many comments obviously, they've

132

00:06:56.400 --> 00:06:59.400
been provided relatively recently. I know from speaking

133

00:06:59.400 --> 00:07:02.600
to both SEC and

134

00:07:02.600 --> 00:07:05.000
CCC that they have concerns about those.

135

00:07:06.100 --> 00:07:09.400
But I think the point to emphasize in terms of progress is

136

00:07:09.400 --> 00:07:12.400
that we are having productive discussions on

137

00:07:12.400 --> 00:07:15.700
the terms of the side agreement. We're following

138

00:07:15.700 --> 00:07:18.300
a precedent that has been provided to us

139

00:07:18.300 --> 00:07:22.000
by SEC from another National significant infrastructure

140

00:07:21.000 --> 00:07:22.300
project.

141

00:07:23.200 --> 00:07:26.200
And we hope

142

00:07:26.200 --> 00:07:29.100
and expect that that will all be wrapped up

143

00:07:29.100 --> 00:07:31.600
by deadline 8.

144

00:07:32.400 --> 00:07:34.400
And certainly by the end of the examination.

145

00:07:35.500 --> 00:07:38.400
Which should mean that the need for protective Provisions

146

00:07:38.400 --> 00:07:41.300

for the highway authorities Falls away entirely. So that's

147

00:07:41.300 --> 00:07:44.100

the route that I think all three parties the two

148

00:07:44.100 --> 00:07:48.200

Highway authorities and the applicant are pursuing with

149

00:07:47.200 --> 00:07:49.800

vigor.

150

00:07:50.800 --> 00:07:54.300

The PPS will

151

00:07:53.300 --> 00:07:56.400

provide a fallback if we

152

00:07:56.400 --> 00:07:57.700

get to the end of the examination.

153

00:07:58.600 --> 00:08:02.200

And the side agreement has not been concluded. Then the

154

00:08:01.200 --> 00:08:04.800

PPS can be in the order. They anticipate

155

00:08:04.800 --> 00:08:07.900

that they can be overtaken by subsequent agreement

156

00:08:07.900 --> 00:08:10.400

and however, we settle them that's what we'd expect.

157

00:08:10.400 --> 00:08:13.700

So in other words, they would be overtaken if

158

00:08:13.700 --> 00:08:17.300

a side agreement was completed later in the process, but we're

159

00:08:16.300 --> 00:08:19.200
hopeful that we can avoid the

160
00:08:19.200 --> 00:08:19.600
need to

161
00:08:21.400 --> 00:08:23.500
to go down the protective provision routes tall

162
00:08:24.300 --> 00:08:27.600
So that's our position. I think that's in common, but I

163
00:08:27.600 --> 00:08:30.000
know that Mr. Bedford and Pat's Mr. Mohammed as

164
00:08:30.200 --> 00:08:33.200
well once say something about the adequacy of the pp's, okay, so we

165
00:08:33.200 --> 00:08:34.900
still need to look at the PPS.

166
00:08:37.400 --> 00:08:40.600
I think the side agreement may not be completed by deadline

167
00:08:40.600 --> 00:08:43.400
8 that I think that's right. I think I think

168
00:08:43.400 --> 00:08:46.300
we need to have in mind the possibility that the

169
00:08:46.300 --> 00:08:50.300
PPS will be required as a backstop, but I hope

170
00:08:50.300 --> 00:08:54.000
so that can perhaps in terms of your efforts as

171
00:08:53.200 --> 00:08:56.900
the examining Authority. Perhaps be

172
00:08:57.700 --> 00:09:00.400
It shouldn't be the highest priority because we will

173

00:09:00.400 --> 00:09:03.400

be able to update on progress a deadline seven

174

00:09:03.400 --> 00:09:06.200

and we'll be able to I hope inform you

175

00:09:06.200 --> 00:09:09.200

at deadline eight that there's a completed side agreement. Thank you

176

00:09:09.200 --> 00:09:12.900

Mr. Tony. Well, I'll just ask Mr. Bedford

177

00:09:12.900 --> 00:09:17.700

perhaps first and then the other authorities

178

00:09:15.700 --> 00:09:18.600

and/or others

179

00:09:18.600 --> 00:09:21.200

what their appreciation of

180

00:09:21.200 --> 00:09:21.900

the position is.

181

00:09:23.200 --> 00:09:26.400

Morning, Mr. Bedford. Thank you, sir. Michael Bedford Suffolk County

182

00:09:26.400 --> 00:09:29.700

Council. So Mr. Turney

183

00:09:29.700 --> 00:09:32.400

has helpfully an accurately

184

00:09:32.400 --> 00:09:35.500

set out the current state of play.

185

00:09:37.100 --> 00:09:40.200

It is correct that the

186
00:09:40.200 --> 00:09:44.100
draft protective Provisions that are

187
00:09:43.100 --> 00:09:46.100
in as319.

188
00:09:47.100 --> 00:09:50.600
Are not currently in a form that if they

189
00:09:50.600 --> 00:09:53.800
were needed Suffolk County

190
00:09:53.800 --> 00:09:56.200
Council would find to be sufficient.

191
00:09:57.400 --> 00:10:00.800
But we haven't yet provided our

192
00:10:00.800 --> 00:10:01.400
comments.

193
00:10:02.300 --> 00:10:05.900
On that document obviously that

194
00:10:05.900 --> 00:10:08.100
will follow at deadline seven.

195
00:10:08.900 --> 00:10:11.500
And we will share

196
00:10:11.500 --> 00:10:15.400
with the applicant prior to deadline 7 as

197
00:10:14.400 --> 00:10:16.900
it were the nature of those comments.

198
00:10:18.900 --> 00:10:19.100
but

199
00:10:20.300 --> 00:10:22.400

both we and the applicant.

200

00:10:23.600 --> 00:10:26.300

Very much see the protective Provisions as

201

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

no more than the fallback position because positive

202

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

progress is being made on the side agreement and

203

00:10:32.100 --> 00:10:36.300

the part is a focusing their efforts on that rather

204

00:10:35.300 --> 00:10:38.300

than the fall back.

205

00:10:39.100 --> 00:10:41.600

And we think that's more productive.

206

00:10:42.600 --> 00:10:45.300

and to that extent we didn't think that

207

00:10:45.300 --> 00:10:48.900

the examination in terms

208

00:10:48.900 --> 00:10:51.400

of this hearing would benefit particularly from

209

00:10:53.600 --> 00:10:56.900

hearing any of the specifics of

210

00:10:56.900 --> 00:11:00.200

our concerns about the draft PPS. Okay

211

00:10:59.200 --> 00:11:02.400

in the circumstances where say the

212

00:11:02.400 --> 00:11:03.300

applicant hasn't yet?

213

00:11:05.100 --> 00:11:08.500

had those concerns expressed to them informally and

214

00:11:08.500 --> 00:11:11.400

it may be more difficult to try and say just

215

00:11:11.400 --> 00:11:14.500

on the hoof here have a discussion about things

216

00:11:14.500 --> 00:11:14.900

when

217

00:11:16.400 --> 00:11:19.300

In essence you would be coming to a cold the applicants coming to

218

00:11:19.300 --> 00:11:22.400

it cold. And so we're not really sure that that's

219

00:11:22.400 --> 00:11:25.400

the best way forward. All right. I said we'll

220

00:11:25.400 --> 00:11:28.500

we'll provide it a deadline seven to the extent. There isn't

221

00:11:28.500 --> 00:11:31.500

a need for a further response that will come at deadline eight, but

222

00:11:31.500 --> 00:11:34.300

we would hope that it will fall away because

223

00:11:34.300 --> 00:11:37.700

by deadline eight we're hoping to have a side agreement concluded.
Well,

224

00:11:37.700 --> 00:11:41.500

thank you for that. I mean if if the scientists

225

00:11:40.500 --> 00:11:43.400

concluded by then then that doesn't

226

00:11:43.400 --> 00:11:47.300
really in a sense become a matter for the

227
00:11:46.300 --> 00:11:49.900
examining Authority and that's

228
00:11:49.900 --> 00:11:52.700
well and good so long

229
00:11:52.700 --> 00:11:55.900
as it remains possibility that that the

230
00:11:55.900 --> 00:11:58.600
protective Provisions will be needed and that's

231
00:11:58.600 --> 00:12:02.300
why they're they've been drafted and they're here now they

232
00:12:01.300 --> 00:12:04.300
do need to be looked at and I'm happy for you

233
00:12:04.300 --> 00:12:07.500
to both, you know go away and work them

234
00:12:07.500 --> 00:12:10.400
up with the side agreement negotiations at

235
00:12:10.400 --> 00:12:13.100
the same time. I had two or three

236
00:12:13.100 --> 00:12:14.900
points about the provisions.

237
00:12:16.000 --> 00:12:16.800
rays

238
00:12:18.300 --> 00:12:19.900
The they're not.

239
00:12:20.600 --> 00:12:24.200
they're not some earth-shattering, but

240

00:12:23.200 --> 00:12:24.800

I just want to

241

00:12:26.300 --> 00:12:29.900

Clarify. Well, first of all, if it's

242

00:12:29.900 --> 00:12:33.500

if they go in they'll go in presumably as

243

00:12:33.500 --> 00:12:35.000

scheduled 12 part 13

244

00:12:36.500 --> 00:12:39.200

At the moment, we have scheduled 12 Part 12 of

245

00:12:39.200 --> 00:12:40.900

the H put Provisions, I believe.

246

00:12:41.900 --> 00:12:44.000

So I take it that'll be

247

00:12:44.400 --> 00:12:47.000

they will not from Mr. Tony. Thank you. That'll go in

248

00:12:47.300 --> 00:12:51.300

as schedule 12 part 13 then the second point

249

00:12:50.300 --> 00:12:53.700

is in paragraph 9.

250

00:13:04.400 --> 00:13:07.700

Paragraph 9 reads if the Undertaker has

251

00:13:07.700 --> 00:13:10.400

failed to begin to taking steps to comply with the reasonable

252

00:13:10.400 --> 00:13:13.700

requirements of any notice and it's not subsequently made

253

00:13:13.700 --> 00:13:16.800
reasonably expeditious progress towards their implementation

254
00:13:16.800 --> 00:13:19.000
within 28 days beginning with the

255
00:13:19.400 --> 00:13:23.200
date on which I noticed and respect of any work is served on the
Undertaker the

256
00:13:22.200 --> 00:13:25.600
relevant lha may do what's necessary for

257
00:13:25.600 --> 00:13:28.900
such compliance and may recover any expenditure reasonably

258
00:13:28.900 --> 00:13:31.200
incurred by it in so doing from the

259
00:13:31.200 --> 00:13:34.100
Undertake now, it's just wondering about the

260
00:13:34.100 --> 00:13:35.200
first part of that.

261
00:13:36.100 --> 00:13:39.500
Shall read again. If the Undertaker has failed to begin taking steps

262
00:13:39.500 --> 00:13:42.500
to comply with the reasonable requirements of any notice.

263
00:13:43.700 --> 00:13:47.100
this refers to paragraph 8 notice of

264
00:13:48.800 --> 00:13:49.700
of works

265
00:13:51.300 --> 00:13:54.300
the and then this phrase and has

266
00:13:54.300 --> 00:13:58.100

not subsequently made reasonably expeditious progress

267

00:13:57.100 --> 00:14:00.000
within 28 days.

268

00:14:00.600 --> 00:14:03.500
I'm wondering if that's better

269

00:14:03.500 --> 00:14:04.500
expressed by

270

00:14:05.800 --> 00:14:08.500
Saying or in any event has not.

271

00:14:09.700 --> 00:14:13.200
subsequently made reasonably expeditious

272

00:14:12.200 --> 00:14:13.800
progress

273

00:14:15.600 --> 00:14:16.800
or something like that.

274

00:14:21.800 --> 00:14:24.400
I'll leave it out there for you to consider

275

00:14:24.400 --> 00:14:27.200
unless you want to come back to me immediately on it. But I

276

00:14:27.200 --> 00:14:30.300
think that's yes. It should it should say all or another

277

00:14:30.300 --> 00:14:33.400
phrase. That's just that it's both because the intention is

278

00:14:33.400 --> 00:14:36.500
that they give a note is either if yes, they've told us to we

279

00:14:36.500 --> 00:14:39.200
haven't done it or we started to it and we haven't done it quickly

280

00:14:39.200 --> 00:14:39.700

enough. Yes.

281

00:14:40.800 --> 00:14:43.700

Okay, so I'll leave that with with the pasties

282

00:14:43.700 --> 00:14:48.400

then thank you. And then the other point was yes paragraph

283

00:14:47.400 --> 00:14:50.500

10 in the case of emergency.

284

00:14:51.500 --> 00:14:53.900

Now emergency isn't defined.

285

00:14:55.300 --> 00:14:58.200

Paragraph 10 says in the event of any dispute as

286

00:14:58.200 --> 00:15:01.400

the reasonableness of any requirement of the notice the

287

00:15:01.400 --> 00:15:05.200

relevant lha must not accept in the case of emergency exercise

288

00:15:04.200 --> 00:15:06.600

the powers conferred.

289

00:15:07.200 --> 00:15:10.800

By the provisions until the

290

00:15:10.800 --> 00:15:14.200

dispute has been finally determined. So the

291

00:15:14.200 --> 00:15:18.000

question is what is an emergency. Do we

292

00:15:18.100 --> 00:15:19.400

need to Define an emergency?

293

00:15:20.500 --> 00:15:23.900

Emergency is defined for particular purposes

294

00:15:23.900 --> 00:15:26.300

elsewhere in the dco. For

295

00:15:26.300 --> 00:15:26.800

example.

296

00:15:28.600 --> 00:15:32.200

Cadence protective Provisions paragraph 3813

297

00:15:31.200 --> 00:15:35.100

on page 96 defines what

298

00:15:34.100 --> 00:15:40.000

emergency works are for those purposes. It

299

00:15:37.000 --> 00:15:40.100

talks

300

00:15:40.100 --> 00:15:42.700

about circumstances that existing or imminent.

301

00:15:43.400 --> 00:15:46.400

Which are likely to cause danger to persons or

302

00:15:46.400 --> 00:15:46.900

property?

303

00:15:48.900 --> 00:15:51.500

and then there is the definition in National Grid

304

00:15:51.500 --> 00:15:54.200

paragraph 6611 page 109 of

305

00:15:54.200 --> 00:15:57.400

the dco which refers back to the definition in

306

00:15:57.400 --> 00:16:00.500

the 1991 Act was that the utilities

307

00:16:00.500 --> 00:16:03.600
act so I think some streets new

308

00:16:03.600 --> 00:16:04.200
utilities like

309

00:16:04.800 --> 00:16:06.000
so

310

00:16:07.100 --> 00:16:07.500
and then

311

00:16:09.300 --> 00:16:13.300
there's the national highways Provisions. I

312

00:16:12.300 --> 00:16:14.800
think refer to

313

00:16:15.900 --> 00:16:18.400
in the event of an emergency or to prevent

314

00:16:18.400 --> 00:16:21.900
the occurrence of danger to the public. So if if

315

00:16:21.900 --> 00:16:24.200
those Provisions are going to go in perhaps the

316

00:16:24.200 --> 00:16:26.600
parties could consider what

317

00:16:28.600 --> 00:16:31.200
should be there in terms of defining what is and

318

00:16:31.200 --> 00:16:35.300
what isn't an emergency for the purpose of the for the

319

00:16:35.300 --> 00:16:37.700
local highways authorities protective provisions.

320

00:16:40.100 --> 00:16:41.400

So I leave that there and

321

00:16:42.500 --> 00:16:45.900

you can deal with that offline. Thank you, sir. Yes Bridge

322

00:16:45.900 --> 00:16:49.100

anything that seems sensible. There

323

00:16:48.100 --> 00:16:51.800

is a as one of those Provisions identifies.

324

00:16:51.800 --> 00:16:54.300

There is a definition in the New Roads and streetworks acts. That

325

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

might be a useful starting point. Yes.

326

00:16:59.900 --> 00:17:01.400

Yeah, I mean one doesn't look for.

327

00:17:02.400 --> 00:17:05.400

Total consistency and Alignment across the

328

00:17:05.400 --> 00:17:08.700

board where there's a pragmatic solution

329

00:17:08.700 --> 00:17:12.000

for each set of Provisions. So leaving with

330

00:17:11.200 --> 00:17:14.400

you anymore bridge to anybody. I think I think that is the

331

00:17:14.400 --> 00:17:19.200

issues there that obviously protect Provisions have this strange characteristic

332

00:17:18.200 --> 00:17:22.100

that they effectively are a negotiated position between

333

00:17:21.100 --> 00:17:24.600

the various parties, but nonetheless, they're

334

00:17:24.600 --> 00:17:27.600

being encapsulated and a statutory order and it

335

00:17:27.600 --> 00:17:30.300

means that there will be inconsistencies in

336

00:17:30.300 --> 00:17:33.300

the way in which the parties have chosen to Define their

337

00:17:33.300 --> 00:17:36.500

terms between various PPS, but the fact I think

338

00:17:36.500 --> 00:17:38.000

it makes sense for us to look to Define.

339

00:17:38.900 --> 00:17:39.800

the point there

340

00:17:40.800 --> 00:17:44.300

Okay. Okay, right.

341

00:17:46.800 --> 00:17:50.300

Well, I was going to mention the more general terms about the perspective

342

00:17:49.300 --> 00:17:52.200

Provisions as to whether or not

343

00:17:52.200 --> 00:17:54.400

they take care of the

344

00:17:55.700 --> 00:17:58.400

Highway authorities concern us to the need for

345

00:17:58.400 --> 00:18:01.500

precision as to the costs of damage to

346

00:18:01.500 --> 00:18:05.300

the local Highway Network. I mean

347

00:18:05.300 --> 00:18:08.300

that that unless you particularly want

348

00:18:08.300 --> 00:18:11.200

to raise that then again, I'll I mean no doubt.

349

00:18:11.200 --> 00:18:14.400

You've got it in mind as part of the negotiations Mr.

350

00:18:14.400 --> 00:18:14.700

Bedford.

351

00:18:16.500 --> 00:18:19.200

But so Michael Bedford Suffolk County Council, one of the

352

00:18:19.200 --> 00:18:22.600

issues that is to be

353

00:18:22.600 --> 00:18:25.900

discussed with the applicant are entirely the

354

00:18:25.900 --> 00:18:29.500

basis for indemnities or other

355

00:18:28.500 --> 00:18:31.600

mechanisms for recompensing.

356

00:18:32.300 --> 00:18:35.300

the local Highway authorities in the event of

357

00:18:35.300 --> 00:18:37.000

damage to the highway network, but

358

00:18:38.100 --> 00:18:41.400

say without getting into the detail of that. That's really a

359

00:18:41.400 --> 00:18:44.900

matter that we are in dialogue about rather than something

360

00:18:44.900 --> 00:18:47.600

that we can sensibly usefully bottom out

361

00:18:47.600 --> 00:18:47.700

now.

362

00:18:49.400 --> 00:18:52.500

Okay, thank you for that. And then just finally I

363

00:18:52.500 --> 00:18:55.500

don't not sure if this is related or not but picking up

364

00:18:55.500 --> 00:18:59.200

and no doubt. You'll have had this in mind are the

365

00:18:58.200 --> 00:19:01.400

Suffolk County council's concerns

366

00:19:01.400 --> 00:19:04.300

expressed in the lir the local impact

367

00:19:04.300 --> 00:19:04.900

report.

368

00:19:06.700 --> 00:19:09.600

At 13.142 and

369

00:19:09.600 --> 00:19:13.300

143 which expresses

370

00:19:12.300 --> 00:19:16.900

the desire for 7.5% off-site

371

00:19:16.900 --> 00:19:19.500

costs to be paid up

372

00:19:19.500 --> 00:19:22.900

front. I suppose together with a provision

373

00:19:22.900 --> 00:19:25.600

for reimbursement for for assessment work.

374

00:19:25.600 --> 00:19:28.100

Essentially. I think I don't

375

00:19:28.100 --> 00:19:31.200

know whether those two items have been

376

00:19:31.200 --> 00:19:34.500

overtaken by events or not in terms of what's being

377

00:19:34.500 --> 00:19:37.000

transpired between the parties or not, but

378

00:19:39.400 --> 00:19:39.700

No Doubt

379

00:19:40.300 --> 00:19:43.400

I'd be able to serve those but Michael Bedford Suffolk County

380

00:19:43.400 --> 00:19:46.100

Council have said I I'm not sufficiently close to the

381

00:19:46.100 --> 00:19:49.500

stage of the negotiation on the side agreement to

382

00:19:49.500 --> 00:19:52.300

know whether that's being resolved. But again, that's

383

00:19:52.300 --> 00:19:56.700

another issue which if we

384

00:19:55.700 --> 00:19:58.200

need to deal with it, we need

385

00:19:58.200 --> 00:20:00.000

to be addressed as part of the protective provisions.

386

00:20:00.700 --> 00:20:03.600

And so there are issues in

387

00:20:03.600 --> 00:20:06.300

relation to those but I say we're hoping that we're making

388

00:20:06.300 --> 00:20:10.400
progress in the negotiations. All

389

00:20:09.400 --> 00:20:13.100
right. Thank you very much, Mr. Mohammed. Good

390

00:20:12.100 --> 00:20:14.300
morning. Good morning.

391

00:20:16.200 --> 00:20:17.000
Good morning, sir.

392

00:20:18.100 --> 00:20:21.700
It was just to kind of clarify a couple of things. I'm very

393

00:20:21.700 --> 00:20:24.200
grateful for my little friends Mr. Tony for sending

394

00:20:24.200 --> 00:20:27.400
us all an email last night to try and narrow some of these points

395

00:20:27.400 --> 00:20:30.500
and and that was extremely helpful and hopefully what

396

00:20:30.500 --> 00:20:34.000
I'm about to say will also assist in terms of just housekeeping
matters.

397

00:20:33.200 --> 00:20:37.000
It's worth recording the we finished yesterday without capturing

398

00:20:36.200 --> 00:20:39.400
the last two bullet points of item 5, but

399

00:20:39.400 --> 00:20:43.600
that's now being captured as part of what we're dealing with under
item

400

00:20:43.600 --> 00:20:46.600

six and so far as the County Council on our

401

00:20:46.600 --> 00:20:49.300

side is concerned. We agree that

402

00:20:49.300 --> 00:20:52.600

we do see the protective Provisions as a fallback and

403

00:20:52.600 --> 00:20:55.000

they are obviously drafted in such a way that

404

00:20:55.300 --> 00:20:58.600

they'll be overtaken by events, but it's just worth recording that we're of

405

00:20:58.600 --> 00:21:00.900

the view that side agreements is obviously our preference.

406

00:21:01.900 --> 00:21:04.500

We think sufficient progress is being made and

407

00:21:04.500 --> 00:21:08.000

we think that we have a realistic timetable to

408

00:21:07.600 --> 00:21:10.400

work towards the 28th of

409

00:21:10.400 --> 00:21:13.200

of March, which is currently I think deadline.

410

00:21:14.500 --> 00:21:15.400

at nine

411

00:21:16.500 --> 00:21:19.300

So that that's just worth reiterating on

412

00:21:19.300 --> 00:21:22.400

that point and then the other point in relation to

413

00:21:22.400 --> 00:21:25.100

what my learner friend had said, I

414

00:21:25.100 --> 00:21:28.400

don't want to also go through line by line in relation to

415

00:21:28.400 --> 00:21:31.100

our concerns around the protective Provisions, but I think

416

00:21:31.100 --> 00:21:34.700

you've picked up quite a few of the ones we had Mr. Bedford

417

00:21:34.700 --> 00:21:37.400

is also picked up some more and will put in

418

00:21:37.400 --> 00:21:40.300

our submissions any other outstanding matters because

419

00:21:40.300 --> 00:21:42.400

I do think it's worth highlighting those

420

00:21:43.400 --> 00:21:46.200

in the event which we think is the unlikely event that we

421

00:21:46.200 --> 00:21:50.400

don't get the side agreements. It's just worth recording those issues, but

422

00:21:49.400 --> 00:21:52.200

I don't think we will have

423

00:21:52.200 --> 00:21:53.000

that and so

424

00:21:54.200 --> 00:21:57.200

those are the bits that we have as far as the County Council on our

425

00:21:57.200 --> 00:22:00.300

side, and then the final thing is there are weekly meetings taking place

426

00:22:00.300 --> 00:22:03.300

with suffer in relation

427

00:22:03.300 --> 00:22:06.400

to a lot of this. We are not involved in

428

00:22:06.400 --> 00:22:09.700

those weekly meetings, but we are liaising with Suffolk on that.
Thank

429

00:22:09.700 --> 00:22:10.000

you, sir.

430

00:22:14.500 --> 00:22:14.800

Thank you.

431

00:22:16.100 --> 00:22:19.700

And right well unless there are any further comments on.

432

00:22:20.600 --> 00:22:23.500

on those protective Provisions will

433

00:22:25.300 --> 00:22:28.200

will move on to the next matter which is

434

00:22:29.200 --> 00:22:29.300

the

435

00:22:30.800 --> 00:22:33.500

section 106 agreement or agreements

436

00:22:33.500 --> 00:22:34.900

and compensation

437

00:22:35.900 --> 00:22:36.900

issues

438

00:22:37.900 --> 00:22:38.100

now

439

00:22:41.700 --> 00:22:44.800

For the sections 106 agreement. I'm

440

00:22:44.800 --> 00:22:45.500
picking up that

441

00:22:47.800 --> 00:22:48.800
basing this on the

442

00:22:49.800 --> 00:22:51.200
local Highway authorities.

443

00:22:52.800 --> 00:22:55.300
Public rights away Improvement plan. There was

444

00:22:55.300 --> 00:22:55.900
a question that we

445

00:22:57.300 --> 00:23:03.600
put 3.9.4. Xq3.9.4 are

446

00:23:01.600 --> 00:23:04.400
the proposals in

447

00:23:04.400 --> 00:23:06.800
the applicants response to our

448

00:23:07.900 --> 00:23:12.600
our earlier question, which was 2.9.14 for

449

00:23:12.600 --> 00:23:16.600
a section 106 agreements acceptable and

450

00:23:15.600 --> 00:23:18.900
the question was how would

451

00:23:18.900 --> 00:23:21.200
the adverse impact of the scheme on local

452

00:23:21.200 --> 00:23:24.500
communities being mitigated by addressing the

453

00:23:24.500 --> 00:23:27.300

requirements of the council statutory rights of

454

00:23:27.300 --> 00:23:32.000

way Improvement plan as discussed with the Cambridge County

455

00:23:31.700 --> 00:23:35.200

councilor is H3 and referred

456

00:23:34.200 --> 00:23:38.000

to in the county. Council's D4

457

00:23:37.500 --> 00:23:40.500

submission and the library reference

458

00:23:40.500 --> 00:23:43.200

for that is our EP for -

459

00:23:43.200 --> 00:23:44.300

137.

460

00:23:46.300 --> 00:23:49.900

So the applicant responded and this is exam Library

461

00:23:49.900 --> 00:23:53.800

reference rep5-056.

462

00:23:54.700 --> 00:23:57.900

It has not identified any adverse impacts

463

00:23:57.900 --> 00:24:00.500

from the scheme during the operational phase in

464

00:24:00.500 --> 00:24:02.600

relation to public rights of way.

465

00:24:03.200 --> 00:24:06.800

The applicant recognizes the comments made by IPS

466

00:24:06.800 --> 00:24:09.900

and councils in representations and

467

00:24:09.900 --> 00:24:13.000
hearings in December in 2022. The

468

00:24:12.600 --> 00:24:15.500
applicant is therefore willing to enter into a

469

00:24:15.500 --> 00:24:18.800
section 106 agreement with Cambridge County Council

470

00:24:18.800 --> 00:24:22.100
and Suffolk County Council to create

471

00:24:21.100 --> 00:24:24.800
and/or improve existing public

472

00:24:24.800 --> 00:24:27.200
rights of way within the vicinity of

473

00:24:27.200 --> 00:24:32.000
the scheme following the hearing in December 2022 ahead

474

00:24:31.100 --> 00:24:34.300
of terms on this aspect has been

475

00:24:34.300 --> 00:24:38.500
issued to both councils in January 2023 for

476

00:24:37.500 --> 00:24:39.500
further discussion.

477

00:24:42.200 --> 00:24:44.700
So if I pause there and

478

00:24:46.600 --> 00:24:46.900
ask

479

00:24:49.500 --> 00:24:51.900
Mr. Bedford from

480

00:24:53.100 --> 00:24:55.300

the Suffolk County council's point of view

481

00:24:57.400 --> 00:25:00.500

Have you received the heads of terms for you

482

00:25:00.500 --> 00:25:03.500

responded to it? What's what's the current position on that?

483

00:25:11.700 --> 00:25:14.600

So Michael Bedford Suffolk County Council. Yes,

484

00:25:14.600 --> 00:25:17.400

we received the heads of terms. Yes. We've responded to

485

00:25:17.400 --> 00:25:19.300

the heads of terms. Yes.

486

00:25:20.300 --> 00:25:23.400

Today as I understand it we received a draft.

487

00:25:24.300 --> 00:25:24.900

agreement

488

00:25:26.500 --> 00:25:29.100

So obviously moving on from Beyond heads of terms.

489

00:25:30.900 --> 00:25:33.400

We haven't yet responded that I think having received that

490

00:25:33.400 --> 00:25:36.200

yesterday, but obviously that's helpful as the

491

00:25:36.200 --> 00:25:39.900

next part of the process. We

492

00:25:39.900 --> 00:25:41.100

will be responding to that.

493

00:25:43.100 --> 00:25:43.300

and

494

00:25:45.200 --> 00:25:48.600

we think that effectively productive discussions

495

00:25:48.600 --> 00:25:50.000

are taking place.

496

00:25:56.300 --> 00:25:56.800

Okay, and

497

00:25:58.500 --> 00:26:01.600

is the one Authority leading on this Mr. Mohamed? Well, we

498

00:26:01.600 --> 00:26:04.800

we also have we have our separate head

499

00:26:04.800 --> 00:26:07.600

of terms on this. And again, this

500

00:26:07.600 --> 00:26:11.100

is another matter Mr. Tony helpfully alerted thoughts.

501

00:26:10.100 --> 00:26:13.300

I think so. It's one agreement. I think it's one

502

00:26:13.300 --> 00:26:16.600

agreement, but we have our own team responding but

503

00:26:16.600 --> 00:26:19.300

the head of terms have been

504

00:26:19.300 --> 00:26:22.400

received. We're discussing it where also optimistic that

505

00:26:23.400 --> 00:26:26.400

The deadline eight or nine

506

00:26:26.400 --> 00:26:28.200

I think will be where we're working towards.

507

00:26:31.400 --> 00:26:34.400

So discussions ongoing positive and likely

508

00:26:34.400 --> 00:26:36.200

to reach an agreement is our position.

509

00:26:41.100 --> 00:26:45.400

now that's one section 106 agreement

510

00:26:44.400 --> 00:26:45.900

that

511

00:26:47.200 --> 00:26:48.700

has parties to it.

512

00:26:50.300 --> 00:26:50.500

being

513

00:26:51.700 --> 00:26:54.100

the applicant the and Suffolk County

514

00:26:54.100 --> 00:26:56.200

Council and Cambridge County Council is it?

515

00:26:57.500 --> 00:27:00.600

Is it worth just because you had specifically asked about

516

00:27:00.600 --> 00:27:03.000

the public rights of way aspects of it. I think I'm just

517

00:27:03.100 --> 00:27:06.200

going to get you get this Mrs. Rhodes to say

518

00:27:06.200 --> 00:27:09.900

something very briefly to you about that. Yes. Thank you morning.

519

00:27:09.900 --> 00:27:12.200

Thank you Camilla Rose for Cambridgeshire County

520

00:27:12.200 --> 00:27:16.500

Council. So just to clarify I'm liaising

521

00:27:15.500 --> 00:27:18.900

very close to with my counterpart suffer

522

00:27:18.900 --> 00:27:21.100

County Council Claire Dixon who's the area

523

00:27:21.100 --> 00:27:24.400

rights of way manager. She's on on leave at

524

00:27:24.400 --> 00:27:27.700

the moment because it's half term so I kind

525

00:27:27.700 --> 00:27:30.500

of covering for her as well that we yes. So

526

00:27:30.500 --> 00:27:33.200

we've we attended a meeting with Seneca last week

527

00:27:33.200 --> 00:27:36.300

to discuss the heads of

528

00:27:36.300 --> 00:27:39.700

terms and it was constructive.

529

00:27:39.700 --> 00:27:42.000

So I think yes, we are hoping that we

530

00:27:42.300 --> 00:27:45.100

will achieve the agreement by the

531

00:27:45.100 --> 00:27:46.700

end of the examination.

532

00:27:47.700 --> 00:27:50.800

and which would be necessary in order for us to be

533

00:27:50.800 --> 00:27:52.000

able to withdraw our

534

00:27:52.700 --> 00:27:55.800

objections and around the concerns

535

00:27:55.800 --> 00:27:58.700

about adverse mitigation adverse impact

536

00:27:58.700 --> 00:27:59.900

on the enemies.

537

00:28:00.800 --> 00:28:01.700

and communities

538

00:28:02.900 --> 00:28:05.800

I would like to just comment that to

539

00:28:05.800 --> 00:28:08.500

be absolutely clear our position is that which

540

00:28:08.500 --> 00:28:11.600

is slightly contrary to the applicant's position and

541

00:28:12.400 --> 00:28:15.300

our view is that the section 106 package is

542

00:28:15.300 --> 00:28:18.700

in Mitigation Of The adverse

543

00:28:18.700 --> 00:28:21.600

impact of the landscape scale

544

00:28:21.600 --> 00:28:25.100

of the scheme on local communities and

545

00:28:24.100 --> 00:28:27.800

the enemies and also others

546

00:28:27.800 --> 00:28:29.100

such as Trail Riders.

547

00:28:30.800 --> 00:28:34.000

Which can never be totally mitigated against and

548

00:28:33.500 --> 00:28:36.200

so and so it's

549

00:28:36.200 --> 00:28:39.400

not shouldn't be viewed as just a benefit for

550

00:28:39.400 --> 00:28:42.500

the local communities. It is in admittigation of

551

00:28:42.500 --> 00:28:46.000

the adverse impact and I think there's a site difference.

552

00:28:47.700 --> 00:28:48.700

there between us

553

00:28:49.600 --> 00:28:52.200

and we have asked for the the tone of

554

00:28:52.200 --> 00:28:54.500

the assessment to be to reflect.

555

00:28:56.200 --> 00:28:57.900

that that

556

00:28:59.200 --> 00:29:02.500

Feeling by the local communities rather than it being just a

557

00:29:02.500 --> 00:29:03.200

benefit to them.

558

00:29:04.100 --> 00:29:07.600

So but that's a wider context point. Just

559

00:29:07.600 --> 00:29:10.100

wanted to make but the agreement. Yes, we hope that

560

00:29:10.100 --> 00:29:11.800

will proceed and complete.

561

00:29:19.600 --> 00:29:22.200

So, can I just add sorry Michael Bedford Suffolk County

562

00:29:22.200 --> 00:29:24.800

Council in terms of the yes.

563

00:29:31.200 --> 00:29:34.400

Well, sorry, it was simply a factual point, which was that

564

00:29:34.400 --> 00:29:37.300

the part is to the draft agreement at the moment is not

565

00:29:37.300 --> 00:29:37.700

merely.

566

00:29:38.700 --> 00:29:41.200

The county council's and the

567

00:29:41.200 --> 00:29:41.700

applicant.

568

00:29:42.500 --> 00:29:45.100

The district councils are also intended to be parties.

569

00:29:45.800 --> 00:29:48.400

And in order for it to be effective as a

570

00:29:48.400 --> 00:29:51.200

sexual 106 agreement. It's also intended that there

571

00:29:51.200 --> 00:29:54.700

will be landowners bound but I think there is still some

572

00:29:54.700 --> 00:29:58.300

discussion about how that part will work.

573

00:30:01.800 --> 00:30:04.500

So that was I said that was just factually the point that I

574

00:30:04.500 --> 00:30:07.600

didn't want you to think that it was only between the counties and the applicant.

575

00:30:11.300 --> 00:30:14.100

Thank you Mr. Bob. I was going to ask what the

576

00:30:14.100 --> 00:30:17.400

elements of the of the heads of terms are

577

00:30:17.400 --> 00:30:18.700

on on the 106.

578

00:30:22.100 --> 00:30:25.200

At this attorney it might help if I say because

579

00:30:25.200 --> 00:30:28.800

one of one of the points I think is bit beyond SCC. So

580

00:30:28.800 --> 00:30:29.100

there's two

581

00:30:30.200 --> 00:30:31.800

two contributions

582

00:30:32.500 --> 00:30:35.300

One of them is the public rights of way

583

00:30:35.300 --> 00:30:38.600

and connectivity contributions, which sorry Collective.

584

00:30:38.600 --> 00:30:43.000

Sorry the public rights away and connectivity contributions.

585

00:30:44.600 --> 00:30:46.400

Which of the two counties?

586

00:30:48.300 --> 00:30:51.300

and then the other obligation which we are assuming is

587

00:30:52.400 --> 00:30:55.800

What's described as the stone curly research contribution?

588

00:30:56.900 --> 00:30:59.300
And that is an obligation to pay a summer

589
00:30:59.300 --> 00:30:59.400
money.

590
00:31:00.400 --> 00:31:01.900
to the local authorities

591
00:31:03.100 --> 00:31:05.800
Which will then be paid on to the rspb?

592
00:31:06.900 --> 00:31:08.600
Just to explain that briefly.

593
00:31:10.200 --> 00:31:13.600
In the last round of issues specific hearings, we

594
00:31:13.600 --> 00:31:16.800
heard quite a bit about Stone curly including

595
00:31:16.800 --> 00:31:19.300
reference to I think now

596
00:31:19.300 --> 00:31:23.000
lapsed rspb research

597
00:31:22.200 --> 00:31:25.100
project which had been

598
00:31:25.100 --> 00:31:29.300
surveying areas. I think outside of the special protection

599
00:31:28.300 --> 00:31:31.700
areas to make assessment of

600
00:31:31.700 --> 00:31:34.700
functional linkages and how the

601
00:31:34.700 --> 00:31:37.500
stone curly population outside of the special protection area

602

00:31:37.500 --> 00:31:40.600

could be supported and the proposal

603

00:31:40.600 --> 00:31:43.400

is to provide funding for that project to

604

00:31:44.200 --> 00:31:47.100

Continue will be resurrected. I think there's some doubt

605

00:31:47.100 --> 00:31:49.000

as to how active that project was.

606

00:31:49.900 --> 00:31:52.600

So that is a the additional contribution.

607

00:31:55.200 --> 00:31:55.300

So

608

00:31:57.200 --> 00:32:00.100

I just if I may briefly those are essentially the two

609

00:32:00.100 --> 00:32:03.700

elements says the two elements. Yeah, I'll just briefly explain

610

00:32:03.700 --> 00:32:06.000

just briefly respond to

611

00:32:07.800 --> 00:32:11.300

To Mohammed Mr. Bedford and Mrs.

612

00:32:10.300 --> 00:32:12.500

Rhodes in terms of what they have said

613

00:32:14.600 --> 00:32:18.400

that it's a it's a sum of money the details

614

00:32:17.400 --> 00:32:20.900

of the the need

615

00:32:20.900 --> 00:32:23.400
for it is identified through

616
00:32:23.400 --> 00:32:26.500
the right way Improvement plan. So that

617
00:32:26.500 --> 00:32:29.600
matters that have been referred to that the

618
00:32:29.600 --> 00:32:32.900
precise detail of how it will be expended will

619
00:32:32.900 --> 00:32:36.500
rest with the councils. It's

620
00:32:35.500 --> 00:32:38.200
some of 200,000 pounds

621
00:32:38.200 --> 00:32:41.400
for rights of way contributions to

622
00:32:41.400 --> 00:32:42.300
rights of way improvements.

623
00:32:44.300 --> 00:32:48.400
I completely understand Mrs. Rhodes

624
00:32:48.400 --> 00:32:51.200
point that the council's view is that it is

625
00:32:51.200 --> 00:32:54.100
necessary mitigation, but it's helpful to see

626
00:32:54.100 --> 00:32:55.400
that it's mitigation that they

627
00:32:56.300 --> 00:32:59.500
Consider will go some way to addressing their concerns

628
00:32:59.500 --> 00:33:02.100
about rights of way impacts and impacts on the local

629

00:33:02.100 --> 00:33:03.700
communities, obviously.

630

00:33:05.900 --> 00:33:07.200
It's commonplace for.

631

00:33:09.200 --> 00:33:12.100
Mitigation through section 106 agreements also to be

632

00:33:12.100 --> 00:33:15.600
presented as a benefit because there will be elements of

633

00:33:15.600 --> 00:33:19.000
mitigation and elements and benefit. But in

634

00:33:18.300 --> 00:33:21.300
any event, we hope that this goes

635

00:33:21.300 --> 00:33:24.800
some way to addressing some of the county council's concerns

636

00:33:24.800 --> 00:33:28.000
about rights of way impacts and Severance

637

00:33:27.200 --> 00:33:30.900
of communities following those

638

00:33:30.900 --> 00:33:33.400
those helpful exchanges we had last year.

639

00:33:35.100 --> 00:33:38.700
Um, yes, I think that's probably all said, the only

640

00:33:38.700 --> 00:33:40.300
other point is it doesn't much matter I think.

641

00:33:42.100 --> 00:33:44.100
Just in terms of progress. It's slightly more.

642

00:33:45.500 --> 00:33:47.600
It is fairly well progressed in the sense that

643
00:33:48.700 --> 00:33:49.900
we've disclosed title.

644
00:33:50.800 --> 00:33:53.100
We've identified the land that will be

645
00:33:53.100 --> 00:33:56.900
bound by the obligation and it

646
00:33:56.900 --> 00:33:59.500
is the document is is with the

647
00:33:59.500 --> 00:34:03.200
relevance list as so it's a

648
00:34:02.200 --> 00:34:05.700
it's a fairly Advanced stage of negotiation of

649
00:34:05.700 --> 00:34:08.800
the 106 and we hope to conclude that yes, are

650
00:34:08.800 --> 00:34:12.600
you in a position just now to say broadly

651
00:34:12.600 --> 00:34:15.800
what the the second element is of

652
00:34:15.800 --> 00:34:16.500
the contribution.

653
00:34:19.700 --> 00:34:22.900
Right, very distant curly research project

654
00:34:22.900 --> 00:34:25.500
the rich only

655
00:34:25.500 --> 00:34:28.500
the applicant. So in terms of the the Quantum

656

00:34:28.500 --> 00:34:31.600

of the contribution, it's a hundred and forty thousand

657

00:34:31.600 --> 00:34:31.800

pounds.

658

00:34:38.300 --> 00:34:41.100

Right, so that's that's in progress at the

659

00:34:41.100 --> 00:34:41.200

moment.

660

00:34:44.200 --> 00:34:48.000

It just approximately how many landowners are involved

661

00:34:47.400 --> 00:34:48.500

would you?

662

00:34:49.200 --> 00:34:50.000

that there are

663

00:34:51.200 --> 00:34:55.100

I don't have the precise number. There's quite a few landowners involved.

664

00:34:54.100 --> 00:34:58.400

There will

665

00:34:58.400 --> 00:34:58.400

be.

666

00:35:11.400 --> 00:35:14.300

It's a rich Journey for

667

00:35:14.300 --> 00:35:17.500

the applicant. I can say a substantial amount of the the land

668

00:35:17.500 --> 00:35:20.900

which is proposed for development will be bound. There may

669

00:35:20.900 --> 00:35:23.200

be some parts the land that where a provision will

670

00:35:23.200 --> 00:35:27.200

be made for them the land being bound in the future because obviously

671

00:35:26.200 --> 00:35:29.900

as you somewhere there's

672

00:35:29.900 --> 00:35:32.300

at least one part of the site where we don't yet have an agreement

673

00:35:32.300 --> 00:35:35.400

to acquire that land but there's a substantial

674

00:35:35.400 --> 00:35:36.300

element of the land.

675

00:35:37.200 --> 00:35:39.900

Underneath the footprint of the scheme will be bound.

676

00:35:50.400 --> 00:35:53.900

At Ridge Tennessee. I've just say just so you have a sense of the word

677

00:35:53.900 --> 00:35:56.700

that's been done at the moment. I think there are 26 parties

678

00:35:56.700 --> 00:35:59.600

on our side for the section 106 agreement,

679

00:35:59.600 --> 00:35:59.900

which is

680

00:36:01.100 --> 00:36:04.100

is obviously taken some effort and it means

681

00:36:04.100 --> 00:36:07.400

it's it has a complexity agreement has a complexity on that front.

682

00:36:08.400 --> 00:36:11.300

It's quite simple in terms of its operative

683

00:36:11.300 --> 00:36:14.400

Provisions. It's the land ownership position that gives it makes

684

00:36:14.400 --> 00:36:15.100

it a bit of a hard job.

685

00:36:16.200 --> 00:36:17.300

Right, okay.

686

00:36:24.100 --> 00:36:28.800

Do you agree then with cambridge's estimate

687

00:36:27.800 --> 00:36:30.200

that deadline eight or nine

688

00:36:30.200 --> 00:36:32.500

is a realistic estimate for completion.

689

00:36:36.200 --> 00:36:39.300

All right, get that wrong mister. Sorry Mr. Mohammed on behalf. We I thought

690

00:36:39.300 --> 00:36:42.200

it was realistic before I heard the numbers.

691

00:36:42.200 --> 00:36:46.100

I don't know whether the numbers are quite accurate

692

00:36:45.100 --> 00:36:48.300

and the Bedford will say something about it first, but

693

00:36:48.300 --> 00:36:49.700

I'll let Mr. Tony just respond.

694

00:36:54.700 --> 00:36:57.800

Well, it was said I think that it was

695

00:36:57.800 --> 00:37:00.000
suggested that deadline eight or nine

696
00:37:00.400 --> 00:37:03.600
would be a realistic. Yes. I

697
00:37:03.600 --> 00:37:04.800
think I think that remains.

698
00:37:05.600 --> 00:37:08.900
Realistic for settling the section

699
00:37:08.900 --> 00:37:11.900
106 agreement. Yes, right. So do

700
00:37:11.900 --> 00:37:13.300
I through the counties want to respond?

701
00:37:15.100 --> 00:37:18.700
So I am the point that we just

702
00:37:18.700 --> 00:37:19.300
want to make.

703
00:37:21.400 --> 00:37:25.400
You aware of but I don't know that we can resolve in

704
00:37:24.400 --> 00:37:28.700
terms of the the

705
00:37:27.700 --> 00:37:31.000
hearing this morning is that

706
00:37:30.200 --> 00:37:34.100
we don't recognize the figures

707
00:37:33.100 --> 00:37:36.400
that Mr. Turney referred

708
00:37:36.400 --> 00:37:39.600
to in relation to the quantum for

709

00:37:39.600 --> 00:37:42.400

the rights of way improvements as a

710

00:37:42.400 --> 00:37:46.500

true reflection of the negotiations and

711

00:37:46.500 --> 00:37:49.100

discussions and what we thought was an agreed position.

712

00:37:50.100 --> 00:37:53.400

Through those negotiations. I don't

713

00:37:53.400 --> 00:37:56.100

think it's probably helpful but to go into

714

00:37:57.300 --> 00:38:00.000

Absolutely detail of that. But I just I agree with

715

00:38:00.200 --> 00:38:03.500

you absolutely missed Mr. Bedford. If the discussions aren't

716

00:38:03.500 --> 00:38:07.200

going then that their Nation be ongoing outside the absolutely

717

00:38:06.200 --> 00:38:09.500

just just so that you know, I said

718

00:38:09.500 --> 00:38:12.600

we don't recognize the figure that yes was

719

00:38:12.600 --> 00:38:14.300

referred to well. All right, and

720

00:38:16.200 --> 00:38:19.000

I won't say that gives us a broad idea because I

721

00:38:19.500 --> 00:38:22.000

simply don't know so we'll we'll see what

722

00:38:22.800 --> 00:38:25.300
transpires but what what I'm now interested in

723
00:38:25.300 --> 00:38:27.000
is if the parties could just

724
00:38:28.100 --> 00:38:31.700
think about how the how the

725
00:38:31.700 --> 00:38:32.900
examining Authority

726
00:38:34.800 --> 00:38:37.500
can or should weigh in

727
00:38:37.500 --> 00:38:40.500
the balance any any failure to

728
00:38:40.500 --> 00:38:42.700
complete such an agreement?

729
00:38:45.300 --> 00:38:47.200
So it's not Mr. Bedford, perhaps.

730
00:38:50.500 --> 00:38:54.500
Well, so I think it would be appropriate for

731
00:38:54.500 --> 00:38:57.100
you to adopt in a sense of conventional.

732
00:38:59.700 --> 00:39:02.400
Approach if you are

733
00:39:02.400 --> 00:39:05.300
persuaded by what we have

734
00:39:05.300 --> 00:39:09.600
been saying through our various representations that there

735
00:39:09.600 --> 00:39:11.000
are residual impacts.

736

00:39:11.800 --> 00:39:15.400

Which need to be either mitigated

737

00:39:14.400 --> 00:39:17.100

or compensated for?

738

00:39:18.800 --> 00:39:21.600

For the reasons that we've set out in our representations.

739

00:39:22.700 --> 00:39:26.300

Then if a 106

740

00:39:25.300 --> 00:39:28.000

agreement that was concluded.

741

00:39:28.900 --> 00:39:32.100

Provided a mechanism to

742

00:39:31.100 --> 00:39:34.500

address those residual impacts in a

743

00:39:34.500 --> 00:39:37.100

way that the authorities thought was satisfactory.

744

00:39:38.500 --> 00:39:41.500

That would be material to your conclusions.

745

00:39:43.600 --> 00:39:46.700

But if as it turned out there wasn't

746

00:39:46.700 --> 00:39:49.400

a concluded agreement on those matters.

747

00:39:50.600 --> 00:39:54.000

So that the residual impacts would remain outstanding.

748

00:39:54.800 --> 00:39:58.000

and not either mitigated for or compensated

749

00:39:57.000 --> 00:39:58.300
for

750

00:40:00.400 --> 00:40:03.400
that would also be material to your conclusions that obviously that

751

00:40:03.400 --> 00:40:05.100
would be a factor that would weigh against.

752

00:40:07.500 --> 00:40:10.400
The Proposal quite where

753

00:40:10.400 --> 00:40:13.700
it would sit in the planning balance is a

754

00:40:13.700 --> 00:40:16.100
little bit open-ended at the moment because we don't quite know

755

00:40:17.700 --> 00:40:21.000
What we're talking about at this stage, but clearly. Well,

756

00:40:20.300 --> 00:40:24.100
I mean suppose I mean hence the applicants what

757

00:40:23.100 --> 00:40:26.300
I anticipate to be the applicant's position, which is

758

00:40:26.300 --> 00:40:29.300
more on the on the benefits side than the mitigation side.

759

00:40:29.300 --> 00:40:33.400
But but yes, Mr. Tony Richard

760

00:40:32.400 --> 00:40:35.700
only for the applicant. I think it's my analysis

761

00:40:35.700 --> 00:40:38.200
is pretty much the same as Mr. Bedford because

762

00:40:41.500 --> 00:40:45.400
If the section 106 agreement is not concluded you get

763

00:40:45.400 --> 00:40:48.400

to that at the end of your reasoning I think because you will make

764

00:40:48.400 --> 00:40:51.700

an assessment of whether or not the county council's

765

00:40:51.700 --> 00:40:54.700

respective positions on impacts on

766

00:40:54.700 --> 00:40:58.500

rights of where users and Community severance.

767

00:41:00.100 --> 00:41:01.200

way against the project

768

00:41:02.900 --> 00:41:05.100

You will then consider whether or not

769

00:41:05.100 --> 00:41:08.400

if the 106 was completed you

770

00:41:08.400 --> 00:41:09.900

would consider whether or not.

771

00:41:10.800 --> 00:41:13.400

Those concerns should have reduced weight

772

00:41:13.400 --> 00:41:15.100

in light of the proposed package.

773

00:41:16.100 --> 00:41:19.800

And it doesn't much matter there whether it's mitigation compensation or benefit,

774

00:41:19.800 --> 00:41:22.500

but you just have to make it planning judgment

775

00:41:22.500 --> 00:41:25.400

on that if the package is not there and you

776

00:41:25.400 --> 00:41:28.400

conclude there are those adverse impacts Mr. Bedford says

777

00:41:28.400 --> 00:41:31.800

then that ways against the development and

778

00:41:31.800 --> 00:41:34.500

you will consider that in the planning balance

779

00:41:34.500 --> 00:41:37.600

in the normal way having regard to the terms obviously most

780

00:41:37.600 --> 00:41:39.100

importantly of the mps's

781

00:41:39.800 --> 00:41:42.300

so that that is the

782

00:41:42.300 --> 00:41:45.100

that's the consideration.

783

00:41:46.300 --> 00:41:49.300

Okay. Thank you Mr. Mohamed. You

784

00:41:49.300 --> 00:41:52.400

want to add anything? I I agree with both Mr. Tony and

785

00:41:52.400 --> 00:41:55.100

Mr. Bedford in relation to the analysis of the

786

00:41:55.100 --> 00:41:58.400

approach you take but just to give you an idea from our perspective

787

00:41:58.400 --> 00:42:00.000

of the scale.

788

00:42:01.600 --> 00:42:01.900

of

789

00:42:04.100 --> 00:42:08.100

the mitigation or compensation package what it means to the

790

00:42:07.100 --> 00:42:10.700

authorities. I've just done a very quick.

791

00:42:11.700 --> 00:42:14.400

Back of the fact packet kind of analysis of you're dealing

792

00:42:14.400 --> 00:42:17.900

with 14 Parishes across the two authorities.

793

00:42:19.600 --> 00:42:19.600

and

794

00:42:20.700 --> 00:42:23.200

this is a significant package.

795

00:42:25.200 --> 00:42:28.400

not just about mitigation compensation and so on

796

00:42:28.400 --> 00:42:31.600

so in in so far as it weighs against

797

00:42:32.900 --> 00:42:35.600

The the development we we

798

00:42:35.600 --> 00:42:38.600

suggest that think of it as well in the in

799

00:42:38.600 --> 00:42:39.800

the picture of what it actually means.

800

00:42:40.700 --> 00:42:43.300

To the communities and the authorities and

801

00:42:43.300 --> 00:42:46.300

then that is a factor for for you

802

00:42:46.300 --> 00:42:50.100

to then carry out your balancing as part of your balancing

803

00:42:49.100 --> 00:42:51.300
planning balance exercise.

804

00:42:54.100 --> 00:42:54.700
Thank you very much.

805

00:42:57.400 --> 00:43:01.200
Right. Okay, we done with

806

00:43:01.200 --> 00:43:02.200
that item then.

807

00:43:03.500 --> 00:43:05.500
Thank you for your contributions on that.

808

00:43:07.300 --> 00:43:10.500
We will now look at

809

00:43:11.800 --> 00:43:13.500
Because there's another issue.

810

00:43:14.500 --> 00:43:16.200
I think in relation to

811

00:43:19.800 --> 00:43:23.000
Compensation package, I think it was termed appropriate mitigation

812

00:43:22.700 --> 00:43:25.800
compensation package. Now that was first

813

00:43:25.800 --> 00:43:28.500
raised I think in the local impact report, which

814

00:43:28.500 --> 00:43:31.200
is our ep-1-024.

815

00:43:33.200 --> 00:43:37.100
under the subheading Community impacts 12.95

816

00:43:39.200 --> 00:43:42.600

What was said there was that given the scale of this proposal

817

00:43:42.600 --> 00:43:45.300

the council's expect the applicant not only

818

00:43:45.300 --> 00:43:49.000

mitigate the tangible and more easily defined impacts,

819

00:43:48.900 --> 00:43:51.700

but also address the intangible but

820

00:43:51.700 --> 00:43:54.200

real residual impacts on the

821

00:43:54.200 --> 00:43:57.700

community and locality the council's

822

00:43:57.700 --> 00:44:00.700

expect an appropriate mitigation compensation package

823

00:44:00.700 --> 00:44:03.800

for local communities. This would be in addition

824

00:44:03.800 --> 00:44:06.600

to any potential Community benefits from the

825

00:44:06.600 --> 00:44:09.400

development including any to be introduced us

826

00:44:09.400 --> 00:44:12.900

announced in the government's British energy security

827

00:44:12.900 --> 00:44:14.200

strategy.

828

00:44:14.900 --> 00:44:17.900

So I'd like to ask the parties.

829

00:44:17.900 --> 00:44:21.200

Where where are we on this

830

00:44:21.200 --> 00:44:21.600
please?

831

00:44:24.400 --> 00:44:27.100
So shall I take the lead on this Rich attorney

832

00:44:27.100 --> 00:44:31.600
Guest House attorneys. The applicant is

833

00:44:31.600 --> 00:44:35.200
proposing a community benefit

834

00:44:34.200 --> 00:44:35.900
package.

835

00:44:36.700 --> 00:44:38.400
It's a

836

00:44:41.600 --> 00:44:41.900
not

837

00:44:42.800 --> 00:44:45.700
An obligation that we

838

00:44:45.700 --> 00:44:49.100
say goes to the planning balance strictly

839

00:44:48.100 --> 00:44:49.300
speaking.

840

00:44:50.500 --> 00:44:54.200
But it will result in a substantial fund

841

00:44:53.200 --> 00:44:57.100
being made available for it

842

00:44:56.100 --> 00:45:01.200
to be administered by a local organization

843

00:44:59.200 --> 00:45:04.300

to further

844

00:45:02.300 --> 00:45:05.600

the community

845

00:45:05.600 --> 00:45:08.600

interests in the area that's affected

846

00:45:08.600 --> 00:45:11.700

by the development. So there's

847

00:45:11.700 --> 00:45:11.800

some

848

00:45:17.500 --> 00:45:20.400

There's some

849

00:45:20.400 --> 00:45:23.100

I think the sum I think is in in dispute at the moment

850

00:45:23.100 --> 00:45:27.600

between the councils and the applicant. But

851

00:45:27.600 --> 00:45:30.200

in any event, the applicant is going to make a

852

00:45:30.200 --> 00:45:35.000

commitment to provide a substantial Community

853

00:45:33.400 --> 00:45:36.100

Fund not to be

854

00:45:36.100 --> 00:45:40.800

missed by the local authorities, but to be administered by a local organization,

855

00:45:39.800 --> 00:45:42.400

so there will

856

00:45:42.400 --> 00:45:43.900

be a Community Fund.

857

00:45:44.700 --> 00:45:47.400

the other point which we've been exploring with the councils

858

00:45:47.400 --> 00:45:50.600

and hopefully they can take this

859

00:45:50.600 --> 00:45:51.500

on board is that

860

00:45:52.400 --> 00:45:55.600

when we're looking at the benefit the financial benefits

861

00:45:55.600 --> 00:45:57.300

for the community of this scheme.

862

00:45:57.900 --> 00:46:01.300

The district councils will receive very very

863

00:46:00.300 --> 00:46:04.000

substantial income by

864

00:46:03.200 --> 00:46:06.900

way of business rates from the

865

00:46:06.900 --> 00:46:09.000

operation of the solar panels and under the

866

00:46:09.300 --> 00:46:10.100

new regulations.

867

00:46:11.300 --> 00:46:15.200

Those business rates will be retained locally. So I think

868

00:46:15.200 --> 00:46:18.400

on our calculation the business rates that will

869

00:46:18.400 --> 00:46:21.400

be received are in the order of millions of pounds per year

870

00:46:21.400 --> 00:46:24.300
business rates from the Generating Station,

871
00:46:24.300 --> 00:46:27.800
which will be retained locally.

872
00:46:28.600 --> 00:46:32.500
To those regulations anticipate how

873
00:46:32.500 --> 00:46:36.000
those funds will be redirected. No, they

874
00:46:35.200 --> 00:46:38.400
don't because they go into the the

875
00:46:38.400 --> 00:46:41.300
business rates rules as

876
00:46:41.300 --> 00:46:44.100
you know, so but the general presumption as it goes to

877
00:46:44.100 --> 00:46:47.400
central government, but there's been more recent regulations for
certain types

878
00:46:47.400 --> 00:46:51.200
of development for local retention of business rates and renewable

879
00:46:50.200 --> 00:46:53.300
energy generating stations for within that

880
00:46:53.300 --> 00:46:57.900
category. So for those for

881
00:46:56.900 --> 00:46:59.200
the solar panels and

882
00:46:59.200 --> 00:47:02.400
the race rating of the solar panels those local those rates

883
00:47:02.400 --> 00:47:05.400

will be retained in in large past. I understand

884

00:47:05.400 --> 00:47:08.300

it in the by the district authorities as

885

00:47:08.300 --> 00:47:12.700

the rating authorities, but then it goes into their General coffers,

886

00:47:12.700 --> 00:47:15.400

so they will obviously be able to decide

887

00:47:15.400 --> 00:47:19.600

how they spend that whether it's goes to

888

00:47:19.600 --> 00:47:22.300

the allocation of the budgets will be a decision for them on an

889

00:47:22.300 --> 00:47:26.400

annual basis. Thank you use a

890

00:47:26.400 --> 00:47:27.400

slightly weasel phrase.

891

00:47:28.700 --> 00:47:31.700

Around notice this respect intended. You

892

00:47:31.700 --> 00:47:34.500

said strictly speaking. It's not strictly

893

00:47:34.500 --> 00:47:36.900

speaking part of the planning balance.

894

00:47:37.600 --> 00:47:38.300

Would you?

895

00:47:38.900 --> 00:47:41.700

Care to elaborate on that. Well, I

896

00:47:41.700 --> 00:47:44.100

probably shouldn't said it's really speaking. I think I go

897

00:47:44.100 --> 00:47:47.400

further. It's not it's not part of the planning balance see

898

00:47:48.900 --> 00:47:51.200

Write and Forest of Dean in the

899

00:47:51.200 --> 00:47:54.800

Supreme Court. I think you've got to put to

900

00:47:54.800 --> 00:47:57.700

one side these wider Community benefits

901

00:47:57.700 --> 00:47:58.500

and

902

00:48:00.200 --> 00:48:00.800

say

903

00:48:02.000 --> 00:48:02.300

that

904

00:48:03.700 --> 00:48:04.500

it can be noted.

905

00:48:05.300 --> 00:48:09.000

But and they may they may fall

906

00:48:08.400 --> 00:48:11.300

objectors such as the local

907

00:48:11.300 --> 00:48:14.800

authorities. They may assuage their concerns. So the role

908

00:48:14.800 --> 00:48:17.100

I think in these processes is it might be

909

00:48:17.100 --> 00:48:19.000

enough to persuade an authority that actually

910

00:48:20.200 --> 00:48:23.600

In the round, they can say they are content, but for

911

00:48:23.600 --> 00:48:26.500

you advising the Secretary of State on the planning decision

912

00:48:26.500 --> 00:48:30.300

making at the moment, I think strictly legally

913

00:48:29.300 --> 00:48:30.700

irrelevant.

914

00:48:32.200 --> 00:48:35.200

Thank you, Mr. Tony. And I just wondered whether

915

00:48:35.200 --> 00:48:38.200

Mr. Bedford and Mr. Hamid might want

916

00:48:38.200 --> 00:48:41.300

to add anything Mr. Bedford. Is

917

00:48:41.300 --> 00:48:44.200

that reflect your understanding but particularly with

918

00:48:44.200 --> 00:48:48.000

the guy and of the what's what's

919

00:48:47.300 --> 00:48:50.300

on offer, but also in relation to

920

00:48:50.300 --> 00:48:53.100

to where the we should be looking

921

00:48:53.100 --> 00:48:56.600

at that it's all really in the planning balance. Yes. So

922

00:48:56.600 --> 00:48:59.200

I think the simple part of

923

00:48:59.200 --> 00:49:02.400

it. Is that as we see it. Sorry, it's Michael Bedford Suffolk

924

00:49:02.400 --> 00:49:05.200

County Council. We do not see it as relevant to the

925

00:49:05.200 --> 00:49:06.700

planning barrels.

926

00:49:07.400 --> 00:49:11.500

Because we consider it relates to a non-planning

927

00:49:10.500 --> 00:49:12.700

consideration.

928

00:49:14.800 --> 00:49:17.400

And therefore to that extent you don't

929

00:49:17.400 --> 00:49:20.200

need to concern yourself or your cells

930

00:49:20.200 --> 00:49:21.400

with the point.

931

00:49:22.100 --> 00:49:26.300

So that's the simple part and then if you

932

00:49:26.300 --> 00:49:29.600

stop there you can stop there in our

933

00:49:29.600 --> 00:49:32.600

view perfectly legitimately. Were you

934

00:49:32.600 --> 00:49:35.600

to consider anything wider than that? We do have some serious

935

00:49:35.600 --> 00:49:38.900

issues with the suggestion of effectively

936

00:49:38.900 --> 00:49:41.900

hypothecation of business rates

937

00:49:41.900 --> 00:49:44.500
to a particular project.

938

00:49:45.500 --> 00:49:48.300
The business rates regime is a separate set of

939

00:49:48.300 --> 00:49:51.400
legislation with its own requirements and we

940

00:49:51.400 --> 00:49:54.500
don't accept certainly as matters stand

941

00:49:54.500 --> 00:49:57.600
the as it were the Nexus that

942

00:49:57.600 --> 00:50:00.800
the applicant is trying to draw between the business

943

00:50:00.800 --> 00:50:04.200
rates liability of a commercial Venture and

944

00:50:03.200 --> 00:50:07.300
a community benefits

945

00:50:06.300 --> 00:50:09.700
package. We think the two things should be kept separate

946

00:50:09.700 --> 00:50:12.500
but I say, we don't

947

00:50:12.500 --> 00:50:15.300
think you really need to get into that because

948

00:50:15.300 --> 00:50:19.300
of our first point which is we just don't see this as material to

949

00:50:19.300 --> 00:50:22.400
the planning balance that you will have to undertake that's fair

950

00:50:22.400 --> 00:50:25.500
enough that that's noted. Thank you, Mr. Bedford Mr. Mohammad.

951

00:50:25.500 --> 00:50:28.400

Yes and his position. Yes, I agree with everything that

952

00:50:28.400 --> 00:50:31.500

is the benefit and I also agree with what Mr.

953

00:50:31.500 --> 00:50:34.100

Tony was saying and the case that he referred to

954

00:50:34.100 --> 00:50:37.300

right in the Supreme Court was dealing with

955

00:50:37.300 --> 00:50:40.200

the Wind Farm or winter buying a car remember which and it was

956

00:50:40.200 --> 00:50:43.700

where they took into account monies that were going to be paid as

957

00:50:43.700 --> 00:50:45.300

part of that balancing planning balancing.

958

00:50:45.500 --> 00:50:48.400

Side with the Supreme Court said you shouldn't have so that point

959

00:50:48.400 --> 00:50:51.400

that Mr. Bedford talks about there. If keeping this two separate

960

00:50:51.400 --> 00:50:52.700

is really really important.

961

00:50:54.100 --> 00:50:55.400

Good. Thank you very much.

962

00:50:57.500 --> 00:51:01.100

Oh, sorry. Yes, good morning Ritchie

963

00:51:00.100 --> 00:51:03.200

Barry for West Africa cancel. So just to

964

00:51:03.200 --> 00:51:06.200

reiterate what's been said and I don't think you need to go as far as looking

965

00:51:06.200 --> 00:51:09.700

up the company looking at the compensation and as part

966

00:51:09.700 --> 00:51:12.600

of the planning balance because you would not be it would

967

00:51:12.600 --> 00:51:15.400

be wrong to do so, but we are concerned about

968

00:51:15.400 --> 00:51:18.300

this link being made with the business rates because as Mr. Bedford

969

00:51:18.300 --> 00:51:21.200

said that's a different regime and we can come back on this

970

00:51:21.200 --> 00:51:24.200

in writing, but it it may not be helpful to

971

00:51:24.200 --> 00:51:27.000

do so given that we're seeing it's a separate natural together.

972

00:51:30.300 --> 00:51:31.100

Thank you very much for that.

973

00:51:32.700 --> 00:51:33.400

This is steel.

974

00:51:34.300 --> 00:51:37.300

Are you one it's just to go on record if I may say and I

975

00:51:37.300 --> 00:51:40.500

was going to say exactly what Mr. Bedford has just said that

976

00:51:40.500 --> 00:51:41.400

we agree entirely.

977

00:51:42.900 --> 00:51:45.200

as far as the local action group is

978

00:51:45.200 --> 00:51:48.400
concerned representing significant part

979

00:51:48.400 --> 00:51:51.800
of the local population, and we will therefore

980

00:51:51.800 --> 00:51:52.500
ignore

981

00:51:53.400 --> 00:51:56.100
this in our representations not have to deal with it.

982

00:51:59.100 --> 00:52:00.700
Okay. Thank you, Mr. Steele.

983

00:52:02.200 --> 00:52:06.900
so we'll move on then to the dco

984

00:52:05.900 --> 00:52:08.400
itself and the

985

00:52:08.400 --> 00:52:09.900
I'll start with the

986

00:52:11.100 --> 00:52:14.500
a general issue which was

987

00:52:14.500 --> 00:52:16.500
raised by the

988

00:52:17.500 --> 00:52:21.300
I think it was these Cambridge District Council relation

989

00:52:20.300 --> 00:52:23.500
to Provisions about the temporary use

990

00:52:23.500 --> 00:52:23.900
of land.

991

00:52:25.700 --> 00:52:28.400

Psoriasis from library reference R

992

00:52:28.400 --> 00:52:31.900

ep5-073 and the

993

00:52:31.900 --> 00:52:34.500

district council's comments at

994

00:52:34.500 --> 00:52:38.800

D5 on the revised Eco. The council

995

00:52:38.800 --> 00:52:41.800

has previously indicated concerns about the flexibility of

996

00:52:41.800 --> 00:52:44.100

the phrase temporary use of land which is

997

00:52:44.100 --> 00:52:48.000

found throughout the revised draft dco those concerns

998

00:52:47.200 --> 00:52:50.900

about the lack of precision remain.

999

00:52:51.800 --> 00:52:54.900

So what I'd like to know

1000

00:52:54.900 --> 00:52:59.300

from East Cambridge is have

1001

00:52:57.300 --> 00:53:00.300

they give him any further

1002

00:53:00.300 --> 00:53:03.800

thought to what time limits if any might

1003

00:53:03.800 --> 00:53:06.600

be appropriate to stipulate in respect

1004

00:53:06.600 --> 00:53:09.900

of specific uses of land referenced in

1005

00:53:09.900 --> 00:53:11.100

in the dco.

1006

00:53:17.600 --> 00:53:21.200

Yet you've you've summarized our concerns

1007

00:53:20.200 --> 00:53:23.300

accurately. So I don't need to repeat that.

1008

00:53:23.300 --> 00:53:26.900

I think we were thinking 24

1009

00:53:26.900 --> 00:53:29.700

months was the figure and the

1010

00:53:29.700 --> 00:53:32.200

time period we had in mind and I

1011

00:53:32.200 --> 00:53:35.600

don't know whether the Appellate the applicant has has agreed

1012

00:53:35.600 --> 00:53:38.200

with that or thinks that that's appropriate but I

1013

00:53:38.200 --> 00:53:38.300

think

1014

00:53:39.300 --> 00:53:42.400

That's what they've suggested and I think that that could

1015

00:53:42.400 --> 00:53:45.700

be appropriate subject to others what other

1016

00:53:45.700 --> 00:53:48.200

parties make of that but those are the our contributions on

1017

00:53:48.200 --> 00:53:48.400

that.

1018

00:53:57.100 --> 00:54:00.400

I think you mentioned yourself Mr. Mohammed that

1019

00:54:02.300 --> 00:54:05.200

the phrase temporary appears, but is it

1020

00:54:05.200 --> 00:54:06.300

some 60 times?

1021

00:54:07.100 --> 00:54:07.600

also

1022

00:54:09.900 --> 00:54:12.300

I mean when you say 24 months is that

1023

00:54:12.900 --> 00:54:15.300

is that good for all times and

1024

00:54:15.300 --> 00:54:16.100

for all purposes?

1025

00:54:17.400 --> 00:54:17.500

Who's that?

1026

00:54:18.900 --> 00:54:21.900

It's I'm at the

1027

00:54:21.900 --> 00:54:24.800

moment. I'm more thinking about if we

1028

00:54:24.800 --> 00:54:28.600

look at the interpretation paragraph 27.

1029

00:54:27.600 --> 00:54:30.100

Yeah, which is what I

1030

00:54:30.100 --> 00:54:33.500

was just looking at and to take temporary possession

1031

00:54:33.500 --> 00:54:33.800

of

1032

00:54:35.300 --> 00:54:38.200

I'd like to say that the 24 months would be

1033

00:54:38.200 --> 00:54:38.900

adequate.

1034

00:54:40.200 --> 00:54:41.400

if suitably worded

1035

00:54:42.200 --> 00:54:45.500

for all times, but I'll just double check that and see because

1036

00:54:45.500 --> 00:54:47.800

it may be the temporary.

1037

00:54:48.600 --> 00:54:52.100

Use of land in one context 24 months

1038

00:54:51.100 --> 00:54:54.100

might be just perfect but you're not in another

1039

00:54:54.100 --> 00:54:57.400

context. It might be too much. Well quite yeah.

1040

00:54:59.200 --> 00:55:02.800

Um, okay Mr. Tony.

1041

00:55:02.800 --> 00:55:05.400

I don't know whether you've had any

1042

00:55:05.400 --> 00:55:06.200

thoughts about this.

1043

00:55:11.900 --> 00:55:14.100

So Richard Turney for the app can I don't think

1044

00:55:14.100 --> 00:55:17.600

we're going to be able to agree with the

1045

00:55:17.600 --> 00:55:19.400

proposals that are made in respect of this.

1046

00:55:20.300 --> 00:55:23.900

As we've explained already the purpose of the temporary use

1047

00:55:23.900 --> 00:55:26.500

provisions is to minimize the amount of compulsory

1048

00:55:26.500 --> 00:55:26.900

acquisition.

1049

00:55:27.800 --> 00:55:30.600

And restricting those temporary use

1050

00:55:30.600 --> 00:55:33.300

position Provisions in

1051

00:55:33.300 --> 00:55:39.700

the way. This is suggested by ecdc

1052

00:55:36.700 --> 00:55:40.000

is

1053

00:55:39.600 --> 00:55:41.700

going to

1054

00:55:43.800 --> 00:55:47.700

potentially have to cause us to use more CA

1055

00:55:46.700 --> 00:55:49.800

Powers because if the

1056

00:55:49.800 --> 00:55:52.400

period doesn't prove to be adequate then

1057

00:55:52.400 --> 00:55:55.800

you need to acquire more land permanently. So the

1058

00:55:55.800 --> 00:55:59.100

idea is to look at areas

1059

00:55:58.100 --> 00:56:02.300

of the scheme where we can temporarily use

1060

00:56:01.300 --> 00:56:04.300

land and not have to acquire it

1061

00:56:04.300 --> 00:56:07.200

permanently for the scheme and it's precisely what we should be doing in terms of

1062

00:56:07.200 --> 00:56:08.600

minimizing land take

1063

00:56:09.300 --> 00:56:10.800

restricting that power

1064

00:56:11.800 --> 00:56:14.300

Increases land take or runs the risk of

1065

00:56:14.300 --> 00:56:17.600

increasing than take so we don't propose

1066

00:56:17.600 --> 00:56:20.600

to have that sort of limitation on

1067

00:56:20.600 --> 00:56:23.300

it with the the impacts of

1068

00:56:23.300 --> 00:56:26.600

using that land for the in the manner proposed.

1069

00:56:27.200 --> 00:56:30.500

Obviously have been assessed and that in

1070

00:56:30.500 --> 00:56:33.200

our submission is what the council should be concerned with

1071

00:56:33.200 --> 00:56:36.700

what the impacts of using that land rather than concerned

1072

00:56:36.700 --> 00:56:39.900

with what really is a CA

1073

00:56:39.900 --> 00:56:41.700

question between the landowner.

1074

00:56:42.400 --> 00:56:44.300

and The Undertaker

1075

00:56:45.200 --> 00:56:48.700

Should the Undertaker be compelled to acquire land outright when

1076

00:56:48.700 --> 00:56:51.700

it could instead use it temporarily

1077

00:56:51.700 --> 00:56:52.000

for?

1078

00:56:53.300 --> 00:56:55.300

Might be a longer period than Mr. Muhammad's address.

1079

00:56:56.500 --> 00:56:59.300

If you restrict us if we need the land for 25 months and

1080

00:56:59.300 --> 00:57:01.500

the temporary use provision is for 24 months.

1081

00:57:02.300 --> 00:57:05.100

Compulsory acquisition outright acquisition of the land will be

1082

00:57:05.100 --> 00:57:08.600

required. It's just not a good idea in compulsory acquisition

1083

00:57:08.600 --> 00:57:10.800

terms. No, I mean I suppose.

1084

00:57:13.900 --> 00:57:16.100

Discretion proportionality amongst other things I

1085

00:57:16.100 --> 00:57:17.100
suppose you.

1086
00:57:21.200 --> 00:57:22.600
but also certainty

1087
00:57:23.900 --> 00:57:25.000
and thank you.

1088
00:57:25.900 --> 00:57:28.300
So just listening to Mohammed just to thought on

1089
00:57:28.300 --> 00:57:31.200
that I can see why my learner friend says

1090
00:57:31.200 --> 00:57:34.000
it causes us issues in terms of the compulsory purchase aspects of
it. But

1091
00:57:34.800 --> 00:57:37.400
yesterday for example, and I'm just thinking out loud here
yesterday.

1092
00:57:37.400 --> 00:57:40.300
For example, we were told that they only need two years to

1093
00:57:40.300 --> 00:57:40.600
be able to

1094
00:57:41.700 --> 00:57:44.300
build out and complete the development and I'm

1095
00:57:44.300 --> 00:57:45.800
just wondering in that.

1096
00:57:47.600 --> 00:57:50.400
If we're thinking about it in that context the two years the 24

1097
00:57:50.400 --> 00:57:50.900
months.

1098

00:57:51.700 --> 00:57:54.200
Why do you need the temporary use of land

1099
00:57:54.200 --> 00:57:57.300
for longer than that Beyond just the context

1100
00:57:57.300 --> 00:58:00.300
of the compulsory purchase. That's what I was just trying to understand and I'm

1101
00:58:00.300 --> 00:58:03.000
sorry to have misled you earlier the references that I had in my

1102
00:58:03.500 --> 00:58:06.600
post submission hearings of 63 mentions. Well

1103
00:58:06.600 --> 00:58:09.300
that was actually in relation to the word maintain which will come

1104
00:58:09.300 --> 00:58:12.800
back to later. I'm sure no that was my filter and we're entertaining

1105
00:58:12.800 --> 00:58:15.500
is what I counted. I don't think I counted temporary and

1106
00:58:15.500 --> 00:58:16.800
it wasn't that board.

1107
00:58:20.000 --> 00:58:20.300
Okay.

1108
00:58:24.700 --> 00:58:26.500
Well, I think Mr. Hamid.

1109
00:58:27.100 --> 00:58:29.300
If you're pursuing this.

1110
00:58:30.700 --> 00:58:33.500
Do you have a you set

1111

00:58:33.500 --> 00:58:34.400
your intention to?

1112
00:58:35.600 --> 00:58:38.300
Put forward specific proposals in relation

1113
00:58:38.300 --> 00:58:42.100
to the use of the the word in in the drafting.

1114
00:58:52.400 --> 00:58:55.500
Can I ask in so far

1115
00:58:55.500 --> 00:58:55.700
as?

1116
00:58:56.800 --> 00:58:59.200
Changing the wording of the temporary aspects of

1117
00:58:59.200 --> 00:59:02.600
it or in suggesting a time period or

1118
00:59:02.600 --> 00:59:05.100
making allowances for the points that I

1119
00:59:05.100 --> 00:59:08.500
might learn a friend has mentioned in terms of compulsory purchase.
Well, they're yes,

1120
00:59:08.500 --> 00:59:12.700
I mean bearing in mind the different function that

1121
00:59:12.700 --> 00:59:15.600
the word has as

1122
00:59:15.600 --> 00:59:18.300
it variously appears in in the

1123
00:59:18.300 --> 00:59:18.500
order.

1124
00:59:19.400 --> 00:59:23.000

I think we would be looking for a robust

1125

00:59:22.000 --> 00:59:23.700
justification.

1126

00:59:24.600 --> 00:59:29.200
for using a different a different

1127

00:59:29.200 --> 00:59:33.000
form of wording that that gave us specific time period

1128

00:59:33.800 --> 00:59:37.400
And I just wondered if yes, I I

1129

00:59:37.400 --> 00:59:40.200
will definitely have a thing but I just if we just

1130

00:59:40.200 --> 00:59:43.600
look at the where the consequences of the lack of provision comes

1131

00:59:43.600 --> 00:59:46.100
from from our part if you

1132

00:59:46.100 --> 00:59:49.400
you know, if you look at page 23 of the dco as

1133

00:59:49.400 --> 00:59:50.900
currently drafted, for example

1134

00:59:52.700 --> 00:59:55.700
And we look at paragraph 27 temporary

1135

00:59:55.700 --> 00:59:58.700
use of land for constructing and the authorized development.

1136

01:00:00.100 --> 01:00:01.100
It just seems

1137

01:00:03.400 --> 01:00:06.700
it gives the applicant the right to remove buildings

1138

01:00:06.700 --> 01:00:09.400

and vegetation without seemingly any limitations to

1139

01:00:09.400 --> 01:00:12.400

this as to how long for what period

1140

01:00:12.400 --> 01:00:12.800

of time.

1141

01:00:14.400 --> 01:00:14.600

and

1142

01:00:16.900 --> 01:00:19.100

notwithstanding what we've heard and and I don't

1143

01:00:19.100 --> 01:00:22.500

immediately honestly have an alternative to

1144

01:00:22.500 --> 01:00:25.400

suggest off to top of my head. It's just

1145

01:00:26.900 --> 01:00:27.800

it just seems

1146

01:00:28.700 --> 01:00:31.200

Limitless in a way that we're concerned about

1147

01:00:31.200 --> 01:00:34.200

is essentially where we are and I know that's not helpful because I

1148

01:00:34.200 --> 01:00:37.300

don't have an immediate answer to what an

1149

01:00:37.300 --> 01:00:40.200

alternative looks like, but that that's where we are at the

1150

01:00:40.200 --> 01:00:44.000

moment and that's the best week the best I can do. I'm afraid.

Okay. Well look

1151

01:00:43.800 --> 01:00:46.200
shall we leave it

1152
01:00:46.200 --> 01:00:49.800
to to you and and those

1153
01:00:49.800 --> 01:00:53.000
instructing you if you wish to pursue it to to

1154
01:00:54.600 --> 01:00:56.000
specifying what changes

1155
01:00:57.500 --> 01:01:00.100
are desired and if you

1156
01:01:01.200 --> 01:01:02.000
send it.

1157
01:01:02.700 --> 01:01:05.700
Deadline seven I think will be helpful if not by way

1158
01:01:05.700 --> 01:01:06.800
of postering submissions.

1159
01:01:19.300 --> 01:01:22.700
Okay, thank you. That's right,

1160
01:01:22.700 --> 01:01:23.500
Mr. Attorney. We

1161
01:01:24.600 --> 01:01:27.500
and that thanks a rich Journey for the applicant. I think that

1162
01:01:27.500 --> 01:01:29.700
would be helpful. Just

1163
01:01:30.600 --> 01:01:33.000
it just to pick up the point about the scope of

1164
01:01:35.700 --> 01:01:38.300
article 27 one B to

1165

01:01:38.300 --> 01:01:41.300

F in terms of those works. Of course, if you

1166

01:01:41.300 --> 01:01:44.200

restrict the scope of those works and we need to do them

1167

01:01:44.200 --> 01:01:45.500

then we have to take

1168

01:01:47.100 --> 01:01:50.200

Compulsory the land and do those Works. Anyway,

1169

01:01:50.200 --> 01:01:53.300

that's all that happened. So you just turn it from being a

1170

01:01:53.300 --> 01:01:56.300

temporary interference with the landowners rights to being

1171

01:01:56.300 --> 01:01:59.400

a permanent interference to the landowners' rights, which I don't see why

1172

01:01:59.400 --> 01:02:00.500

the District Council

1173

01:02:01.100 --> 01:02:04.500

wants us to go down that route if they're

1174

01:02:04.500 --> 01:02:07.500

concerned about construction impacts duration of construction impacts the

1175

01:02:07.500 --> 01:02:10.500

removal of particular buildings. Those are environmental impacts.

1176

01:02:11.500 --> 01:02:14.200

Those really should be points made on the Kemp and so on

1177

01:02:14.200 --> 01:02:17.700

rather than about this provision, which is a step down

1178

01:02:17.700 --> 01:02:20.300

from what would otherwise be a permanent, right?

1179

01:02:20.300 --> 01:02:23.400

There's one exception that I think which is the oversail plot.

1180

01:02:25.200 --> 01:02:25.900

spot on

1181

01:02:28.700 --> 01:02:31.300

sorry, so can I yes she Barrett West

1182

01:02:31.300 --> 01:02:32.900

that's bear with me with.

1183

01:02:37.500 --> 01:02:40.400

Yes, Ms. Park. Yes, and we had

1184

01:02:40.400 --> 01:02:43.200

some specific proposals for article 27. I see it's

1185

01:02:43.200 --> 01:02:46.200

also later in your agenda. So you happy first to bark it for now
and

1186

01:02:46.200 --> 01:02:49.100

come back or do you want to deal with it? There will come on to
that. I

1187

01:02:49.100 --> 01:02:49.500

think yeah.

1188

01:02:50.400 --> 01:02:51.500

Thank you for reminding me.

1189

01:02:54.200 --> 01:02:57.500

Okay. Thanks everyone for that. We will now.

1190

01:03:04.600 --> 01:03:07.100

Right, and I'm going to go through the rest of

1191
01:03:07.100 --> 01:03:10.300
the Articles. I'm going to go through I'm going

1192
01:03:10.300 --> 01:03:10.900
to go through them.

1193
01:03:12.700 --> 01:03:14.100
as regards articles that

1194
01:03:15.100 --> 01:03:19.800
I have something to say on myself, but as

1195
01:03:19.800 --> 01:03:22.400
I go on to the next article, if if I've

1196
01:03:22.400 --> 01:03:25.200
missed out articles that anyone feels that they have.

1197
01:03:26.300 --> 01:03:29.900
To say about and please raise your hand and let

1198
01:03:29.900 --> 01:03:32.300
me know that you want to to raise an

1199
01:03:32.300 --> 01:03:32.500
issue.

1200
01:03:34.300 --> 01:03:34.600
so

1201
01:03:35.500 --> 01:03:38.300
But I just wanted to mention an

1202
01:03:38.300 --> 01:03:40.600
article to the definitions section.

1203
01:03:41.500 --> 01:03:43.800
Are there any particular matters?

1204

01:03:44.800 --> 01:03:48.500
That I'm going to come straight on to the maintain

1205
01:03:47.500 --> 01:03:52.400
issue but apart

1206
01:03:50.400 --> 01:03:53.800
from that other

1207
01:03:53.800 --> 01:03:54.200
any other.

1208
01:03:55.400 --> 01:04:00.000
Issues with the definitions section. So Michael

1209
01:03:59.600 --> 01:04:02.200
Bedford Suffolk County Council, there is

1210
01:04:02.200 --> 01:04:02.200
a

1211
01:04:03.800 --> 01:04:07.000
point in relation to the

1212
01:04:08.900 --> 01:04:12.200
definition of permitted preliminary works

1213
01:04:13.700 --> 01:04:13.900
Yes.

1214
01:04:14.800 --> 01:04:15.200
and

1215
01:04:20.400 --> 01:04:24.000
that sets out a series of Works, which

1216
01:04:23.200 --> 01:04:26.800
would be excluded as

1217
01:04:26.800 --> 01:04:29.800
you know from the definition of commence.

1218

01:04:30.900 --> 01:04:32.100
and

1219

01:04:34.300 --> 01:04:36.200
the definition of prelipped

1220

01:04:36.500 --> 01:04:40.400
permitted preliminary works also draws

1221

01:04:39.400 --> 01:04:41.400
attention to

1222

01:04:43.500 --> 01:04:46.400
Sorry, the follow-on definition is the definition

1223

01:04:46.400 --> 01:04:49.000
of permitted preliminary Works traffic management plan.

1224

01:04:49.800 --> 01:04:52.800
Which is a matter that's dealt with by requirement 16

1225

01:04:52.800 --> 01:04:53.500
3.

1226

01:04:55.800 --> 01:04:57.000
and the issue

1227

01:04:58.400 --> 01:05:00.700
is that so far as

1228

01:05:02.300 --> 01:05:04.700
Permitted preliminary works are concerned.

1229

01:05:05.400 --> 01:05:05.700
some

1230

01:05:06.800 --> 01:05:09.700
of the items that would be within that

1231

01:05:09.700 --> 01:05:12.600
definition certainly have the potential.

1232
01:05:14.300 --> 01:05:14.500
to

1233
01:05:16.600 --> 01:05:17.400
include

1234
01:05:18.800 --> 01:05:21.400
either new or altered access

1235
01:05:22.600 --> 01:05:25.900
to Parcels in order to undertake those

1236
01:05:25.900 --> 01:05:27.600
permitted preliminary works.

1237
01:05:30.600 --> 01:05:33.400
Now unless there was clarification.

1238
01:05:35.600 --> 01:05:38.700
In that definition that there could

1239
01:05:38.700 --> 01:05:39.800
be no.

1240
01:05:40.500 --> 01:05:41.500
alteration

1241
01:05:42.700 --> 01:05:45.700
or creation of a new access in order

1242
01:05:45.700 --> 01:05:48.300
to deliver the permitted preliminary works.

1243
01:05:49.100 --> 01:05:50.600
What we would want to see.

1244
01:05:51.800 --> 01:05:55.200
Is that the definition of permitted preliminary

1245

01:05:54.200 --> 01:05:58.000

Works traffic management plan is

1246

01:05:57.000 --> 01:05:59.000

expanded.

1247

01:06:00.500 --> 01:06:03.700

So that it's dealing not simply with traffic

1248

01:06:03.700 --> 01:06:04.400

management.

1249

01:06:06.100 --> 01:06:08.400

but also with access Arrangements

1250

01:06:10.300 --> 01:06:14.800

because if you go to requirement 16

1251

01:06:16.000 --> 01:06:16.900

3

1252

01:06:18.500 --> 01:06:18.800

Yes.

1253

01:06:23.100 --> 01:06:26.500

We've got a page for that page 45 in the track change

1254

01:06:26.500 --> 01:06:27.200

version. So

1255

01:06:33.900 --> 01:06:35.800

Requirements 163 yeah.

1256

01:06:37.400 --> 01:06:38.900

That mechanism is fine.

1257

01:06:39.900 --> 01:06:42.200

To regulate the matters that it regulates.

1258

01:06:43.700 --> 01:06:46.300
But certainly would not appear to

1259
01:06:46.300 --> 01:06:49.800
be couched in terms of addressing creation or

1260
01:06:49.800 --> 01:06:52.400
alteration of access what it's

1261
01:06:52.400 --> 01:06:55.500
couched in terms of it is in terms of traffic management.

1262
01:06:55.500 --> 01:06:58.200
I movements on the highway

1263
01:06:58.200 --> 01:07:02.000
itself rather than the creation of access into Land from

1264
01:07:01.100 --> 01:07:02.400
the highway.

1265
01:07:04.400 --> 01:07:07.300
Let's say if you go if you go back to the definition of

1266
01:07:07.300 --> 01:07:11.900
permitted preliminary works on page seven it

1267
01:07:10.900 --> 01:07:13.400
certainly conceivable that some

1268
01:07:13.400 --> 01:07:13.600
of those

1269
01:07:14.600 --> 01:07:17.600
In AC possibly EF or

1270
01:07:17.600 --> 01:07:17.800
G.

1271
01:07:18.500 --> 01:07:19.100
could require

1272

01:07:20.400 --> 01:07:23.100
access works and if that is the

1273

01:07:23.100 --> 01:07:23.400
case

1274

01:07:25.100 --> 01:07:26.300
Then we would want to see.

1275

01:07:27.800 --> 01:07:30.600
The permitted preliminary Works traffic management plan expanded

1276

01:07:30.600 --> 01:07:33.400
in scope. So as to make make it

1277

01:07:33.400 --> 01:07:36.200
clear that any such access Works had to

1278

01:07:36.200 --> 01:07:38.600
be the subject of a consent from the

1279

01:07:39.500 --> 01:07:42.200
local Highway Authority. Yes. Yes.

1280

01:07:42.200 --> 01:07:45.100
Is that something that could be taken on

1281

01:07:45.100 --> 01:07:46.000
board Mr. Attorney?

1282

01:07:47.100 --> 01:07:51.300
Which turning for the applicant? Yes, it can

1283

01:07:51.300 --> 01:07:54.400
be I don't think it requires change the order because

1284

01:07:54.400 --> 01:07:57.800
the side agreement so in any in any event the side

1285

01:07:57.800 --> 01:07:58.000
agreement

1286

01:07:59.100 --> 01:08:02.300
Will provide that the highway authorities approval is required for

1287

01:08:02.300 --> 01:08:06.800
any access to the highway and the

1288

01:08:05.800 --> 01:08:08.100
details will need to be approved through that

1289

01:08:08.100 --> 01:08:11.600
mechanism. So in a sense this point is is

1290

01:08:11.600 --> 01:08:14.200
usurped by the fact that we are willing to agree to

1291

01:08:14.200 --> 01:08:16.300
the protection of the highway Authority in that means but

1292

01:08:17.200 --> 01:08:20.700
if it if it would help for the permitted preliminary

1293

01:08:20.700 --> 01:08:22.100
Works traffic management plan.

1294

01:08:22.800 --> 01:08:26.900
To in that requirement 16:3

1295

01:08:26.900 --> 01:08:29.100
to expressly say including details of any access

1296

01:08:29.100 --> 01:08:29.600
then.

1297

01:08:30.300 --> 01:08:33.700
I can't imagine that that will be difficult for us. So I

1298

01:08:33.700 --> 01:08:36.600
think that should address the concern that's

1299

01:08:36.600 --> 01:08:39.200
raised as just by way of

1300

01:08:39.200 --> 01:08:40.000
overarching point.

1301

01:08:40.900 --> 01:08:44.500
As as you've seen the the

1302

01:08:43.500 --> 01:08:46.200
concerns about the council's concerns

1303

01:08:46.200 --> 01:08:50.600
about permitted preliminary Works more generally have been
addressed by bringing into

1304

01:08:50.600 --> 01:08:53.800
scape a number of the other requirements so

1305

01:08:53.800 --> 01:08:57.400
that they are triggered even though commencement hasn't occurred.

1306

01:08:56.400 --> 01:08:57.900
So that's

1307

01:09:00.200 --> 01:09:03.600
the requirement 16 that you've seen but also requirement hate

1308

01:09:03.600 --> 01:09:07.300
on the on landscape matters requirement 13 and

1309

01:09:06.300 --> 01:09:09.800
require on archeology and requirement 14

1310

01:09:09.800 --> 01:09:13.700
on the camp so

1311

01:09:12.700 --> 01:09:14.100
that there's

1312
01:09:15.400 --> 01:09:18.700
provision for a preliminary information

1313
01:09:18.700 --> 01:09:21.100
to be provided to reflect the

1314
01:09:21.100 --> 01:09:22.300
preliminary nature of those works.

1315
01:09:23.600 --> 01:09:25.300
Okay. Thank you.

1316
01:09:27.700 --> 01:09:30.700
I'm good. Well, I think that that should be

1317
01:09:30.700 --> 01:09:33.200
resolvable one way or the other and yes, I

1318
01:09:33.200 --> 01:09:36.300
agree with that and I just thought if we are

1319
01:09:36.300 --> 01:09:39.400
going to move on from I agree

1320
01:09:39.400 --> 01:09:42.800
with what Mr. Bedford said and I'm I'm grateful for my Mr.
Attorney's

1321
01:09:42.800 --> 01:09:43.200
response just

1322
01:09:44.100 --> 01:09:47.400
Thinking about a few articles later.

1323
01:09:48.600 --> 01:09:51.200
In particular article 27 and

1324
01:09:51.200 --> 01:09:54.800
article 36. So the removal of vegetation trees

1325

01:09:54.800 --> 01:09:57.500
some of those points that we have later

1326
01:09:57.500 --> 01:10:01.600
May well bring us back to article to

1327
01:10:01.600 --> 01:10:04.700
interpretation points just so just to

1328
01:10:04.700 --> 01:10:08.100
alert you at this point because I

1329
01:10:07.100 --> 01:10:10.700
think we're happy to move on, but I just thought it may

1330
01:10:10.700 --> 01:10:11.800
we might Circle back later.

1331
01:10:13.300 --> 01:10:14.000
Okay. Thank you.

1332
01:10:21.900 --> 01:10:24.600
Right. Let's deal with this issue

1333
01:10:24.600 --> 01:10:27.000
of definition of Maintenance and then we

1334
01:10:27.100 --> 01:10:30.300
might take a break Article 5.

1335
01:10:31.200 --> 01:10:34.300
Deals with the power to maintain

1336
01:10:34.300 --> 01:10:35.600
authorized development.

1337
01:10:37.800 --> 01:10:39.700
And I think the issue here.

1338
01:10:41.600 --> 01:10:44.800
Was raised by East Cambridgeshire as to

1339

01:10:44.800 --> 01:10:50.500

the definition of Maintenance and the references re-p5-073

1340

01:10:47.500 --> 01:10:51.700

comments

1341

01:10:50.700 --> 01:10:53.300

at deadline five on

1342

01:10:53.300 --> 01:10:54.500

the revised dco.

1343

01:10:56.000 --> 01:10:56.300

so

1344

01:10:58.800 --> 01:11:02.400

maintain as defined includes

1345

01:11:01.400 --> 01:11:05.400

inspect repair adjust alter

1346

01:11:04.400 --> 01:11:07.900

remove refurbished reconstruct replace

1347

01:11:07.900 --> 01:11:10.600

and improve any part of but not

1348

01:11:10.600 --> 01:11:13.500

remove reconstruct or replace the

1349

01:11:13.500 --> 01:11:16.900

whole of the authorized development and maintenance

1350

01:11:16.900 --> 01:11:19.600

and maintaining are to be construed accordingly.

1351

01:11:21.900 --> 01:11:22.200

So

1352

01:11:23.800 --> 01:11:24.200
I think

1353
01:11:26.700 --> 01:11:29.500
they proposal is to take out

1354
01:11:29.500 --> 01:11:33.800
some wording in that definition essentially

1355
01:11:32.800 --> 01:11:36.500
to take out the wording those

1356
01:11:35.500 --> 01:11:39.600
words remove refurbish reconstruct

1357
01:11:38.600 --> 01:11:43.100
and replace and

1358
01:11:41.100 --> 01:11:44.500
then to add a

1359
01:11:44.500 --> 01:11:48.000
new requirement as to as to

1360
01:11:47.200 --> 01:11:51.900
placement which the

1361
01:11:50.900 --> 01:11:53.700
amended wording would

1362
01:11:53.700 --> 01:11:56.500
effectively require a new application to

1363
01:11:56.500 --> 01:12:00.100
be made for any any replacement if I

1364
01:12:00.100 --> 01:12:03.200
got that right Mr. Hamlet, is that do you want to elaborate on
that? I don't

1365
01:12:03.200 --> 01:12:06.600

think I need to elaborate a single word. That's perfectly summarized our

1366

01:12:06.600 --> 01:12:10.100

position. Thank you. Thank you. So have

1367

01:12:09.100 --> 01:12:12.300

you had an opportunity to look at that Mr. Sunny?

1368

01:12:13.400 --> 01:12:16.100

I have thank you very much, sir, Richard Tony for the

1369

01:12:16.100 --> 01:12:19.200

applicant. So if I just give a broad.

1370

01:12:19.900 --> 01:12:22.200

Response on this we consider the definition of

1371

01:12:22.200 --> 01:12:23.800

maintain is appropriate.

1372

01:12:25.600 --> 01:12:28.300

Put very simply if it was necessary to

1373

01:12:28.300 --> 01:12:31.600

replace a component of this very large Generating

1374

01:12:31.600 --> 01:12:34.800

Station. We would not expect to

1375

01:12:34.800 --> 01:12:37.400

have to seek new development consent to

1376

01:12:37.400 --> 01:12:37.700

do so.

1377

01:12:38.500 --> 01:12:40.600

Remembering this is a 40 year life.

1378

01:12:41.400 --> 01:12:44.800

An example which I know has been relevant on a

1379

01:12:44.800 --> 01:12:47.700

scheme elsewhere is a portion of a cable

1380

01:12:47.700 --> 01:12:50.700

failing and it needing to be replaced. We would

1381

01:12:50.700 --> 01:12:53.300

not expect to have to go through the process of

1382

01:12:53.300 --> 01:12:57.100

authorizing a new development consent for

1383

01:12:56.100 --> 01:12:59.000

the purposes replacing that not least because of the

1384

01:12:59.600 --> 01:13:02.200

substantial delay that would be caused by it.

1385

01:13:02.200 --> 01:13:05.400

So what we have done

1386

01:13:05.400 --> 01:13:08.700

which I think is satisfied at least one of the local authorities,

1387

01:13:08.700 --> 01:13:11.600

but not he's Cambridge here.

1388

01:13:12.300 --> 01:13:13.400

is to

1389

01:13:15.200 --> 01:13:16.900

is to try and look at ways in which

1390

01:13:17.800 --> 01:13:22.200

the environmental effects of Maintenance

1391

01:13:20.200 --> 01:13:23.900

can be anticipated.

1392

01:13:25.100 --> 01:13:28.300
We have proposed that the

1393
01:13:28.300 --> 01:13:31.900
through the outline operational Environmental Management

1394
01:13:31.900 --> 01:13:34.800
plan the OM in its revised

1395
01:13:34.800 --> 01:13:39.200
version at rep 5-009.

1396
01:13:40.100 --> 01:13:43.600
that we will provide an annual schedule of plan maintenance so

1397
01:13:43.600 --> 01:13:46.800
that that can be considered by the

1398
01:13:46.800 --> 01:13:49.300
authorities and

1399
01:13:51.900 --> 01:13:55.800
we have also also emphasized

1400
01:13:55.800 --> 01:13:59.600
and obviously this is in the on the face of Article 5 that

1401
01:14:00.400 --> 01:14:03.400
the concern about effects of Maintenance and

1402
01:14:03.400 --> 01:14:06.200
the breadth the definition maintenance is really aren't so by
Article 5

1403
01:14:06.200 --> 01:14:06.800
3

1404
01:14:07.700 --> 01:14:10.400
Which is makes clear that the article does not authorize the

1405
01:14:10.400 --> 01:14:14.000

carrying out of any Works, which are likely to give rise to any materially

1406

01:14:13.200 --> 01:14:17.000

new or materially different effects that

1407

01:14:16.400 --> 01:14:19.900

have been not been assessed in the environmental statement.

1408

01:14:19.900 --> 01:14:22.100

So the councils can

1409

01:14:22.100 --> 01:14:25.900

be reassured that this is not looking at any new

1410

01:14:25.900 --> 01:14:28.900

or materially different

1411

01:14:28.900 --> 01:14:31.100

effects than those which

1412

01:14:31.100 --> 01:14:34.600

have already been assessed and necessarily through the granted development

1413

01:14:34.600 --> 01:14:37.800

consent being found to be acceptable.

1414

01:14:38.900 --> 01:14:41.600

So our preference remains

1415

01:14:41.600 --> 01:14:44.500

that this is dealt with through the oemp that that

1416

01:14:44.500 --> 01:14:48.200

obligation to provide an annual schedule

1417

01:14:47.200 --> 01:14:51.100

of Maintenance means that the authorities will

1418

01:14:50.100 --> 01:14:53.900

know and be able to comment on the proposals as

1419

01:14:53.900 --> 01:14:56.300

they come forward each year through the operational life

1420

01:14:56.300 --> 01:14:59.300

rather than at this point constraining us

1421

01:14:59.300 --> 01:15:01.000

in what we can do by way of maintenance.

1422

01:15:03.300 --> 01:15:03.500

Thank you.

1423

01:15:04.600 --> 01:15:07.600

So an annual schedule of

1424

01:15:07.600 --> 01:15:10.000

planned maintenance I suppose would be one

1425

01:15:10.000 --> 01:15:10.600

thing.

1426

01:15:12.800 --> 01:15:15.600

when one looks at the definition of maintain

1427

01:15:17.100 --> 01:15:19.200

just going back to that.

1428

01:15:23.200 --> 01:15:26.700

It's interesting. I mean, it's quite outside the town of

1429

01:15:26.700 --> 01:15:29.300

country planning acts concept of

1430

01:15:30.400 --> 01:15:34.400

development and maintain I think so did either

1431

01:15:33.400 --> 01:15:35.000

a party's

1432
01:15:36.600 --> 01:15:39.700
look at precedence in the dco in dcos

1433
01:15:39.700 --> 01:15:40.000
for this.

1434
01:15:43.800 --> 01:15:46.700
We we haven't double checked

1435
01:15:46.700 --> 01:15:50.400
we may have looked at it in some respects, but just to reiterate

1436
01:15:49.400 --> 01:15:52.800
a couple of things just by way

1437
01:15:52.800 --> 01:15:55.900
of helping Mr. Turney, perhaps get what

1438
01:15:55.900 --> 01:15:58.200
we are paragraph six of that.

1439
01:15:59.100 --> 01:16:02.400
Post submission hearing we mentioned that there

1440
01:16:02.400 --> 01:16:05.400
is this failure to distinguish between routine repair

1441
01:16:05.400 --> 01:16:08.500
replace a few panels and works that

1442
01:16:08.500 --> 01:16:12.800
entirely replace a whole field or phase

1443
01:16:11.800 --> 01:16:15.600
of panels. So in in

1444
01:16:14.600 --> 01:16:17.400
one sense, I suppose

1445
01:16:17.400 --> 01:16:20.400

my learner friend might say well every year we'll put

1446

01:16:20.400 --> 01:16:24.200

in a schedule of works but in the course of 25 30

1447

01:16:23.200 --> 01:16:24.700

40 years.

1448

01:16:25.700 --> 01:16:28.100

It is an inconceivable that that sort of

1449

01:16:28.100 --> 01:16:28.900

approach.

1450

01:16:30.200 --> 01:16:33.300

If indeed it does work out to be a parcel here or there

1451

01:16:33.300 --> 01:16:36.300

could necessarily mean that it will be a whole.

1452

01:16:37.100 --> 01:16:40.400

A way of a whole new reconstruction of the process. So I

1453

01:16:40.400 --> 01:16:43.300

think that we've covered it there and then there's the other issue of

1454

01:16:43.300 --> 01:16:46.800

the 63 references of of maintain in

1455

01:16:46.800 --> 01:16:49.600

the dco many many of those references.

1456

01:16:50.700 --> 01:16:53.300

Are in relation to the statutory Undertaker's equipment

1457

01:16:53.300 --> 01:16:56.300

and not to the proposed development at all. And that's another

1458

01:16:56.300 --> 01:16:59.300

issue that that we're facing. So I appreciate this

1459

01:16:59.300 --> 01:17:02.600

is a really good attempt and I know that we're Suffolk are engaging with

1460

01:17:02.600 --> 01:17:05.300

that but it still doesn't get away from the

1461

01:17:05.300 --> 01:17:08.100

simple fact that the definition is just too far and

1462

01:17:08.100 --> 01:17:11.200

too wide that allows for during the course

1463

01:17:11.200 --> 01:17:14.300

of the life of this project to effectively have the

1464

01:17:14.300 --> 01:17:17.400

opportunity to replace whole Parcels under the

1465

01:17:17.400 --> 01:17:19.500

guise of repair I suppose.

1466

01:17:20.800 --> 01:17:23.100

One question or example might be if there were

1467

01:17:23.100 --> 01:17:23.500

a whole.

1468

01:17:24.600 --> 01:17:27.200

A whole field or two Fields or three fields that

1469

01:17:27.200 --> 01:17:31.500

were scheduled for replacement wholesale

1470

01:17:30.500 --> 01:17:34.100

replacement. How would

1471

01:17:33.100 --> 01:17:36.800

that not be something that had been

1472

01:17:36.800 --> 01:17:40.300
assessed in the environmental statement

1473

01:17:39.300 --> 01:17:42.400
as part

1474

01:17:42.400 --> 01:17:45.700
of part of the works? I mean, do you see five

1475

01:17:45.700 --> 01:17:48.200
three as a weakness then?

1476

01:17:48.900 --> 01:17:49.600
He's not.

1477

01:17:58.900 --> 01:18:01.300
The point about that is I guess it could

1478

01:18:01.300 --> 01:18:05.200
go two ways couldn't I mean if you could went through the
Demolition

1479

01:18:04.200 --> 01:18:07.200
and then the replacement and

1480

01:18:07.200 --> 01:18:08.500
you have this two-way traffic.

1481

01:18:11.000 --> 01:18:11.300
where

1482

01:18:13.500 --> 01:18:14.000
you're

1483

01:18:15.300 --> 01:18:18.700
getting rid of some panels and some batteries and then you're
replacing them

1484

01:18:18.700 --> 01:18:20.100
with new panels and new batteries.

1485

01:18:20.900 --> 01:18:22.400

within that definition

1486

01:18:24.200 --> 01:18:27.400

then to what extent is that repairing and to

1487

01:18:27.400 --> 01:18:29.400

what extent? Is that whole sale replacement?

1488

01:18:31.200 --> 01:18:34.200

but replacement is I mean if

1489

01:18:34.200 --> 01:18:34.200

you

1490

01:18:35.800 --> 01:18:38.600

I mean I suppose you either accept that replacement is

1491

01:18:38.600 --> 01:18:40.600

part of maintenance.

1492

01:18:41.400 --> 01:18:44.300

Or you say that

1493

01:18:44.300 --> 01:18:47.900

comes a point when replacement is actually a new

1494

01:18:47.900 --> 01:18:48.200

project.

1495

01:18:50.900 --> 01:18:53.600

If you see the definition that we

1496

01:18:53.600 --> 01:18:56.700

have given we say maintain includes inspect

1497

01:18:56.700 --> 01:18:59.500

repair adjust Altar and improve

1498

01:18:59.500 --> 01:19:02.700

any part of the authorized development and maintenance

1499

01:19:02.700 --> 01:19:05.400

and maintaining are to be construed accordingly and

1500

01:19:05.400 --> 01:19:09.200

as you've already identified we're trying to get away from words

1501

01:19:08.200 --> 01:19:13.200

such as refurbish reconstruct.

1502

01:19:14.500 --> 01:19:15.300

replace

1503

01:19:16.200 --> 01:19:19.600

in a way that we don't necessarily see in the

1504

01:19:19.600 --> 01:19:21.700

ordinary English meaning to

1505

01:19:23.600 --> 01:19:26.500

relate to words such as inspecting and

1506

01:19:26.500 --> 01:19:29.500

repairing and adjusting and altering for the purposes of

1507

01:19:29.500 --> 01:19:30.000

maintaining.

1508

01:19:32.100 --> 01:19:35.200

So that's I mean for our part that's the

1509

01:19:35.200 --> 01:19:38.700

issue really and we've tried to offer a different version and it

1510

01:19:38.700 --> 01:19:41.400

comes down to are you ultimately

1511

01:19:42.900 --> 01:19:45.400

Distinguishing between routine repair and

1512

01:19:45.400 --> 01:19:48.700

replacement of a few panels and entirely replacing whole

1513

01:19:48.700 --> 01:19:51.700

fields of phases of panels. That's

1514

01:19:51.700 --> 01:19:54.200

that's really as simple as we see it. Okay. Thank

1515

01:19:54.200 --> 01:19:57.700

you. And Mr. Attorney is a with reference

1516

01:19:57.700 --> 01:20:01.300

also to any previous Turney for

1517

01:20:01.300 --> 01:20:04.700

the applicant. There is there is Preston I think little crow soda

1518

01:20:04.700 --> 01:20:08.000

Farmers most recent one. The definition of maintain there is

1519

01:20:07.400 --> 01:20:10.500

effectively the same it

1520

01:20:10.500 --> 01:20:14.000

includes additional word upkeep but includes all

1521

01:20:13.400 --> 01:20:17.000

to remove reconstruct and replace it doesn't

1522

01:20:16.600 --> 01:20:19.600

include the Proviso.

1523

01:20:20.300 --> 01:20:22.700

but not remove reconstruct or replace the whole of

1524

01:20:23.300 --> 01:20:27.000

but it does include the Article 5

1525

01:20:26.500 --> 01:20:29.400

3. Yes Article 5

1526

01:20:29.400 --> 01:20:32.400

3 exception in the definition of

1527

01:20:32.400 --> 01:20:35.400

maintain so just slightly restructured. So little grow

1528

01:20:35.400 --> 01:20:40.300

is a good example of where that's been included the we're

1529

01:20:39.300 --> 01:20:42.400

not trying to give addictionary definition

1530

01:20:42.400 --> 01:20:45.600

of the word maintain. That's not the purpose. We're trying

1531

01:20:45.600 --> 01:20:48.600

to Define maintain for the purposes of what he's going to be authorized under

1532

01:20:48.600 --> 01:20:51.400

the order. So telling us that it doesn't fit the dictionary

1533

01:20:51.400 --> 01:20:54.400

definition. It doesn't go anywhere. We know it doesn't otherwise we wouldn't Define

1534

01:20:54.400 --> 01:20:57.300

it. So what we say,

1535

01:20:57.300 --> 01:21:01.100

we should be authorized to do as a

1536

01:21:00.100 --> 01:21:02.100

statutory Undertaker.

1537

01:21:03.300 --> 01:21:06.700

delivering a grid scale renewable energy

1538

01:21:06.700 --> 01:21:07.000

project

1539

01:21:08.100 --> 01:21:08.600

is to

1540

01:21:10.300 --> 01:21:12.100

reconstruct replace

1541

01:21:13.200 --> 01:21:17.100

Any part of the authorized development

1542

01:21:16.100 --> 01:21:19.300

should it be necessary to do so?

1543

01:21:20.200 --> 01:21:23.500

To communicate clearly with the local authorities when we intend to exercise those

1544

01:21:23.500 --> 01:21:26.200

powers and to do

1545

01:21:26.200 --> 01:21:29.900

that without having to go through the process of seeking

1546

01:21:29.900 --> 01:21:32.400

and new development consent.

1547

01:21:33.100 --> 01:21:37.200

That's the that's what we're trying to avoid having

1548

01:21:36.200 --> 01:21:41.300

to seek a new development consent which in

1549

01:21:40.300 --> 01:21:43.100

Practical terms. I think

1550

01:21:43.100 --> 01:21:46.400

in reality for the district councils, it would be better not to

1551

01:21:46.400 --> 01:21:49.000

have to deal with a new application for development consent to

order

1552

01:21:49.300 --> 01:21:52.500

if some aspect to the scheme needs to be replaced. It would be better for

1553

01:21:52.500 --> 01:21:55.300

them to approve it through the process of

1554

01:21:55.300 --> 01:22:00.000

looking at the outline the

1555

01:21:59.800 --> 01:22:02.900

operational management plan.

1556

01:22:03.700 --> 01:22:06.700

So that's the route that we're we think

1557

01:22:06.700 --> 01:22:09.200

is better. It's clearly pressed ended up.

1558

01:22:09.200 --> 01:22:13.800

We'll find some other examples for our written submissions and we

1559

01:22:12.800 --> 01:22:15.100

think really the breadth of

1560

01:22:15.100 --> 01:22:18.200

this power is is appropriate and that the changes to the OM

1561

01:22:18.200 --> 01:22:20.200

should address the concerns raised.

1562

01:22:21.100 --> 01:22:23.400

Okay. Thank you very much. So, can I sorry?

1563

01:22:27.500 --> 01:22:30.300

if you see that section where it

1564

01:22:30.300 --> 01:22:31.000

says maintain

1565

01:22:31.700 --> 01:22:34.400

but not remove reconstruct or replace

1566

01:22:34.400 --> 01:22:37.300

the whole of that could easily be read as you

1567

01:22:37.300 --> 01:22:40.100

could remove 99% of it and still be

1568

01:22:40.100 --> 01:22:40.400

fine.

1569

01:22:41.100 --> 01:22:43.300

We're not as my learner friend keep saying.

1570

01:22:44.200 --> 01:22:47.200

We don't want to have to deal with another dco. He's absolutely right on

1571

01:22:47.200 --> 01:22:47.500

that.

1572

01:22:48.300 --> 01:22:51.200

But we're not asking for a whole new dco. All we're asking

1573

01:22:51.200 --> 01:22:54.800

for is a requirement and what will effectively become an

1574

01:22:54.800 --> 01:22:57.500

updated Kemp that's it. So this

1575

01:22:57.500 --> 01:23:01.300

characterization of our insistence on

1576

01:23:01.300 --> 01:23:04.600

the maintenance word being better defined is not

1577

01:23:04.600 --> 01:23:07.700

a rod of our own back of wanting to deal with another dco.

1578

01:23:07.700 --> 01:23:10.300

What we're effectively talking about is another

1579

01:23:10.300 --> 01:23:13.500

requirement that will lead probably an updated Camp

1580

01:23:13.500 --> 01:23:16.000

rather than a whole new dco. So I don't think

1581

01:23:16.100 --> 01:23:19.200

it's we can disagree on what we mean by maintenance, but I think it's fair

1582

01:23:19.200 --> 01:23:22.100

to say that the net result will be that you will they will

1583

01:23:22.100 --> 01:23:25.400

need a whole new dco. Yes. I mean that goes hand

1584

01:23:25.400 --> 01:23:28.200

in hand with your proposal to require the application to be

1585

01:23:28.200 --> 01:23:29.300

made to the LPA.

1586

01:23:32.300 --> 01:23:35.000

Okay. Does anybody want to

1587

01:23:35.400 --> 01:23:35.700

add anything?

1588

01:23:36.600 --> 01:23:38.900

As this, correct?

1589

01:23:40.600 --> 01:23:43.200

Richie barriegwassa for cancel, so I just wanted

1590

01:23:43.200 --> 01:23:46.800

to pick up on the last point that Mr. Johnny made about the notification proposals

1591

01:23:46.800 --> 01:23:49.200

in the OM. So that's

1592

01:23:49.200 --> 01:23:52.200

the less effort proposal and we've gone back at

1593

01:23:52.200 --> 01:23:55.300

our deadline six submissions to kind of tighten the wording

1594

01:23:55.300 --> 01:23:58.300

and also build in provision for notification of

1595

01:23:58.300 --> 01:24:01.600

Emergency on planned Works after the event. I understand

1596

01:24:01.600 --> 01:24:04.500

from Mr. Johnny that that's possibly agreed and so

1597

01:24:04.500 --> 01:24:07.600

it provided that's in place then we would be satisfied with

1598

01:24:07.600 --> 01:24:09.200

how notification works.

1599

01:24:10.200 --> 01:24:12.000

That that's very helpful. Thank you.

1600

01:24:16.300 --> 01:24:19.500

okay, can we leave it then that the applicant and

1601

01:24:19.500 --> 01:24:19.900

and

1602

01:24:21.600 --> 01:24:25.200

Mr. Mohammed for East Cambridge

1603

01:24:24.200 --> 01:24:25.800

will

1604

01:24:26.500 --> 01:24:31.000

produce for post hearing submission deadline any

1605

01:24:29.000 --> 01:24:32.900

specific examples

1606

01:24:32.900 --> 01:24:35.300

any specific extracts from from the

1607

01:24:35.300 --> 01:24:35.900

wording that

1608

01:24:36.600 --> 01:24:38.700

a nice system in the

1609

01:24:39.700 --> 01:24:40.800

in their positions

1610

01:24:42.700 --> 01:24:43.700

Thank you. Thanks.

1611

01:24:46.200 --> 01:24:46.300

so

1612

01:24:48.400 --> 01:24:50.000

See, what's next?

1613

01:24:56.900 --> 01:24:59.700

I think we'll take a short break now. It's 11 just

1614

01:24:59.700 --> 01:25:02.600

nearly just gone 25. So we'll we'll

1615

01:25:02.600 --> 01:25:05.900

break now until quarter to twelve.

1616

01:25:06.600 --> 01:25:08.700

So we'll adjourn now till quarters to try. Thank you.